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EVIDENCE

FOR

THE UNITED STATES

IN THE MATTER OF THE CLAIM OF THE

HUDSON'S BAY COMPANY,

PENDING BEFORE THE

BRITISH AND AMERICAN JOINT COMMISSION,

FOR THE

FINAL SETTLEMENT OF THE CLAIMS

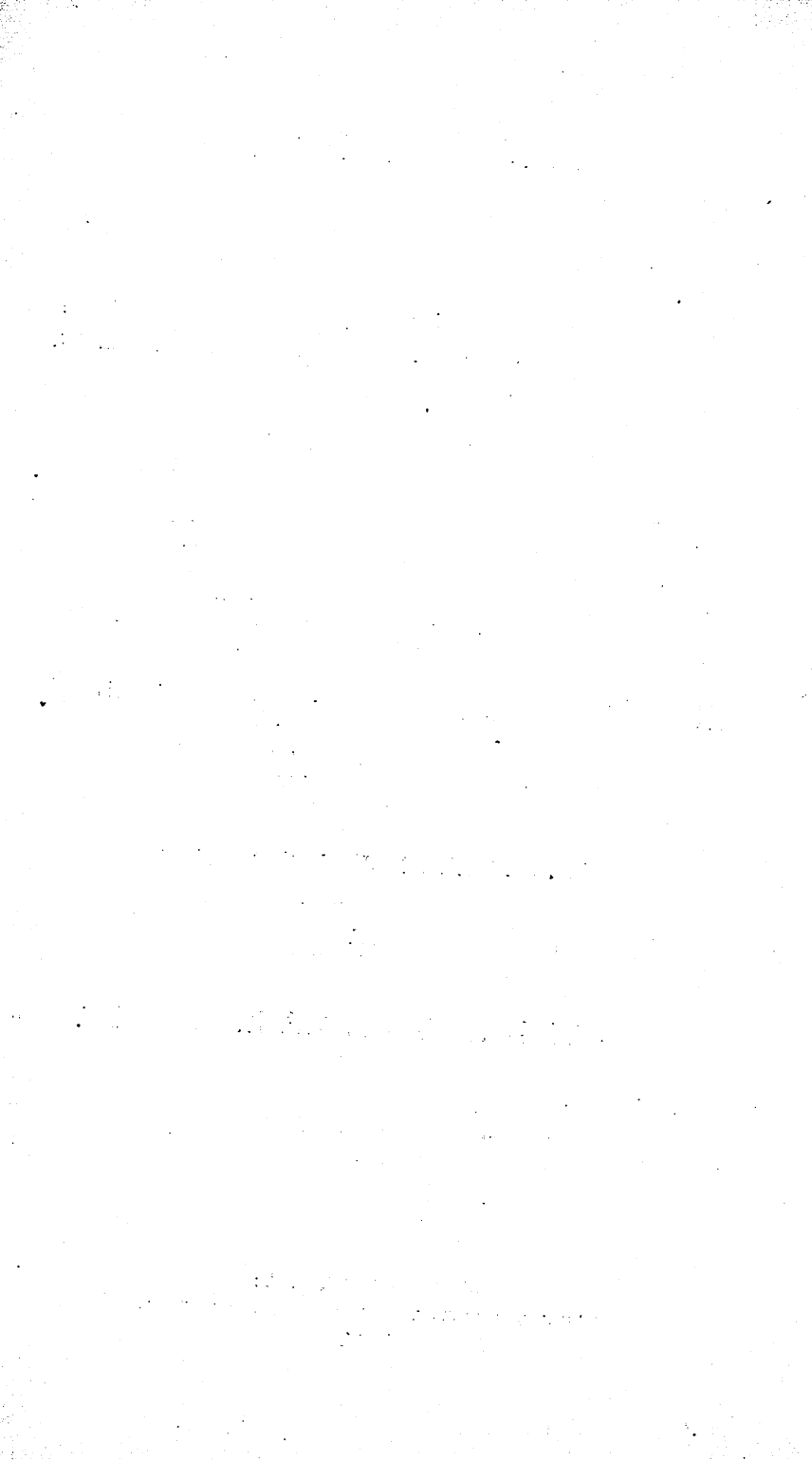
OF THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES.

WASHINGTON, D. C.:

M'GILL & WITHEROW, PRINTERS AND STEREOTYPERS.

1867.



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BRITISH AND AMERICAN JOINT COMMISSION

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claim of the Hudson's Bay Company vs. the United States of America.

Depositions of witnesses sworn and examined in the city of Washington, District of Columbia, by virtue of an agreement between Eben F. Stone, Agent and Attorney for the United States of America, and Edward Lander, Agent and Attorney for the Hudson's Bay Company, before me, Nicholas Callan, a Notary Public in and for the county of Washington, and District of Columbia, on the part of the United States.

TESTIMONY OF RUFUS INGALLS.

Brevet Major General Rufus Ingalls, United States Volunteers,
being duly sworn according to law, says:

Int. 1.—What is your name, age, place of residence, and occupation?

Ans.—Rufus Ingalls; forty-five years of age; occupation that of brevet major general United States Volunteers, quartermaster in regular service; place of residence Washington city, District of Columbia.

Int. 2.—Have you ever resided in Washington Territory; if yea, when and where, for how long a period, and what was your employment?

Ans.—I went to Fort Vancouver in May, 1849, and was Chief Quartermaster of that military department until 1852. I was absent until March, 1856, and was from that period the principal quartermaster until 1860.

Int. 3.—Are you acquainted with the post at Vancouver

and the land adjoining, which is claimed by the Hudson's Bay Company?

Ans.—I am.

Int. 4.—Please to examine the map, here produced, and state whether it is, in your judgment, a correct delineation of the post at Vancouver and of the country adjoining.

Ans.—It appears to be.

Int. 5.—Please to describe, as particularly as you can, by reference to said map or otherwise, the extent of the claim of the said Company, at said post, giving the limits thereof, territorially, as nearly as you can, as you understand them.

(Objected to in this form, so far as the witness' personal knowledge from the time of his arrival at Fort Vancouver.)

Ans.—It has never come before me officially, and of course I can only answer from what I learned by conversation. In the fall of 1849, General Persifer F. Smith, who commanded the Department of the Pacific, was at Fort Vancouver. It was a matter of complaint by Governor Ogden, Chief Factor of the Hudson's Bay Company, to General Smith, that his lands were being squatted upon by the settlers, and in that way I came to know about their claims. The object was to get protection from the military authorities. From his representation, the Hudson's Bay Company claimed a region of country embracing some twenty-five miles upon the Columbia river, beginning above what was known as the Hudson's Bay Company's Saw Mills, and extending down to or nearly to the Cathlapootl river, and some eight or ten miles inland.

Int. 6.—How much of this claim, as set up by Governor Ogden, if any, was in fact enclosed or occupied by the said Company while you were there. Please to answer this as particularly as you can, by reference to the map or otherwise.

Ans.—There was a very small portion of the whole claim actually enclosed. There was a large enclosure on the Mill Plain, of what extent I don't now know. There were quite extensive enclosures in and about Fort Vancouver, and also upon the Lower Plain about Vancouver Lake. There were enclosures also upon what is called the Fourth Plain. With regard to the whole claim, the amount enclosed was very

small. The proportion of the whole really occupied and used was small. A large proportion of the whole was shortly after occupied and held by citizens of the United States.

Int. 7.—What sort of occupation, if any, did the Hudson's Bay Company have of that post of their asserted claim which was not enclosed?

Ans.—The same that any other company or people might have had or did have; not exclusive control.

Int. 8.—Does the description which you have given of the nature of the occupation of the lands claimed by the Company at Vancouver apply to the condition of the claim subsequent to the settlement of the land by settlers; if not, to what does it apply?

Ans.—No; it does not. It applies more particularly to the time when I arrived there, in 1848, although there were quite a number of people settled within the limits of the claim at that time.

Int. 9.—What were the condition and character of the claim of the Company at this post in 1860?

Ans.—When I left the Hudson's Bay Company had withdrawn from the Territory. The lands which the Company claimed were in occupation by the citizens of the United States and the military authorities.

Int. 10.—Did any change take place in the occupation of the Company at this post while you were there, in respect to the extent of the land actually occupied by them previous to their abandonment of this post? If yea, please to describe the same particularly.

Ans.—When I arrived there, in 1849, the Company was in occupation of the enclosures, &c., described in a former answer. They were gradually absorbed by increasing settlements, until at last the occupation was reduced very nearly to the stockade, when the Company retired.

Int. 11.—What was the condition of the buildings and improvements at this post belonging to the Company when you left, in 1860?

Ans.—Very dilapidated.

Int. 12.—Can you enumerate and describe the buildings

which belonged to the Company at this post, when you left, in 1860? If yea, please to do so as nearly as you can.

Ans.—There were three large store-houses still standing; the office and the Governor's house; the Indian store-house; the blacksmith shop and the Bachelor's Row, the place where the clerks resided, and some other buildings; I don't know that I can state them exactly. All of them were in a worn-out condition, so much so that the Government did not see fit to occupy any of them at that time. One of the large store-houses I had already pulled down, and was proceeding to take down most, if not all, and to clear the grounds; but the work was suspended by order of Colonel Wright, who succeeded General Harney. I have named the important buildings, but don't undertake to name them all.

Int. 13.—Were those buildings, which you have named, standing when you first went there, if yea, how did their condition, when you first saw them, compare with their condition at the time you have described?

Ans.—They were standing when I first went there in 1849. Their condition was worse every succeeding year.

Int. 14.—Were any additions, or extensive alterations, or repairs made by the Company to their buildings and improvements at this post while you were acquainted with them; if yea, what?

Ans.—The Company made frequent repairs of the buildings and stockade and of their enclosures, but no material additions.

Int. 15.—What use, if any, did the Company make of this post while you were there?

Ans.—It was essentially a mercantile establishment. They did some farming and bought some furs, but it was really engaged in general trade.

Int. 16.—Did the Company have any horses or cattle at this post while you were there; if any, how many?

Ans.—They had quite a number of horses and cattle when I first arrived there. The number was an estimated one, not known to certainty. I do not know the number myself.

Int. 17.—What were the relations between the United States

troops and the Company, friendly or otherwise, while you were there?

Ans.—Always very friendly. The different commanders gave all assistance to and protection necessary to the Company within their power.

Int. 18.—Did the United States have a military station at Vancouver while you were there, if yea, when and where was it established in reference to the claim of the Company?

Ans.—They did have all the time I was there. It was established in May, 1849, and has been continued to this day at Vancouver itself. The military reservation included the stockade, which contained all the buildings, heretofore described, within its limits. The military post itself was mainly built on the hill, just in rear of the stockade, but in immediate proximity thereto, with the consent and upon the invitation of Governor Ogden, then chief factor and in charge of the Hudson's Bay Company's interest at that place.

Int. 19.—Did the Company, to your knowledge, ever object to the use and occupation of any part of the land included in this military reservation by the United States troops, if yea, when, and how and to what part?

Ans.—Finally it did at different times in writing. I know of none that were not made officially in writing.

Int. 20.—How did the character of the Company's buildings at this post compare with the buildings belonging to the United States military post there?

Ans.—They were of an inferior character.

Int. 21.—What, in your judgment, was the value of the buildings and improvements belonging to the Hudson's Bay Company at this post, at the time you last saw them in 1860?

Ans.—Speaking as a military officer, I did not consider them of any real value, that is, they were of no value to the United States. What improvements they had in the fall of 1860 were in the midst of a military reservation, and had been abandoned by the Company. The military authorities wished to make no use of them, would rather have been glad to have had the ground cleared of them, and of course would not have

permitted private parties to occupy them, hence my estimate of their value.

Int. 22.—What effect, if any, did the settlements of the country in Washington and Oregon Territories have on the fur trade with the Indians?

Ans.—Undoubtedly it decreased it.

Int. 23.—Were or were not the buildings and improvements erected by the Company at Vancouver adapted to the purposes of ordinary trade and commerce with a peaceful people, or were designed principally for protection and defence against tribes of Indians who were liable at times to be hostile?

(Objected to, as leading and directing the witness as to his answer.)

Ans.—In that early period the buildings within the stockade were well enough adapted for trade in that country, but the establishment was built as well for defence.

Int. 24.—How far, in your judgment, was the whole of these buildings and erections reduced in value by the fact that they were no longer needed for a place of defence?

Ans.—I don't know that the value was materially reduced on that account. The establishment of the Hudson's Bay Company finally became of little or no value as a trading post on account of the rapid settlement and prosperity of the country.

Int. 25.—How did the rapid settlement and prosperity of the country materially reduce the value of this establishment at Vancouver? Please to explain as fully as you can.

Ans.—The settlement of the country brought about many competing trading establishments at various points, with whom the Hudson's Bay Company could hardly succeed. The fur trade of Oregon and Washington Territories was never a prolific source of profit. It gradually fell to nothing. The settlement of the country had reduced the establishment to very narrow limits, and little or no trade.

Int. 26.—What was the value of land at Vancouver and its vicinity when you were there in 1860, and how did its value at that time compare with its value in 1849?

Ans.—The value of lands at Vancouver in 1860 was greater than in 1849, but its value per acre at either time depended

altogether on the particular location. I don't know, and no one can tell, the value of the land included in the military reservation, none having been bought or sold. In the town of Vancouver in 1860 land was worth from one hundred to one thousand dollars per acre. In 1849 this town was unoccupied altogether, and was mostly a forest. In 1860 I purchased some ten acres of land in Vancouver, at what I considered the most eligible point on the river, for one thousand dollars, and during the present year have sold it for the same, not being able ever to get more than that sum. It was situated in the lower part of the town of Vancouver, about a half of a mile below what was known as the Hudson's Bay Company's salmon-house. The value of lands away from the river was much less.

Int. 27.—Was there any material change in the value of land at Vancouver and in its vicinity between 1860 and 1863 to your knowledge; if yea, what was it?

Ans.—No; I don't think that there was. I made very frequent inquiries and could not ascertain that there was any increased value.

Int. 28.—What should you consider was the value of one mile square at Fort Vancouver fronting on the river, selecting the most favorable location, in 1860?

Ans.—It would be hard to say, because that would include the military reservation, the mission claims, and the town of Vancouver. The town has had its existence since 1849. In 1860 property was held in the town at various prices. I don't know that I could fix an estimate price upon it. Its value would have been very much greater, and the place of much higher importance, had it not been for the opposition to settlement on the part of the Hudson's Bay Company in the earlier years.

Int. 29.—What were the relations between the Hudson's Bay Company and the settlers in the vicinity of their post at Vancouver when you first went there, and what was the policy of the Company towards those persons who settled or attempted to settle there?

Ans.—The Hudson's Bay Company opposed settlement so

far as in their power within the limits of their claim. The relation, therefore, was generally a hostile one.

Int. 30.—What effect, in your opinion, did this policy have on the growth and prosperity of the town of Vancouver?

Ans.—It retarded it immeasurably. Had there been no opposition, the town of Vancouver, in my opinion, would have been the principal one on the Columbia river or its branches, between the coast and the Cascade mountains. But when the settlement was finally made, Portland was already a flourishing city, and so near by that Vancouver has never flourished much.

Int. 31.—In the present condition of affairs in the country west of the Cascades, having regard to the present course of trade and the existing adverse influences, is it, in your opinion, possible to build up at present a large town at Vancouver?

Ans.—I do not think so; that is, I think it is improbable that a large town can be built there.

Int. 32.—Are not the high prices which have been charged for building lots at Vancouver founded on the anticipation of a state of facts which in your opinion [will] never be realized?

Ans.—Altogether so.

Int. 33.—Has not the experience of the last five years tended to confirm you in your opinion, and are not the lands there worth, if anything, less than they were at one time, which is past?

(This question and the preceding one in reference to the opinion of the witness objected to.)

Ans.—I have not been to that place during the past five years, but from all the information within my reach I am of opinion that the lands there would have been sold at one time higher than now.

Int. 34.—If you know, please to state in what mode the Company paid their employés for labor, whether in cash or goods?

Ans.—Principally in goods.

Int. 35.—If you know, please to state the prevailing price

of wages and building materials at Vancouver in 1849 and subsequently.

Ans.—The prices were much higher in 1849 and 1850 than subsequently. The prices declined from that period. Labor was from two to eight dollars per day, some classes even higher than that. Lumber was from forty to one hundred dollars per thousand in 1849 and 1850; all prices gradually declined thereafter. What I say in regard to the laborers does not include the employés of the Hudson's Bay Company. The discovery of gold and the necessity for building materials, and its scarcity, conduced to the high price of labor and material at that time.

Int. 36.—State, if you know, what was the character of the labor employed by the Hudson's Bay Company.

Ans.—Those at Vancouver were mostly Canadians who had long been in the service of the Company, half-breed Indians, and Kanakas, and full-blood Indians temporarily employed.

Int. 37.—What was the policy pursued by the Company towards the Indians, so far as you know, and what services, if any, by way of religious instruction or otherwise, did they render in their behalf?

Ans.—Their policy towards the Indians was a very proper and good one. On our arrival in that country the Indians were everywhere peaceable, and there seemed to be mutual confidence between the Indians and the Company. I am not aware of the Company's contributing much to the education of the Indians. Their course towards the Indians was one of great philanthropy.

Int. 38.—What services, if any, were rendered by the Company in promoting the settlement of the country by building roads or furnishing other facilities for the use and convenience of settlers?

Ans.—Of my own personal knowledge I do not remember that from 1849 the Company did much service that way. On the contrary, the Company opposed settlements in its vicinity.

Int. 39.—You have stated that the treatment of the Indians by the Company was humane and philanthropical; do you

know whether they exerted themselves to cause a kindly feeling on the part of the Indians towards settlers?

Ans.—I don't know that they exerted anything but good influence.

Int. 40.—Was the land at Vancouver, which was enclosed and occupied by the Company, injured or improved by cultivation?

Ans.—I should suppose improved.

Int. 41.—Is the land at Vancouver overflowed in the spring or summer; if yea, how does this fact affect the value of land there for farming purposes?

Ans.—The lands in Vancouver and along the bottoms of the river generally are liable to inundation in May or June, which makes them of precarious value for farming purposes.

Int. 42.—Have you ever visited any of the posts of the Hudson's Bay Company in North America; if yea, where?

Ans.—I have seen their establishment at Astoria or Fort George, at Cape Disappointment, and upon the Cowlitz and Puget's Sound.

Int. 43.—Are you sufficiently acquainted with any of these posts to give a description of their character and value; if yea, please to describe them as particularly as you can?

Ans.—All these places were subordinate trading stations to that at Vancouver, most of them consisting of two or three inferior buildings. They were never of any great value as improvements, and would have been of no practical value to the Government. They answered simply for the passing accommodation of the Company, and were good for nothing else.

Int. 44.—You have stated that the relations between the Company and the United States officers were friendly. Does this apply to the entire time that you were there, or did a change occur before you left in the conduct of the officers of the Company in relation to the acts of the United States officers?

Ans.—I mean that the personal relations were quite friendly always, but the official relations during the last year of the

Company's stay at Vancouver were hostile on the part of the Company.

Int. 45.—Please to state whether or not any acts of aggression on the rights of the Hudson's Bay Company have, to your knowledge, ever been committed by the civil or military officers of the United States?

Ans.—It depends altogether on circumstances whether or not the Hudson's Bay Company were entitled to what they laid claim to. It was uniformly the expressed desire of the military authorities of the United States to protect the Hudson's Bay Company in their possessory rights, particularly up to the time their charter terminated. It is undeniable that lands which the Company claimed were taken and made use of by citizens of the United States.

Int. 46.—Please to state, as nearly as you can, the number of vessels that yearly came to Vancouver from abroad, while you were there, that were owned or controlled by the Hudson Bay Company?

Ans.—I never kept any record, but I should say never to exceed four, and rarely more than two. Probably one of the vessels referred to might have made various trips between Vancouver's Island and Columbia river. I don't know ever to have exceeded two from abroad in any one year.

Cross-Examination.

Int. 1.—Was there not in the vicinity of the post of the Hudson's Bay Company at Vancouver an amount of land, which, though not enclosed in 1849, bore marks of previous cultivation?

Ans.—Yes, sir.

Int. 2.—Was there not raised in the vicinity of Vancouver a considerable amount of hay from tame grasses sown previous to your arrival in that country in 1849?

Ans.—Yes, sir.

Int. 3.—You speak of the Company not having exclusive control of the unenclosed lands, you mean by that, I suppose, to refer only to the period subsequent to your arrival there in

1849, and to the conduct and encroachments of American citizens claiming and exercising the right to settle in 1849 on lands claimed by the Company?

(The word encroachment objected to.)

Ans.—I refer to that period exclusively. When I said they had not exclusive control over unenclosed lands, I meant that the military and the citizens who had settled in the neighborhood, as well as the Indians, made use of these unenclosed portions at will.

Int. 4.—Do you know anything of citizens settling on unenclosed lands being warned off or notified to leave by the agents of the Company?

Ans.—Yes, it was done by the military as well as the Company when the settlers came on the military reservation. At the time I speak of, during my first tour from 1849 to 1852, the military reservation consisted of four miles square, the flag-staff at the post at Fort Vancouver being the centre.

Int. 5.—In your testimony you state that the Company at the time of leaving Vancouver abandoned all their posts on the American side. Do you feel certain that Colville, Okanagan, the Kootenay, and Flatheads were left by them at that time?

Ans.—I was told they were. With regard to Kootenay I do not know, but I understood they were abandoned. With regard to Fort Colville I have always understood it was just north of the 49th parallel.

Int. 6.—Were not most of the buildings used for officers' quarters at the military post at Vancouver built of logs or square timber, and were they not comfortable and convenient quarters?

Ans.—They were, all of them, originally built of logs, except the quarters occupied by myself, and were considered at that time and place quite comfortable?

Int. 7.—Can you give the approximate cost of the largest of these buildings and its dimensions, and the cost of an average building?

Ans.—In my report at that period, I think I put down the commanding officer's quarters at \$7,500, and the smaller ones

on the right and left of it at \$2,500 each. Subsequently heavy expenses were incurred in fitting them up. I don't know that I can give the cost, but it would bring the smaller ones up to seven or eight thousand dollars a-piece. It would have been a great deal cheaper to have built houses of the same dimensions framed and finished off in the ordinary way than to have made these repairs.

Int. 8.—Does this cost include the work done by soldiers or only the work done by mechanics?

Ans.—It includes work done by soldiers when they were on extra duty, as most of those employed were, at what the Government allowed at that period, not exceeding fifty cents a day for carpenters and bricklayers. The great majority of all the work done was performed by citizen labor?

Int. 9.—Did not the want of the clapboards and paint give the Company's buildings at their fort an old and dilapidated appearance?

Ans.—Yes; undoubtedly it contributed to it.

Int. 10.—Did not the families of the military officers of the United States seek shelter in the Indian war in 1855 and 1856 within the buildings of the Company?

Ans.—I believe on one or two occasions a portion of them did.

Int. 11.—What do you know of the women and families of the settlers during the same war having come into the Company's fort nightly for protection?

Ans.—Some may have come into the Company's fort, but the great majority of the settlers were encamped near the bank of the river, on the edge of the present town and near the salmon-house. I regarded them as under the protection of the United States military authorities. The Hudson's Bay Company on that occasion co-operated cheerfully and to the fullest extent with the military authorities in the defence of Vancouver.

Int. 12.—In stating what you have in reference to the fur trade of the Company, have you learned this from the books of the Company, or is it merely your own opinion?

Ans.—It is from what I have heard from various sources. I never have had any access to the books of the Company at all, but have heard it remarked by members of the Company and other persons.

Int. 13.—You have spoken of the overflow of the river. Is not the portion of the land overflowed in ordinary freshets on the mile-square, designated on the map as the Mission claim, which includes the front of the military reservation, the site of the old fort of the Company and much of the present town, very small, and does not this overflow improve rather than injure the grass, mowing lands, and pasturage?

Ans.—The amount actually overflowed ordinarily is small. No, I believe it does not improve the grass-mowing lands and pasturages. This overflow happens at a season destructive to the growth on the portions overflowed.

Int. 14.—Are the farming lands of the river banks overflowed every year; and is it not rather an unusual circumstance for the water to be high enough to damage the crops on the land commonly cultivated?

Ans.—Yes; unusual, happening hardly ever more than twice in ten years, though liable to happen every year when the snows on the main sources of the Columbia melt simultaneously.

Int. 15.—What is the effect of this overflow on the soil where it occurs?

Ans.—Beneficial, rather than otherwise, as the sediment is of alluvial character.

Int. 16.—Is not the greater part of the Company's claim free from this overflow, and is it not confined to a portion of the land bordering on the river above?

Ans.—Yes, sir.

Int. 17.—At what time did you first see the Company's place at the mouth of the Cowlitz; also, at what time those at Fort George and Astoria and Cape Disappointment?

Ans.—I saw those at Cape Disappointment and Astoria first in May, 1849; those on the Cowlitz, near its mouth, in 1850; those above and on the sound, in 1857.

Int. 18.—How long were you at Astoria and Cape Disappointment and in Baker's Bay?

Ans.—In 1849 I was in Baker's Bay one or two days, on shore several hours, walked all over the place, and was at Astoria several days on many occasions from 1849 to 1852.

Int. 19.—Can you say from your recollection that there were not at Astoria in 1849 three dwelling-houses and a store?

Ans.—I have no doubt that there was that number.

Int. 20.—Is it your recollection that the buildings at the Cowlitz farms and at Nisqually were merely for the purpose of the passing accommodation of the Company's officers; do you not, on calling them again to mind, recollect that at the Cowlitz Prairie the buildings were large and substantial, and so also at Nisqually?

Ans.—According to my understanding all those places were for the passing or temporary accommodation of the Company, though several of the buildings were large in order to afford the necessary accommodations for the farming and other operations conducted by the Company.

Int. 21.—When you last saw Cape Disappointment was there not a light-house, fort, and other buildings there, erected by the Government of the United States?

Ans.—When I last saw it 1860 there was a light-house, but no fort.

Int. 22.—In reply to a question as to acts of transgression, you have stated that up the time their charter terminated it was the desire of the military authorities to protect the Company. What do you mean by the expiration of the charter, and was there any care after that time as to their rights?

Ans.—I had always understood that what was known as the charter of the Hudson's Bay Company expired on the thirtieth May, 1859, and that whatever rights or privileges were accorded them afterwards was by favor of the United States Government. This was substantially stated to the chief agent of the Company in charge at Vancouver in 1860 by General Harney. They were not disturbed or threatened to be inside of their stockade by the military authorities, but every cour-

tesy offered up to the time when Mr. Dallas informed General Harney that the Company would retire from the Territory.

RUFUS INGALLS,

Brevet Major General Vols. and Q. M. U. S. A.

WASHINGTON CITY, D. C., *May 7th, 1867.*

Recalled.

Int. 23.—Were there not several buildings, large and small, used occasionally for ordnance and hospital purposes, and for dwelling-houses, &c., outside the stockades and enclosures of the Company at Fort Vancouver by the military authorities, and for which rent was paid to the Hudson's Bay Company during most of the time you resided as quartermaster at Fort Vancouver?

Ans.—Yes, there were. Before the Government had time to erect the necessary buildings I rented some of the Company. In 1849 I rented two large unfinished houses outside of the stockade, and repaired them so as to subserve a useful purpose. Afterwards I rented some others, but long before I left there these buildings were given up, and the Government had erected good and sufficient ones of its own.

Int. 24.—Was there not also a large building inside of the fort known as the quartermaster and commissary store, rented in the same manner from the Company?

Ans.—Yes, there was. I rented and used it as a storehouse for the quartermaster and commissary departments. But I shortly afterwards built a fine wharf and large storehouses on the bank of the river, and this building was restored to the Company. When I left in 1860 it had been pulled down. It was old and of no value to the Government.

