

maintained the trespassers and received from them the price of the land. On the other hand, where no grant has yet been made, the land will pass to the United States by the effect of the award to be rendered by this Commission—and the squatter will be liable to pay his government for it. In either case therefore and under any point of view, it is certain that the United States must answer to the Company for these aggressions. For the facts connected with the subject of aggressions, reference is made to p. 207 and following (No. 3), and generally to the pages from 187 to 218 of the opening argument. See also *inf.* (VII.)

VII. (p. 19) Under this number the counsel for the Respondent asks, "what evidence would prove that the United States invaded "the possessory rights of the Company," and answers; first, when the United States took possession of some portion of land claimed by the Company; or, secondly, permitted donation or pre-emption claims to be located on land claimed by the Company. The pretensions set up under this introduction are little more than a repetition and enlargement of those contained under the former number, and are covered by the remarks made in that connection. The reasoning is as fallacious and manifestly untenable in the one as in the other. There can surely be no doubt of the following as matters of fact: 1st—that the United States Government did appropriate to its own use large tracts of the land possessed by the Company; and 2nd—that a great portion of the land of the Company was located under the donation laws of the United States by its officers. For most, if not all of those locations, patents have been issued. This is apparent from the whole tenor of the evidence in relation to the lands at the more important Posts. The extent to which it was done, even many years ago, at Vancouver, is seen by the official map of Clarke County marked "H," upon which the patented sections are marked "P" in red ink. The records of the Land Office at Washington would have shown the extent of the grants, but access was denied to this source of information, and as the fact sought to be established is but one of a great mass of facts which prove the aggressions complained of, it was not deemed advisable to suffer additional vexatious delay for an object not of essential importance to the case. (See correspondence between counsel, Claimants, Doc. Ev. F 21, F 21a, F 21b, p. 427, *et seq.*)