

doubted consequence to the Company, that their rights and possessions have been thereby made of comparatively little value, and the difficulty of obtaining evidence upon them has been rendered very great. This difficulty has been essentially increased by the lapse of time since the claims first arose. A delay of seventeen years intervened, during which the United States, while failing to cause the rights of the Hudson's Bay Company to be respected, continued to refuse any satisfactory settlement of their demands. The inevitable effect of this delay, now extended to nearly twenty years, has been to remove by death, or otherwise, the greater number of important witnesses, and to weaken the evidence which is still available, both by the remoteness, in point of time, of the facts to be established, and by reason of the natural decay or of the disappearance, of much which constituted the value of the rights and possessions, for which the present claims are made.

With respect to the second, and third classes of claims set forth, the Claimants solicit the attention of the Honorable The Commissioners, to the fact before alluded to, that they are of a nature which does not admit of a formal and precise valuation by testimony. Consisting as they do of important rights of trade, and of other rights of a public and national character, they are manifestly of great value. But the estimation to be put upon them, and the amount of the money consideration to be paid for their relinquishment and transfer, must be settled by the judgment of the Commissioners, founded upon their own experience and knowledge, aided by public documents and the recorded opinions of statesmen and writers of authority, and by such general estimates under oath as it may be possible to obtain.

The Claimants have made the foregoing statement and observations with respect to evidence, for the purpose of urging for the serious consideration of the Honorable The Commissioners, that in their examination and decision of the present claims, they ought not to be restrained by the rules which are observed in the trial of ordinary issues in Courts of Law. Those rules, under the circumstances, and for the reasons above declared, the claimants contend should be liberally modified and relaxed in the present case; and they respectfully, yet formally and solemnly, protest that a strict application of them, in the consideration of their claim, would be unreasonable and unjust.