Examination-in-Chief Resumed.

Int. 1.—Did you or not, while at Vancouver, observe the policy of the Company in regard to the settlement of the coun-

try by American citizens? If yea, please to describe that policy, and state whether or not, in your opinion, it was, in this regard, favorable or otherwise.

Ans.—The policy of the Company towards American settlers was highly selfish and exclusive, especially so in and near their establishments and claims. The Company rendered much aid, I am told, to the early settlers by selling them food, clothes, and articles of husbandry on credit; but it was for the interest of the Company to do so. Settlements on lands claimed by the Company were always discouraged and opposed, and what is now Washington Territory has suffered much since 1846 on account of the presence of the Company. Settlements have been retarded and titles to lands withheld and confused.

RUFUS INGALLS,

Brevet Major General and Q. M. U. S. A.

TESTIMONY OF LIEUTENANT GENERAL U. S. GRANT.

Lieutenant General U. S. Grant, being duly sworn according to law, says:

Int. 1.—Have you ever resided in any part of Washington Territory? If yea, when, at what place or places, and how long at each place.

Ans.—I was stationed at Fort Vancouver, as an officer of the United States army, from about the last of September, 1852, to about the same time in 1853, nearly a year in all. I never lived at any other time in Washington Territory nor at any other place.

Int. 2.—Are you acquainted with the land and buildings at and near Vancouver, which are claimed by the Hudson Bay Company? If yea, please to describe and define, by reference to this map, here produced, or otherwise, as particularly as you can, the location and limits of this claim.

Ans.—I am well acquainted with all the lands about Vancouver. I am not acquainted with the boundaries of the Company's claim. I know the buildings and enclosures of their

claim in that neighborhood. I have been all around there, but have no idea of the number of acres enclosed.

Int. 3.—Were all the lands at this place, which were claimed by the Company, occupied exclusively by them? If not, please to describe, as nearly as you can, those portions of this claim which were enclosed, or of which they had exclusive possession when you were there.

Ans.—Back of the saw-mill there was a large enclosure, and then within the reservation they had small enclosures around their houses; and then, just above where the buildings were, they had a large field, I think about forty to fifty acres. I cultivated potatoes in that field myself, by permission of the Hudson's Bay Company.

Int. 4.—How were these portions of their claim at this post, of which they had not exclusive possession, occupied by them, if at all?

Ans.—I don't think they were occupied at all. There was, below the reservation, a man by the name of Malick, one named Short, one named Byles, and two others, whose names I have forgotten, who held claims and were cultivating them. There may have been others, but I remember only those I have mentioned. On the lands outside of the enclosures any man could let his stock run. I don't know that the Hudson's Bay Company had any loose stock on it; they may have had. I meant by loose stock, that which they were not using.

Int. 5.—Did any other persons, other than those who belonged to this Company, occupy those portions of their claim which were not enclosed; if yea, who, and in what respect did the occupation of such persons differ, if in any respect, from the occupation of the Company?

Ans.—Any one that had stock could use the unenclosed ground; the Hudson's Bay Company did not have exclusive privileges on it.

Int. 6.—Where there any visible marks or objects to define the extent of the claim of the Company at this place, to your knowledge; if yea, please to describe them.

Ans.—There were none to my knowledge. Going back to one of the former questions: There was on the Fourth Plain

one Covington, who occupied a claim, and may own it now. I don't know who enclosed this, Mr. Covington or the Hudson's Bay Company. He may have obtained possession from the Hudson's Bay Company.

Int. 7.—You have stated that there were no visible marks of the boundaries of their claim to your knowledge; did you while there, frequently ride in one direction and another, so that if there had been any monuments or landmarks in the vicinity of the fort you would have been likely to have noticed them?

(Objected to as leading and argumentative, and directing the witness as to his answer.)

Ans.—I was in the habit of riding out on every road I could find; I never saw anything to mark any claim, except what was enclosed.

Int. 8.—What was the character of the land which was included in this claim of the Company? What portion of it, if any, was good tillage land; what portion, if any, was good grazing land; what portion, if any, was wood-land, and what was the value of each portion respectively? State as fully as you can.

Ans.—The great majority of the bottom land was subject to overflow, in the months of June and July, and for that reason was not susceptible of cultivation, but was good grazing land. That not subject to overflow was principally densely wooded, and my impression of it at the time was it was very poor, if cleared. These plains were comparatively small prairies, in this densely wooded country, and were susceptible of cultivation. The woodland was, I think, not worth anything, except the value given to it by settlement. It could not be worth anything to the Hudson Bay Company, as a trading post among the Indians. The tillable land and overflowed bottom land could have been of value to them in supplying provisions, and for grazing all the stock it was necessary for them to keep. How much per acre it was worth for that purpose I don't feel competent to judge. To the Hudson's Bay Company, as a trading Company, this land had value in supplying food and grazing stock for their use, for what-

ever number of men they may have found necessary to keep at the place; they could have raised provisions for them, bread, meat, and vegetables. In my opinion, the land was worth to them, as a trading Company, the difference between the cost of the production of these articles at home and the cost of buying them elsewhere and importing them. I give this simply as an individual opinion, and not as a positive estimate of the value of the land.

Int. 9.—Supposing that the claim of the Company extends from six to eight miles above the fort on the one side to the Cathlapootl, or Lewes River, on the other, and back from the Columbia River, for the space of eight to ten miles, does the description which you have given of the character of their claim apply to this extent of territory?

Ans.—I didn't know the extent of their claim, but answered only for a number of miles of that portion around Fort Vancouver, where they had roads, and which I travelled over. I have been about six miles down the river.

Int. 10.—Please to enumerate and describe as fully as you can the different buildings at this post which were occupied by the Hudson Bay Company, when you were there, and their condition and value at that time.

Ans.—I can't describe them very well. They had a mill, store-houses, &c. I should think they had buildings sufficient to accommodate about two hundred people, besides the large store-houses for selling goods, storing provisions, granaries, saw and grist-mills. The buildings were chiefly of wood, some of them, not all, were made of hewn timber, about six inches thick, set down between upright pieces, fitting in a groove made in the upright pieces, either by nailing on pieces of plank, or by an actual groove set in these upright pieces. This is my recollection of them, I won't be positive. The buildings looked as though they had been in use for many years, but were still substantial, and would have answered for many years with ordinary repairs. In regard to their value, I could not make any estimate. They were buildings a company of troops could put up very rapidly, finding the materials near at hand, as was the case at Fort Vancouver.

Int. 11.—While you were there, what was the character of the relations subsisting between the officers of the Hudson's Bay Company and the officers of the United States—friendly or otherwise?

Ans.—It was very friendly while I was there.

Cross-Examination.

Int. 1.—Is not all the testimony you have given on this matter confined to your personal knowledge there in the year you spent there?

Ans.—It is.

Int. 2.—Was not the only overflow of the river you know anything about that of the summer of 1853?

Ans.—Yes sir, except by heresay.

Int. 3.—Can you, say then, whether the country you saw then overflowed was always so covered by water or not, and are your remarks as to overflowed portions of the claim to be based on that year's freshet?

Ans.—The amount of overflow is based on that year's freshet, and I simply understood while there that the river overflowed its banks every season at about the same season of the year. The difference of one foot in the freshet would have made a great difference in the amount of land overflowed.

Int. 4.—How does this land, subject to overflow, compare with that not overflowed in its value to the owner?

Ans.—I would say that for ordinary farming purposes it would have almost equal value. It would have to be owned in connection with land not subject to overflow.

Int. 5.—Did the enclosed land you got from the Company for cultivation have marks over its whole extent of cultivation.

Ans.—It did.

Int. 6.—Was any portion of this enclosed land overflowed during that summer?

Ans.—A portion of it was.

Int. 7.—Did you in these rides you have spoken of give any attention to marks of boundaries of the claim, or look for any?

Ans.—I gave no attention to it, and didn't know that the Hudson Bay Company pretended to any special boundaries.

Int. 8.—Was not the country around Vancouver when you were there to a great degree occupied by settlers claiming under the donation law?

Ans.—I presume they all claimed under the donation law, so I understood at least. It was partially settled. I don't think it was settled to a great degree. I mentioned all I recollected below Fort Vancouver. Above and back on the prairies, before described, other claims were taken. Nye settled while I was there stationed at Vancouver just above the forty or fifty-acre field I have described.

Int. 9.—What was your rank in the army of the United States while you were stationed at Fort Vancouver, and with what department of the army were you connected?

Ans.—I was first lieutenant and brevet captain until July, 1853, when I was promoted to full captain. I was regimental quartermaster whilst at Fort Vancouver.

Int. 10.—Was there not a large building outside of the stockades and enclosures of the Hudson's Bay Company at Vancouver occupied by the military authorities, for which rent was paid to the Company?

Ans.—Rent was paid the Hudson's Bay Company for a large store-house, but my impression is that it was inside the stockade. The Company had quite a collection of houses outside the stockade.

Int. 11.—Was not the enclosed field of forty or fifty acres hired by you of the Hudson's Bay Company at Vancouver fertile and productive land?

Ans.—It was.

Int. 12.—Is your recollection so distinct as to enable you to give any estimate whatever of the amount of open land on the claim of the Hudson's Bay Company twenty-five miles on the Columbia river by eight or ten miles back?

Ans.—I cannot give an estimate.

U. S. GRANT,
Lieutenant General.

WASHINGTON CITY, D. C., May 8, 1866.

TESTIMONY OF JAMES W. NESMITH.

James W. Nesmith, being duly sworn according to law, says:

Int. 1.—What is your name, age, place of residence, and present occupation?

Ans.—James W. Nesmith, aged forty-five years, residence Polk county, Oregon, occupation farmer, and at present United States Senator.

Int. 2.—Are you acquainted with the post at Vancouver which was formerly occupied by the Hudson's Bay Company?

Ans.—I am.

Int. 2.—When did you first become acquainted with the post, and what was its condition when you first saw it?

Ans.—The first time I was there was the 23d day of October, 1843. It was in very good condition when I first saw it, considering the character and structure of the buildings and the materials of which they were made. The stockade around the buildings was made of fir poles set in the ground. Many of them were in a state of decay, others had rotted off at the surface of the ground and had been replaced by new ones. The buildings were rather a coarse rude structure, and unpainted. They were built in what was known to us as the Canadian style, with posts set upright and slots cut in the posts in which timber was placed to fill the interstices between the posts. That is a character of building which is not durable, being liable to be wrecked by the storm, and soon decay. The buildings were without any permanent underpinning, and were set upon wooden blocks, many of which were in a state of decay, and the buildings were becoming wrecked and dilapidated on account of the insufficiency of the foundations. There was some difference between the buildings. I think the house in which Dr. McLaughlin resided and the building used for an office—those two buildings were of a better character than the store-houses. I think they were painted.

Int. 4.—Have you in early life had any experience in the trade of a carpenter, and have you any knowledge of the cost and labor of erecting buildings of such a character as you have

described? if yea, please to state what in your judgment is the value and cost of erecting such buildings.

Ans.—I worked at the carpenter's business when I was a young man. The value of the buildings I could not state for this reason: In the first place, I don't know how many buildings there were there, and the value I would give could be only approximate. I could not testify positively as to the size of the buildings. They were generally of a character which required very little mechanical skill in their erection, and might have been built by the commonest kind of labor.

Int. 2.—Have you seen Vancouver since then; if yea, when and how often?

Ans.—I was there in 1844, 1845, 1846, 1848, 1849, and 1852. In 1853 I was there three or four times; I was there several times in 1856; I was there in 1860 several times; I was there in 1861; and I was there three times last year, 1865.

Int. 6.—Please to look at the map here produced and describe the lands which were enclosed and occupied by the Company in the neighborhood of this post at the time you first visited it?

Ans.—My knowledge is not sufficiently definite to designate that. In my visits there I never went over their farms or enclosed lands. I know there were some lands enclosed in the neighborhood of the fort and below the fort on the river, the exact quantity or location of which I am unable to state.

Int. 7.—Please to describe as fully as you can the appearance and condition of the buildings at this post occupied by the Company as you found them from time to time as compared with what they were in 1843, giving their condition particularly as fully as you can in 1863 and 1846, or as near to these respective periods as you can.

Ans.—The buildings for a few years after my first visit were kept in repair and remained in about the same condition as when I first saw them, with the exception of the natural decay and injury they had undergone through the effects of the weather. For the last ten or twelve years they have gone to decay very rapidly, and when I was there last year, the buildings and the stockade had nearly all rotted away and fallen

down; what remained standing was in a very dilapidated condition.

Int. 8.—Have you any knowledge of the value of land at Vancouver; if yea, what in your judgment is the value per acre of the land at this post, including say a mile square on the river, which is claimed by the Catholic Mission.

Ans.—The town of Vancouver is embraced in this mile-square to which you refer. My knowledge of the value of lots in the town and the adjacent property is not sufficiently definite to enable me to testify with certainty on that point.

Int. 9.—What is the present condition of the town of Vancouver, and how does it compare in regard to trade and prosperity with its condition five years since?

Ans.—When I was there last year I noticed but very little improvement in the place. It did not bear evidence of much enterprise or business. If there has been any improvement in the last five years it has been very slight.

Int. 10.—Has there been any considerable growth in this place for the last five years, and in your judgment is it probable that it will increase very rapidly for some years to come?

(All the portion referring to the judgment of the witness objected to.)

Ans.—There has not been any considerable growth in the last five years. Considering its commercial and geographical position, and the character and the resources of the surrounding country, I do not believe that there will be any great improvement for many years to come.

Int. 11.—Have you or not paid particular attention to the course of trade for some years in Oregon and Washington Territory, and are you not familiar with the general character and condition of the principal places in this State and Territory?

(The latter part of the question objected to as leading.)

Ans.—I have paid a good deal of attention to the course of trade and commerce in Oregon and Washington for the last few years, and think that I have a pretty good general knowledge on that subject, and am familiar with the general char-

acter and condition of the principal places in the State and Territory.

Int. 12.—What, in your opinion, is the principal cause of the establishment and growth of the town of Vancouver heretofore?

Ans.—I think the principal cause of the growth of the town was the establishment of the military post there and the depot for the army supplies for that country. That brought commerce to the place; ships laden with Government supplies. Many persons congregated there for the purpose of procuring Government employment, which, together with the presence of the soldiers, caused some little trade to spring up there.

Int. 13.—What is the present prosperity of the town of Portland, in Oregon, and how, in your judgment, does its interests and welfare affect the question of the possibility of building up a flourishing town at Vancouver?

(Objected to as to Portland and as to the judgment of the witness.)

Ans.—Portland is, and has been, for the last six or seven years, in a very flourishing condition, and very rapidly improving. It is the emporium of commerce and trade for nearly all of Oregon, all eastern Washington, and a large portion of Idaho, and portions of Montana. The lines of ships and steamers are owned there. The great wealth and present importance of the place is sufficient, in my opinion, to prevent any town of consequence being built up in so close proximity as Vancouver.

Int. 14.—Have you ever visited or observed any of the other posts of the Hudson's Bay Company? if yea, please to enumerate the different posts which you have seen and observed.

Ans.—I have been at Fort Hall, Fort Boisé, Fort Walla-Walla, Astoria, Nisqually, the Cowlitz, and Champoeg.

Int. 15.—When did you see Fort Hall, and what was its condition when you saw it? please to describe the same as particularly as you can, the character and condition of the fort and the buildings, and their value, if you feel competent to state it.

Ans.—I never saw Fort Hall but once. I stopped there

four or five days in the autumn of 1843. It was then rather a rude structure, built of adobe, walled in with adobe, and within were some rude buildings of the same, covered with poles and dirt, the whole very rude and cheaply built. There was no lumber there of any kind, sawed or hewn. They could have been built by the rudest of labor; no skill was required in their construction. It was a mere mixing of mud to make adobes, and piling them up. At reasonable prices of labor, such as existed in the country at the time, I should think Fort Hall, as I saw it in 1843, could have been built for one thousand dollars.

Int. 16.—Did you observe at that time any lands there which were enclosed and cultivated by the Company? If yea, please to describe their character and extent.

Ans.—I did not observe any lands there enclosed or cultivated. Indeed, I do not think there were any at that time, as our party could not get vegetables or supplies. Mr. Grant, who was in charge, told us they raised nothing there.

Int. 17.—Please to state when you visited Fort Boisé; and describe the character and condition of the fort and buildings and lands which were occupied by the Company when you saw them.

Ans.—I visited Fort Boisé in the autumn of 1843, on my way down to Oregon. Its condition was about the same as that of Fort Hall. The buildings were of about the same character, and of about the same value. There was a small piece of ground enclosed there with a pole fence, of, perhaps, two or three acres—there might have been five—in which they attempted to raise a few vegetables; but they did not amount to anything. I saw them digging potatoes there. They were not bigger than bullets.

Int. 18.—Has anything occurred since then in the development of the mining or agricultural resources, in the settlement of the country, which has given any expressed new value to the site of either Fort Hall or Fort Boisé?

Ans.—Nothing has occurred to enhance their value since then. Pretty conclusive evidence of this is that, as I am informed, they have both been abandoned.

Int. 19.—When did you see Walla-Walla? Please to describe the character and condition of the fort and the buildings and the lands and the value thereof as occupied by the Company at this post when you last saw them.

Ans.—I first saw Walla-Walla in October, 1843. It then consisted of a stockade, built of adobe or sun-dried brick, with a few buildings inside, of the same material. It was more substantial and better constructed than either Fort Hall or Fort Boisé. I should think it might cost a couple of thousand dollars to have built Walla-Walla at the time I saw it. It was nearly new then. I encamped four or five days in the neighborhood of the fort, and was there every day. I saw no lands in its neighborhood enclosed or cultivated. It was a desert and a sand bank, the sand hills blowing about. I have been in the neighborhood several times, but only once at the post.

Int. 20.—Where is this post situated; and is this place of any considerable value or importance as a commercial point?

Ans.—It is situated on the south bank of the Columbia river, near the line between Oregon and Washington. I have understood that there is a little town, since grown up, either in the neighborhood, or directly at the post called Wallula, at which goods and supplies have been landed for the present town of Walla-Walla, and other points in the interior.

Int. 21.—From your knowledge of the situation of this place with reference to the trade of the river and the surrounding country, and the discovery of mines in the interior, do you anticipate the growth of any considerable town here at present?

Ans.—I do not think that there will ever be a large town there. There are other points on the river more valuable. When I was there last summer the greater part of the supplies were being landed at Umatilla, which is some distance below Wallula. There is a better route to the interior from Umatilla.

Int. 22.—When have you seen the post at Champog? Please to describe the character and condition and value of the same when you saw it.

Ans.—The first time I saw Champog was in 1844. I have seen it very often since, passing up and down the river. My recollection of it is that there was a small dwelling-house, a

granary, and a small store. They were all cheap, rough buildings. I should think the buildings, as I recollect them, might have been put up for one thousand or fifteen hundred dollars. The land is not valuable. I believe everything was washed away from there two or three years ago.

Int. 23.—Is Champeog a place of any trade or prospective importance, in your judgment, in the future growth or prosperity of Oregon?

Ans.—None whatever, I think.

Int. 24.—When did you visit and observe the buildings and lands occupied by the Hudson's Bay Company at Astoria, and please to describe their condition and character and value at the time you saw them, as fully as you can?

Ans.—I visited Astoria in August, 1844. There were then at that place two or three old buildings, one of which was a dwelling-house, in which the person in charge resided; the other was a salmon or store-house. There was also a small patch of ground enclosed. I think three or four buildings comprised the whole; they were very old and dilapidated. It is pretty hard to tell what an old rotten building is worth. They might have been worth one hundred or two hundred dollars. I don't consider them of any value. In connection with this, I might say, that there had been a post of considerable extent at one time, but it had all rotted down. A man by the name of John McClure took up a claim directly below the fort, and may have included the fort. In 1849 there were three or four houses on his land. Since then a village has sprung up below there. In 1861 I think there was the remains of one old building at the Hudson's Bay Post.

Int. 25.—From your knowledge of the course of trade, and of the character and resources of the country, do you anticipate the growth of any considerable town at this place?

Ans.—If the system of disembarking goods at the mouth of the Columbia is adopted, Astoria will become a considerable town.

Int. 26.—Have you ever seen and visited the place claimed by the Hudson Bay Company at Cape Disappointment? if

yea, please to describe its condition and character and value when you saw it.

Ans.—I was ashore at Cape Disappointment in the spring of 1849. Staid there a day. I passed in and out of the river several times since, and never saw anything there except some Indian huts. There was a light-house and a building or two, belonging [to] some Pacific City people. I speak now in reference to the Hudson's Bay Company.

Int. 27.—Is this point at Cape Disappointment now, or has it ever been of any value, in your judgment, as a place of trade with the Indians or other persons; and in what, in your opinion, if anything, does its value consist?

Ans.—It never has been a place of any considerable trade, to my knowledge. If it has any value, it is for a site for a light-house and fortifications for the Government. I know of no other value.

Int. 28.—How long have you been in Oregon, and how long have you been a member of the United States Senate?

Ans.—I went to Oregon in 1843, and that has been my residence ever since. I took my seat in the United States Senate the 4th of March, 1861.

Int. 29.—Do you know anything respecting the trade of the Hudson's Bay Company with the Indians, and has the same increased or diminished with the Indians before they abandoned the country.

Ans.—They had quite an extensive trade with the Indians when I first went there. Without having any positive knowledge derived from their books, I think their fur trade had diminished a great deal before they abandoned their posts and left the country.

Int. 30.—State, if you know, what was the character of the principal business of the Company at Vancouver for the most of the time subsequent to your residence there?

Ans.—On my arrival there, and for several years subsequent, their principal trade was with the Indians. As the country gradually settled up, my impression is their Indian trade gradually subsided, and the trade with the whites very much increased. They sold very many goods to the settlers.

Int. 31.—Do you know the extent of the foreign commerce of the Company while you were there? If yea, please to describe the number of foreign ships and vessels that yearly arrived from abroad at Vancouver on account of the Hudson's Bay Company.

Ans.—My knowledge on the subject is substantially this: I know there was a ship arrived there annually from England with supplies for the Company; that ships took back their furs, peltries, and such articles as they shipped out of the country. In addition to that, they had small vessels, which traded with some of the Russian settlements in the northwest, and I think with California. They shipped a great deal of wheat and other productions to the Russian settlements to the north. They also had some trade with California and the Sandwich Islands. I have no knowledge of the amount or value of their trade.

Int. 32.—Have you held any public offices or positions prior to your election as United States Senator? If yea, please to describe them.

Ans.—Yes, I have held several. In 1845 I was a judge under the Provisional Government. In 1846 and 1847 I was a member of the Legislature. In 1847 I commanded a company in the Indian war. In 1853 I was appointed United States marshal for the Territory of Oregon. In same year I commanded a company in Rogue River war. In 1854 I was brigadier general of the Oregon militia. In 1855 I commanded a regiment of volunteers in the Indian war. In 1857 I was superintendent of Indian affairs for Oregon and Washington, and held that office until 1859. That was the last office I held until I came to the United States Senate.

Int. 33.—You have stated that you were a superintendent of the Indian affairs. Do you know the effect of the trade and intercourse with the Hudson's Bay Company on their physical and social condition? If yea, please to describe it as fully as you can.

Ans.—So far as the intercourse of the Hudson's Bay Company with the Indian is concerned, I think their policy is the best that was ever adopted, that is with reference to the wants

and interest of the Indian. They operated upon his interest and his fears. So far as I know they administered very strict justice. They had a tariff of prices, and they paid one Indian the same as they paid another for whatever he had to dispose of. They encouraged sobriety and good conduct among the Indians, and when the Indians committed outrages they punished them. Their punishment was not that of a great military expedition, but they cut off their trade, and made the Indian feel his dependence upon them. They were an immense monopoly, and kept out individual enterprise and trade from the Indians. While they held that power they compelled the Indians to submit to their own terms. In the absence of any competition it was within their power to do this. They punished their own employés for infractions against the rights of the Indians; and so far as I know their contract with the Indians did not tend to demoralize or degrade them. The inculcation of sobriety and temperance by the Company resulted in its own benefit, that is, to the benefit of the Company, because while the Indian practised those virtues he had more to sell, and therefore increased the trade of the Company. The power of the Company to keep out private or foreign competition gave them the exclusive control of the Indians. The Indians looked to the Company as a government and a power. During their occupancy of the country there was little or no intrusion upon the Indian lands. The Indians retained the sites of their villages, fisheries, and hunting grounds; consequently they did not diminish in numbers as they did after the country was thrown open to general and promiscuous occupation.

After the power of the Company to control the intercourse between the Indians and the whites had ceased, I should say about 1846 or 1847, the Indians began gradually to diminish by reason of their promiscuous contact with the whites. While the Company enforced a rigid control over them, I do not know of their having done the Indians any injustice. The presence of this powerful monopoly in the country exercised a deleterious influence against the United States in controlling the Indians. In those remote regions the Indians were more

in the habit of recognizing the power of the Company than they were the Government of the United States. So far as my knowledge extends in regard to their social condition, I don't think their efforts extended so much in the direction of civilizing the Indian as it did in keeping him in a position where the greatest benefits could be derived in a trade with him as a hunter and trapper. A great many of the employés, and some of the officers of the Company, intermarried with the Indian women. The children, the result of this connection, were, in many instances, educated in the schools under the patronage of the Company.

Int. 34.—What was the effect of the policy of the Hudson's Bay Company on the development and settlement of the country, favorable or otherwise?

Ans.—I think the policy of the Company was adverse to the settlement of the country. I infer this from remarks made by the officers of the Company to myself and other early emigrants, as they invariably under-estimated the quality of the soil and the inducements for settlement, and advised the early settlers generally to go to California. This probably resulted from the fact that the settling of the country must inevitably destroy their trade with and their control over the Indian tribes. Upon the whole I think that the Company were very much averse to the occupation of the country by American citizens.

Int. 35.—From what period do you date the emigration from the States and the settlement of the country by American citizens?

Ans.—The first, and a very small emigration, crossed the mountains in 1842. In 1843 an emigration started from the western frontier, consisting of one hundred and eleven wagons, containing probably between four and five hundred men, women, and children, of which party I was one. The emigration has continued from that time to the present.

Cross-Examination.

Int. 1.—What length of time were you at Vancouver in 1843, 1844, 1845, and 1846?

Ans.—In 1843 I was there about a day. In 1844 I was there three or four days, perhaps a week, I don't recollect. I wasn't three more than two or three days in 1845. I would go there and stay all night, not more than two or three days in all. I don't think I was there more than once in 1846, though I might have been there oftener.

Int. 2.—What examination did you make of the buildings at the fort at either of those times?

Ans.—The first time I was there I examined them more particularly than I did afterwards. The place was new to me. I had heard a good deal of it, and I looked at it pretty thoroughly. My object was to write a description of it (which I did) to send back to some friends in the United States.

Int. 3.—Did you notice the buildings sufficiently at the time you speak of to tell how many of them were frame, how many of Canadian pattern, which of them were lined and ceiled and which were not?

Ans.—I think that all the buildings were of Canadian pattern except the office and house that Dr. McLaughlin lived in. That was my impression. They, I think, were ceiled and painted.

Int. 4.—Can you say that six of these buildings were not lined and ceiled?

Ans.—I couldn't say that positively. I never was in six of them that were lined and ceiled. I think the office and Dr. McLaughlin's house were the only ones.

Int. 5.—Can the commonest kind of labor build frame houses, line and ceil them, or does it require skilled labor for that purpose?

