

I maintain, therefore, that the contention had reference to the coast of the North Pacific ocean proper, and had no more relation to Behring Sea, or its islands, than it had to the Alen-tian group, or the coast of Asia.

I cite these facts in order that we may understand precisely what the questions were which the framers of the treaties had before them for adjustment.

II.—THE TREATIES.

The first article of the treaty between the United States and Russia (1824) provides:

"ARTICLE I. It is agreed that, in any part of the great ocean, commonly called the Pacific ocean or South Sea, the respective citizens or subjects of the high contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles."

The "restrictions" and conditions referred to in the foregoing article are:

1. Citizens of the United States shall not resort to any point where there is a Russian establishment without permission of the Governor or commander of such establishment (*Article 2*).

2. Citizens of the United States are not to form any establishments upon the northwest coast of America, nor in the islands adjacent, to the north of 54° 40' north latitude (*Article 3*).

3. For the term of ten years from the signature of the convention, the ships of both parties are permitted to frequent the interior seas, gulfs, harbors, and creeks upon the coast mentioned in the preceding article for the purpose of fishing and trading with the natives of the country (*Article 4*).