

My dear sir:

There is no doubt, however, that
might be termed "authority" in regard to
the "Behring Sea Question" that is accessible
to the general student. You are aware that
what is termed International Law is not
law at all since it lacks the essential
elements of both of authority and sanction.

It may be said to consist of (1) General
convention or agreement (2) ~~of~~ Generally
recognized exceptions (3) Special Agree-
ments, as treaties or specific recognition
of particular claims.

~~Of course~~ the Behring Sea does
not fall under the general definition
of a mare clausum as defined by inter-
national law. ^{As to} this there is no question.

By the general law we have no right to require Behring
Sea as national water and make our control
Mr. Blaine contended, however, (1) that

Russia claimed it as Mare Clausum and
exercised the same control over it as
on the waters of the Black Sea (2)

- That England recognized this ~~right~~ claim of Russia. (3) That we received this right along with the sovereignty of the territory by purchase from Russia.

On these points of course there is very little within the general knowledge. Whether such a claim was ever made by Russia and whether such claim was brought to the knowledge of the British government are facts specifically known only to the governments of Russia and Great Britain.

Mr. Blaine, if I remember correctly the purport of the published correspondence, ⁱⁿ ~~in~~ ^{both} ~~both~~ ^{notes} ~~notes~~ does not openly assert either. The British Minister asserts that the United States had claimed it as an open sea ~~was~~ citing a specific case. Mr. Blaine does ~~claim~~ ^{state} that the full citation does not ~~exclude~~ ^{exclude} the British Minister's contention, ~~though~~ ^{though} ~~this~~ ^{this} does not support his own

was indeed, before Lord Selwyn.
It only remains one of the arguments
on which he sought to base it.

So that the question really stands thus:

~~(1) - The claim that Russia held it as~~

10 - Behaving as is each claim plausible
by the common sense of nations.

2 - The claim that Russia held it as
such has not thus far been sus-
tained by proof.

3 - The claim that England recognized
such control on the part of Russia
is not proved. Inherently it is not
probable.

4 - The claim that the United States has
the same right over this water as the
power from which she purchased is prob-
ably reasonable, though it is not cer-
tain that the water is not controlled resulting
from possession of both shores is not
soluble into a single point of control.

^{Up to this point} ~~shows~~ ^{would seem} the probability ~~seems~~ to be that the British claim must be acknowledged.

But here comes in another element of the controversy which, though little relied on at the outset seems likely to prove the deciding turning-point of the discussion. The seal-fisheries were Russian. They are properly prosecuted on shore. The adjacent sea is too tributary to them and its control essential to their value. The deep-sea fishing ^{or killing rather,} is an encroachment on the littoral right because of its indiscriminate destruction of the young and control of the ad-

would seem to
geraint water in this respect following as an in-
cident of the littoral right.

I do not know of any explicit parallel and
doubt if there is any. Following the general max-
im of the law that of a right carries with it
all its incidents, there would seem to be little
warrant gained for this contention. There can be
no doubt that the present value of Alaska, wh-

the time of the purchase, was confined solely to the seal-fisheries. Up to that time, it seems that they had been, practically, undisturbed. We obtained that right by purchase. While the sea is open for commerce and fishing beyond the general ~~sea~~ limit of littoral control, the question arises whether another nation has a right to

use it for the
~~study~~ slaughter for-bearing animals, whose
habitat is on the shore and whose taking
has ^{long} constituted the sole value of the littoral
possession.

As to my own opinion on the question, I have
not had time to ~~make an~~ ~~investigate~~ investigate the question
far enough to have one. The hints I have given you

show the general line of controversy and dis-
close the fact that we have at least reasonable
ground to contend for this right and this being
the case it is our duty to maintain it. England has
two courses open before her; either to assert her claim
by force or to submit it to arbitration. Thus far
she has proposed to arbitrate the question of damage
resulting from search and seizure, not the
question of right.

Of course, the United States cannot assent to
such a proposition. As to asserting her claim by
force, ~~there are reasons~~ it is not likely that it will
ever be attempted, but the certainty that it would
be should exclude no element tending to the
admission of such a claim. Hoping this summary which
I did not at all intend to give when I began, may prove
of assistance to you, I am,
Respectfully Yours

He was little given to indulgence. What
he did love beyond all other things
beyond himself even was the reflected
light of his fortune — the things that
flowed from it. He loved to think of him-
self standing on what he had heaped
up and looking down on those who
had failed or who were still eagerly
striving to equal him in his
success. He loved to think of himself
as standing among the few who had
not one that several millions. What
would he be without them? Who would
care for Wilton Kitchie with a mere
competence? These men did not val-
ue him for himself, but for the power
he represented. What would he be left
out that would be a failure. That was

He had not thought of that. There was a
sort of chaos in this sort of a sensation-
al taking off! It might seem accidental
too; probably would be. This would save his
~~from~~ the feelings of his family. He had intend-
ed after destroying all his unique sur-
roundings to provide for his death otherwise.
He had the means in his desk. He had
thought some of setting the whole on fire -
had almost concluded ~~it~~ that he would
And
~~But~~ this - this ball of glass would do
it all in an instant! But then the
Golden Lilies - that would stand as his
pitiful monument forever if he died. This
malignant globe would save him from that
too. ~~Only had~~