Ans.—The character of the houses they had there, lined and ceiled, would require very little skill to do it. They were very ordinarily constructed. The doctor's house and the office were the best buildings there, and any man, with any

knowledge of the use of tools, could build them. They would be called very rude in a civilized country.

Int. 6.—What time of the year in 1843 were you there?

Ans.—I was there on the 23d day of October, 1843; staid all night there. Was there part of two days, 23d and 24th.

Int. 7.—At the different times you were at the fort, before and during 1846, did you notice any building or repairing of buildings going on, or any renewal of the stockade?

Ans.—I don't think I saw any repairing of buildings going on. I saw some evidence of repairing the stockade, and perhaps of the buildings.

Int. 8.—Can you say that between 1843 and 1846 there were not two, if not three, large and important buildings erected within the stockade, in place of others taken down during that time, besides a block-house or bastion, mounting seven or eight guns, on the northwest corner of the stockade?

Ans.—I cannot. I recollect an old bastion on the northwest corner of the stockade, but don't remember any new one.

Int. 9.—Would you say that in 1846 there was a single picket in the stockade rotten or out of place?

Ans.—They were always kept up. The Company never permitted them to fall down. In explanation of this I will say, the fir timber, of which the pickets were made and the stockade was built, would rot off at the surface of the ground in four or five years, and there might have been some in that condition at that time, though I am not positive.

Int. 10.—When a picket is thoroughly barked and charred before putting it into the ground, does it not last much longer?

Ans.—I never saw it tried; that is, a fir picket. I have seen oak tried, but don't know the effect.

Int. 11.—Were not all these pickets thoroughly barked and charred at one end, and were any of them of a less size than from eight to ten inches in diameter, and was not this whole stockade renewed before 1846?

Ans.—If they were barked and charred, it was the end in the ground and out of sight. I couldn't say positively as to

the size. My impression is they ranged from eight to ten inches. I couldn't state positively with regard to the renewal of the stockade. I know that new posts or poles were put in.

Int. 12.—What was the size of the enclosure of the stockade at Fort Vancouver in 1846?

Ans.—I couldn't state with any degree of certainty. My impression was that it was about six hundred feet long, and about four hundred feet wide.

Int. 13.—Can you say that the enclosure of the fort was not considerably enlarged between 1843 and 1846?

Ans.—I cannot.

Int. 14.—Could not these blocks that you spoke of, under the buildings, be removed, and others substituted in their place, at pleasure; and were not the buildings constructed for the purpose of having these supports changed. Is not that the way in which houses, stores, and even large buildings, like churches, are built in Washington Territory?

Ans.—I have seen them built that way. The blocks on the outside could be removed; but it was very difficult to remove those inside, unless the building stood very high. Some of them were very low. It would wreck the building to pry it up to remove the blocks. I have seen buildings built that way. That is very common.

Int. 15.—Is there any difficulty in raising these buildings by jack-screws?

Ans.—They can be raised in that way.

Int. 16.—Would not good cedar or oak blocks last a long time, before being renewed, and where stone is scarce, is it not both usual and convenient to use blocks?

Ans.—Yes.

Int. 17.—Would not the fact that these buildings were raised by these blocks from contact with the ground keep the main building from decay?

Ans.—Yes, sir; certainly it would prevent it decaying if the blocks were kept renewed.

Int. 18.—Did you ever build any of these Canadian buildings, or have you ever examined so as to know how they are fastened together, and what their strength is?

Ans.—I never built any in the Canadian style. I have frequently examined them, and know the strength of their construction.

Int. 19.—You have stated that within the last ten or twelve years those buildings have gone to decay. Do you feel certain that those buildings were not in good order in 1853, 1856, 1858, when you were there?

Ans.—They were in a condition to be occupied in 1855 and 1856. They had gone very much to ruin, and were in much worse condition than when I first saw them.

Int. 20.—Was the house of the chief factor out of repair when you came there, in 1856; and were there any better houses in Oregon at that time: if out of repair what was wanting?

Ans.—I don't know that the house was really out of repair. It was a good deal older and more dilapidated than when I first saw it. There were a great many better houses in Oregon at that time.

Int. 21.—Were not all the buildings inside the fort in 1846, when you were there, shingled buildings?

Ans.—I think they were.

Int. 22.—With the exception of the want of paint, what was there wrong in the store-houses and dwellings inside the fort, when you were there, in 1856. Were they not water-tight, and answering all the purposes for which they were erected in former years?

Ans.—I noticed that a good many of the buildings, from the giving way of foundations and rotting away of blocks, had settled, and left the buildings out of shape. Some of them were in that condition in 1856.

Int. 23.—Is not Clarke county, of which Vancouver is the county seat, one of the largest, if not the largest, county in Washington Territory, in point of actual population, independent of the soldiers of the garrison?

Ans.—I couldn't state that positively. I don't know the boundaries of the county, or the population. It is very possible that it is.

Int. 24.—Have you not known of the ocean steamers being

detained on the bar, at the mouth of the Willamette river, and on Swan Island bar, for several days at a time, and could not the same vessels have gone on to Fort Vancouver?

Ans.—I have. I think the same vessels could have gone on to Vancouver.

Int. 25.—Does not all the freight that passes up the Columbia river from abroad have to be carried some distance out of its course, to pass through Portland, in going to the mines?

Ans.—It does.

Int. 26.—At what time of the year were you at Fort Hall?

Ans.—I think it was in the early part of September, 1843. I can't say positively the day.

Int. 27.—How long were you in coming there from the frontier of the Western States?

Ans.—About four months, I think. We came very slowly in the ox wagons.

Int. 28.—How many men were there in your company?

Ans.—I could not state the number of men. There were one hundred and eleven wagons, and in the neighborhood of four hundred men, women, and children.

Int. 29.—Did you bring your provisions with you, or did you subsist on what you obtained on the plains?

Ans.—We brought the most of our provisions with us. We killed a great deal of game.

Int. 30.—Were the men in your expedition armed; or did you travel unarmed and defenceless?

Ans.—We were well armed.

Int. 31.—How long were you in going from Fort Hall, and did you go there by land or by water?

Ans.—I think we were about six weeks on the road. Our animals were very much worn down, and we travelled very slowly. I went from the Dalles down by water. Some of our party went from Walla-Walla by water. I left the emigration at the Umatilla river, and came on with pack animals. Some of the party came on a month behind me.

Int. 32.—Had your party been delayed a month on the road; could they have reached Fort Vancouver that winter?

Ans.—I think they could. It was a mild, open winter.

Int. 33.—How far was it from the western frontier to Fort Hall, and from Fort Hall to Vancouver?

Ans.—I am unable to give the distance now. I think it was about fourteen hundred miles to Fort Hall from the Missouri border; and about six or seven hundred miles from Fort Hall to Vancouver. Those distances can be ascertained easily. I have no data by which I can tell.

Int. 34.—Are you certain of the distances you have given from Fort Hall? Isn't the distance much greater from the border to Fort Hall; and is it not six hundred miles from there to Walla-Walla?

Ans.—I am not. I don't pretend to give those distances with any degree of certainty. I knew them once, but they have escaped my memory.

Int. 35.—Do you know the charges for transporting freight now, per ton, from the western frontier, Utah, or Fort Hall? If so, state them.

Ans.—I do not.

Int. 36.—Do you know the cost or charge of taking freight or provisions from Portland to Walla-Walla during the time you served in the Walla-Walla or Cayuse Indian wars?

Ans.—I don't recollect. In fact none of it was transported by contract at that time; it was all taken by pack animals or our own wagons; that is, the wagons belonging to the Provisional Government of Oregon, and by the troops.

Int. 37.—From the military positions you have filled, can you state the cost of supporting a body of fifty men, one thousand miles from the Willamette valley, for one month in the year of the Indian war?

Ans.—If they lived as we did, the cost would be very slight. We had very little else than beef or horse meat to eat, both of which were very cheap.

Int. 38.—How far would a thousand dollars go in bringing men from Canada or England to the Pacific coast, and equipping and provisioning a party to go from Vancouver to Fort Hall, when there were no forts at Walla-Walla or Boisé, or transportation on the Columbia river?

Ans.—I am unable to state that in detail; I can state the

value of labor and the character of subsistence there, but I cannot state what it would cost to take men from Canada there.

Int. 39.—What was the labor you speak of at Fort Hall in 1843; was it not that of the emigrants who had crossed with you?

Ans.—Some of the emigrants who went with me hired out, at Fort Hall, to go out with trapping parties.

Int. 40.—How many of them, and for how long a time; and did they remain there during the winter?

Ans.—There were two or three of them who hired out. I don't know how long they remained. I tried to hire out myself.

Int. 41.—When you stopped at Fort Hall, in 1843, did you notice the height and thickness of the walls, the height and size of the buildings within the fort, or the size of the enclosure? If so, please state them.

Ans.—My recollection on all these points is not positive. The enclosure was, I think, one hundred and thirty or forty feet square; the wall was about eighteen or twenty inches thick, and about twelve or fourteen feet high. There were several low buildings inside, connected together; the wall of the fort formed one side of the buildings.

Int. 42.—Are you prepared to say, from your recollection, that there were not a two-story dwelling-house, three ranges of buildings, containing six dwelling-houses, a store and blacksmith's shop, two two-story bastions, and one small two-story building, inside, or connected with the enclosure?

Ans.—There were two bastions, but they were outside of the enclosure. There might have been as many buildings as you designate, but they were small and rude, without floors, and covered with earth; I think one of them was two stories high.

Int. 43.—Were there not two horse-parks, of large size and thick walls, outside the fort?

Ans.—I don't recollect about two; there was one, certainly.

Int. 44.—Do you know anything about this post after 1846?

Ans.—I do not; I never saw it after 1843.

Int. 45.—Did you stop long enough at Fort Boisé to pay any particular attention to it?

Ans.—Not a great deal; I was there a couple of days. I was in the fort and around it.

Int. 46.—Is your estimate of value and cost of Boisé based on the same grounds as that of Fort Hall?

Ans.—I should think it would cost about the same. It would not cost as much as at Fort Hall to live, as they had dried salmon there. It did not cost much to live at either place.

Int. 47.—Do you know anything of this post in 1846?

Ans.—I do not; I never saw it after 1843.

Int. 48.—Do you know how far from Boisé City, the capital of Idaho Territory, is Fort Boisé? If so, state it.

Ans.—I don't know positively; I have been informed thirty or forty miles.

Int. 49.—Is there not a large and prosperous mining population in the vicinity of Forts Hall and Boisé at the present time?

Ans.—Boisé City is a large and prosperous town. I can't speak of Fort Hall, as I have not been there since 1843.

Int. 50.—What examination did you make of the post at Walla-Walla, if any? Give the size of the enclosure, the height and thickness of the walls surrounding the fort, the number of houses inside, the number of stores; and state, if you know, of what the foundation of the fort consisted.

Ans.—I could not give the size; I think it was larger than either of the two other forts. My impression is the foundation was of stone. I should think the walls were twenty inches or two feet thick, and twelve or fourteen feet high. There were several small buildings inside; I will not undertake to state the number. My general impression is it was much better constructed than the other two forts. In explanation of these houses, I will say the wall of the fort was the back wall of the building. Another wall was made parallel to it, which was the front, and the two walls were partitioned off into separate rooms, the whole covered with poles

and earth. I should not designate each room as a separate building.

Int. 51.—Was there not a quantity of buildings outside the enclosure of Walla-Walla?

Ans.—There was not when I was there, in 1843. The fort appeared to be nearly new when I was there.

Int. 52.—Can you state anything in reference to Walla-Walla in 1846?

Ans.—I cannot.

Int. 53.—Is your estimate of the cost of erecting Fort Walla-Walla based on the same ground as that of Fort Hall?

Ans.—My estimates of the cost of all these buildings are based on the cost of labor and subsistence at those places at the time I saw them.

Int. 54.—Were there any men of your party hired at Fort Walla-Walla at that time?

Ans.—Not immediately at the fort. There were some hired twenty-five miles from there, at Wiilatpu.

Int. 55.—Do you know anything of the erection of adobe walls and buildings, or the making of adobes; if yea, what has your experience been?

Ans.—Yes. My experience has been they would find a mud hole; drive a lot of cattle in it, so that they would mix up the clay, and then they would form a brick about a foot long, and six or eight inches thick, and then dry it in the sun.

Int. 56.—Were not the Indians at Walla-Walla valley numerous, turbulent, and warlike?

Ans.—They were neither when I was there, in 1843. They did not become so until after the Whitman massacre, which was in the latter part of 1847. They were hostile again in the fall of 1855.

Int. 57.—After that time were they not considered a powerful and brave tribe of Indians; and did not they and their allies, on the Walla-Walla river, hold in check a regiment of Oregon volunteers in Walla-Walla valley?

Ans.—No; the Walla-Wallas proper were not a numerous tribe, but were warlike; nor they did not hold a regiment in check, but had a fight for three days with about three hundred

Oregon volunteers. They were whipped and driven from the ground, and the troops advanced. Their allies were the Yakamas, Nez Percés, Palouses, Cayuses, Taighs, Wascopams, and the John Day river Indians.

Int. 58.—How far would two thousand dollars go in paying and supporting troops to protect a party building a fort in this valley, when the Indians were not friendly?

Ans.—That question is so vague and indefinite that I can't answer it.

Int. 59.—Did not all or nearly all the emigration pass down the river in the fall of 1843?

Ans.—Nearly all of them went down either by land or water to the Willamette valley; a few remained at Whitman's.

Int. 60.—Do not the steamboats of the Oregon Steam Navigation Company, now navigating the Columbia river, land their freight and passengers for the Upper Columbia and Snake country, except in high water, at Wallula?

Ans.—I do not know positively; I never was there on a steamboat, and never saw one there. I went last fall up the river on a steamer; most of the passengers and freight were put off at Umatilla; a portion went on to Wallula.

Int. 61.—Is not the stage road of Ruckle and Thomas the only good road across the Blue Mountains, leading to the mining country; and do not their stages run to Wallula?

Ans.—There is a difference of opinion concerning the best road across the Blue Mountains. Some claim the road by Umatilla is the best road and much nearer. Stages run on both routes. Ruckle and Thomas run to Wallula.

Int. 62.—Have you ever been in the Walla-Walla valley since you came through in 1843; if so, when were you last there?

Ans.—Yes, I have been there twice. I was there last September.

Int. 63.—Is there not a large and flourishing settlement in that valley?

Ans.—There is.

Int. 64.—Describe the dwelling-house at Champoeg at the time you saw it in 1846; its size, whether it was c'boarded

and shingled, how it was finished inside, and whether at that time it was not a new house.

Ans.—My recollection of it is that it was a small house, nearly new, shingled and weather-boarded. I don't know how it was finished inside. I don't recollect.

Int. 65.—Describe the granary at Champoeg in 1846; its size and structure and capacity; and state whether this building in 1846 was not a new building.

Ans.—I think it was nearly new. I think it was about twenty-five feet square, high up from the ground, a rough building.

Int. 66.—When, to your knowledge, was the town site of Champoeg inundated by freshet so as to depreciate the value of the property there previous to 1846?

Ans.—Not to my knowledge. There was a freshet in 1845. I think it overflowed a portion of Champoeg. I don't know. I was not there.

Int. 67.—How long were you at Astoria or Fort George in 1844?

Ans.—I was in the neighborhood about a week.

Int. 68.—Did you visit the Company's post there, and were you inside the agent's house or any of the buildings?

Ans.—I was inside the Company's house at Astoria?

Int. 69.—Did you notice a dwelling-house fifty by twenty feet, another thirty by twenty, another thirty by twenty, and store-house, of the same size of the last?

Ans.—I recollect quite a long dwelling-house, with two or three rooms, I would not undertake to state the size, and the store-house standing close by. I have no distinct recollection of any other building.

Int. 70.—Were not those buildings you noticed shingled, and might not the old and dilapidated appearance you speak of have been caused by want of paint and exposure to weather?

Ans.—I think they were shingled. It is possible the dilapidated condition might have been caused from want of paint.

Int. 71.—Did not the patch of ground you speak of, and

the land these buildings were on, include two acres or more of land, free from stumps and in fine order, under fence, and more clear land outside of fence?

Ans.—I should think there were two or three acres enclosed for a garden. My recollection is, it was clear from stumps, and in good condition. There was some cleared land outside the garden, but I don't recollect the quantity.

Int. 72.—You say the ground around was heavily timbered; was not the whole country down to the shore covered with the largest growth of Oregon fir-trees, and a forest from which these grounds had been cleared for the buildings, and open land around them?

Ans.—It was.

Int. 73.—What would it now cost in Oregon to clear free from stumps and render smooth an acre of land in the heavy fir forest of that country?

Ans.—I could not undertake to state the exact amount. I never had any experience in that. It would be very expensive.

Int. 74.—At what part of Cape Disappointment did you land in 1849, and on what part of the cape did you see Indian huts?

Ans.—I landed just inside the cape. I think it is called Baker's Bay. There were some Indian huts along the margin of the bay.

Int. 75.—When did you see Pacific City and its buildings, and did you ever land there?

Ans.—I never landed at Pacific City after the town was commenced building there. I never was on shore after 1849.

Int. 76.—Do you not think your recollection is at fault as to the number of ships from England in each year. Was there not, in 1843, the Diamond and Columbia; in 1844, the Brothers and Cowlitz; in 1845, Vancouver and one other; in 1846, the Admiral Morgan and the Columbia; and was there not, besides the small vessels you mention, the Company's steamship Beaver, used in the coasting trade?

Ans.—I could not positively state as to that; there may have been two vessels a year. I recollect seeing the Vancou-

ver there. I also saw the Beaver there once, and the Cadborough.

Int. 77.—Do you not think that a person acquainted with the climate and fertility of soil of California might consistently advise an emigrant to settle there in preference to Oregon, as it then was, in 1843?

Ans.—That would be a matter of opinion.

Int. 78.—You have spoken of the emigration of 1843, and the price of the labor of that emigration at Forts Hall, Boisé, and Walla-Walla as governing the cost of building these forts. I will now ask you if the laboring men of that emigration were not so worn out by the fatigue of crossing the plains as to make their labor of little value?

Ans.—No, I should think not; they had plenty to eat on the road. There may have been some worn out, but the majority of them were in good condition. The trip was a long and tedious one, but was not physically exhausting.

Int. 79.—Is it a fact that the emigration of 1842 was very small? What had they done, if anything, for settlement?

Ans.—The emigration of 1842 was very small. I think they sold or abandoned all their wagons at Fort Hall, and came down with pack animals. They had done very little towards the development of the country at the time of my arrival there.

Int. 80.—How many troops were there employed in the war in which you served as colonel, in 1856, and in which the fight occurred in the Walla-Walla valley?

Ans.—I organized and commanded the regiment. I think it consisted of about seven hundred men when it organized. I took about four hundred of them, and made the campaign in the Yakama country, on the north side of the Columbia river.

Int. 81.—Did that regiment alone comprise all the Oregon troops in that war?

Ans.—No, sir; there were more troops serving in the southern portion of the Territory than there were in my regiment, but I could not state the number. While I was absent in the Yakama country, Colonel Kelly advanced towards

Walla-Walla, under my orders, with a battalion on the south side of the Columbia river.

Int. 82.—What was the total amount allowed by the board of commissioners appointed by the United States Government for the claims for subsistence, transportation, and pay of these Oregon troops?

Ans.—I am unable to state anything near the amount. It has escaped my recollection.

Int. 83.—In the early settlement of Oregon, in 1844 and 1845, did not the settlers entertain great fears of the tribes of Indians in the Territory of Oregon?

Ans.—I don't think there was any apprehension entertained on that subject up to the time of the Whitman massacre in 1847. The Indians of the Willamette valley, where the principal American settlements were at that time, were exceedingly docile, and not disposed to make war. Nearly all the Indian hostilities have been confined to the southern portion of territory, north of the Columbia river, and east of the Cascade Mountains. We never had any Indian war in the Willamette valley.

Int. 84.—You have spoken of these forts of the Hudson's Bay Company; were they not strong and substantial fortifications, ample to protect the employés of the Company against all attacks of hostile Indians, and suitable for the purposes for which they were erected?

Ans.—They were ample for all those purposes.

Int. 85.—Did you in 1845, at Oregon City, sign a paper containing this language, viz :

“That this mixed population exists in the midst of numerous and warlike tribes of Indians, to whom the smallest dissensions among the white inhabitants would be the signal to let loose upon their defenceless families all the horrors of savage warfare?”

(Objected to as incompetent.)

Ans.—In 1845 the Legislature was in session in Oregon City. They drew up a memorial to the Congress of the United States, which I, among others, signed. I have no positive recollection of the language, but I think it did contain some-

thing of the character contained in the question. We were exceedingly anxious for the United States to extend its laws and jurisdiction over us.

Int. 86.—Did this paper which you signed contain this passage, now read to you, viz:

“Although such has been the result thus far of our temporary union of interests; though we, the citizens of the United States, have had no cause to complain either of exactions or oppression at the hands of the subjects of Great Britain, but on the contrary, it is but just to say that their conduct towards us has been most friendly, liberal, and philanthropic, yet we fear, as long continuance of the present state of things is not to be expected, our temporary government being limited in its efficiency and crippled in its powers by the paramount duty we owe to our respective Governments, our revenues being inadequate to its support, and the almost total absence, apart from the Hudson’s Bay Company, of the means of defence against the Indians, who, recent occurrences lead us to fear, entertain hostile feelings towards the people of the United States?”

(Objected to as incompetent.)

Ans.—I have not seen that memorial since I signed it. I think it is more than probable that it contained the statements in question. My impression is that it did.

Int. 87.—Did this paper which you signed contain this passage, now read to you, viz:

“Your memorialists would further inform your honorable body, that while the subjects of Great Britain, through the agency of the Hudson’s Bay Company, are amply provided with all the munitions of war, and can afford, by means of their numerous fortifications, ample protection for themselves and their property, the citizens of the United States are scattered over a wide extent of territory, without a single place of refuge, and within themselves almost entirely destitute of every means of defence?”

(Objected to as incompetent.)

Ans.—As I said before, I have not seen that memorial for twenty-one years. I think it contained language similar to

that which you quote. We were endeavoring to make a strong case and get protection. I recollect the memorial, and the person who drew it, and I have no doubt but what it contained substantially what has been read.

Int. 88.—Do you not know that the cost of taking flour and other provisions to the Walla-Walla valley, in the Indian war of 1855-56, was very great?

Ans.—It would have been very great to have transported flour or supplies there.

Examination-in-Chief Resumed.

Int. 1.—You have stated in effect, in reply to some question in the cross-examination, that you were unable to give from recollection the dimensions of the forts and buildings, which you have seen at different times, at the posts of the Hudson's Bay Company, nor to describe in detail their specific condition in any given year; and you have stated also that the want of paint and clap-boards may possibly have contributed somewhat to the dilapidated appearance of the buildings: please now to state whether your memory is or is not distinct, in regard to the general appearance of these forts and buildings, as you saw them at different times, and whether or not, on reflection, you think that you have given in your testimony-in-chief, and now wish to alter any part of the same.

Ans.—I do not think I have erred in my testimony-in-chief. The question was asked me, in reference to Astoria, if the appearance of the dilapidation of the buildings did not result from the want of paint and exposure to the weather. The buildings were very old and very much decayed; paint might have kept them in a better condition. My memory is distinct on the general appearance of the buildings. Of course there may be some things in detail which have escaped my memory.

Int. 2.—Do you know of any operations of the Hudson's Bay Company, in the Territory west of the Rocky Mountains, on either side of the Columbia river, in clearing the land of timber, or in making roads with a view to opening the coun-

try to settlement? If yea, please to describe the same as fully as you can.

(Objected to, as nothing of that kind having been inquired into in the cross-examination.)

Ans.—I never saw any land about their posts that bore evidence of having been cleared, except about Astoria. There the timber had evidently been cut off many years before. I never saw anything deserving the name of a road, that had been made previous to my going to the country.

J. W. NESMITH.

WASHINGTON, *May* 15, 1866.

TESTIMONY OF JUSTUS STEINBERGER.

Justus Steinberger, being duly sworn, according to law, deposes, and says:

Int. 1.—What is your name, age, place of residence, and present occupation?

Ans.—My name is Justus Steinberger; I am forty years of age; my residence is Washington city, at present; I have no occupation at present.

Int. 2.—Have you ever lived in Oregon and Washington Territory; if yea, when and where, and for how long a period at each place?

Ans.—I have; I went to Oregon first in 1850, I think in October, and remained there until, I think, April, 1851. I afterwards went to Oregon in February, 1852, to make it my residence; it has since been my residence, although I have been absent frequently; on one occasion for over two years. I spent a year in Washington Territory, in the service of the Government, in the employ of the army. I think that was in 1860 and 1861; I don't recollect the day I went there, or the day I left. I then left Washington Territory in the summer of 1861, and returned to Fort Vancouver in April, 1862, and took command of the military district, of Oregon, with the rank of colonel of volunteers; and from that time until March,

1865, was in the army service of the Government, in the district of Oregon. During my term of service, from April, 1862, to March, 1865, my immediate stations and headquarters were in Washington Territory.

Int. 3.—Have you ever visited any of the posts of the Hudson's Bay Company, in what was formerly the Territory of Oregon, west of the Rocky Mountains? If yea, please to name the different posts in their possession which you have seen, and with which you are acquainted, more or less.

Ans.—I have visited Fort Vancouver; have seen the site of the old Fort Walla-Walla, and of the Hudson's Bay Company's post on and near the mouth of the Cowlitz. I have seen the claim of the Hudson's Bay Company at Baker's Bay, mouth of the Columbia river, on the right bank. I have been at Champoeg, and Fort George, or Astoria. I know Pillar Rock; I have been by it frequently, and I think I've been ashore at or near there. I don't remember any other places.

Int. 4.—Please to describe, as fully as you can, the character and condition of the fort and buildings of the Company at Vancouver when you first saw them.

Ans.—My recollection of Fort Vancouver in the winter of 1850, when I first saw it, is very indistinct, and my remembrance of the fort refers to the time of my residence in Washington Territory and Oregon, from 1852 to 1865. During that time I made frequent visits to the fort. I never made a careful examination of the character of the buildings, but remember them as wooden structures, store-houses, and residences of the officers and employés of the Company, surrounded by a picket stockade. The character of the whole structure looked to me as if for defensive purposes. There were two bastions, if not more. I recollect two at least, with guns in them. Some pieces of artillery were in front of the Governor's house. There were one or two buildings which looked to me to be store-houses, outside the picket, said to belong to the Hudson's Bay Company; an apple orchard enclosed, and a number of fields enclosed, (how many, I don't know,) and apparently under cultivation. There were also a number of old slab buildings collected together, and called Kanaka Town.

Whether they belonged to the Hudson's Bay Company or not, I do not know. I never carefully examined the structures. They were built of wooden material, and compared to the style of the recent buildings in Oregon, I think were inferior in construction and material.

Int. 5.—Are you familiar with the country adjacent to the post and bounded on the river, extending say from a point six or eight miles above the fort westerly to the Cathlapootl or Lewes river, and back from the river for a distance say of eight or ten miles?

Ans.—I know very little of the country beyond one mile back from the Columbia river except the Fourth Plain; I have seen that.

Int. 6.—Have you any knowledge of the value of the land per acre at the post at Vancouver; if yea, please to describe the value thereof as fully as you can, discriminating between the different varieties of the land.

Ans.—It is impossible for me to answer that question in that shape, and for the reason that I never offered to purchase any of that land, and none of it was ever offered me for sale, with this one exception, that when a town plot was laid off and lots were sold in what is now called Vancouver, I owned the one-half of ten acres in the town site, and at a point that I believe the most valuable in the town. It cost at the rate of one hundred dollars per acre. I have forgotten the year the purchase was made. It was purchased at a time that great expectation was had of the growth and prosperity of Vancouver as a commercial town. I believe the property to be of less value now than when I purchased. My recollection of the estimated value of it, by other persons, differed so widely in price that I could never form an opinion as to its value.

