

Jessie and Bayard, and also by the operations of Japanese sealers on our coast. The Vera, which took 20 skins in 1907, was owned or chartered by some of the owners of the Jessie, and it was the success of the Vera which prompted or induced the owners of the Jessie to pay especial attention to otter hunting after 1907.

It is admitted that the vessels proceeded to the Russian Islands instead of returning home after the unauthorized and illegal interference with their operations. The masters were placed *in terrorem* by the threat that if found in the vicinity they then were, their vessels would be seized. Therefore, they made the best of the circumstances and crossed the Pacific Ocean. The fact that they may have obtained seal skins out of that venture is no answer to the illegal interference which the masters suffered, and the threats made to them.

It is further submitted, in support of the claim preferred on behalf of the vessels in question herein, that the facts and figures brought forward in the answer are justification enough in themselves of the claim made.

The memorial frankly puts forward the earnings, expenses and profits of the vessels, and it is again submitted that whether the vessels made a profit for the season is no argument in favour of or justification for their being driven away from following a lawful occupation and forced to the alternative of returning to port and lying idle and unprofitable, or taking the risk of crossing the Pacific Ocean to hunt on a foreign shore and in foreign waters.

To put a hypothetical case: Supposing all three vessels, having been interfered with and threatened with seizure if they remained, had been lost with all hands in crossing the Pacific Ocean, would not such a result be reasonably attributable to the unlawful action of the United States officer, acting presumably and to all appearance with the authority of his Government?

Attention is directed to the special agreement in the ship's articles of the three vessels for 1909, dealing with the price to be paid by the owners to the hunters for sea otter skins, as shewing the intentions of the owners in the premises.

His Majesty's Government, therefore, repeats and presses the allegations and claims in the memorial, and denies those in the answer of the United States of America, save insofar as the same confirm or agree with or support those set forth in the memorial.