

with the Indians was respected by them (p. 68 to 70). This is a mere question of fact, and the Commissioners are referred to that part of the opening argument (pp. 201-234) where the evidence on that subject is noticed, and where a reference to it will be found. (See also Claimants' Doc. Ev., A 10-A 11, p. 325, C. 2 p. 368).

(D.)—NAVIGATION OF THE COLUMBIA, (p. 70).

I find nothing in what is said for the Respondents under this head or the next, "The Portages" (p. 75), which seems to me to render necessary any addition to what is contained in the opening argument under the same heads, except that it is a very great error on the part of the Respondents' counsel to suppose that it is given up.

(E.)—MISCELLANEOUS POINTS.

I. Remarks on certain witnesses.

As to the character of the witnesses for the Claimants, their relation toward the Company, and their claims upon the confidence of the Commissioners, on the score of social position, of probity, of familiar knowledge, and of connected and sustained statement, enough has been said to enable me to leave the subject with confidence without further enlarging upon it.

To this, however, there is one exception. Mr. Mactavish has been favored with so large a share of attention by the counsel for the Respondents, both in the examination and in the strictures upon his evidence, that I must devote a few words in answer to what has been said of his testimony and of himself.

It was natural that after the astounding *tour de force* of putting 1052 questions for the United States by a three counsel power, some mortification should have been felt that the witness could not be made to contradict himself, or to depart from his sturdy asseveration of the truth. This disappointment was without doubt a distressing one, and hence an attack of corresponding bitterness is made upon the witness. The whole of his evidence and the circumstances of his examination have been treated in the opening argument on the 53rd and following pages. It is made manifest there that he is not alone in his estimates or in any fact which he asserts. He is supported directly or indirectly