Int. 7.—What was the condition of the fort and buildings at Vancouver in 1863? Please to describe the same as fully as you can.

Ans.—I didn't pay much attention to the property in 1863. I did not live at Vancouver, but in several visits I made to Vancouver in that year, I saw the old site of the Hudson's

Bay Company, Fort Vancouver, and it presented to me the appearance of old, dilapidated, and worthless ruins.

Int. 8.—Did you, while residing on the Pacific coast, observe the course of trade in that country, and the progress of settlement at different points? If yea, please to state what, in your opinion, is the prospect of the future growth and prosperity of the town of Vancouver.

(Opinion of witness objected to.)

Ans.—I was personally engaged in business in Oregon for several years, and had an opportunity to observe the progress of trade. It is my belief that, from present indications, Vancouver will not be a point of any great commercial importance.

Int. 9.—Has or has not the town of Portland advanced in wealth and population, materially, the last five or ten years? If yea, how does it affect the growth and development of the town of Vancouver?

Ans.—It has advanced in growth and prosperity very much; and its growth has retarded in some measure that of Vancouver. I believe that the principal purpose in the location of the town of Vancouver, and the inducements for the investments in town property there, was the prospect of its successful rivalry with the city of Portland as a commercial port. In that I think it has failed.

Int. 10.—Have you any knowledge of any of the other posts of the Company in what was formerly Oregon Territory? If yea, please to describe the same in detail, as fully as you can, giving the character and condition and value of the fort and the buildings when you saw and observed them.

Ans.—I saw, in 1850, at Baker's Bay, one old building of wood, reported to belong to the Hudson's Bay Company. There was very little cleared land around it. The building was of very little value; it fronted on the bay; the other three sides were surrounded by a dense forest. Adjoining what was reported to be the Hudson's Bay Company's claim, a town site had been located, I believe by Dr. White and others, called Pacific City. There was but one building on the town site—a hotel kept by Mr. Holman. There were expectations of its

becoming a town of importance, as a seaport. The enterprise proved a complete failure, and was abandoned. I saw the buildings near the mouth of the Cowlitz, on the Cowlitz river, in 1850, said to belong to the Hudson's Bay Company. To the best of my recollection, there was one large storehouse, several small out-houses and sheds, and a few small houses occupied by the officers and servants of the Company. The storehouse was a tolerably substantial building, and of rough material. The other buildings, compared to those built by Americans at the present time, were of rude structure; they were on the site of the landing where small steamboats now land. I cannot place any estimate upon the value of the buildings. I saw what was called Fort George, now Astoria, in 1850. To the best of my recollection, there were a few old buildings, said to belong to the Hudson's Bay Company, of very little intrinsic value, and a very few acres of land, partially enclosed. It was occupied at the time by the troops of the United States Government as a military post. I have no knowledge of the property of the Hudson's Bay Company at Chamboeg. I saw the site of the Hudson's Bay Company's Fort Walla-Walla in 1862 for the first time, and had pointed out to me two old adobe buildings and the remains of a stockade, said to have belonged to the Hudson's Bay Company. They had been repaired, and were occupied by a Mr. Van Syce. I am unable to put any estimate upon their value. The site was the landing-place for steamboats.

Cross-Examination.

Int. 1.—Between 1852 and 1856, were you residing at Fort Vancouver, or only visiting there occasionally; if so, where did you reside, and in what business were you occupied?

Ans.—I lived at Portland, Oregon; I was the agent of Adams & Co.'s express and banking establishment for Oregon and Washington Territory. I visited Fort Vancouver very frequently.

Int. 2.—How far from the site of the fort, down the river,

was this ten acres you speak of purchasing? Look on this map, and, if you can, locate it.

Ans.—I can't on this map, because the Vancouver lots are not marked here. I can describe it by saying it was next to the saw-mill; it was between a half-mile and a mile from the western picket line of the Hudson's Bay Company's old fort at Vancouver; I don't recollect the exact distance.

Int. 3.—On the land claim of what American citizen was it situated, and of whom did you buy it?

Ans.—I don't recollect; I bought it jointly with another person, and paid no attention to the transfer.

Int. 4.—Do you not recollect that the town of Vancouver was laid out in lots, and that this ten acres was below the part laid out in lots?

Ans.—I don't remember that, but my impression is that it was a part of the town site, though of that I am not certain.

Int. 5.—When towns are laid out in lots, are they ever sold in acres, or are they sold by the subdivisions of lots, defined by the survey?

Ans.—I can only answer that question by stating a fact. I know that a town site was located on the Willamette river, in Oregon, embodying the whole of a land-claim of three hundred and twenty acres; and that while a portion of the claim adjoining the river was laid out in lots of certain dimensions, a portion of the rear of the claim, of about forty acres, was sold by the acre, subject to an after subdivision of the town by the town or city authorities.

Int. 6.—If you do not know whose title you purchased, or whose land you bought, can you tell whether you had a deed from the Hudson's Bay Company for this land?

Ans.—I believe not. I believe no deed from the Hudson's Bay Company.

Int. 7.—Do you still retain the part ownership of this land, or have you sold it? If so, for what price, and how long since?

Ans.—I have no ownership in it at present. I sold my interest in it for six hundred dollars, which I considered was more than it was worth. I sold it about six years ago.

Int. 8.—Are there not some objections to Portland as a place of commerce, such as want of water in the river for ocean steamers; is not the being off the line of travel, on the main Columbia to the mines, another objection; and is not the narrowness of the Willamette river, at the site of the town, another objection; and is not the tendency to open direct trade from the mines with San Francisco likely to do an injury to the commerce of Portland?

Ans.—The want of a sufficient depth of water at Swan Island bar and at the mouth of Willamette river, where it empties into the Columbia river, was, at certain seasons of the year, an embarrassment to navigation for ocean vessels of heavy draft. To the citizens of Portland, it was not considered an insuperable objection to the commerce of their town. The citizens of Portland think being off the line of travel is not an objection. I think the water-front at Portland is sufficient for the present commerce of the town. The only complaints I have ever heard of the want of room in the water-front have been of the little delay that has occurred in swinging around large steamships in their departure from the wharves. It never afforded an impediment for their departure, but took a little time to manœuvre their ships, and this only at a very low stage of water. The citizens of Portland do not think that the tendency of open and direct trade from the mines to San Francisco would be an injury to their commerce. They don't think any other city can compete with them. The town of Portland was first located with a view to the supply of the Willamette valley and Tualatin Plains, and as at the head of navigation of the Willamette river, which waters that country.

The country in which the gold mines have since been discovered attracted to commercial men at that time no interest. The ocean vessels running to that town, and for a few years after its location, were able to supply the wants of the Willamette valley, and Tualatin Plains, without embarrassment in navigation.

Portland is twelve miles up the Willamette river, from where it empties into the Columbia river. As Portland increased

in population and prosperity, persons having an interest in property on the Columbia river, above and below the mouth of the Willamette, made efforts to establish towns. Several points were spoken of as eligible points for sea-going vessels; among the rest, Astoria, Cathlamet, Rainier, St. Helen's, and Vancouver. Buildings were put up on them, and every effort was made by the proprietors of the land to attract attention to their eligibility for that purpose.

The influence of the City of Portland has thus far overcome the embarrassments of the navigation of the Willamette river that I have mentioned, and has prevented any successful rivalry from these towns on the Columbia. It is now, after the discovery of the gold mines on the Columbia and its tributaries, the commercial port for not only the Willamette valley and the Tualatin Plains, but for all the country east of the Cascades.

I think, to say nothing of the merits of the towns below the mouth of the Willamette river, there are obstructions in the water-front of the town of Vancouver equally as embarrassing to sea-going vessels as those in the Willamette river before the city of Portland.

Int. 9.—Have not St. Helen's and Rainier long since decayed, and lost any pretense of being sites of commerce?

Ans.—They have failed to come up to the expectation of their original proprietors.

Int. 10.—Did Cathlamet ever have, or has it now, more than five or six houses?

Ans.—I don't know the number of houses. I never counted them.

Int. 11.—Are not Astoria and Vancouver, of the places you have mentioned on the Columbia river, the only ones that have retained their growth and most of their population?

Ans.—I believe that Astoria has a greater population now than in 1856. I am doubtful if the town of Vancouver has as many citizen residents in it now as at some other time since its foundation as a town. I think I can recollect when it had a greater population than it had in March, 1865, when I last saw it.

Int. 12.—Who was in command of the United States troops at old Fort George, at the time you speak of, when the United States troops were in possession of it?

Ans.—I think Major Hatheway, of the 1st United States Artillery.

Int. 13.—Does not the Walla-Walla valley, where you were stationed some years, contain a large and flourishing settlement?

Ans.—I don't remember the population of the Walla-Walla valley. I know that along the Walla-Walla river and its tributaries there is fertile, arable land; I can't give the exact extent of it. The claims were taken under the pre-emption laws, which have, in many instances, since been divided. This fertile land is generally occupied and improved. There is a town in the Walla-Walla valley, within three-quarters of a mile of Fort Walla-Walla, with a population varying from eight to fifteen hundred persons. I do not believe that any of the agricultural products are shipped from the valley, to any extent, except flour. Some cattle are raised in the valley, and a few of them sent to the mines for sale. The settlement of this valley was commenced and promoted by the establishment of a military post and the presence of United States troops, and for the purpose of supplying them. Until within the past four years the product of this valley in grain found its market in the United States Government, in the supply of United States troops at this post.

JUSTUS STEINBERGER.

WASHINGTON CITY, D. C., *May* 16, 1866.

TESTIMONY OF CHARLES B. WAGNER.

Charles B. Wagner, being duly sworn and examined according to law, says:

Int. 1.—What is your name, age, place of residence, and occupation?

Ans.—Charles B. Wagner; aged forty years; place of res-

idence, Washington City; and occupation, an officer of the United States army—brevet colonel, captain, and quartermaster.

Int. 2.—Have you ever lived in Washington Territory? If yea, when, and where, and for how long a time?

Ans.—Yes, sir; from the latter part of August, 1857, to the middle of September, 1861, at Fort Vancouver, Washington Territory.

Int. 3.—Are you acquainted with the fort and buildings at Vancouver, which were formerly occupied by the Hudson's Bay Company? If yea, please to describe them as they were when you first observed them.

Ans.—Yes, sir. When I first went there, in the latter part of August, 1857, the buildings then occupied by the Hudson's Bay Company were principally embraced in what was known as the stockade, with the exception of the salmon-house near the river, which was outside the stockade. The buildings were old, and some were very much dilapidated. The buildings consisted of what was known as the store there, two or three store-houses, one of which was rented and occupied by the United States quartermaster at that time, 1857, and what was known as the Governor's house. These were the principal buildings within the stockade. In addition to those, there were four or five smaller buildings, occupied by the employés of the Hudson's Bay Company. There were a few buildings outside the stockade, of which the salmon-house was the principal, one small frame building, occupied by the ordnance department as a store-house, one small log building, occupied by Mrs. Field, and four or five small huts occupied by Sandwich Islanders or Kanakas, and several old stables; these are about all I remember.

Int. 4.—How did the character and condition of the fort and buildings at this post, at the time you last saw them, compare with their character and condition when you saw and observed them for the first time?

Ans.—They had gone very much out of repair; a number of them were unoccupied; some of them were partly fallen down.

Int. 5.—Are you acquainted with the value of the fort and buildings either collectively or in detail? If yea, please to state, as fully as you can, your opinion of that value at the time you last saw them.

(Objected to as a matter of opinion.)

Ans.—I could give an opinion, so far as what I considered their worth when I last saw them; I am acquainted with their value. For any practical purposes, in August or September, 1861, the buildings within the stockade of the Hudson's Bay Company were of very little value, in my estimation. I should say they were not certainly worth over six thousand or eight thousand dollars.

Int. 6.—Please to look at the map of Vancouver and its vicinity, here produced, and state whether, in your opinion, it is a correct delineation of that locality

Ans.—Yes, sir; it is so.

Int. 7.—Are you acquainted with the country as represented on this map, for a space extending from a point above the saw-mill, some six or eight miles above the fort, down the river to the Cathlapootl river, and back from the Columbia for a distance of an average of about ten miles, embracing a tract of about twenty-five miles long and ten miles wide? If yea, please to state the condition and character of the same as fully as you can, and describe what part thereof, if any was, while you were there, occupied by the Hudson's Bay Company.

Ans.—Yes, sir. I am acquainted with the country described in the question. From the bank of the river, for an average of about a mile, from, say two miles above Vancouver, the country is low and flat down to the Cathlapootl river. From two miles above Vancouver up to the saw-mill, the country is hilly and rough. The country in rear of this mile to, say half a mile below Vancouver, is high land, principally covered with timber. There are parts embraced within this average mile from the river that are good agricultural lands and fertile. A good portion of it, however, is liable to be overflowed every very high stage of water each year. There was only a small portion, in the immediate vicinity of the Hudson's Bay stockade enclosure, occupied by the Company—how much at the saw-

mill I am unable to say. I suppose there was about one hundred and thirty or forty acres enclosed at or near the stockade. That is the only land which I knew the Hudson's Bay Company had enclosed, except at the saw-mill, of which I am not able to say how much.

Int. 8.—Did you ever observe any marks or objects of any kind which indicated any boundaries, or surveys of any claim which were outside of the lands which were actually enclosed? If yea, please to describe them.

Ans.—No, sir; I did not.

Int. 9.—How were the lands occupied in this tract which you have described, exclusive of those which were enclosed and occupied, if at all, and by whom, from 1857 to 1860?

Ans.—They were occupied by settlers, a number of small farms; by the military post at Vancouver, the town of Vancouver, and by the Catholic Mission. A greater portion of it, however, was unoccupied.

Int. 10.—What was the condition of the town of Vancouver during the period that you were there, flourishing or otherwise?

Ans.—From 1857 to the spring of 1859 the town was in a flourishing condition. After the spring of 1859 the town commenced to decline in its prospects.

Int. 11.—What, in your judgment, was the cause of the growth and establishment of the town up to a given point, and the cause of its thereafter beginning to decline?

Ans.—The principal cause of its growth from 1857 to the spring of 1859 was, I think, by parties settling there, endeavoring to attract trade from Portland. The garrison at the post at Vancouver was during a part of that time increased, and brought a great many new settlers there for the purpose of traffic with the garrison. Its decline commenced in the spring of 1859, from the cause of those people who had settled there, who had failed in their endeavors to attract trade to that point, and also in the decrease of the number of troops at the garrison during that and the next year.

Int. 12.—Are you acquainted with the value of land in the town of Vancouver and its immediate vicinity during the

period that you were there? If yea, please to state, as fully as you can, what its value then was.

Ans.—Yes, sir; I was acquainted with its value at that time. The lots in Vancouver, in 1857 and 1858, were sold, an ordinary building lot in the best locations in the town, as high as eight hundred dollars, in my knowledge. Farming land in the immediate neighborhood of Fort Vancouver could be bought for forty dollars per acre for the choicest improved land. Timber land, just below, and in rear, southwest of the town of Vancouver, unimproved, was very cheap. I had a half section offered to me for one thousand dollars. The lots in Vancouver, I know, after the spring of 1859, decreased at least one-third in value. I am not able to say in reference to the farming lands, whether they decreased or not.

Int. 13.—State, if you know, whether the town of Vancouver has lost or gained in wealth and population from 1859 to the present time.

Ans.—From 1859, within my own knowledge, up to the fall of 1861, it did decrease; from the fall of 1861, up to the present time, I know nothing except by report.

Int. 14.—Are there any suitable places on the water-front, in the town of Vancouver, for the erection of wharves?

Ans.—Not in the immediate front of the town [of] Vancouver, to accommodate sea-going steamers, except in a very high stage of water.

Int. 15.—Do you know the ordinary depth of water at the wharf erected by the Government, just above the town of Vancouver; and is not that the best place for a wharf in that immediate vicinity?

Ans.—At ordinary stages of water, the depth of water at the Government wharf is about fifteen feet.

Int. 16.—What, in your opinion, is the effect, if any, of the city of Portland on the growth and prosperity of Vancouver; and what are the grounds of your opinion?

Ans.—In my opinion, it destroys all its prospects as a commercial town. The capital has got centered at Portland. Portland has the rich agricultural valley of Willamette to feed it.

(Witness's opinion objected to.)

Int. 17.—Have you ever known of any lands, in the neighborhood of Vancouver, which have been cleared of timber by the Hudson's Bay Company, or any roads which have been opened by them?

Ans.—No, sir; I do not.

Cross-Examination.

Int. 1.—Is not all your personal knowledge of the matters you have testified to, about the Hudson's Bay Company's post at Vancouver and its vicinity, confined to the time you were there, between the years 1857 and 1861?

Ans.—Yes, sir.

Int. 2.—Examine this list of buildings, stores, and workshops, now shown to you, and state whether they were all at Vancouver during the time you were there; and if not, how many of them were there:

"1 dwelling-house, 170x30 feet, lined and ceiled.

1 do. 70x40 " " "

1 do. 50x30 " " "

2 do. 50x20 " " "

2 do. 30x20 " " "

1 do. 50x25 " " "

1 do. 30x21, ceiled, adjoining the Catholic Church.

1 new church, 83x36 feet.

2 school-houses, 50x40 "

1 new office, 36x30 "

1 old do. 30x30 "

1 kitchen, 60x24 "

1 bake-house, 40x25 "

1 prison, 21x21 "

1 hospital, 32x22 "

STORES.

"1 store, No. 1, 86x40 feet.

1 do. No. 2, 90x40 "

"1 store, No. 3,	100x40	feet.
1 do. No. 4,	100x40	"
1 salmon-store,	100x40	"
1 receiving-store,	32x24	"
1 beef do.	75x30	"
1 salt do.	27x12	"
1 iron do.	40x30	"
1 granary,	50x40	"

WORKSHOPS.

"1 blacksmith's forge,	45x30	feet.
1 carpenter's shop,	40x20	"
1 cooper's do.	70x30	"
1 distillery,	132x18	"
1 corn-kiln,	18x18	"
1 saddler's shop,	40x25	"
1 Indian trading-shop,	80x30	"
1 powder magazine,	18x18	"
1 well-house,	24x18	" ."

Ans.—I can't tell from this description of the buildings what were there. This list includes the Mission.

Int. 3.—Was not the store occupied by quartermaster a strong building, capable of holding large quantities of goods, and free from leaking?

Ans.—Yes, sir; it was a large, strong building, rough, made of logs sawed in two, unfinished inside. The roof was good at the time we occupied it. It was capable of holding heavy merchandise on the first floor.

Int. 4.—Was this store in any better way than the other store-houses of the same kind inside the stockade?

Ans.—Yes, sir; it was the best store-house within the stockade, except the one used by the Hudson's Bay Company as a store.

Int. 5.—Were not the buildings of the Company, after they had left there, uncared for, and left to decay; and were not some of them torn down either by the military authorities, or the soldiers, at their own will?

Ans.—Yes, sir; no person took any charge or care of them. I think there were one or two of them torn down by soldiers.

Int. 6.—Did you ever look for or examine the country to see if you could discover any marks or boundaries of the Hudson's Bay Company's claim?

Ans.—No, sir; I never looked for that purpose.

Int. 7.—Is not the underbrush of the forest of very rapid growth, and does a small growth of firs rapidly come up on cleared or opened forest land left to itself?

Ans.—I don't know that I ever took any notice of that peculiarity.

Int. 8.—Do you know whether the town of Vancouver was laid out by the county commissioners of Clarke county, on a triangular piece of land next to the western of line of the military reserve?

Ans.—I do not.

Int. 9.—Do you know who sold, as first proprietor, the lots in the town?

Ans.—I don't know positively, but think it was Mrs. Short.

Int. 10.—Were there not several conflicting titles or claims to the lands in and around Vancouver, such as the Mission claim, the town-site claim, and the Short claim?

Ans.—Yes, sir; I understand there was.

Int. 11.—Did not the Widow Short and the county commissioners also sell lots in the town of Vancouver, as being owners of it?

Ans.—I do not know, from my own personal knowledge, whether the county commissioners did or not.

Int. 12.—Were you not well acquainted with the business men and citizens of the town of Vancouver?

Ans.—By general reputation I was.

Int. 13.—Give the names of those persons engaged in business in Vancouver in 1857 and 1858, who left in 1859, if you can.

Ans.—I don't know as I can recall the names of any.

Int. 14.—Can you say that any one left, except a Mr. Vaughn, of the business men?

Ans.—Yes, sir; there was a gentleman who kept a large

store—a doctor somebody; I can't recall the name; also a Mr. Rosenstock or Mr. Rosenbaum.

Int. 15.—Is not the Government wharf at the old Hudson's Bay landing and on the military reserve; and is not the deepest water off the military reserve front?

Ans.—The Government wharf is on the military reserve. The deepest water on the front of the military reserve is at the wharf.

Int. 16.—Do you know on what part of the water-front, at and near Vancouver, the deepest water is to be found? If so, state it.

Ans.—Yes, sir; about three-quarters of a mile below the military reserve, and just below the saw-mill and below the town, is the deepest water near the bank.

Int. 17.—Is not the wharf of the Government built directly on the bank of the river, and would not a wharf of proper length, run out from the bank at any place near Vancouver, reach deep water?

Ans.—If you go far enough out, except at one particular point, which is the bar.

Int. 18.—What is the greatest depth of water in the channel of the river off Vancouver and its immediate [vicinity]?

Ans.—At ordinary stages of water, excluding the bar, it is fourteen, fourteen and a-half, and fifteen feet. The depth of the water in front of the wharf is about the average depth of the channel.

CHARLES B. WAGNER,

Brevet Col. and Ass't Quartermaster.

WASHINGTON CITY, *May 17th*, 1866.

TESTIMONY OF CAPTAIN WILLIAM A. HOWARD.

Captain William A. Howard, being duly sworn according to law, deposes and says:

Int. 1.—What is your name, age, place of residence, and occupation?

Ans.—My name is William A. Howard; aged fifty and upwards; my occupation is captain in the United States Revenue Marine; my residence is New York City, New York.

Int. 2.—Have you ever visited and observed any of the posts of the Hudson's Bay Company west of the Rocky Mountains? If yea, please to enumerate the different posts which you have visited.

Ans.—I visited the mouth of the Cowlitz, Nisqually, Vancouver, Cape Disappointment, and Astoria.

Int. 3.—How often have you visited the post at Vancouver, and are you or not acquainted with the fort and buildings at this post which were occupied by the Hudson's Bay Company?

Ans.—I visited there repeatedly, I suppose as many as a dozen times. I was there in 1851, 1852, and early in 1853. I am acquainted with the fort and buildings of the Hudson's Bay Company at this post.

Int. 4.—Please to describe the character, condition, and value of the fort and buildings at this post when you saw and observed them.

Ans.—The character of the Hudson's Bay Company's trading post and fort was an enclosed picketed post. There was certainly one bastion there. The buildings were made in the Canadian style, of uprights, I think. The buildings were in good order at that time. There were granaries, work-shops, dwellings, and stores, large buildings, some of which were one hundred feet long, I think. One of them was, certainly. The buildings were rude structures, made of the wood of the country, built by the common labor of the day. I think one hundred thousand dollars would be a large allowance for building the fort and all its appurtenances. I mean the stockade and all the buildings.

Int. 5.—Are you or not acquainted with the navigation of the river at and near Vancouver? If yea, please to state whether, in your judgment, it be practicable to establish a commercial town at this place, with the desirable wharves and facilities to accommodate shipping.

Ans.—It is not capable of that. There is a shoal growing there continually, right in front of Vancouver, which destroys

anything in the way of wharves and piers, and destroys navigation, which renders it ineligible for a good site for a town.

Int. 6.—Please to describe separately the condition and value of the other posts of the Hudson's Bay Company which you have visited and observed at different times.

Ans.—The mouth of the Cowlitz, when I visited there, was being destroyed very fast, being washed away by the encroaches of the river. I think one of the stores was in the water. I visited the place a number of times, and these encroaches were going on during my acquaintance with it. When I was first there there was a considerable body of land in front of it, and during my visits this land was being gradually washed away. My impression is that at my last visit one of the buildings had been somewhat undermined by the washing away. At Cape Disappointment, when I was there in 1853, I saw nothing there that could claim to be a station, except a fish house, or something of that kind. I remember two buildings at Astoria when I was there in 1852 and 1853—I spent a week there at one time—said to belong to the Hudson's Bay Company. It was not used as a trading post. These buildings were very old, out of order, and of little value.

Cross-Examination.

Int. 1.—While at Vancouver did you have occasion to sound the river in front of the old stockade or near it, so as to locate the shoal you speak of, or is your knowledge of it derived from hearsay?

Ans.—My knowledge is derived from my own observation. I went there in a canoe frequently. I was there in the United States steamer *Active*.

Int. 2.—Have you any knowledge of this water-front since 1853, and do you know its present condition of your own knowledge?

Ans.—I know nothing.

Int. 3.—Was not this shoal you speak of a shifting bank of sand, moving and liable to be swept away at any time by the strong current of the river?

Ans.—This was evidently of shifting sand. The shoal was a growing shoal in front of Vancouver, and was sufficient to destroy that place for a town site for shipping.

Int. 4.—Did this shoal extend down the river so as to render the front below the fort a poor place for wharves?

Ans.—I think at this time, if I mistake not, this shoal was considerably below the fort.

Int. 5.—Do you know the fact that the Government wharf is now a little above the Hudson's Bay Company's landing, and has fifteen feet of water at ordinary low water?

Ans.—I know there is deep water there. I am confident there was twelve or fifteen feet of water for some distance along that point inside the shoal.

Int. 6.—Did you make any particular examination of the buildings of the Hudson's Bay Company inside the stockade, so as to be able to say that many of them were not finished inside, lined and ceiled, and some of them framed?

Ans.—I made no particular examination of the houses, but know some of them were ceiled.

W. A. HOWARD,

Captain U. S. R. Marine.

WASHINGTON CITY, D. C., *May 21, 1866.*

TESTIMONY OF JOSEPH K. BARNES.

Joseph K. Barnes, being duly sworn according to law, says:

Int. 1.—What is your name, age, place of residence, and present occupation?

Ans.—J. K. Barnes; aged forty-nine years; residence, Washington city; occupation, Surgeon General United States Army.

Int. 2.—Have you ever visited Washington Territory; if yea, when and where?

Ans.—I resided in Washington Territory four years, between the years 1857 to 1861, at Fort Vancouver.

Int. 3.—Are you acquainted with the lands and buildings

at Vancouver which are claimed by the Hudson's Bay Company?

Ans.—Yes.

Int. 4.—Have you ever made any estimate of the value of the fort and buildings at Vancouver which were formerly claimed and occupied by the Hudson's Bay Company; if yea, when, and under what circumstances?

Ans.—I was a member of a board of survey, ordered to make an estimate of the value of the buildings owned by the Hudson's Bay Company at Fort Vancouver.

Int. 5.—Please to look at the paper here presented, and marked A and annexed, and state whether the same be a true copy of the report which was made and signed by you and others in pursuance of the order for a survey.

Ans.—It is a true copy, according to my best judgment and belief.

(The admission of the above paper objected to, on the ground that it is the report and decision of a military board or tribunal on some of the matters that have been, or may be, in question before this joint commission; and that, by the date of the report, it appears to have been made after the Hudson's Bay Company had left the premises, under notification of the commanding officer of the department that they had no rights therein; and, further, that the Company had no notice whatever of the proceeding.)

Int. 6.—Are you acquainted with the character and value of any other posts of the Hudson's Bay Company? If yea, please to enumerate and describe them.

