

mation upon these points. They offer no estimate; and if we recur to the proofs contained in the depositions which are given, we are still worse off. These vary from 5 to 80 per cent. Most of them, those that place the amount at less than half, every one can see must be false. For what purposes are such proofs presented? Is it expected that they will be believed to be true? It will perhaps be suggested that the truth may be found by taking an average of these inconsistent statements. Such a course has been pursued on the part of the Government of Great Britain upon the point of how many seals are killed or wounded that are never recovered; but the method of endeavoring to obtain the truth by taking an average of lies seems to be open to question.

Upon this whole matter the counsel for the United States will content themselves by offering the following summary of considerations:

I. The assertion in the Case of the United States is, that the proportion of females in the pelagic catch is at least 75 per cent. The reasonableness of this is supported in multiform ways.

(1) It is nowhere *denied* in the report of the Commissioners on the part of Great Britain, nor even in the British Counter Case.

(2) Upon any fair construction of the answer of one party to the allegation of another, it must be taken as *admitted*. The admission is reluctantly made in the British Commissioners' Report and in the British Counter Case also that a "considerable proportion" of the pelagic catch consists of females. What does a "considerable proportion" mean? Five per cent., or 10 per cent., or 20, or 50, or 75, or 80? The language is sufficiently broad and indefinite to cover either of the proportions named, and, as the assertion made on the part of the United States is not denied, the admission in question must be taken to be an admission of the facts *substantially* as asserted on the part of the United States.

(3) The proofs adduced by the United States from persons engaged in pelagic sealing or with definite knowledge of it, overwhelmingly support the assertion.

(4) The proofs contained in the British Counter Case also support it. They are the statements of the pelagic sealers themselves, a class of witnesses in the highest degree interested and not very much to be depended upon. They must be taken most strongly against the parties making them. And excluding those that are manifestly false, we find enough remaining to fully support the con-