

of the land laws of the United States, as they regulate the rights of the citizens of that Government in their pre-emption of land. It entirely ignores the higher law of Treaty rights, and the obligations assumed under that of 1846 in favor of the claimants. I have nothing to say about the rules of law stated upon this subject, or very many of the other subjects on which, a great deal of learning is displayed ; except that it is misapplied, as these rules do not bear upon the substantial questions raised and discussed in the opening argument, and which alone the Commissioners have to decide. On the contrary, as it seems to me, there is a constant effort to evade those questions by presenting a great variety of bootless discussions upon points which can have, for the most part, no influence upon the decision in this case.

(RIGHT OF TRADE, p. 64).

I. It is worthy of remark, that while the counsel of the Respondents, following Governor Stevens, insists that the License of Exclusive Trade with the Indians is the sole title of the Claimants, and that it limits as it originated their rights, he, at the same time, concurs with the report of that gentleman in denying to the Company the right, not only of exclusive trade, but of any trade at all. I cannot understand how both of these propositions can be true, but will not prolong the discussion by pointing out how contradictory and absurd they both are. The propositions of the Claimants on the subject are :

1. That the right of trade may be a *possessory right*.
2. That such a right was possessed by the Company in 1846 and before, and was included by the Treaty under the expression "possessory rights."
3. That the evidence is abundant to show the nature and extent of that trade, as well with the Indians as others.

I do not intend to enlarge upon these propositions, but refer with confidence to what is said on this subject in the opening argument under the head "Rights of trade." As to the re-iteration by the Respondents of their argument founded upon the pretension that there can be no such thing as a possessory right of trade, because it is not attached to anything which has physical existence, it has already been disposed of, and I do not deem it necessary again to show its futility. But it is said for the Respondents that the right to trade