Ans.—No, sir; I am not.

Int. 7.—What was the condition of the buildings at Vancouver at the time that your attention was called to them; and what, in your opinion, was their value at that time?

(Objected to as incompetent.)

Ans.—The condition was the same as at the time when vacated by the Company; and they were utterly valueless, except for the Company's purpose.

Int. 8.—Did you, while there, observe the policy of the Company in regard to the settlement of the country by American

citizens? If yea, please to state whether the same was favorable or otherwise.

Ans.—I had no opportunity of judging of the policy of the Company in this respect.

Int. 9.—Does this report, a copy of which has been produced here, contain a true and accurate account and estimate of the fort and buildings of the Company at the time the same were examined by you; and have you any desire or wish to alter the opinion which you then expressed in regard to the character and value of the fort and buildings.

(Objected to, on the same ground as the other, in reference to the report, and for irrelevancy.)

Ans.—It does contain a true account; and I have not changed my opinion.

Cross-Examination.

Int. 1.—Had you ever purchased lumber, or become acquainted with the price of it, at the time you have testified to in answer to question 7?

Ans.—I have not.

Int. 2.—Do you know anything of the value of material, such as boards, lumber, and shingles, when once used in building, when used for other buildings and other purposes?

Ans.—In this instance I knew. I took the pains to learn the comparative value of this material.

Int. 3.—Is this opinion you have given here, in answer to interrogatory 7, your own opinion, from your personal knowledge, or is it an opinion formed from information that came to you as member of a board of officers?

Ans.—It is my personal opinion, sustained by information obtained.

Int. 4.—Was this personal opinion formed before you went on that board?

Ans.—Yes, sir. It was a matter of observation, extending over a period of some time.

Int. 5.—How many witnesses were examined by this board, if any; and were any of them carpenters or builders; and, if

no witnesses were examined, from what source did you receive the information you have spoken of?

Ans.—The board advised with and took the opinion of master carpenters and builders; men who had been employed by the Government as such; but I am unable to say how many or who they were after this lapse of time.

Int. 6.—Were those witnesses or persons you have spoken of sworn, or were they heard when the board was in session?

Ans.—They were not sworn. Their opinion was obtained while the board was in session.

Int. 7.—Were not these opinions obtained by the members of the board individually in some instances?

Ans.—Not that I am aware of.

Int. 8.—By the report it appears that the board met at one o'clock p. m. on the day the order issued. How long was the board in session?

Ans.—My recollection is they occupied the most of the day.

Int. 9.—Did you personally, or any member of the board, examine with care the sills of the Governor's house?

Ans.—They all did, to the best of my recollection.

Int. 10.—Were you accompanied by any carpenter or builder at that time, or were your examinations made in person?

Ans.—To the best of my recollection, one or more carpenters or builders were with us throughout the whole examination.

Int. 11.—Did you not examine these buildings with a view to the use they would be to the military authorities on a military reserve?

Ans.—They were examined with a view to the valuation of the material for any military purpose.

Int. 12.—Was not the opinion you have expressed based on the value of the material contained in these buildings for other purposes when pulled down?

Ans.—They were of no use to the Government as they stood. They were simply for the value of the material.

Int. 13.—Were not these buildings left remaining on the reserve, in your opinion, in the way of the military authorities and of no use to them?

Ans.—They were of no possible use to the military authorities as they stood.

Int. 14.—Before these buildings were left by the Company did they not answer the purposes for which they were used, as dwelling-houses, stores, and so forth, and protect and shelter the families and goods and stores of the Company?

Ans.—I considered them poor store-houses and very poor dwellings.

Int. 15.—Would any person other than military authorities have been allowed to occupy these buildings on the reserve?

Ans.—No, sir.

Int. 16.—Did your opinion of the value of this material agree with that of the board, or did you differ with them?

Ans.—I can't answer that question at this time.

Int. 17.—Does your opinion now agree with that set out in that report?

Ans.—I have had no reason to alter my opinion.

Int. 18.—Your opinion now is, then, that these buildings had the value that is mentioned in the report?

Ans.—Yes, sir; it was a fair valuation.

Examination-in-Chief Resumed.

Int. 1.—What was the condition of the town of Vancouver when you left there in 1861, as compared with its condition when you went there in 1857?

Ans.—The excitement produced by the discoveries of gold on the upper Columbia, in 1861, acted prejudicially to Vancouver by removing most of the industrial population.

Int. 2.—In your opinion, is the town of Vancouver likely to become a place of any considerable commercial importance? (Objected to.)

Ans.—I have no data from which to form an opinion.

Int. 3.—Are the other members of the board of survey now living?

Ans.—To the best of my knowledge they are both dead.

Cross-Examination Resumed.

Int. 1.—At what time of the year 1861 did you leave Vancouver?

Ans.—In the latter part of June, 1861.

Int. 2.—Could this population that went to the mines have gone there and returned before you left, in June?

Ans.—No; they could not.

Int. 3.—Did these people who had wives or families, in most instances, leave them at Vancouver?

Ans.—A great many took their families with them.

J. K. BARNES,

Surgeon General United States.

WASHINGTON CITY, D. C., *June 9, 1866.*

A.

Proceedings of a board of officers which convened at Fort Vancouver, Washington Territory, by virtue of the following order, viz:

HEADQUARTERS DEPARTMENT OF OREGON,
FORT VANCOUVER, W. T., *June 15, 1860.*

SPECIAL ORDERS, }
No. 68. }

A board of officers will convene at Fort Vancouver, Washington Territory, to-day at one o'clock, to examine and report the value of the buildings on the military reserve at Fort Vancouver vacated by the Hudson's Bay Company.

The board will further report whether any of these buildings can be useful to the public service.

DETAIL FOR THE BOARD.

1. Bvt. Lieut. Colonel G. NAUMAN, *Major 3d Artillery.*
2. Surgeon J. K. BARNES, *Medical Department.*

3. Bvt. Major JOHN F. REYNOLDS, *Captain 3d Artillery.*
 1st Lieutenant CHAUNCEY McKEEVER, *3d Artillery, Recorder.*
 By order of General HARNEY.

A. PLEASANTON,
Capt. 2d Dragoons, A. A. Adj't Genl.

FORT VANCOUVER, WASHINGTON TERRITORY,
 ONE O'CLOCK, P. M., *June 15, 1860.*

The board met pursuant to the above order; present, all the members and the Recorder. The board then proceeded to examine and appraise the buildings on the military reserve vacated by the Hudson's Bay Company.

The board determined, respecting the probable value of these buildings, as follows:

No. 1.—Store-house on the bank of the river in rear of the Government wharf, known as the salmon-house. This building has been used by the depot quartermaster at different times as a temporary storehouse, but is now useless for that purpose. Estimated value of material, \$15.

No. 2.—Two-storied building, with adjoining shed and out-house, used by the ordnance department as store-house, &c.; out of repair, and useless except for the most temporary purposes. Estimated value of material, \$50.

No. 3.—Principal dwelling-house inside of pickets, known as Governor's house; sills, flooring, and wood-work generally so much decayed as to be uninhabitable; entirely useless for any military purpose. Estimated value of material, \$100.

No. 4.—Kitchen, (Governor's house,) entirely out of repair, useless to the public service. Material of no value.

No. 5.—Butcher shop, &c., in a ruinous condition. Material of no value.

No. 6.—Bake-house, in a ruinous condition. Material of no value.

No. 7.—Long building, used as quarters for employes, so much out of repair as to be uninhabitable and useless for any military purpose. Estimated value of material, \$25.

No. 8.—Small store-house, long since abandoned by the Company, in a ruinous condition. Material of no value.

No. 9.—Blacksmith shop, long since abandoned by the Company, in a ruinous condition. Materials of no value.

No. 10.—Fur-house, long since abandoned by the Company, in a ruinous condition. Material of no value.

No. 11.—Porter's lodge, useless for any military purpose. Materials of no value.

Nos. 12, 13, and 14.—Three large store-houses, useless for any purpose connected with the public service. Estimated value of material, \$300.

No. 15.—Hudson's Bay Company's store, entirely unsuitable for any military purpose. Estimated value of material, \$150.

No. 16.—Block-house, in a ruinous condition. Material of no value.

No. 17.—Granary, entirely unsuited to any purpose of the public service. Material of no value.

No. 18.—Carpenter's wheelwright shop, long since abandoned by the Company, in a ruinous condition. Materials of no value.

No. 19.—Company's office, in tolerable repair, might be made use of temporarily. Estimated value of material, \$75.

No. 20.—Guard-house, long since abandoned by the Company, in a ruinous condition. Material of no value.

No. 21.—Dwelling-house, formerly occupied by Mr. Grahame, in a ruinous condition. Material of no value.

No. 22.—Small magazine, useless to the public service. Material of no value.

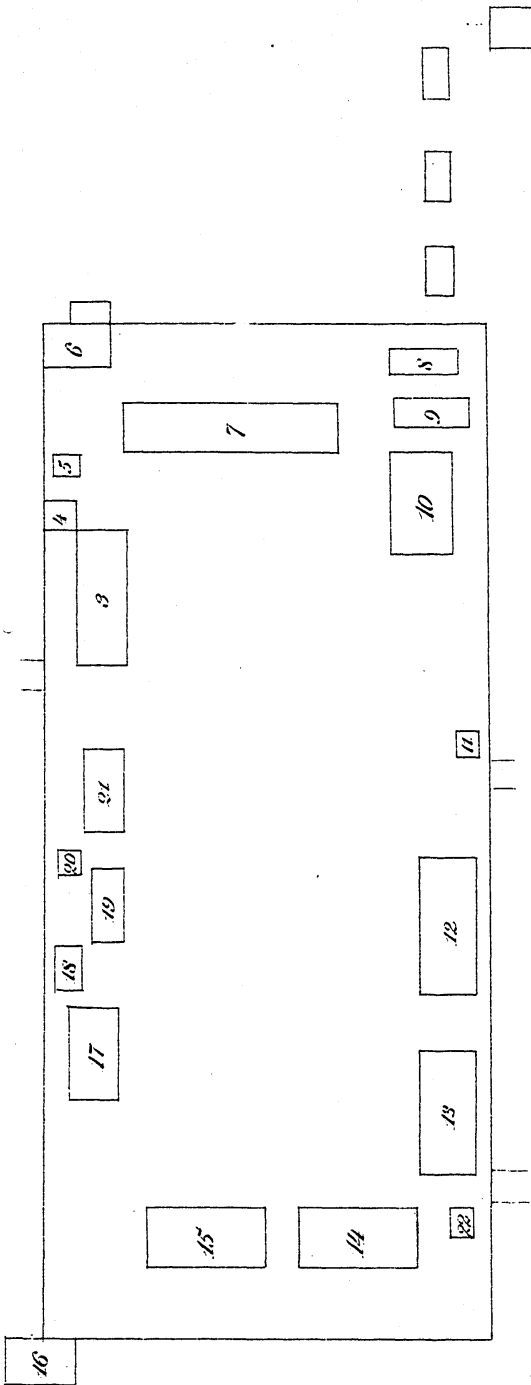
No. 23.—Dwelling-house on the bank of the river, near the eastern edge of the reservation. Estimated value, \$100.

No. 24.—Dwelling-house on the bank of the river, near the Government wharf. Estimated value, \$100.

Finally, four hovels, outside of and near the southeast corner of the pickets, in a dilapidated condition, and useless to the public service. Materials of no value.

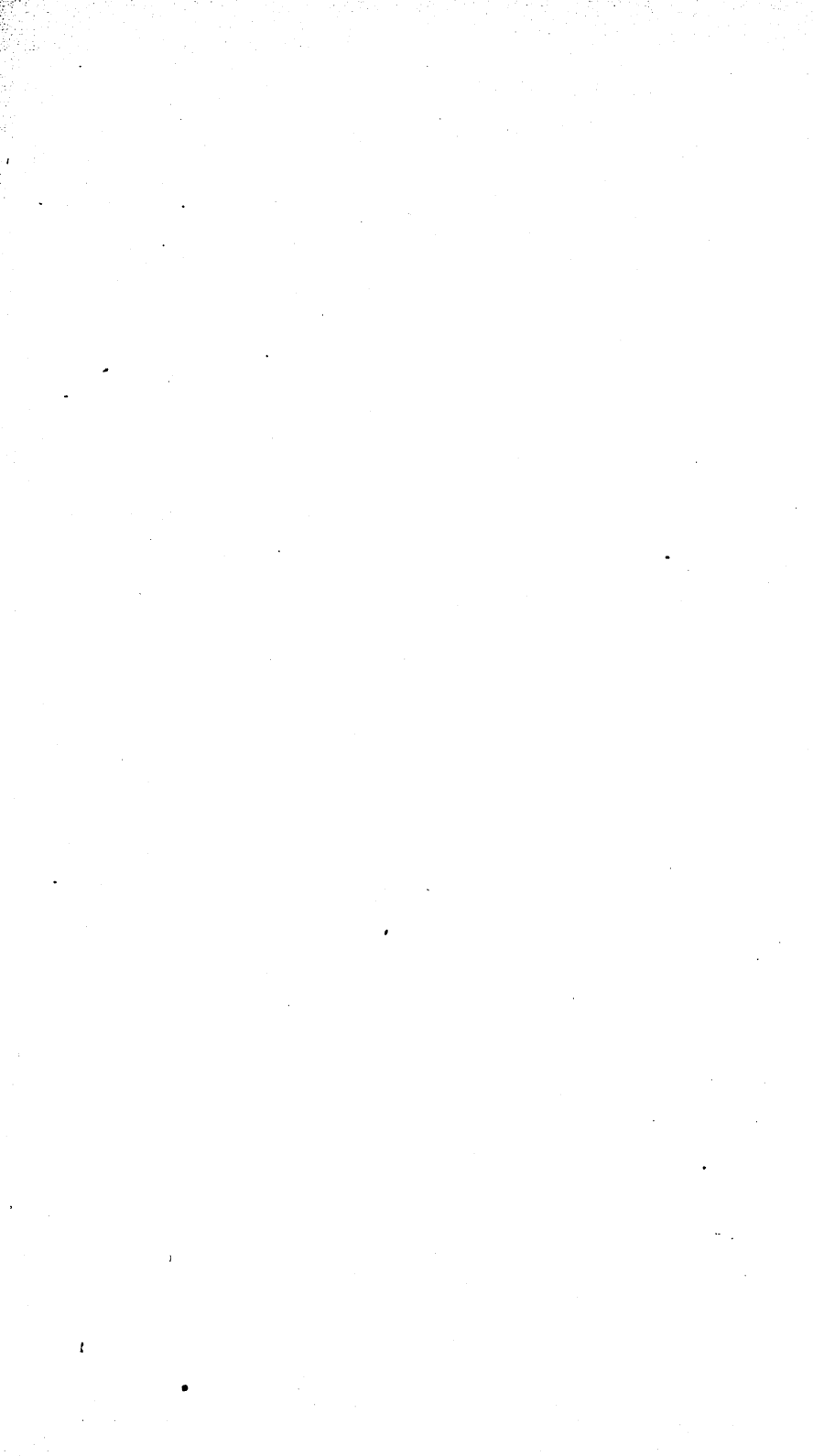
The board is of the opinion that none of the buildings within the pickets are worth repairing for any military purpose, and that, in consequence of the age, decayed condition, and crowded position of the buildings, the sanitary police of the place demands that they be destroyed by fire, after removing

This Sketch shows the relative position of the Buildings within the Pickets.



OFFICIAL COPY :

E. D. TOWNSEND,
Assistant Adjutant General.



such of the material as may be found to be of sufficient value.

The board having no further business before it, then adjourned *sine die*.

GEORGE NAUMAN,
Brevet Lieut. Col., Major 3d Artillery.

JOS. K. BARNES,

JOHN F. REYNOLDS,

Captain, Brevet Major 3d Artillery.

CHAUNCEY McKEEVER,

1st Lieut. 3d Artillery, Recorder.

Official copy.

E. D. TOWNSEND,
Assistant Adjutant General.

TESTIMONY OF CHAUNCEY McKEEVER.

Gen. Chauncey McKeever, being duly sworn, according to law, deposes and says:

Int. 1.—What is your name, age, place of residence and occupation?

Ans.—Chauncey McKeever; Major in Adjutant General's Department, Brevet Brigadier General United States Army; aged thirty-six years; residence, Washington City.

Int. 2.—Have you ever resided in Washington Territory; if yea, when and where?

Ans.—I resided there about ten months, from about November, 1855, to September, 1856, at Fort Steilacoom, and afterwards at Fort Vancouver for about a year, from September, 1859, to September, 1860.

Int. 3.—Are you acquainted with the lands and buildings at Vancouver which were formerly claimed and occupied by the Hudson's Bay Company?

Ans.—Yes, sir; I have been over most all of them.

Int. 4.—Did you ever estimate, as a member of a board of military survey, the lands and buildings at Vancouver which

were formerly occupied by the Hudson's Bay Company; if yea, when?

Ans.—I was a member of a board which was directed to make an estimate of the value of the buildings, but not of the lands, and was recorder for a second board for the same purpose, but had no voice in the proceedings of the last board. The first survey was made in March, 1860, and the second in June of the same year.

Int. 5.—Please to look at the paper here produced, and state whether, in your opinion, the same be a true copy of the report which was made by you and others in pursuance of a special order from General Harney.

Ans.—I believe this to be a true copy of the report.

(All evidence with reference to the authenticity of this report, and the report itself, is objected to as irrelevant and incompetent, the report purporting to contain, and to be the proceedings and decisions of a military board or tribunal sitting to determine and decide on matters that have been or may be in question before this commission.)

Int. 6.—Did you personally inspect and appraise the buildings and improvements at Vancouver which were occupied by the Hudson's Bay Company? If yea, please to describe their condition at the time you examined them, and your judgment of their value at that time.

Ans.—I did examine them. Although I had no vote, I participated in the discussions and gave my opinion. My impression is that the appraisement was made by myself and one other member of the board. I inspected the buildings in June, 1860. They were all of them in a very dilapidated condition. Most of the lumber and timber about them was very much decayed. I considered the whole of them worth about one thousand dollars.

Int. 7.—Did you ever give any attention to the growth and development of the country on the Pacific coast, and the probable course of trade there in the future; if yea, what, in your opinion, is the probability of building up a large commercial town at Vancouver?

Ans.—I cannot say that I have ever given any great atten-

tion to this subject, but I have always taken the ground there was no great value to be attached to Vancouver as a commercial place, for the reason there is no back country likely to be settled back of Vancouver. The forests are very dense. I don't think it would pay to clear them. There is very little open prairie land. And Portland, at that time, was a large place, and had the start of Vancouver, and was near enough to interfere with its progress as a commercial place. And the bar in the river near Vancouver was constantly changing with the spring freshets. Where there might be a fine depth of water one year, there might be a sand-bar the next year, right in front of the town.

Cross-Examination.

Int. 1.—Is the testimony you have given in reference to the condition of the buildings in June, 1860, derived from an inspection of those buildings in that month, as one of the board you have mentioned?

Ans.—Yes, sir.

Int. 2.—That knowledge came to you then in that capacity and at that time, did it?

Ans.—Yes, sir.

Int. 3.—Your board met at one o'clock p. m. How long after this time did you commence your examination of the buildings, and for how long a time did you continue it?

Ans.—I can't say positively, but I remember we got through some time that afternoon. I don't think we were over three hours.

Int. 4.—You speak of the decay of the buildings. Did you cause the linings to be taken off of the lined buildings to examine the inside frames, or did you do more than merely look at the exposed portions of the buildings?

Ans.—We did more than look at the exposed portions of the buildings; we occasionally pulled up a plank, and we tried to see if a nail would hold in some of the wood.

Int. 5.—Do you consider yourself a judge of carpenter's work or the value of material?

Ans.—I do not consider myself a very competent judge, but I know something about it, having had charge of the erection of some Government buildings, and having purchased the materials at Steilacoom.

Int. 6.—Were there any carpenters with you, or were any examined by the board at this time?

Ans.—I think not. I think there was no one except the members of the board.

Int. 7.—Do you feel certain that the officers comprising the board alone examined these buildings in the three hours you mention, and then, without getting information from builders or carpenters, formed their opinion?

Ans.—I think there was no one with the board at the time we examined the buildings. I don't know whether any of the board consulted the head carpenter or not.

Int. 8.—Had not these buildings of the Hudson's Bay Company, since their departure, been exposed to the soldiers, and been used by them for any purpose they saw fit?

Ans.—I think not. I doubt whether they had been touched. I think this examination was about a month after the Company left, and possibly less than that time.

Int. 9.—Is not your opinion of the value of these buildings a military value, with reference to the ground they were on, being on a military reserve, from which they would have to be taken down and removed?

Ans.—My opinion of the value was based on what they would be worth, when sold, to be taken down and removed.

Int. 10.—Have you been in Oregon or Washington since the trade with the mining country east of the Cascades has become so large and valuable?

Ans.—I have not been there since October, 1860.

Int. 11.—Do you know anything of the history of this shifting bar or sand-bank you have spoken of, for several years years before you noticed it, or anything at all of it, except during the time you were at Vancouver?

Ans.—I remember I could not get up to the wharf-boat in the steamer in 1855; and when I went there in 1859 there was a wharf above the town on the military reserve, and large

steamers went up to it. This is all my knowledge about the bank, and hearing others speak of the shifting of the bar. Just before I left there the ocean steamer had to lay below the town and communicate by means of a small boat.

Int. 12.—Do you know whether that steamer being there was caused by the lowness of the water, or some other reason, from having soldiers on board?

Ans.—My understanding was it was caused by the lowness of the water. I am not certain.

Examination-in-Chief Resumed.

Int. 1.—You have stated in your cross-examination that you estimated the value of these buildings and improvements on the supposition that they were to be taken down and removed. Would they, in your opinion, have possessed any additional value if they could have been suffered to remain?

Ans.—I don't think they would. I don't think there was any one there who wanted them for any other purpose than for the lumber. They were not in habitable condition.

CHAUNCEY MCKEEVER,

Brevet Brigadier General and A. A. G.

WASHINGTON, D. C., *June* 12, 1866.

Proceedings of a board of officers which convened at Fort Vancouver, W. T., pursuant to the following order:

[EXTRACT.]

HEADQUARTERS DEPARTMENT OF OREGON,
FORT VANCOUVER, W. T., *February* 28th, 1860.

Special Order, No. 25.

I . . . A board of officers will convene at Fort Vancouver on the 1st day of March, 1860, at eleven o'clock, A. M., or as soon thereafter as practicable, to examine and report upon the value of certain improvements on the military reserve placed there by the Hudson's Bay Company, in the event of any compensation being allowed for them hereafter by the Government.

DETAIL FOR THE BOARD.

Captain A. J. SMITH, *1st Dragoons.*

Captain J. A. HARDIE, *3rd Artillery.*

1st Lieutenant CHAUNCEY MCKEEVER, *3rd Artillery.*

* * * * *

By order of General HARNEY.

A. PLEASANTON,

Captain 2d Dragoons, A. A. Adj't. Gen'l.

FORT VANCOUVER, W. T.,

ELEVEN O'CLOCK, A. M., *March 1st, 1860.*

The board met pursuant to the above order. All the members present. The board then proceeded to examine certain improvements on the military reserve placed there by the Hudson's Bay Company many years ago, and lying to the west of a line of stakes commencing at a point about eighty yards to the east of the Catholic Church, and running from thence in a southerly direction to the river. The board find that upon this portion of the reserve there are some four or five hundred yards of fences, eight buildings claimed by the Hudson's Bay Company, (not including the house occupied by Mrs. Stubbs,) which the board understand is not intended to be removed at present.

The board find that the fence is so much decayed as to be of no value, and that the buildings are mere shells, rapidly going to decay, most of them propped up to prevent their falling down, the only exception being the dwelling-house in front of the depot quartermaster's office, which, although occupied, is also in a dilapidated condition.

The board estimate the *total value* of the above improvements at \$250, (two hundred and fifty dollars.)

There being no further business before it, the board adjourned "*sine die.*"

A. J. SMITH,

Captain 1st Dragoons, Present.

JAS. A. HARDIE,

Captain 3rd Artillery.

CHAUNCEY MCKEEVER,

1st Lieutenant 3d Artillery, Recorder.

HEADQUARTERS DEP'T OF OREGON,
FORT VANCOUVER, W. T., *March 5, 1860.*

Approved.

WM. S. HARNEY,
Brigadier General Commanding.

Official copy.

E. D. TOWNSEND,
Assistant Adjutant General.

TESTIMONY OF MAJOR GENERAL ANDREW J. SMITH.

Major General Andrew J. Smith, being duly sworn according to law, says:

Int. 1.—What is your name, age, place of residence, and occupation?

Ans.—A. J. Smith, of lawful age. I belong to the United States Army, am Lieutenant Colonel 5th Regiment of Cavalry, Brevet Major General United States Army.

Int. 2.—Have you ever resided in Washington Territory; if yea, when and where?

Ans.—I was stationed at Fort Vancouver in the winter and spring of 1860. I have passed and repassed Fort Vancouver several times since on my way from Walla-Walla to Portland San Francisco. I was stationed at Walla-Walla in the summer of 1860.

Int. 3.—Are you acquainted with the fort and buildings at the post of Vancouver, which were formerly claimed and occupied by the Hudson's Bay Company?

Ans.—I am.

Int. 4.—Have you ever examined and appraised any of the improvements and buildings at this post which were claimed by the Hudson's Bay Company; if yea, what buildings and improvements have you examined, with the view of ascertaining their value, and where?

Ans.—I recollect being a member of a board, in 1860, to examine the improvements that belonged to the Hudson's Bay Company, and assess the value as they then stood, or would be to the Government, in case they should fall into our hands.

Int. 5.—What was the condition, character, and value of the buildings, at the time your attention was called to them?

Ans.—Very dilapidated, not habitable, of no value whatever to the Government. I refer to the buildings on the outside. Also the fences that enclosed the garden and orchard were very dilapidated.

Int. 6.—Did you ever observe the character and condition of the stockade, and the buildings within it, while you were there? If yea, please to describe them as nearly as you can.

Ans.—I several times visited the buildings inside the stockade of the Hudson's Bay Company, and know that they were in a very dilapidated condition, the larger store-houses being propped up, to prevent them from falling down. They were built of what we called puncheons. They were going to decay rapidly—dry rot.

Int. 7.—What, in your opinion, was the value of their stockade, and the buildings within it, at the time that you speak of?

Ans.—I should say two hundred and fifty dollars would cover the value to the Government. The stockade was worth nothing, except for fire-wood. I don't feel competent to give an opinion as to the value to any other person.

Int. 8.—Please to look at the paper herewith presented, and state whether the same, in your opinion, is a true copy of the report of survey made by you and others, in pursuance of an order from General Hardie.

Ans.—Not knowing, I presume it is.

(Anything in reference to this report, and the report itself, objected to on the same grounds set out in the deposition of Chauncey McKeever.)

Cross-Examination.

Int. 1.—Is the testimony you have given here your opinion,

as an acting member of a board to inspect and assess the value of certain improvements and buildings of the Hudson's Bay Company?

Ans.—As I can recollect it, it is.

Int. 2.—Was that opinion reduced to writing?

Ans.—It was at the time.

(The above testimony-in-chief objected to.)

Int. 3.—Is not the sum of two hundred and fifty dollars you have mentioned also the finding of the board, as to the value of those improvements and buildings?

Ans.—It was.

(Objected to as incompetent.)

Int. 4.—Was not this estimate of certain buildings, eight in number, which it was deemed necessary to remove from the reserve?

Ans.—It was supposed to have included all belonging to the Hudson's Bay Company at and adjacent to the stockade.

