

factory. Observations made in one place are qualified in another, contradicted in another, and perhaps reasserted in another. To follow such a line of discussion with minute criticism would be an endless task, and when it was concluded it would be found to be nearly useless. The best method of dealing with such a sort of contention will be to briefly state the *points* to which it seems to be directed, and to offer such observations upon these and the matters relating to them as seem most pertinent.

First. Considerable importance seems to be assigned to the point whether seals are more aquatic than terrestrial in their nature, and surprise is expressed that they should be viewed, in the case of the United States, as being very largely land animals.

But whether they are principally aquatic or terrestrial is of little importance. It is certain that they are amphibious, and that they live sometimes upon the land and sometimes in the sea. The only important question is whether they have those qualities, which, under the principles upon which the law of property rests, make them property, or render it expedient that an industry established by the United States in respect to them should be protected by a prohibition of slaughter upon the high seas.

Second. Much stress is also laid upon the question whether coition may be had in the water. Of what consequence is this? We know it is a fact that it is had principally, if not exclusively, on the land, to an extent which in its circumstances forms the most prominent distinctive and controlling feature in the habits and movements of the fur-seal. The births certainly take place upon the land, and it is there that the young are nourished and brought up.

Third. A good deal in the way of conjecture is stated and sought to be supported, to the effect that the seals may have had, in times of which we know nothing, other breeding places, of which we know nothing; and may again be driven to other haunts. It is not perceived that these conjectures are in any manner relevant. They are purely conjectures, and were they determined one way or another, it would not matter. What we are dealing with is an animal which has had uniform habits ever since anything has been known about it; and the only reasonable conjecture which we can make is, if it were of importance to make any, that it will continue to have, in the future, the same habits, as under the same circumstances it has had in the past.

Fourth. In the report of the British Commissioners, submitted with-