

object of their distant excursions into Bering Sea, where they have been known to be? Is it not reasonable to suppose that nursing mothers require nourishment? And how else are the young supported?

But here, again, suppose it were true that these excursions were not made for the purpose of food. They are yet *made*, and the danger of their being slaughtered by pelagic sealers is as great as if the object of their excursions were food.

Sixth. Much space is devoted in this Counter Case to the subject of the frequent finding of numerous dead pups; and here also conjecture is abundantly resorted to. It is suggested that they may have been killed by disease, or by the rush of other seals over them, or by the waves of the sea, or by their mothers having been killed by being driven to the hauling grounds and thus injured and prevented from finding their way back to their young. But to what purpose is it to suggest that a great variety of things may have happened, of no one of which any proof is given? Doubtless it is true that some of the young die from a variety of causes of which we know nothing, as is the case with all animals. The question is, whether the slaughter of their mothers by pelagic sealing is not a cause, and the principal cause of this mortality. When we know that the mothers do habitually resort to the sea, where they are killed in great numbers, when we know that they have often been killed at long distances from the shore with their breasts distended with milk, when we know that suckling is the natural and only mode of nourishment to the young, and when we know that a number of the pups dead upon the islands are extremely emaciated, and exhibit all the appearances of having died in consequence of the loss of nourishment, the conclusion seems plain enough that their mothers have been killed at sea and they starved in consequence, and no amount of conjecture can displace it.

Seventh. It is said by way of argument against the allegation of a property interest that the seals, although they return to the same general breeding place, do not always return to the same *island*, or to the *same place* upon the same island. This may or may not be true; but of what importance is it, when it appears that all the islands ever have been, now are, and are likely to continue to be the property of one proprietor, the United States Government? And if it were otherwise, if there were many different proprietors of the different islands and of different places on the same islands, of what consequence would it be