Int. 5.—Do you recollect the date of this meeting of this board, and the names of the members? If so, please state these facts.

Ans.—The date was March 1, 1860. The board consisted of myself, Captain Hardie, (then,) and Lieutenant C. McKeever, of the 3d artillery regiment.

Int. 6.—Were not these buildings and improvements examined by this board west of a certain line of stakes that commenced at a point about eighty yards east of the Catholic church, and ran thence in a southerly direction to the river; and did not these improvements and buildings thus valued consist of some four or five hundred yards of fence, and eight buildings outside of the stockade, and not including the house occupied by Mrs. Stubbs?

(Objected to as incompetent.)

Ans.—The improvements were outside the fort and west of the line of stakes, and were valued and estimated, including the eight buildings inside and outside the stockade, which were all we estimated, supposed to belong to the Hudson's Bay Company.

Int. 7.—These eight buildings mentioned by you there, are

the buildings of the Hudson's Bay Company, wherever situated, to which your remarks of dilapidated buildings, some of which were propped up, apply?

Ans.—Yes, sir.

A. J. SMITH,

Lieut. Col. 5th Cavalry, Brevet Major General.

WASHINGTON CITY, D. C., June 13, 1866.

TESTIMONY OF THOMAS NELSON.

Thomas Nelson, being duly sworn according to law, says :

Int. 1.—What is your name, place of residence, and present occupation?

Ans.—Thomas Nelson; I reside at Peekskill, Westchester county, in the State of New York. My occupation is that of a lawyer.

Int. 2.—Have you ever resided in what was formerly Oregon Territory; when, and where, and what was your occupation while there?

Ans.—I have. I resided in Oregon Territory from the early part of 1851 until, I think, August, 1853; I was then Chief Justice of the United States Supreme Court for the Territory.

Int. 3.—Have you ever visited any of the posts or places in what was formerly Oregon Territory, which were claimed and occupied by the Hudson's Bay Company; if yea, what posts have you visited?

Ans.—I have. I have visited Vancouver and Fort George, or Astoria, and, I think, I was at Fort Umpqua. I passed through the country; I was at the Cowlitz Farms, claimed by the Puget's Sound Agricultural Company.

Int. 4.—Was your attention, while you resided in what was formerly Oregon Territory, called to the character and value of the claims of the Hudson's Bay Company in this Territory? If yea, please to describe how it happened that your attention was so called to this matter.

Ans.—It was; my attention was called to it by reason of a letter I received from Mr. Webster, who was then Secretary of State of the United States, in the fall of 1852. My attention was specially called to it by that letter; but, like all inhabitants of that country, my attention was called to it generally, by reason of its being a matter of public interest in the Territory.

Int. 5.—In consequence of the receipt of this letter, did you make any investigation as to the character and value of the claim and possessions of the Company? If yea, please to state what you did in this behalf, and the result thereof.

Ans.—I did; I sought for information from a variety of sources, but more especially from Dr. John McLaughlin, who had been chief factor of the Hudson's Bay Company, a long-time resident of that section of the country, and, by the concession of almost every one in that region, better acquainted with the subject than any other person.

(As the question shows that the result of an investigation made by the witness is sought for, and his answer shows that this result was obtained from various sources, all evidence as to this result derived from information or statements of others is objected to; and the result itself is objected to, except so far as he may testify from his own personal knowledge.)

I had my interviews with Dr. McLaughlin in October, 1852, according to my best recollection; I had several of them; without communicating to him specially the duty with which I was charged, I stated to him my desire to obtain accurate information, in reference to the character, extent, and number of the Hudson's Bay Company's possessions, as they existed about the time of the making the treaty between the Governments in 1846. I took notes of the information so communicated to me by Dr. McLaughlin, and I have my original notes of such information, taken by me, in his presence.

(All statements made by Dr. McLaughlin at these interviews objected to, as incompetent and hearsay testimony.)

Int. 6.—Do these notes, to which you have referred, contain an accurate statement of the substance of what Dr. Mc-

Laughlin said to you at the time that they were made by you?

Ans.—They do.

Int. 7.—Was Dr. McLaughlin at this time in the full possession of his faculties, and did he or not appear to have a full knowledge and distinct recollection of the matters which were the subject of the communication then made to you?

Ans.—He was in full possession of his faculties; he appeared to comprehend, and I have no doubt did comprehend, fully what he communicated to me.

Int. 8.—If you have these notes in your possession now, will you please to produce a copy of them, and have them made a part of your testimony?

Ans.—I here produce the original, and will have a copy annexed to my deposition, accompanied by explanatory notes in parenthesis, made by me now, and which are no part of the original memoranda.

Int. 9.—What was the condition and character of the lands and buildings and other improvements of the Hudson's Bay Company at the post of Vancouver at the time you visited this post?

Ans.—They were of the character of buildings at Vancouver, rough. They were made, not out of sawed lumber, but out of timber, in my judgment cut with the axe. There were several stores, resting on blocks, unpainted, covered with shingled roof, according to my best recollection, protecting their goods from the weather. There were several other houses, in one of which Mr. Ogden, who was the chief factor, resided. They were all what might be called rude buildings; no doubt the best that could be made at the time of their construction. They were built, in my judgment, with reference to the security of what was placed inside, but had outlived the fashion of the day, which was prevailing when I was there, a better class of buildings being erected whilst I was there. The main buildings were surrounded by a stockade made of fir posts, with sharpened points, driven into the ground, and with sharpened points at the upper ends, and left above the ground sufficiently high to prevent the inmates from being surprised by

the Indians. In my day, in 1851 and in 1852, all danger from an attack by the Indians had passed away.

Int. 10.—What, in your judgment, was the original cost, and what the value of the buildings and improvements of this post, at the time that you saw and observed them?

Ans.—The original cost I know nothing about, except as Dr. McLaughlin told me. He stated it cost about \$100,000 all told. As to their value in 1852, when I saw them, it is difficult for me to answer. They had, in my judgment, outlived their day.

Int. 11.—At the time that you were living in the Territory was there, or not, considerable fur trade between the Company and the Indians at Vancouver; if not, what was the nature of the trade of the Company at Vancouver?

Ans.—As I understood, there was but little fur trade while I was in the Territory. The principal business of the Company was merchandizing.

Int. 12.—What, at the time you were in the Territory, was the policy of the Company in respect to the sale of lands, claimed by them at Vancouver, to American citizens and other settlers; did they offer their lands for sale, or did they withdraw them from the market?

Ans.—The Company were not selling their land in Oregon Territory. Their right to the land was much questioned; I mean the nature of their interest in the land under the treaty. They were desirous of selling out all their rights in Oregon Territory, in gross.

Int. 13.—Have you paid some attention to the growth and development of the country in what was formerly Oregon Territory; if yea, what, in your opinion, is the prospect of building up a large commercial town on the Columbia river, at the place called Vancouver?

Ans.—I have paid some attention. I think Portland is to be the great place of Oregon. It has had for a number of years the principal business of the Territory, and the reputation abroad of being the principal trading place. In my judgment, with the advance it already has, Portland is destined to outstrip all other places in Oregon, and render it highly

improbable, at all events, that a place so near to it as Vancouver will be a place of any considerable magnitude.

Int. 14.—Have you any special knowledge of any of the other posts of the Hudson's Bay Company in what was formerly Oregon Territory? If yea, please to describe their condition and character, as particularly as you can.

Ans.—I havn't any special knowledge of any; I have visited Fort George a number of times. There was nothing there but log buildings and a little land enclosed.

Cross-Examination.

Int. 1.—Do you, of your own knowledge, recollect the number of buildings within the stockade at Vancouver, or is your recollection aided by the notes of Dr. McLaughlin's statements?

Ans.—The precise number I do not know, of my own knowledge. I distinctly remember the mess-house and two or three other buildings, and a building in which the employés slept; those are distinct in my memory; and I am not able to speak of the others, of my own recollection. I remember, also, a tall house in the corner, called the bastion or donjon, with guns mounted.

Int. 2.—Do you recollect how many of these buildings were framed?

Ans.—I believe there was a small brick building, and, with this exception, they were all frame. The buildings were mainly of an improved style of log buildings; some of them were sided up with plank. I think the building occupied by Governor Ogden was a nicer building than the rest.

Int. 3.—Do you recollect or know how many buildings there were outside the stockade, belonging to the Company?

Ans.—I do not; I remember two, certainly, one of which was a salmon shed.

Int. 4.—Are you confident that, because the Indians were quiet in 1851 and 1852, they would continue so after that, and all danger from them would be over?

Ans.—I never supposed that all danger from turbulence in

the Indians had passed; but I supposed, from the increased number of settlers in the Territory, and the constantly diminishing number of the Indians, and the proved superiority of the whites in all collisions, that all danger in the settlements had passed away. In other words, I believed that for the purposes of a fort it was useless.

Int. 5.—You say that you had many interviews with Dr. McLaughlin; did he not, in speaking of money, usually refer to it as so many pounds?

Ans.—I think he did occasionally, in speaking of money, use the word pounds; ordinarily, I think he used the names of our own currency. He was in the habit of dealing with persons who used our own currency. His habit was to reckon in American currency.

Int. 6.—Do you feel sure that, in speaking of the cost of the buildings, he did not speak of it as one hundred thousand pounds, and not one hundred thousand dollars?

Ans.—I am as certain of his saying one hundred thousand dollars as I am certain of anything in my notes; I read them over to him as I prepared them.

Int. 7.—Did you make this statement in answer to the tenth interrogatory, as to the \$100,000, from your own recollection of the Doctor's statements, or from the notes you have with you?

Ans.—I remember, independent of my minutes, of having heard it said by the Doctor that the expenditures at Fort Vancouver amounted to \$100,000.

Int. 8.—At what interview, of the several you have spoken of, and at what part of that interview, was this statement made? What was his exact language?

Ans.—It was at the interview that he had with me at my office in Oregon City, and in that part of the interview when the subject of the Vancouver Fort or trading-post was the matter of conversation between us. The order in which these subjects were spoken of was his own, and not at my direction, except with reference to what was said of the Columbia river. Without distinctly remembering on that subject, I have no doubt but that I was the first to introduce that as a subject of conversation.

His exact language it is impossible for me state any further than I have stated. I would not pretend that these notes are in all respects in his exact language, and yet I believe them to be as nearly so as is ordinarily the case in taking down statements of a third party by a party who designs to take them accurately. I have no doubt, and I remember that more was said than was here stated.

Int. 9.—You have stated that you recollect the statement of value without the aid of notes. Can you in no way give his words, or anything more said, in the same sentence, with reference to the buildings and their cost?

Ans.—I cannot, any further than I have already stated.

Int. 10.—Is not that statement, as to the value, the substance of several statements, in reference to the buildings, made several times in course of conversation?

Ans.—I think he repeated it. I had several conversations with him before I took these notes. On one occasion, I think we had a conversation at his house, where we went over the whole of the ground generally. Knowing the importance of getting accurate information, and afraid to trust my memory, by reason of the multiplicity of subjects that we conversed about, he, by my invitation, came to my office, when the subject was gone over again, and these notes were made at the time he was making the communications to me, I reading over to him what had been written, as a particular branch had been finished.

Int. 11.—You have stated that you recollect the statement as to value, without your notes; is there anything else you distinctly remember he said as to Vancouver, without referring to notes?

Ans.—I remember also what he said in reference to the extent of the claim. I remember his stating the cattle roamed at large along the shore as far up as Cathlapootl. This he said was in the winter season; that in the spring of the year the melting of the snow upon the mountains swelled the Columbia river, and made it overflow its banks, and they could not pasture there. I remember his saying the cattle ran wild. I remember his speaking of a man by the name of Short, who claimed some of the land, to the possession of

which the Hudson's Bay Company claimed that they were entitled. I remember also of his speaking of a saw-mill, which was some four or five miles off from the fort, and of its not doing a great deal at that time.

Int. 13.—Is what you have just stated his language, or the substance of what he said? How much of it, if any, is in the notes you have mentioned?

Ans.—That will be best seen by referring to the notes. It is impossible for me to say that I used the exact language used by Dr. McLaughlin. I pretend only to state the substance, though I have no doubt, in many instances, I used the very words that he used.

Int. 14.—You have placed in parenthesis, several times, words in reference to the various subjects in your notes. Was there not a good deal of conversation in reference to these various topics which you have not recorded, which preceded and followed what you have put down?

Ans.—There was.

Int. 14.—Was not the Doctor a garrulous man, full of anecdote, mingling together his own personal knowledge, and what he had learned from others, so that it was difficult to distinguish the actual source of the information which he gave?

Ans.—He was a talkative man. I think he was not a man of anecdote. His nature was rather grave than anecdotal. He was full of detail and incident. It was not difficult to distinguish the source of information which he gave when he pretended to state what his source was. My application was for his knowledge on the subject. How that knowledge was derived by him was not a matter of particular inquiry by me. I presumed that he had full knowledge of the subjects on which he spoke. He had for many years been chief factor of the Hudson's Bay Company, and for more than twenty years, as I understood, from him and from conversations that I had at the fort with its officers. It was matter of history that Mr. Ogden had had more of personal adventure in the mountains with the Indians than Dr. McLaughlin or any other officer of the Company. The Doctor was regarded as a care-

ful, pains-taking officer, and fully acquainted and familiar with all the details of his official duties.

Int. 15.—Did he, in his conversation, state what portion of the information he gave you was derived from his own personal knowledge, and what from other persons?

Ans.—He did not undertake to discriminate in that respect.

Int. 16.—Can you tell now what portion of the information he gave you was from his own knowledge and what from the information of others?

Ans.—I cannot. That was not made a matter of special inquiry by me, for I presumed he was fully informed on the subject.

Int. 17.—Can you give from memory that portion of the conversation you have spoken of, in answer to 13th interrogatory, which took place before or after you recorded any of it, in the language of the Doctor?

Ans.—I can state some part of the conversation that occurred in that interview; but I cannot state the part that took place before the record was made, or after it was made, so as to be able to say at what period it did take place, with reference to the time of the record made by me. I am not able to say that I can state any of the conversation in the precise language made use of by the parties.

Int. 18.—Did you put questions to the Doctor in that interview; if so, can you now, from memory, tell what distinct portion of your record is the result of answers to your questions, and what was given by the Doctor without questioning?

Ans.—I did put questions to the Doctor. I am not able to select those portions of my minutes which were given in answer to questions put by me. I stated generally, at the commencement of my conversation with the Doctor on the subject, my object in getting information with reference to the number, character, and condition of the Hudson's Bay Company's claims in Oregon, and after that preliminary statement we took up the matters *seriatim*.

Int. 19.—In thus taking up these matters *seriatim* was there not a continual interchange of questions and answers between

the Doctor and yourself, in which the meaning was often conveyed in part by the question and in part by the answer?

Ans.—I have no accurate recollection on that subject; but I have no doubt that in many instances the question and answer would have to be taken together, in order to get at the meaning conveyed.

Int. 20.—Have you now any distinct recollection of the questions put by you to the Doctor, other than a general recollection that they were proper to the subject-matter you were inquiring into?

Ans.—I have not.

Int. 21.—With reference to their buildings, do you know how many of them were built before 1846; how many after; how many were nearly new, and how long a time had been occupied in building them?

Ans.—From my own knowledge, I do not. Judging from their appearance, and from what I learned at the fort, they were all built before 1846.

Int. 22.—In these remarks of Dr. McLaughlin, did he give you this information; or did he state how many buildings were put up at first, how many had been added in course of time?

Ans.—I don't remember that he particularized the time of the erection of these several buildings.

Int. 23.—Was Dr. McLaughlin at that time, and during your residence, doing business for himself, in Oregon City, on his own account?

Ans.—He was. He had a mill at Oregon City.

Int. 24.—Can you give the year, and at what time of the year, this conversation took place?

Ans.—In the year 1852, and in the latter part of the fall of that year.

Int. 25.—Do you know anything about Dr. McLaughlin being an applicant, about this time, for confirmation, by act of Congress, for a donation claim?

Ans.—I know that, at this time, the Oregon City claim, as it was called, and which he had taken, had been disposed of by the donation law to the Territory for university purposes. But Dr. McLaughlin felt very much aggrieved at the taking away

of what he called his claim; and that he was desirous of re-obtaining it in any way that he could; that he talked of appealing to the sense of justice of the Territory legislature; that he talked of petitioning Congress on the subject; and that he also talked of claiming the same under the treaty of 1846 as a British subject. He was much disturbed upon the question, and made many and grievous complaints about it, and complained a great deal of the ingratitude which had been shown to him.

Examination-in-Chief Resumed.

Int. 1.—Do you know from anything the Doctor said, or otherwise, whether or not he retained any interest of the Company after his resignation as chief factor; and at or about the time of your interview with him; and whether or [not] he continued, after his resignation, to be consulted concerning the affairs of the Company, to be advised concerning their condition?

Ans.—I understood from the Doctor, and at the fort, that he was interested in the affairs of the Company after he ceased to be chief factor. I learned this whilst in Oregon, in 1851 or 1852, and perhaps in both years.

(Objected to as hearsay.)

And I also learned after he ceased to be chief factor he was occasionally consulted.

(Also objected to as hearsay.)

Int. 2.—Did not the Hudson's Bay Company, while you were in the Territory, have free access to the courts, or was there or not, in your opinion, any obstacle in the way of their obtaining justice in the courts of the Territory in any case involving the question of claims and right to land or other property in the Territory?

Ans.—The courts of the Territory, whilst I was there, were freely accessible to all persons. I know of no obstacle in the way of their obtaining justice in any manner which they thought proper to make, subject to legal investigation in the courts. Certainly the relations of the officers of that Com-

pany with the judges were of an agreeable and I think friendly character. In my day I think that jurors were about as fair as are to be found in any country, and especially deferential to the instructions of the court. There were some persons in the Territory of narrow and ignorant character who were disposed to rail at the Hudson's Bay Company and all other persons occupying prominent positions or who had secured wealth. But with the majority of persons not personally interested in the matter, I think the jurors of the Territory were disposed to render as fair verdicts as the jurors of any country.

Cross-Examination Resumed.

Int. 1.—Do you think a jury of the county in which their claim lay, composed chiefly of settlers on that claim, would have been [*?able*] to have agreed upon a verdict in favor of the Company in a suit against an American citizen for trespassing on their land? Have you any acquaintance with the citizens of Clarke county in Oregon, or did you ever hold a court in that county at Vancouver?

Ans.—I do not think that jurors interested in the question against the Company would be any more likely to do the Company justice there than interested jurors would do justice anywhere. I by no means supposed that all the persons in Clarke county were interested in the question against the Company. If they, the courts, were possessed of ample powers in reference to changing the venue so as to cause the stream of justice to flow free from prejudice, passion, or interest.

THOMAS NELSON.

WASHINGTON CITY, D. C., *June 21, 1866.*

It is hereby agreed between the parties that the part of the minutes (hereunto annexed) of the conversation held between the deponent and Dr. McLaughlin, relating to the Puget's Sound Agricultural Company, shall be offered in the case of the Puget's Sound Agricultural Company subject to the same ob-

jections that were taken to the said minutes in the deposition concerning the Hudson's Bay Company.

NOTE.—In reference to the value of the navigation of North Branch of Columbia.

In the summer, river full of rapids; communication in the spring and fall; can't communicate in the summer, owing to the melting of the snows; country north has not been explored; there are no trading posts north of the 49th°; where they use the Columbia or Frazer's river, there are, or were, seven posts; they used to go to Okanagan, then strike across the country to Thompson river, then across land to Alexandria, in Caledonia, on Frazer's river; they used the Columbia in going across the country to Red river and Canada; it is best thoroughfare with Red river, but another could be made; it is of a strong, smooth current; it is navigable for steamboats in spring and fall, but there is no country to cultivate.

In reference to forts and trading posts claimed [by] Hudson's Bay Company:

In 1846, Kootenay post.—South of Columbia, between that and Flat-Heads; a winter post; on the Kootenay lake; a mere winter trading post; no farms, no cattle.

Flat-Heads.—South and east of the last; a trading post, called Flat-Heads; used only in the winter to trade with Indians; the Flat-Heads used to be met there twice a year for trading, after buffalo hunts; mere log building.

Fort Colville.—Was the headquarters of the former posts; in 1846 there was a farm; used to raise from 1,000 to 1,500 bushels of wheat; there was a small mill forty feet square; large amount of cattle; two or three hundred head of cattle in 1846; they were looked after by the people of the fort.

Okanagan.—On the Columbia; a small post; a receptacle for the boats used in transporting goods to Frazer's river settlements and posts; soil around, barren; a small garden; cattle, new, sent there in 1826, for the use of the place.

Walla-Walla.—Poor soil around; a mere fort; cost a good

deal, but made strong as against Indian attacks; no farms there; a small garden for the use of the place; no trade in furs; object was to subdue Indians; to supply their wants, and bring them in subjection; it was put there to subdue the Indians, and with a view of making Indians defend it; Indians were gratified at the having of posts in their lands.

Boisé.—No farms there; in the Snake country; a trading post for Indians; post established to keep Indians in order; two men stationed there.

Fort Hall.—built by Wyeth, an American, now in Boston; in 1834, in the Snake country; object to supply the trappers; attempted the salmon trade; failed; many American trappers in the country; Hudson's Bay Company bought of Wyeth; no farms made then by Hudson's Bay Company; three or four cows sent there in 1835 or 1836 by the Hudson's Bay Company, for the purpose of giving to Indians; land all barren around.

Vancouver.—1,000 to 1,500 acres used by the plough at a period prior to 1846. There had been that amount under fence. Saw-mill and grist-mill, about five miles east up the river; had from two to three thousand head of cattle; permitted to stray where they could find pasture; cattle are now wild; five stores of 100 feet; granary 60 by 40; mess-house, office, \$100,000 expended.

On the Columbia from Cathlapootl up to the river Duthé, (sometimes called Vivet,) say about twenty miles, all overflows; cattle used to be there in winter, and then were driven back; sometimes were driven back half a mile, and then again five or six miles; cattle were permitted to pasture; only occupied and tilled at and near Vancouver; the rest was for pasture.

Sophie's Island [Sauvie's.]—Was selected by Wyeth first; he built upon it and requested McLaughlin to keep it; buildings fell down; McLaughlin afterwards recorded it in Wyeth's name. Hudson's Bay never claimed it in McLaughlin's day. He left it in 1846. There were two buildings put up by Company for Wyeth.

Fort George.—A store; a salmon shed; and officer's dwell-

ling. Astor was bought out. Hudson's Bay Company had a post there in 1846; no farms; nothing but garden; about eleven acres cleared; was once of the principal fort; abandoned in 1825. For a time afterwards a small trading post for Indians, and to prevent the Indians from coming to Vancouver and engaging in hostilities with Indians there. In 1847 or 1848 moved it over to Cape Disappointment; before that time no post at Cape Disappointment. After that, Ogden took a claim which he bought of one Wheeler, an American. Trade was then changed from Fort George and went to Disappointment.

Fort Umpqua.—Post established in 1834; agriculture engaged in in a limited degree for the use of the post, and some cattle, pigs, and breeding mares sent there. Cattle, in fact, were sent to all the forts for the convenience of the forts, and to civilize the Indians; was a picket fort in 1846.

NOTE, as to claims of Puget's Sound Agricultural Company:

Puget's Sound; began in 1837 for Hudson's Bay Company. In 1840 transferred to Puget's Sound Company. At Cowlitz farms had about 2,000 (acres) under cultivation. There were lines designated around this farm, and fenced in some 1,500 acres; pasture was outside; three or four hundred head of cattle; outside of the limits was common for feeding cattle. Considered the Cowlitz Farms to embrace about 3,000 acres of land.

Nisqually.—About eight or nine miles of plain. The cattle and sheep pastured over three or four miles square. Sometimes cattle strayed over eight or ten miles. Plain was bounded on one side by the Sound, on the other side by the Nisqually river, and the woods on the other side.

TESTIMONY OF MAJOR GENERAL C. C. AUGUR.

Major General C. C. Augur, being duly sworn according to law, says:

Int. 1.—What is your name, place of residence, and present occupation?

Ans.—Christopher C. Augur, Major General of Volunteers in the service of the United States, at present commanding the Department of Washington.

Int. 2.—Have you ever resided in Washington Territory; if yea, when and where, and for how long a period?

Ans.—I have, from some time in November, 1852, to March, 1856, with an occasional absence. I was absent at one time four months. I resided at Fort Vancouver. I was stationed there, and I was there two or three times a year after that until 1861.

Int. 3.—Are you acquainted with the fort and buildings at Vancouver which were claimed and occupied by the Hudson's Bay Company?

Ans.—I am generally.

Int. 4.—Did you ever make an estimate of the value of the fort and buildings and improvements at this post which was claimed and occupied by the Hudson's Bay Company; if yea, where, and under what circumstances?

Ans.—I did. I was a member of a board of survey, which was ordered to make such estimate. It was in the fall of 1853 or spring of 1854; I don't remember which.

Int. 5.—Did this board of survey make a report in writing of their action in the premises?

Ans.—It did.

Int. 6.—Please to look at the paper here produced, (marked A, and hereto annexed,) and state whether it be, in your opinion, a true copy of the report which was made by the board.

Ans.—I believe it is a correct copy of the report.

Int. 7.—Are the other members of the board who acted with you in this matter now living?

Ans.—They are not.

(The introduction of this report and all matters connected

with it objected to, as being the proceedings and decision of a military board or tribunal on matters that have been or may be in question before this commission, and because the same was *ex parte*, it not appearing that notice was given to the Hudson's Bay Company.)

Int. 8.—Please to look at the map here produced, drawn by Giddings, representing the claim of the Hudson's Bay Company, and say whether you recognize it as a just delineation of the country, including and adjoining Vancouver, on the north side of the Columbia river.

Ans.—So far as this shows the topography of the country, I recognize it.

Int. 9.—Were you acquainted with the general condition of the country described on this map, as claimed by the Hudson's Bay Company?

Ans.—I was not. I was acquainted with only that part that was immediately about Vancouver.

Int. 10.—What was the condition of that part of the country adjoining Vancouver with which you were acquainted? How much of it, if any, was enclosed and cultivated by the Hudson's Bay Company; how much, if any, was in a wild, natural state, and used in common by all persons there for the purposes of pasturage or culture?

Ans.—I knew the country for about six miles on the river, commencing two miles below the military reservation, and varying from a mile to four miles in the interior. A portion bordering on the river, averaging three quarters of a mile, perhaps more, in that vicinity was an open country, and mostly cultivated by settlers and mostly enclosed. The portion on the military reservation I should say was very nearly one half, recognized as the Hudson's Bay enclosures, and so far as I know was cultivated by their employés. The balance of it was mostly heavy fir timber. There were two or three small plains, called the second, third, and fourth plains, that were open; I couldn't judge the amount of land in them; perhaps there were one thousand acres.

Cross-Examination.

Int. 1.—You stated, I believe, that you could not be very accurate about the land around Vancouver; do you feel sure that this strip of open land was not wider than you have described?

Ans.—The average width, in my judgment, was three quarters of a mile in that vicinity, perhaps more.

C. C. AUGUR,

Major General of Volunteers.

WASHINGTON CITY, D. C., *June 2, 1866.*

COPY A.—3.

Proceedings of a Board of Officers assembled at Fort Vancouver, W. T., by virtue of the following order:

HEADQUARTERS, FORT VANCOUVER, W. T.,
January 17, 1854.

Orders No. 1.

In order to carry out instructions received from the War Department, dated October 29, 1853, and from the Headquarters Department of the Pacific, dated December 7, 1853, Surgeon B. M. Byrne, Captain T. L. Brent, A. Q. M., and Captain C. C. Augur, 4th Infantry, will constitute a Board to assemble at this post at 10 o'clock A. M. to-day, to examine and report upon the extent, condition, and probable value of all improvements contained within the limits of the present military reservation at this post of six hundred and forty acres.

