

As to the question whether the United States are liable on the above facts, if the counsel be serious in raising it, I can scarcely believe an answer is required before this tribunal, or indeed any other composed of educated lawyers, to show that a Government is answerable for the acts of its officers in carrying into effect its own laws. The case of *Pierce vs. United States*, cited upon p. 23, has not the least analogy or bearing in the present claim.

The point incidentally put that the Company can claim nothing except what remained in its actual possession, and has lost all which has been taken, or which it has been compelled to abandon, has been fully disposed of in the opening argument.

VIII. Damages (p. 24 to 26). The discussion under this head is based chiefly upon the ever reiterated assertion that the License of Exclusive Trade was the title of the Company. I refer to what has already been said on that subject in the opening argument, and in this reply. There is besides a good deal of labor bestowed in endeavoring to establish a measure of damages which would leave little to be awarded to the claimants, and as auxiliary to this the new form of stating the "possessory rights" of the Treaty as "rights of possession to land alone," is again brought up. The Claimants of course do not acquiesce in this any more than in the other propositions connected with it, which have all been disposed of in the arguments and are overthrown by the evidence, which is abundant on this division of the claim.

(B).—VALUE OF POSTS.

Upon the evidence of record I do not propose again to enter. It was purposely examined and set out with great fullness in the opening argument in order to avoid any lengthened recurrence to it. I leave it therefore without adding to the exposition and reasoning upon it already submitted. I may be permitted, however, to notice the curious fact that the counsel for the Respondents, in arraying his witnesses and giving his view of the evidence for the United States in relation to Vancouver, carefully excludes Mr. A'Hern, the clerk and auditor of Clarke County. That gentleman, from his thorough knowledge, his official situation, which compelled him to a perfect familiarity with the subject on which he spoke, and