

Russian naval vessel to leave the waters. He also argues from the speech of Sumner, when introducing the question of the purchase of Alaska to Congress. It was equally clear that the United States government did not regard themselves as purchasing a monopoly.

Having dealt with the fur-bearing animals, he went on to treat of the fisheries, and after alluding to the presence of different species of whales in the vicinity of the Aleutians, said: "No sea is now *mare clausum*. All of these may be pursued by a ship under any flag except directly on the coast or within its territorial limit." The Marquis also says that Blaine must have been misinformed respecting the uninterrupted possession of the United States from 1867 to 1886, and submits extracts from reports of United States officers to show that during that time British vessels engaged at intervals in the fur-seal fisheries with the cognizance of the United States government. He further states that whales have not heretofore engaged in sealing because of a lack of time and finds it necessary to deal with the question of the extinction of the seal through Pelagic sealing, as it is proposed to examine the subject by a committee appointed by the two governments. He admits that if all such sealings were stopped the seal would multiply at even a more extraordinary rate than at present, but cannot admit that this is sufficient ground to justify the United States in forcibly depriving other nations of any share in this industry in waters which, by the recognized law of nations, are now free to all the world.

The next letter in the series is from the British Minister to Blaine, dated May 23rd. The Minister says, as the Secretary has confirmed newspaper statements that revenue cutters have been ordered to Behring Sea to seize foreign sealers, he is instructed to say that a formal protest against such interference with British vessels will be forwarded without delay. Blaine's response, three days later, is even more brief, being a simple acknowledgment of the receipt of the letter. Later, however (on the 25th), he wrote Sir Julian that in turn he is instructed by the President to protest against the course of the British government in authorizing, encouraging and protecting vessels which are not only interfering with American rights in Behring Sea, but which are doing violence as well to the rights of the civilized world. The President, he says, is surprised that such a protest should be authorized by Lord Salisbury, especially because the previous declarations of his lordship would seem to render it impossible.

The secretary then rapidly sketches the history of the negotiations under the previous administration, and says: "You will observe that from November 1, 1887, to April 23, 1888, Lord Salisbury had in every form of speech assented to the necessity of a close season for the protection of seals. These assurances were given to the American ambassador,

to the Russian ambassador, and on more than one occasion to the two of them together. The United States had no reason, therefore, to doubt that the whole dispute touching the seal fisheries was practically settled!"

Continuing, Secretary Blaine says that five days after that assurance Lord Salisbury said that neither an act of parliament nor an order in Council could be drafted "until Canada is heard from." Mr. Phelps, in his despatch of September 12, reported: "His lordship stated that the Canadian government objected to any such restrictions, and until its consent could be obtained her Majesty's government was not willing to enter into negotiations."

"This government cannot but feel that Lord Salisbury would have dealt more frankly if, in the beginning, he had so informed Minister Phelps. The British government would assuredly and rightfully complain if an agreement between her representative and the representative of the United States should, without notice, be broken off by the United States on the ground that the State of California was not willing that it should be completed."

In conclusion he proposes, in behalf of the President, that her Majesty's government agree not to permit vessels to enter Behring Sea this season, in order that time may be secured for negotiations that should not be disturbed by untoward events, or unduly influenced by popular agitation.

June 2nd the Secretary writes Sir Julian that the President believes that arbitration cannot be concluded in time for this season, and suggests that Lord Salisbury make for the single season the regulation which, in 1888, he offered to make permanent, as a step which would certainly lead to a friendly agreement.

To this the minister replies, June 3rd, that a further examination of the question has satisfied his lordship that such an extreme measure as that proposed in 1888 goes far beyond the requirements of the case. There would be no legal power to enforce observance of such an agreement by a British vessel.

Secretary Blaine replying, June 4th, says the "extreme measure" was proposed some time previously by Lord Salisbury himself, and concludes: "The President does not conceal his disappointment that, even for the sake of securing an impartial arbitration, her Majesty's government is not willing to suspend for a single season a practice which Lord Salisbury designated, in 1888, as the wanton destruction of a valuable industry, and which that government has uniformly regarded as an unprovoked invasion of its established rights."

June 9th Sir Julian Pauncefote presents a copy of a cablegram from Lord Salisbury, in which he regrets that the President should think his government wanting in conciliation, but that it is beyond the power of his government to exclude British or Canadian ships from any portion

of the high seas, even for an hour, without legislative enactment.

In reply, on the 11th, Secretary Blaine says this government would be satisfied if Lord Salisbury would, by proclamation, simply request British vessels to abstain from entering Behring Sea for the present season, in order to give full time for impartial negotiation.

Sir Julian, June 11th, writes Blaine that he has informed Lord Salisbury that Secretary Blaine could not give assurance that sailing vessels would not be interfered with during the negotiations, and expresses a hope that the decision is not final, and that, while there is yet time the commanders of the United States revenue cruisers will be instructed to abstain.

On June 14th, however, the minister, with regret at failing to secure a favorable reply, presents the formal protest of the British government. In the protest he says, in part: "The British government cannot admit the right of the United States, of their own sole notion, to restrict the freedom of navigation in Behring Sea, nor to enforce municipal legislation against British vessels on the high seas. Her Britannic Majesty's government is therefore unable to pass over without notice the public announcement of an intention on the part of the United States to renew the acts of interference with British vessel navigation outside of the territorial waters of the United States of which they had previously to complain. The minister is in consequence instructed formally to protest against such interference, and to declare that her Britannic Majesty's government must hold the government of the United States responsible for consequences that may ensue from acts which are contrary to the established principles of international law."

The Minister next, on June 27th, replies to Secretary Blaine's proposition looking to a proclamation by her Majesty's government that British vessels shall not enter Behring Sea the coming season. The Minister writes that Lord Salisbury says the request presents constitutional difficulties which would preclude her Majesty's government from acceding to it, except as a part of a general scheme for a settlement of the controversy, and on certain conditions, which are: That the governments agreed forthwith to refer to arbitration the question of the legality of action of the United States in seizing or otherwise interfering with British vessels engaged in Behring Sea outside of territorial waters during 1886, 1887 and 1888, and that pending the award all interference with the British sealing vessels should absolutely cease; that the United States, if the award should be adverse to them, will compensate the British subjects for the losses which they may sustain by reason of their compliance with the British proclamation.

In the next communication dated the first of the present month, Lord Salisbury, referring to Blaine's criticism upon the abrupt close of