By order of LIEUT. COL. BONNEVILLE.

(Signed)

JOHN WITHERS,

2d Lieut. 4th Infantry, Act. Adjutant.

FORT VANCOUVER, W. T., *January 17, 1854.*

The board met pursuant to the above order. Every member of the board was present. To enable the members to possess

themselves of the necessary facts and information for giving an intelligent opinion upon the different points contemplated by the order, the board adjourned to Monday the 23d instant.

FORT VANCOUVER, W. T., *January 23, 1854.*

The board met pursuant to adjournment, all the members being present. The board determined as follows, respecting the extent, condition, and probable value of the improvements upon the reserve.

1st.—EXTENT OF IMPROVEMENTS.

The board find that the military reservation, as designated by the commanding officer, is a portion of the land claimed by the Hudson's Bay Company, and that it includes their entire establishment at this place, and that, with the exception of those belonging to the United States, they claim all the buildings upon it as their property, and also all the improvements of whatever character.

The board find that about one-half of this reservation has been under cultivation at various times, and that upon this portion of it there are about three miles of fence, about eighty fruit trees, about eight acres of wheat in the ground, and thirteen small houses, some of them being rented at from \$8 to \$20 per month, one large building rented by the United States as a hospital at \$40 per month, and one large store-house upon the river, and the Catholic Church and parsonage attached. Besides these, there is their trading establishment, surrounded by heavy pickets, consisting of store-houses, shops, offices, &c., and the dwelling houses of the officers of the Company.

2d.—CONDITION OF IMPROVEMENTS.

The board, find with few exceptions, all the above buildings, fences, pickets, &c., are what would be termed *old*, but it cannot arrive at the exact age of any of them. There are besides some shells of houses and portions of decayed fences, which they have not thought worth considering at all.

3d.—PROBABLE VALUE OF IMPROVEMENTS.

The board estimates the *value* of the above improvements to be as follows, guiding themselves in their valuation of buildings by what many of them are rented for, and for fences by the current rates for such improvements:

For pickets around trading establishments	-	-	\$3,000
“ thirteen houses outside of pickets	-	-	5,200
“ hospital buildings	-	-	1,333
“ four old sheds	-	-	100
“ Catholic Church	-	-	2,000
“ parsonage attached	-	-	1,000
“ court house	-	-	1,000
“ three stables	-	-	1,000
“ store-house on river	-	-	1,000
“ four large store-houses inside of pickets (\$2,500 each)	-	-	10,000
“ one dwelling-house	“	(Governor’s)	4,000
“ one dwelling-house	“	(Graham’s)	4,000
“ three houses (officers’ and inside the pickets) (\$1,000 each)	-	-	3,000
“ one granary	-	-	3,000
“ blacksmith shop inside pickets	-	-	500
“ one bake-house	-	-	1,500
“ magazine	-	-	500
“ washing-house	-	-	500
“ one kitchen, Governor’s house	-	-	1,000
“ one butcher’s shop	-	-	500
“ three wells, at \$250 each	-	-	750
“ eighty fruit trees, at \$20 each	-	-	1,600
“ eight acres of wheat in the ground, at \$15 per acre,	-	-	120
“ three miles of fence, at \$300 per mile	-	-	900
Total probable value	-	-	<u>\$47,503</u>

In estimating the above to be the probable value of the

property and improvements upon the reserve claimed by the Hudson's Bay Company, the board have proceeded as though they were claimed by private individuals, and have not deemed it their province to inquire whether they have an adventitious value, as being an integral portion of the Hudson's Bay Company's establishments in this country, under the peculiar privileges and rights claimed by that Company.

There being no further business before it, the board adjourned *sine die*.

(Signed;)

B. M. BYRNE,

Surgeon U. S. Army.

(Signed,)

T. L. BRENT,

A. Q. M. U. S. Army.

(Signed,)

C. C. AUGUR,

Captain 4th Infantry.

In approving the proceedings of the board of officers, I do not wish it to be understood that the buildings will answer for the military service. They can stand a short period only when they cease to receive the great care bestowed upon them. The buildings now occupied as hospital and store-house will answer as they now do until others be erected more conveniently located.

(Signed,)

B. L. E. BONNEVILLE,

Lieut. Col. 4th Infantry, commanding.

Official:

BENJ. C. CARD.

Col. Q. M. Dept., Bot. Brig. Genl.

Quartermaster General's Office, *May 19, 1866.*

TESTIMONY OF JAMES A. HARDIE.

James A. Hardie, being duly sworn according to law, says:
Int. 1.—What is your name, place of residence, and occupation?

Ans.—I am inspector general and brevet major general in

the army of the United States. My habitual station is Washington. My name is James A. Hardie.

Int. 2.—Have you ever resided in Washington Territory; if yea, when and where, and for how long a period?

Ans.—I was an officer-stationed at Vancouver and the Cascades from 1858 to 1861.

Int. 3.—Are you acquainted with the post at Vancouver which was formerly claimed and occupied by the Hudson's Bay Company? If yea, please to describe the same, giving the character of the construction of the fort and buildings connected therewith, and their condition and value, as particularly as you can.

Ans.—I find here a certified copy of a report of a board of survey of which I was a member, to which I might refer in answer to this question. There were some eight or ten buildings within an old stockade. The buildings had been used for ware-houses and officers' quarters, and outbuildings belonging to the Hudson's Bay Company. These buildings were of log, with the exception of the Governor's house and a building which, I think, had been used as chaplain's quarters. When I say eight or ten buildings, I mean the principal constructions. There were sheds or huts, and perhaps one or two other unimportant buildings. Also, upon the reserve was a building used as a residence, opposite the quarters of Captain Ingalls, Quartermaster, the extreme end of the property occupied by the Hudson's Bay Company. The log buildings (the store-houses) in 1860, the occasion of the survey, were in a state of great dilapidation, not worth repair, and having no value except as so much hewn seasoned timber, where sound pieces could be selected; but very much of the timber, especially the larger pieces, was decayed. The frame buildings were in not much better condition. The whole property had been deteriorating from the time I saw it, in 1858, until the time of the survey, in 1860.

Int. 4.—You speak of a report which was made by you and others; please to look at this paper here produced, and say whether it be, in your opinion, a true copy of the report to which you allude in your last answer.

Ans.—It is, in my opinion, a true copy of the report.

(The introduction of this report, and all matters connected with it, objected to, as being the proceeding and decision of a military tribunal on matters which have been, or may be, at issue before this commission, and further, because it does not appear that any notice of such proceedings was given to the Hudson's Bay Company.)

Int. 5.—Have you any knowledge of the character and condition of the land at or near Vancouver? If yea, please to describe it, giving, as particularly as you can, the quantity which was cultivated, if any, by the Hudson's Bay Company, and general character of the country adjoining, whether or not it was, for the most part, covered with woods, or for the most part cultivated, or in a wild state, and open to any one who had occasion to use it.

(The latter part of the question objected to, because the same is leading, and suggesting to the witness an answer to the question.)

Ans.—I was necessarily somewhat acquainted with the land in and about Vancouver. The portion of the military reserve on which were the fort and buildings of the Company was a flat plain of good land, and fit for cultivation. Back of that was an elevated plateau of inferior land, mostly covered for miles with timber. I have an indistinct recollection of fields cultivated by the Hudson's Bay Company, or by persons in their employ. The maximum amount of land under cultivation by them could be obtained by judging from the amount of fencing found upon the land in their occupancy, and that was, I think, somewhere between seven and nine hundred yards of fence. Latterly, that is in 1860, the place was all open; any one could come or go through the fort or grounds at pleasure, and the only fields, I think, enclosed, were those the garrison used for company gardens.

Int. 6.—Have you any knowledge of the value of the land at and near Vancouver while you were there? If yea, please to state what, in your judgment, was the value of the same.

Ans.—I consider the United States military reservation to be the most valuable land in that region, excepting, of course, the

town site of Vancouver. To the military reservation especial value would attach from the beauty of its site for handsome residences. I should think the flat, alluvial land outside this reservation ought to have been worth one hundred dollars per acre. Upon the plateau behind it I should have hesitated to have given ten dollars per acre for any farming purposes. For purposes of timber it would have value according to the quality of timber and its accessibility to the river. I do not, however, consider myself perfectly well acquainted with the market value of real estate in 1858, 1859, and 1860, in Washington Territory, although I could not escape knowledge of the fact that the town of Vancouver, the more valuable portion of this section, was improving but slowly, and had failed to realize the expectation, as to its growth and prosperity, of its friends.

Int. 7.—Have you any knowledge of the condition of the town of Vancouver? If yea, how [was] its condition, in respect to growth and prosperity, when you last had any knowledge of it, compared with its condition when you first heard it.

Ans.—It had improved slightly, but its growth was sluggish.

Cross-Examination.

Int. 1.—How long were you at Vancouver, and at what time?

Ans.—I was at Vancouver all of the interval between 1858 and 1861, except some six or seven months spent at the Cascades.

Int. 2.—Was your examination of these buildings made at the time of the survey you have spoken of?

Ans.—Yes, sir.

Int. 3.—Was not that survey made for the purpose of ascertaining the value of certain buildings which it was intended to move from the reservation for certain military purposes, and not intended to include the stockade and the buildings inside the stockade?

Ans.—I am of the impression it was intended to include

the whole; but at this distance of time my recollection is not distinct.

Int. 4.—Do you think that at the time you made this survey the Company's agent had left their fort?

Ans.—I am not prepared to say.

Int. 5.—Do you recollect how soon after the survey was made the Company did leave the fort?

Ans.—I don't remember whether they were there or not at the time of the appraisement.

Int. 6.—Do you recollect a line of stakes, commencing at a point about eighty yards to the east of the Catholic Church and running from that point, in a southerly direction, to the river, on the reserve at the time of this survey?

Ans.—I cannot say I do; nor would I have thought of the line of stakes if I had not seen it alluded to in the report of the board of survey.

Int. 7.—Do you not recollect that your board was ordered to survey certain improvements on the military reserve, and that you did examine improvements lying to the west of a certain line of stakes?

Ans.—It is my general impression that we took into consideration all the improvements of the Hudson's Bay Company on the military reserve; I cannot be positive, however.

Int. 8.—Would your impression be so strong as not to yield to the fact, if, in a report made at the time, it appeared you did not so examine them?

Ans.—My impression is not so strong as that I would allow it to weigh against the official report of the board.

Int. 9.—Were you on any other board to examine any other improvements of the Hudson's Bay Company on this military reserve?

Ans.—Not that I remember.

Int. 10.—Do you recollect about what time the agents of the Hudson's Bay Company left Vancouver?

Ans.—I do not.

Int. 11.—How were these buildings treated after the Company left the fort, in the way of taking away materials and destroying the buildings?

Ans.—The buildings were in an exceedingly dilapidated condition, nearly all ruined, in some instances falling down. The Governor's residence had a large decayed spot in the floor, through which the ground was visible. Exposure to the weather caused still farther decay and dilapidation. At first sentinels were placed to keep people out, but that did not prevent depredations of material. I don't remember whether the sentinels were removed afterwards or not. Some of the material was used at the fort for out-buildings, and for other purposes. I have no doubt that other material was taken by irresponsible persons.

Int. 12.—Was not this hole in the floor of the Governor's house observed by you after the Company's agents had left the house and fort?

Ans.—Yes. I think it was.

Int. 13.—When you were at the Company's fort, in the winter or spring of 1860, did you not observe lumber or timber, or both, in the centre of the stockade, intended for repairs?

Ans.—My impression is I did.

Int. 14.—Have you any distinct recollection of the amount or value of this timber and lumber and what became of it?

Ans.—I have none.

Examination-in-Chief Resumed.

Int. 1.—Was or was not the reason for permitting these buildings to be thus carried away piece-meal, that they were of no value whatever?

Ans.—I presume the buildings were esteemed to be of so little value that the use of small quantities of material at the fort was tolerated.

JAS. A. HARDIE,

Inspector Gen'l, Brevet Maj. Gen. U. S. A.

WASHINGTON CITY, D. C., July 2, 1866.

TESTIMONY OF THOMAS ADAMS.

Thomas Adams being duly sworn, according to law, says:

Int. 1.—What is your name, present occupation, and residence?

Ans.—Thomas Adams; I am farming in Montgomery county, Maryland.

Int. 2.—Have you ever visited the country formerly known as American Oregon, and now embracing, besides that State, the Territories of Montana, Washington, and Idaho; if so, during what years were you there, and in what capacity?

Ans.—I first reached that Territory in 1853, as assistant artist in Governor Stevens' Expedition. I was left in the Flat-Head country, with Lieutenant John Mullan, to assist him in his explorations in that winter. I was left as special Indian agent to the Flat-Heads, when Lieutenant Mullan was ordered to report, appointed by Governor Stevens. I remained there as agent until November, 1855. During that time I went through the whole country, including Puget's Sound and Willamette valley. From 1855 until 1860, I remained in the country on my own account, and not in Government employ. From the year 1860 to 1864 I was in the country, but made two trips to the States.

Int. 3.—Did you during those years visit any of the posts occupied or claimed by the Hudson's Bay Company, and which ones?

Ans.—Yes, I visited the Flat-Head post, Fort Hall, and Walla-Walla post; also Vancouver. I was at the Cowlitz landing, but don't remember whether there was a post there or not. I also visited Nisqually.

Int. 4.—In what year were you first at Fort Hall? Please to describe it as you saw it then. What buildings and other improvements did it embrace; of what was it constructed, and in what state of repair was it?

Ans.—I was first at Fort Hall in 1853. It was a quadrilateral fort, constructed of adobes, the walls of the fort comprising the outer and rear walls of the buildings. The roofs

were of mud. The servants' rooms, kitchen, blacksmith shop, and so on, were very much dilapidated. The store-rooms, and the rooms occupied by the chief, Mr. McArthur, were in very good repair. The rooms occupied by Mr. McArthur had recently been fitted up. There were no buildings on the outside of the fort, except a small shelter, about ten feet square, used as a milk house. There was no corral outside. The fort was used to corral the animals. I did not see any enclosed ground for cultivation outside the fort. There was the remains of an adobe wall outside the fort, but not in use when I was there.

Int. 5.—How large a post was this, as near as you can remember, and can you form an opinion what it would have cost to build such a post at the time you were there, in 1853?

Ans.—I think it was about one hundred and twenty feet by eighty feet. I should estimate the cost of construction in 1853 about six thousand dollars.

Int. 6.—Do you remember any other buildings, especially mills, at this point?

Ans.—There were none there.

Int. 7.—What force was employed, and what was the character and apparent value of the trade, and with whom was it carried on?

Ans.—I think there was about six employés in the fort besides the superintendent. I had no means of judging of the character and value of the trade during that visit, my stay was so short.

Int. 8.—What did you learn of the trade subsequently?

Ans.—That the trade had fallen off so as to be entirely worthless, from various causes. This in 1854 and 1855.

Int. 9.—Was there, judging from your knowledge of the number of Indians, and the quantity and value of fur-bearing animals in that district, any considerable fur trade?

Ans.—Fur skins proper were scarce, but dressed skins were very considerable.

Int. 10.—Did, or not, the business of the post appear to be inconsiderable, so far as you could observe?

Ans.—Yes, sir; it was inconsiderable.

Int. 11.—What is the character of the country, within grazing distance, around Fort Hall?

Ans.—Excellent as a grazing country; none better.

Int. 12.—Was there any farming carried on by the Company there?

Ans.—No, sir.

Int. 13.—In what year were you first at the Flat-Head post, and when subsequently?

Ans.—I was there in the spring of 1864, and was there every year until 1862.

Int. 14.—Please to describe it, as you have done Fort Hall; its materials, buildings, and improvements.

Ans.—It was a wooden building, about twenty-four by sixteen feet, of one story, with a bark roof; one wooden bastion, about fourteen feet square; and two store-rooms, each ten feet square; also a log corral, about sixty feet square.

Int. 15.—In what condition were the buildings, and what would it have cost to rebuild them?

Ans.—They were barely habitable, and would have cost about twelve hundred dollars. This was in 1854?

Int. 16.—What was the force there?

Ans.—Two men, an Indian boy to herd cattle, and a clerk. This was the permanent force at the post. When they moved or carried furs down, they got Indian help.

Int. 17.—Do you know anything of the trade in furs or skins at that time, or subsequently?

Ans.—The trade there was considerable. I would not consider it a remunerative trade, for the reason there was a good deal of opposition in the trade, making the price of furs high.

Cross-Examination.

Int. 1.—Were you ever at Fort Hall, after your visit there in 1853, while it was occupied by the Company?

Ans.—No, sir.

Int. 2.—Is not your personal knowledge of it, and of its trade, as a post of the Company, from your own observation at that time?

Ans.—Yes, sir; of course.

Int. 3.—Were there not a good many skins held by the Indians, and beavers trapped by them, in 1856, in the Snake country?

Ans.—Yes; I should say there was. I was trading there myself in 1856.

Int. 4.—Does not the land around Fort Hall produce fine grass, suitable for hay, and of great value for cattle and horses?

Ans.—Yes, sir.

Int. 5.—In what Territory is Fort Hall at the present time?

Ans.—Idaho.

Int. 6.—Do not the tribes which trade with the Flat-Head post, roam over countries abounding in furs, and have large quantities of furs annually to dispose of?

Ans.—Yes, sir; between the years 1853 to 1860. The whites now catch ten beavers to the Indians' one.

Int. 7.—In what Territory is this Flat-Head post at the present time?

Ans.—Montana.

Examination-in-Chief Resumed.

Int. 1.—What furs or skins are obtained at the Flat-Head post, or at Fort Hall?

Ans.—Beaver, otter, marten, fisher, and fox—the red and cross foxes—winter weasels or ermine, and bear and wolf, and dressed-skins of deer, elk, sheep, moose, and antelope and buffalo.

Int. 2.—Of the kinds of furs and dressed-skins you have mentioned brought into these posts, how many of them are valuable sorts, and what proportion do they bear to the whole amount?

Ans.—The bear, fisher, and marten are the valuable skins, and are obtained in less quantities than the beaver, otter, wolf, and fox.

Int. 3.—Are those valuable skins obtained in large quanti-

ties or not? Give, if you can, some idea of the amount of each, and whether the trade is now remunerative.

Ans.—For reasons stated—that is on account of the opposition—I do not think it is remunerative.

Int. 4.—Have the Hudson's Bay Company ever, within your time, kept any large bands of cattle or horses at either of their posts?

Ans.—No, sir.

Cross-Examination Resumed.

Int. 1.—Were you acquainted with the price of furs in London, England, during the time you have mentioned?

Ans.—No, sir.

Int. 2.—Were there not bands of horses and cattle at these two posts in 1853 and 1854?

Ans.—There were none at Fort Hall, to my knowledge; I did not see or hear of them. At the Flat-Head post I should say there were one hundred horses and about one hundred and fifty cattle. I understood they were private property of Mr. McDonald, agent of the Company at Fort Colville.

THOMAS ADAMS.

WASHINGTON, D. C., July 2, 1866.

DISTRICT OF COLUMBIA, }
 County of Washington. }

I, Nicholas Callan, a notary public in and for the county and district aforesaid, do hereby certify that the foregoing depositions hereto annexed, of Rufus Ingalls, U. S. Grant, James W. Nesmith, Justus Steinberger, Charles B. Wagner, William A. Howard, Joseph K. Barnes, Chauncey McKeever, Andrew J. Smith, Thomas Nelson, C. C. Augur, James A. Hardie, Thomas Adams, witnesses produced by and on behalf of the United States in the matter of the claims of the Hudson's Bay Company against the same, now pending before the British and American joint commission for the adjustment of

the same, were taken before me, at the office of said commission, No. 355 H street north, in the city of Washington, District of Columbia, and reduced to writing under my direction by Nicholas Callan, jr., a person agreed upon by Eben F. Stone, Esq., attorney for the United States, and Edward Lander, Esq., attorney for said Company, beginning on the 4th day of May, A. D. 1866, and terminating on the 10th day of August, A. D. 1866, according to the several dates appended to the several depositions when they were signed respectively.

I further certify that to each of said witnesses, before his examination, I administered the following oath: "You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United States of America shall be the truth, the whole truth, and nothing but the truth, so help you God;" that after the same was reduced to writing, the deposition of each witness was carefully read and then signed by him.

I further certify that Eben F. Stone, Esq., and Edward Lander, Esq., were personally present during the examination and cross-examination of all of said witnesses, and the reading and signing of their depositions.

I further certify that the certified copy of the proceedings of a certain military board of survey, annexed to the deposition of Chauncey McKeever, and marked "A 1," is the one referred to in his testimony, and that of A. J. Smith and of J. A. Hardie; that the one attached to the deposition of J. K. Barnes, marked "A 2," is the one referred to in his deposition; and the one annexed to the deposition of C. C. Augur, marked "A 3," is the one referred to in his deposition.

In testimony whereof I have hereunto set my hand
 [L. s.] and official seal this tenth day of August, A. D.
 1866.

N. CALLAN,
Notary Public.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claims of the Hudson's Bay Company against the United States, before the British and American Joint Commission on Hudson's Bay and Puget's Sound Agricultural Companies' claims.

Deposition of *Major Robert McFeely*, of Cincinnati, Ohio, taken before me, George H. Harries, a notary public within and for the county of Hamilton, in the State of Ohio, on the sixth day of October, in the year eighteen hundred and sixty-six, between the hours of eight o'clock, A. M., and six o'clock, P. M., at the law office of Stallo & Kittredge, in the city of Cincinnati, Hamilton county, Ohio, pursuant to agreement, to be read in evidence on behalf of the United States.

TESTIMONY OF MAJOR ROBERT McFEELY.

Ques. 1.—What is your name, occupation, and place of residence?

Ans.—My name is Robert McFeely; I am a major and commissary of subsistence and brevet colonel United States army; my present place of residence is Cincinnati, Ohio.

Ques. 2.—Have you ever resided in Washington Territory? If yea, when, and where, and how long?

Ans.—I have; at Fort Vancouver, from January, 1853, until the fall of 1860. I was stationed there at different intervals.

Ques. 3.—Are you acquainted with the post Vancouver, in Washington Territory, which was formerly claimed and occupied by the Hudson's Bay Company? If so, please state when

you first became acquainted with it, how long you have resided there.

Ans.—I am; I was first there in January, 1853, and was stationed at the military post in the vicinity of the Hudson's Bay fort for three or four months immediately succeeding this time, and at different periods from that until October or November, 1857, and continuously from that time up to September or October, 1860.

Ques. 4.—Will you please to describe the buildings of the Company at that post, giving, as nearly as you can, the number, stating the material of which they were built, and the manner in which they were constructed, and their condition at the time when you last saw them.

Ans.—The post or fort of Hudson's Bay proper was a stockade enclosure, the stockade being about 16 or 18 feet high, and occupying a space of ground about five acres, as near as I can tell. Within the stockade there were some eight or ten buildings, store-houses, and residences, all of which were wooden buildings. The store-houses were constructed of planks, about three inches in thickness, fastened to upright posts. The main store-house was a two-story building. I think the others were one story, except the residences; they were old, almost uninhabitable, the material being rotten and decayed from time and exposure.

Ques. 5.—What, in your opinion, was the value of the fort, buildings, and improvements belonging to the Company at this post?

Ans.—To the United States, I would state the building had no value at all in 1860, either as store-houses or for quarters. If sold at public sale, I doubt whether they would have brought more than the value of the land, or a trifle more, at least. To the Hudson's Bay Company I could not state what was their value. That would depend upon the necessity. I suppose they were the only Company or individuals that kept any property of that kind.

Ques. 6.—What, in your judgment, would the land and buildings have sold for at public sale?

Ans.—I would like, before answering, to add a little to the

description of the property: When I first arrived there, there were a number of small buildings outside the stockade, and a large store-house, called the salmon-house, near the river. There were about fifteen small buildings occupied by the employés, with fields enclosed by fences; probably 100 acres of ground, an old saw-mill, I think, and a grist-mill. I don't know whether either of them was running at that time. The land and buildings—the whole of it—could not, I think, be sold for \$100,000 at the time when I first arrived there.

Ques. 7.—What do you mean to include, all the land enclosed and occupied, as well within as without the stockade, with the buildings upon it?

Ans.—I mean to include the land enclosed by fences, with the buildings and improvements thereon, as well within as without the stockade.

Ques. 8.—What was the character of the land enclosed at that post?

Ans.—The land was good for agricultural purposes, on the bottom of the river, as rich probably as any land in the valley of the Columbia.

Ques. 9.—What was the condition and value of the land adjoining Vancouver, and extending from a post say five miles above the fort, along the river to the Cathlapootl or Lewes' Forks, and reaching back into the interior an average distance of ten miles, not included in your previous answer.

Ans.—The most of that country I could give only the character from hearsay. The portion of it of which I speak from my own knowledge is west of the Cascade Mountains, including portions of the country traveled over by me from Fort Dalles to the old Mission, where Pendsy was. The Yakama Mission was rough, rolling country, alternating with timber and prairies, and covered with good bunch grass, being good forage for animals; some good agricultural land along the streams and water-courses. The land on the hills was generally of a sandy, gravelly nature.

Ques. 10.—What was the character of the soil of the lands back from the streams as to its fertility?

Ans.—It was not fertile land, being sandy and gravelly, and very dry during the summer season.

Ques. 11.—Of the 100 acres (about) of land that you have spoken of as being enclosed near the stockade, what proportion of it was under cultivation?

Ans.—I don't think over twenty or thirty acres of it, which were cultivated for garden purposes, the lands within the enclosures being mostly used for grazing, and for hay or grass.

Ques. 12.—Have you ever visited the old Fort Walla-Walla, near Wallula? If yea, please describe the fort and the country adjoining it as particularly as you can.

Ans.—I visited it in July, 1853. The fort consisted of two or three, probably four, small buildings, constructed of adobe and logs. The buildings were small, and did not cover over about two acres of ground, to the best of my recollection. The nature of the country adjoining was barren and sandy, with the exception of narrow strips near the stream Touchet, and other streams, covered with little vegetation, except sage bushes.

Ques. 13.—Have you any knowledge of the value of that fort, the buildings and improvements erected therewith? If yes, state what, in your judgment, was their value.

Ans.—I saw no land there enclosed or under cultivation. I do not think that the cost of the construction of the buildings exceeded \$5,000.

Ques. 14.—What use, if any, was made of this post by the Hudson's Bay Company at the time you were there?

Ans.—I don't know, excepting that it was occupied by some one or two half-breeds, who were said to be employes of the Company.

Ques. 15.—Have you ever visited the post of the Hudson's Bay Company at Fort Boisé? If yea, state when, and describe, as particularly as you can, the construction of the fort, and the buildings and improvements connected therewith.

Ans.—I visited Fort Boisé in the summer of 1854. The fort consisted of one or two adobe buildings, or one building,

with three or four small apartments, and a small corral. Those were all the improvements.

Ques. 16.—Have you any knowledge of the value of this fort, with the buildings and improvements connected therewith? If yea, please to state what, in your judgment, was their value at the time that you observed them.

Ans.—From the nature of the buildings, and the material of which they were constructed, I would say that the cost of the construction and material did not exceed \$2,000.

Ques. 17.—What was the character of the land in the vicinity of Fort Boisé; what quantity, if any, was enclosed and under cultivation?

Ans.—The land seemed to be sandy and barren. I saw no lands enclosed or under cultivation.

Ques. 18.—Have you visited any other posts of the Hudson's Bay Company in Washington Territory? If yea, state what ones, and when.

Ans.—I never visited any other.

