

for the United States, to be followed by the British Counsel, Mr. Phelps to have the privilege of closing on behalf of the United States.

Article VI. of the Treaty by which it was agreed to submit the questions at issue between the two countries, reads :—

“ In deciding matters submitted to the arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision, upon each of said five points, to wit :—

(1.) What exclusive jurisdiction in the sea now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States ?

(2.) How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain ?

(3.) Was the body of water now known as the Behring Sea included in the phrase “ Pacific Ocean,” as used in the Treaty of 1825 between Great Britain and Russia ; and what rights, if any, in the Behring Sea were held and exclusively exercised by Russia after said treaty ?

(4.) Did not all the rights of Russia, as to jurisdiction and as to the seal fisheries in Behring Sea, east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty ?

(5.) Has the United States any right, and if so, what right, of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit ?

Article VII. went on to state that, if the determination of the foregoing questions as to the exclusive jurisdiction of the United States should leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of regulations for the proper protection and preservation of the fur-seal in or habitually resorting to the Behring Sea, the arbitrators should then determine what concurrent regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such regulations should extend, and to aid them in that determination the report of a joint commission, to be appointed by the respective Governments, should be laid before them, with such other evidence as either Government might submit. The high contracting parties furthermore agree to cooperate in securing the adhesion of other powers to such regulations.