

**SEVENTH.****POINTS IN REPLY TO THE BRITISH COUNTER CASE.**

Since the preparation of the Argument on the part of the United States, on the facts as so far appearing, the British Counter Case has been delivered. It contains a large quantity of matter concerning the nature and habits of the fur-seals, the methods and characteristics of polagic sealing, and the methods of dealing with the seals at the breeding places, which matter, so far as it is relevant at all, is relevant to the question of the alleged property interest and rights of defense of the United States, and to the regulations which may be necessary in order to prevent the extermination of the animal.

This matter is accompanied with a protest (page 3), that, so far as matter relevant only to the question of regulations is concerned, its introduction before the Arbitrators is at present improper, and that it has been incorporated into the Counter Case without prejudice to the contention on the part of Great Britain, that the Arbitrators can not consider the question of regulations until they have adjudicated upon the five questions enumerated in Article VI of the treaty.

The counsel for the United States conceive that there is no ground upon which such an interpretation of the treaty can be supported. That interpretation assumes that there are to be two separate and distinct hearings and two separate and distinct submissions of proofs. There is absolutely nothing in the treaty to warrant such a view, and the distinct provision respecting the Cases and Counter Cases, their contents, the times when they are to be submitted, the preparation of the arguments, the times when they are to be submitted, when the hearing is to begin, and when the matter is finally to be decided, all point to the conclusion that there is to be but one hearing, one submission of evidence, one argument, and one determination.

It is indeed contemplated by the treaty that in a certain contingency it may not be necessary for the Tribunal to consider the question of concurrent regulations. This, however, simply involves a condition exceedingly common in judicial controversies, that several questions