

of property and interests indicated by the expression, "possessory rights," as used in the Treaty and comprehended within such possession and title. And in order to avoid useless repetition, I propose to submit in the same connection the evidence of their value as stated in the third proposition.

The evidence relating to the posts and establishments with the land attached, and the buildings and personal property, will be first presented, taking them up in the order in which they occur in the Memorial. Then will follow the evidence relating to the extent and value of the Company's trade, and finally that concerning the navigation of the Columbia River.

EVIDENCE ON THE SECOND AND THIRD PROPOSITIONS.

In endeavouring to arrive at a just conclusion upon the extent and value of the property and rights of the Company, a careful discrimination must be made between the different kinds of testimony adduced, and the consequent weight which is to be attached to the statements of the several witnesses examined on the one side and on the other. This discrimination will be more particularly applied in presenting in detail the several depositions, but it may now be observed, as a general difference between the estimates made in the evidence for the Company, and those found in the counter evidence of the United States, that the former are based upon positive and precise knowledge, derived from long and intimate acquaintance with the property, the trade and the whole subject to which they relate, while, with few exceptions, the counter estimates are derived from persons whose opportunities for forming a judgment were occasional and imperfect.

Another important difference is, that few of the witnesses of the claimants have any motive influencing them in favor of the claim, and several have an interest decidedly hostile to it. But with respect to the witnesses for the United States, it may be fairly stated of most of them, that there is in their evidence so much of hostile feeling, more or less manifest, that no prudent man acting in a judicial quality can safely assume it as a basis for his decision. I content myself with merely noticing at this time these obvious and important differences of character between the testimony of the claimants and that adverse to them. It will be my duty hereafter