Ques. 19.—Have you any knowledge of any other matter relating to the claims of the Hudson's Bay Company against the United States? If yea, please to state the same as fully as if you were particularly interrogated in relation thereto.

Ans.—I don't recollect of any information I have in regard to that.

Cross-Examination by Judge Edward Lander, on behalf of the Hudson's Bay Company.

Ques. 1.—In reply to the question in reference to post Vancouver, you stated that the buildings were old, almost uninhabitable, the material being rotten and decayed from time and exposure. Is not the period of time to which you refer in the summer and fall 1860, or thereabout?

Ans.—Yes, sir, it is the time when I last saw the post.

Ques. 2.—Had you, at that time, occasion particularly to examine these buildings, with reference to their condition, by any means of examination known to mechanics for the pur-

pose of testing buildings, or was your opinion formed by looking at them alone?

Ans.—I had no occasion to examine them. My opinion was formed from general observation and from frequently visiting the fort, and also from having occupied one of the buildings as a commissary store-house for the United States, in the fall and winter 1857 and 1858, which I found insecure for the storage of Government supplies, and then vacated for that reason.

Ques. 3.—You appraised the price and value of the 100 acres enclosed land and buildings of the Company at Fort Vancouver. At what time do you wish that valuation to be taken?

Ans.—At the time I last visited or saw the same to the fall of 1860.

Ques. 4.—What portion of that value do you think applies to the land, and what to the buildings?

Ans.—I should say about one-quarter for the lands, the remaining three-quarters to the buildings.

Ques. 5.—You have spoken in answer to interrogation 9, of your own personal knowledge of the country west of the Cascades?

Ans.—I mean to say east of the Cascades.

Ques. 6.—Is that the country to which you refer, in answer to question 10, as to the character of the soil of the lands back from the stream?

Ans.—It was; and in addition, the description would answer the country north of Vancouver, which I visited, for four or five miles, with the exception of the lands back of Vancouver being more thickly timbered and prairies smaller.

Ques. 7.—Do you not know of large crops of wheat being raised upon the country called the Mill Plain, back of Vancouver, while you resided at Vancouver?

Ans.—I have no recollection nor knowledge in regard to that.

Ques. 8.—Have you ever noticed or examined farms on the Mill Plain, or the other plains back of Vancouver, or have you

any acquaintance with the amount or kind of produce raised thereon?

Ans.—I have not.

Ques. 9.—Have you ridden often over the land north of Vancouver?

Ans.—I have ridden frequently north as far as what is called Fourth Plain, about four to four and a half miles.

Ques. 10.—Have you ever been off the road in that direction?

Ans.—I never have to any great distance; probably a mile or so—hunting.

Ques. 11.—Do you think that your recollection of the country back of Vancouver, of which you have spoken, acquired in the way you have mentioned, is sufficiently accurate at this distance of time for you to designate all of it as being sandy, gravelly, and very dry?

Ans.—I think it is for that portion which came under my immediate observation.

Ques. 12.—How long were you at Fort Walla-Walla?

Ans.—I was there for two or three days, in July, 1853, on my way to Fort Owen, and again in September, on my return, for two or three days more.

Ques. 13.—Did you go into camp near the fort, or did you, during the time, stop inside the fort?

Ans.—I was in camp on both periods mentioned, within two or three miles from the fort. I visited the fort, I think, every day during the time I remained there.

Ques. 14.—Was this fort a walled and bastioned fort or not?

Ans.—I think it was a walled fort; whether it was bastioned or not I don't recollect. The buildings formed part of the wall. My impression is that it was not stockaded.

Ques. 15.—Have you any recollection of length of a wall on either side of the fort, of its height and width?

Ans.—From the best of my recollection, I think either side was longer than forty or fifty feet, and the height of the wall not over eight or nine feet.

Ques. 16.—Is your recollection of this wall and its dimensions as accurate as that of any other portion of the fort?

Ans.—I think not.

Ques. 17.—You have spoken of the buildings inside the fort as being constructed of adobe and logs. Please state in what manner they were constructed of those materials.

Ans.—I think part or the whole of one or two buildings was of adobe, and others had the appearance of being constructed of logs; but my recollection is not accurate enough to give anything but my general impression of their appearance.

Ques. 18.—Have you, at the present date, anything more than a general impression as to how the fort looked, without any very accurate or definite knowledge of it?

Ans.—I have not; not more than a general impression, without any accurate or definite knowledge of it.

Ques. 19.—Was the estimate that you have given of the cost of Fort Walla-Walla made at the time you saw it, or has it been made lately?

Ans.—I have no recollection that I made an estimate at the time I saw it; only recently, after I read the pamphlet setting forth the claims of the Hudson's Bay Company.

Ques. 20.—Are you acquainted with the cost of making adobes?

Ans.—I am not.

Ques. 21.—Could you make an estimate of the cost of building a fort or other buildings of adobes, of which you did not know the actual length of the different walls, their width and height, the cost of making adobes, placed or getting it there, and the cost of the labor employed at the time of the building or fort?

Ans.—I could not; my general estimate of the cost of these buildings was made on the basis of knowledge of the kind of labor and the wages of the employés of the Hudson's Bay Company, by whom, I presume, these forts were built.

Ques. 22.—Would not the cost of getting adobes far into the interior as this fort was, the provisioning of them there, and the force necessary to protect them from Indians while the fort was being built, add very largely to the cost of building it?

Ans.—It would, if they were brought there for that especial purpose, and not employed for anything else, on account of the Hudson's Bay Company always maintaining friendly relations with the Indians. On account of the kind of provision with which they subsisted their employés, the small wages which they paid to them, they were enabled to construct these buildings at much less expense than they could probably be built by others.

Ques. 23.—Is your estimate, then, based upon what, in your opinion, buildings, as you recollect them, ought to have cost the Hudson's Bay Company?

Ans.—It is.

Ques. 24.—When you visited Walla-Walla, at the time you spoke of, were you not on the road from Fort Dalles to Bitter-root Valley? If so, state by what road you came to Walla-Walla, and by what you returned.

Ans.—I went by the interior trail or river road, and struck the river road eight or ten miles below the fort, then struck across to the Touchet, followed along that four or five miles, struck across to the Snake river, a distance of thirty-five or forty miles; I came back the same road from the Touchet to Walla-Walla.

Ques. 25.—Is the country described by you around Walla-Walla, that along the river bank, from eight to ten miles below the fort, and from the fort to the Touchet, and along that river, as seen by you in your journey?

Ans.—It is.

Ques. 26.—Did you see on that road, before you got to the Touchet, any signs of bunch grass?

Ans.—I think not; it is about the worst country I ever saw, along the river, most of the way.

Ques. 27.—At the time you visited Fort Bois , was it before or after the flood that took place there, if you know?

Ans.—I don't recollect of hearing of any flood there.

Ques. 28.—Who was the officer in charge of Fort Bois  at the time you were there?

Ans.—It was one of Governor Ogden's sons.

Ques. 29.—Is your estimate of the cost of these buildings

based upon the same reasons as your estimate of the cost of the Hudson's Bay Company, of buildings built by their servants, or not?

Ans.—It is.

Ques. 30.—How long were you at Fort Boisé?

Ans.—I was encamped in the vicinity, going and returning, some four or five days in all; I visited the fort two or three times.

Ques. 31.—Is not your knowledge and recollection of Fort Boisé, at this time, rather indefinite and uncertain?

Ans.—It is.

Re-Examination.

Ques. 1.—When did the Hudson's Bay Company leave the buildings at Fort Vancouver?

Ans.—I don't know. My impression is the buildings were occupied by some of their agents or employés, at the time I left, in the fall of 1860.

Ques. 2.—Did or not your description and estimate of the Company's property at or near Vancouver include the buildings and improvements belonging to the Company on Sauvie's Island, or not?

Ans.—It did not; I never was on Sauvie's Island.

Maj. & C., Bro't. Col. U. S. A.

Ques. 3.—In your answer to the cross-interrogatory No. 4, what portion of that value do you think applies to the land, and what to the buildings? The notary has you now written down one-quarter, *i. e.* \$25,000, for the land, and three-quarters, *i. e.* \$75,000, for the buildings. Is that what you said or intended?

Ans.—What I intended was, that the one-quarter estimate of the valuation, in my judgment, was what the land was worth, and the three-quarters of the estimate what I considered the buildings and improvements of the Hudson's Bay Company worth.

Int. 4.—What, in your opinion, would the buildings and improvements have sold for independently from the land?

Ans.—For about what the material was worth for fuel, probably not exceeding \$4,000 or \$5,000.

Re-Cross-Examination.

Int. 1.—Did you consider the price of \$100,000, which you put upon certain lands and buildings, a fair estimate at the time you made it?

Ans.—I did; a *fair and full* estimate.

(Signed)

R. MACFEELY.

Maj. & C. S., Brvt. Col. U. S. A.

I, George H. Harries, a Notary Public within and for the county of Hamilton, in the State of Ohio, do hereby certify that Robert MacFeely was by me first sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by him subscribed, as above set forth, were reduced to writing by myself in the presence of the said R. MacFeely, and were subscribed by the said MacFeely in my presence, and were taken on the 6th day of October, A. D. 1866, by agreement, at the office of Stallo & Kittredge, in the city of Cincinnati, Ohio; that I am not counsel or attorney of either party, or otherwise interested in the event of this suit.

(Signed)

GEO. H. HARRIES,

Notary Public, Hamilton Co., Ohio.

Notary's fees \$10, paid by defendant's attorneys.

In the matter of the Claims of the Hudson's Bay Company, now pending before the British and American Joint Commission on the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States.

Deposition of *David H. Vinton*, Deputy Quartermaster General and Brevet Brigadier General United States Army, taken by agreement between Edward Lander, counsel for the Hudson's Bay Company, and E. F. Stone, counsel for the United States.

First. To the first interrogatory, viz: What is your name, place of residence, and occupation?—he saith, David H. Vinton, New York, Deputy Quartermaster General and Brevet Brigadier General United States Army.

Second. To the second interrogatory, viz: Have you ever been in what was formerly Oregon Territory? If yea, when, and where, and for how long a period?—he saith, Yes, sir; in 1849, about four months, including the time going thither and returning to San Francisco.

Third. To the third interrogatory, viz: Have you any knowledge of the post at Vancouver, which was formerly claimed and occupied by the Hudson's Bay Company?—he saith, I have been there.

Fourth. To the fourth interrogatory, viz: Did you ever make, in the form of a report, an estimate of the value of the fort and buildings at Vancouver, which were claimed and occupied by the Hudson's Bay Company?—he saith, Yes; it was reduced to writing.

Fifth. To the fifth interrogatory, viz: Please to look at the paper here produced, and state whether or not the same is a true copy of the report made by you, and referred to in the previous question—he saith, It is a true copy of a copy contained in my official letter-book.

Sixth. To the sixth interrogatory, viz: When was the copy in your letter-book made, and have you or not any doubt that the same is an exact copy of the original?—he saith, The copy

in my letter-book was made, I presume, on the day that the original was written; I have not the slightest doubt that it is an exact copy of the original.

Seventh. To the seventh interrogatory, viz: Please to look at the paper heretofore produced, and now to be annexed to this deposition, marked A, and state whether the same contains a true statement of your judgment, at the time, of the value of the buildings and other property described therein—he saith, The paper referred to contains a true statement, of my judgment, as to the value of the buildings and other property described therein.

(The introduction of the paper marked A objected to as incompetent; and further, because the same appears to have been made by an officer acting in a judicial capacity under orders to form and set out a decision on matters now at issue; and further, because it does not appear that the Hudson's Bay Company had any notice whatever of the proceeding. The latter part of the question objected to as incompetent.)

The examination of the witness on the part of the United States, by E. F. Stone, counsel, was here concluded, and the examination on the part of the Hudson's Bay Company, by Edward Lander, commenced.

First. To the first interrogatory, viz: In the estimate you made of these buildings, did you take into consideration their value to the owners as a trading establishment and post, or did you estimate the actual price and value of the improvements at a certain and fixed rate of wages, and a fixed and certain price for lumber?—he saith, To the first part of this question, I will answer, that to the best of my remembrance it was surveyed and estimated for military purposes, for which purpose I understood that the Hudson's Bay Company were willing to dispose of it. It was not my duty to estimate the value of this property for the use of others. To the other part of the question, I answer that the estimate was based upon the price of mechanics' wages and that of ordinary laborers, and the price of lumber, as they prevailed prior to the gold excitement; but those prices were advanced five-fold, in

order, as I supposed at the time, to meet the increased value of every class of labor and of commodities to undertake the construction of buildings like those on the ground, the amount of which is estimated at three hundred and fifty thousand dollars.

Second. To the second interrogatory, viz: Do you know anything of the price of labor in 1846, or previous thereto?—he saith, Nothing.

Third. To the third interrogatory, viz: Were not those buildings useful for military purposes at that time, and was there not an intention of acquiring them for the use of the troops then stationed at Vancouver?—he saith, They were not entirely suitable, but would be, after slight modifications, for quarters and barracks. The estimate was made with a view to the purchase of those buildings for the use of troops.

Fourth. To the fourth interrogatory, viz: Have you ever expressed any other opinion personally as to the value of the Hudson's Bay Company's post and buildings, or of the post buildings and lands at Vancouver, claimed by the Company? If so, please state it—he saith, No, sir; not to my knowledge.

Fifth. To the fifth interrogatory, viz: What would it have cost while you were at Vancouver, in October, 1849, to have put up those buildings?—he saith, Referring to the letter already produced, I estimated the construction of the buildings, and the property enumerated, at three hundred and fifty thousand dollars; that comprehended land as well as buildings; and those buildings consisted of the dwelling-house occupied by the chief factor, Mr. Ogden, the dimensions of which were 80 by 40, and having ten rooms; two houses, quarters for sub-agents, and office, 40 by 40 feet; one building, 150 by 30; four store-houses, 100 by 40; three work-shops, 42 by 30; granaries, 50 by 50; guard-house, block-house, bakery, and smaller appendages, a well, &c., including stockade enclosure. Outside the stockade there were three large store-houses, 80 by 30 feet; two buildings, occupied as barracks and commissary stores; numerous out-buildings, such as quarters for laborers, barns, and stables; also fences and other improvements.

Sixth. To the sixth interrogatory, viz: You have stated that you included land in your estimate; how much land was there, and at what price did you estimate it?—he saith, I don't know how much land there was, but so much as would form an enclosure around the buildings mentioned. I made no special estimate of the land.

Seventh. To the seventh interrogatory, viz: What was your rank in the service at the time you were at Vancouver?—he saith, Major and quartermaster United States Army.

Here the examination on both sides was concluded.

D. H. VINTON,
Witness.

STATE OF NEW YORK, }
City and County of New York. } ss.

I, Theodore Ritter, a notary public in and for the State of New York, duly appointed and authorized by the Governor of said State, under and by virtue of the laws of New York, to take the acknowledgment and proof of deeds, &c., and to administer oaths and take depositions, do hereby certify that on the ninth day of July, in the year of our Lord one thousand eight hundred and sixty-six, before me personally appeared David H. Vinton, of the city of New York, who having first been sworn according to law, gave the foregoing deposition, by him subscribed in answer to the foregoing interrogatories and cross-interrogations.

Said deposition was written out by me, to be used in the matter of "the Claims of the Hudson's Bay Company now pending before the British and American Joint Commission on the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States."

In witness whereof I have hereunto set my hand and seal of office, at the city of New York, the ninth day of July, 1866.

{ Notarial }
Seal. }

THEODORE RITTER,
Notary Public, New York.

A.

FORT VANCOUVER, OREGON, *October, 1, 1849.*

GENERAL:

Pursuant to your order, I have examined the property and buildings belonging to the Hudson's Bay Company, and so far as is practicable, made a rough estimate of the cost of the buildings occupied by its agents and employés at a time when the gold discoveries had not influenced the prices of labor and materials.

The property in question, exclusive of land, consists principally, of a very comfortable dwelling-house, occupied by the chief agent, Mr. Ogden, 80x40 feet, and having ten rooms; two houses, quarters for sub-agents, and office, 40x40 feet; one building, 150x30, having seventeen rooms; four store-houses, 100x40; three workshops, 42x30; granary, 50x50; guard-house, block-house, bakery, and smaller appendages, well, &c., including stockade enclosure. These constitute the "fort" proper; and the estimated cost of their construction may be set down at \$40,000; besides which there are, outside of the enclosure, three large store-houses, 80x30 feet, two buildings, occupied by the company of artillery and subsistence department, at this post; numerous out-buildings, such as quarters for laborers, barns and stables, also fences and other improvements which may be valued at \$30,000. These estimates are based upon the prices of mechanics' wages, at \$2 per diem, and ordinary laborers at \$1. The price of lumber \$20 per thousand. At present, these prices are advanced five-fold, and if we multiply the foregoing sums accordingly, we shall obtain the estimated cost of the property enumerated, were we to undertake their construction, viz: \$350,000.

I am, General, most respectfully, your obedient servant,

D. H. VINTON,

Maj. & Qr. Mr.

MAJ. GENL. P. F. SMITH,

Comd'g. Pacific Div. U. S. A., Fort Vancouver, Oregon.

The foregoing is a true copy.

D. H. VINTON,

Dep. Q. M. G. & Bvt. Brig. Gen.

OFFICE OF ARMY CLOTHING AND EQUIPAGE,
NEW YORK, *June 21, 1866.*

At the examination of David H. Vinton, a witness in the matter of the claim of the Hudson's Bay Company, now pending before the British and American Joint Commission on the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States, this paper writing marked A, was produced and shown to David H. Vinton, and by him deposed unto at the time of his examination, before

THEODORE RITTER,
Notary Public, City, Co. and State N. Y.

In the matter of the Claims of the Hudson's Bay Company against the United States, now pending before the British and American Joint Commission on the claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States.

Deposition of *Alfred Pleasonton*, Brevet Brigadier General, and Major of the Second Cavalry, taken by agreement between Edward Lander, of counsel for the Hudson's Bay Company, and E. F. Stone, of counsel for the United States. The oath was administered by United States Commissioner Osborn.

TESTIMONY OF ALFRED PLEASONTON.

Ques. 1.—What is your place of residence, and present occupation?

Ans.—Alfred Pleasonton; I am Major of the 2d United States cavalry regiment, Brevet Brigadier General in the United States Army.

Ques. 2.—Have you ever resided in what was formerly Oregon Territory, now Washington Territory; if yea, when, and where, and for how long a period?

Ans.—I was stationed in Oregon Territory, on the staff of General Harney, as assistant adjutant general, in the years 1858, 1859, and 1860; part of 1858 and part of 1860.

Ques. 3.—Have you any knowledge of the post at Vancouver, which was formerly claimed and occupied by the Hudson's Bay Company?

Ans.—Yes sir, I have.

Ques. 4.—If you have any knowledge of the fort and buildings at Vancouver, please to describe the same, giving their condition and constructive character, as near as you can, at the time that you were acquainted with it.

Ans.—The Hudson's Bay Company had a large enclosure there, or fort as they call it, with a picket-fence around it, inside of which they had a number of large buildings, store-houses, and work-shops; and outside they had a number of fields enclosed; and there were some houses that some of their employés used to live in; but these latter were in a very dilapidated condition, and I think they were removed while I was there. The whole establishment, however, was out of repair—dilapidated; in fact I noticed when the wind would blow pretty high, (and it did not often blow hard there,) some of these pickets would fall down; and the houses were in that way, out of repair and dilapidated. The buildings were rude; they evidently had been built for a number of years—a long time. They were built for the purposes for which they were intended. The material was substantial, but there was nothing beyond that.

Ques. 5.—Have you any knowledge of the value of the stockade, with the buildings and improvements connected therewith; if yea, what, in your judgment, was the value of the same?

Ans.—I don't think the whole establishment there was worth \$10,000; I would not have given that amount for it. That is about as near as I can answer it.

Ques. 6.—Was this fort, and other buildings connected

therewith, at the time you were there, in your judgment, of any considerable value for any purpose, or had the uses for which the property was originally built passed away?

(Objected to as leading and incompetent.)

Ans.—They were not of any value whatever; they had been built for a special object, and that object had passed away.

Ques. 7.—Was this post vacated by the Hudson's Bay Company at the time you were there? If yea, please to state, if you know, what was the cause of their vacating this post.

Ans.—They did vacate it while I was there, nearly a year after the charter, under which they held possessory rights, had expired. Their right to remain there had expired, and they went away.

Ques. 8.—Have you any knowledge of the character of the land at and near Vancouver? If yea, please to describe the same, giving, as fully as you can, the character and extent of that part, if any, which was cultivated and enclosed, and the character and extent of that part, if any, which was wild and unoccupied.

Ans.—The character of the soil there at Vancouver, or immediately around it, was gravelly and poor. There were some places in the neighborhood where you would find a rich spot; but in the bottom, in the valley, the land was poor, and I have seen it overflowed by the Columbia river there in the spring of the year—all the lower part under water. There was a strip of land which I suppose ran up about three miles up the river, and from half to three-fourths of a mile wide, which was clear, and on that was the military fort, as well as the Hudson's Bay Company's possessions or fort; and the United States Arsenal was there too. Then immediately back of the military post—I suppose the military post was about half a mile, that is where the woods commenced, what we call the line of the post—the woods were very dense and thick, and continued to be so. There were roads through these woods, at distances of four and six miles, and so on; you would come to small prairies, which were of greater or less extent, and they would have people living in them—settlers,

cultivating. The Hudson's Bay Company had some few fields around their enclosure or fort. They had a vegetable garden, and they had an orchard there—not a very large orchard—and some few fields there.

Ques. 9.—What was your duty while stationed at Vancouver?

Ans.—I was the Adjutant General of the Department; all the military correspondence of the Department passed through my hands. General Harney was the commanding officer.

Ques. 10.—Have you any knowledge of the career and growth of the town of Vancouver while you were there, and of the condition and resources of the country west of the mountains? If yea, what, in your judgment, is the probability of building up at Vancouver a large commercial town?

Ans.—I know while I was there (I was probably as well acquainted with the country west of the Rocky Mountains as any one) that expeditions were sent out there, and the reports all came to me, and there were many efforts made to open and facilitate communication, that people could go and settle the country up while I was there; it was done by the orders of the Government, and the question as regards the eligibility of a position on that river was considered from examinations made around the river, and the great objection to having the town higher up than the mouth of the Willamette river was a bar in the Columbia river above there, between that and Vancouver, which was a detriment to sea-steamers coming in when the river was low; and that gave an advantage to the station at Portland, on the Willamette river. The principal progress of the town of Vancouver, while I was there, was due to the money which was spent by the soldiers—a pretty large garrison was kept there; apart from the increase which was made by the trade of the soldiers, there was no increase there. I don't think there would be any town between the Cascades and the mouth of the Willamette river of any considerable magnitude; that is, there is no advantages there for one; and I remember that there was a survey made by the engineer of the river, for the purpose of finding out the advantages or disadvantages of navigation, and the report was un-

favorable. I don't know now whether that was ordered by General Harney, or the order came from Washington, but it ought to be in the records of the Department.

Cross-Examination.

Ques. 1.—Did you ever make any particular examination of these buildings, within the stockade, while the Hudson's Bay Company remained in possession, and were not your examinations, if any, made at the time you visited the Company's officers at their post?

Ans.—I have examined the establishment there of the Hudson's Bay Company on several occasions, sometimes when I would go in there to make a purchase; sometimes we would make purchases in there. They had a store there, and I would go in there with other officers and friends, and we would walk around and look through; and I have also seen it when I have not been with officers of the Company—when I was associated with officers of the Hudson's Bay Company; I mean to say I have seen it both with them and without them. The two places are very close together, the military post and the Hudson's Bay Company; I mean to say by that that I have had as good facilities of seeing it as I have had of seeing the United States military post.

Ques. 2.—Did you ever examine the inside of the store-houses or the other buildings with a view to ascertain if any portion of them were rotten or out of repair?

Ans.—Yes, sir; I have noticed that; I did not go in there for the purpose, but I noticed it while I was there. I never went in there for the purpose of making any special inspection, but as if I would come in *here* and see the ink on *that* wall; but I didn't come in there for that purpose.

Ques. 3.—State what particular portion of any building or store-house inside of the stockade was rotten or out of repair.

Ans.—I would really say that they were all out of repair, and all had more or less timber decayed; but for me to specify any particular building that I have noticed, particularly that the material was defective throughout the row of build-

ings on the east; if there was any building I noticed more than the other, it was that row of quarters on the east.

Ques. 4.—Did not the appearance of dilapidation of these buildings arise greatly from their want of paint—discoloration from the weather?

Ans.—No; I don't think it did particularly.

Ques. 5.—When did this strong wind occur, that you speak of, that knocked down some of the stockade? Was it before or after the Hudson's Bay Company left?

Ans.—It was before. I will tell you the nearest I can come to it: It was a storm that occurred on the coast, and there was a steamer shipwrecked there. I won't be certain whether it was in the winter of 1858 or not. There was a very violent storm, and a steamer coming from San Francisco was wrecked on the coast.

Ques. 6.—Were these buildings outside of the stockade in a worse state of repair than those inside?

Ans.—Oh, yes; they were not fit to be inhabited at all.

Ques. 7.—Was there not a store-house or salmon-house outside the stockade, used by the military, at the time you were there, for which rent was paid to the Company?

Ans.—Yes, sir; I would say, as regards the salmon-house, it was under rent when General Harney came there.

Ques. 8.—Was not an ordnance store, on [the] outside of the Company's buildings, hired by the military authorities?

Ans.—I don't remember the particular details; I remember the salmon-house. There was a building there that was occupied by the ordnance, for which rent was paid. I don't know whether the rent was paid or not; on the contrary, in regard to the ordnance department, all that sort of business is done direct at Washington.

Ques. 9.—Was there not a store, inside the stockade, occupied by the military authorities for storage?

Ans.—Not that I know of.

Ques. 10.—Are you acquainted with the cost of constructing buildings in any way?

Ans.—Yes, sir; I have been a quartermaster, and built posts, bridges, roads, and pretty much everything.

Ques. 11.—Do you know the price of labor for mechanics, and of lumber, at the time you speak of, about the town of Vancouver?

Ans.—I don't remember now what it was.

Ques. 12.—Were not these buildings good enough for the purposes of the trade which the Company carried on at that post, and were they not capable of holding their stores, and proof from the weather?

Ans.—Well, their trade as far as I saw, didn't amount to anything; I could not answer the question. If you give me data, then I can; but I could not without it.

Ques. 13.—Is not your opinion of the value of these buildings based on the fact that, in your own opinion, the object for which they were built was no longer of importance?

Ans.—No; for I don't think the material of which they were composed could have been taken down and used; and I don't think there could be as much economy as going and getting new materials; and I formed that opinion from the fact of having been at several military posts similarly situated, and that very question came up, and the Government would leave the property rather than attempt to use it again, because it was as cheap to get new materials and build.

Ques. 14.—Was not, then, your opinion of the value of these buildings made up with a view to taking them down and using the materials for other purposes?

Ans.—No; because the question was discussed whether they could be used for anything. We were in want of buildings and stables at Fort Vancouver at that time, and if they could have been used for stables or store-houses to advantage, they would have been used; but it was decided that it would be a disadvantage, and stables and store-houses were built there after.

Ques. 15.—Is the value you have placed on them, then, the mere value of the materials in the buildings?

Ans.—That was just about the value; that was it; if I thought of buying it myself, it would be the mere value of the materials in the buildings.

Ques. 16.—Do you know whether this was the opinion of

the Company, that their charter had expired, or an opinion of the military officer of the post?

Ans.—I believe I cannot tell now, without having the records; but it is my impression that the question was referred to Washington, and that a judicial opinion had been given to General Harney on the subject.

Ques. 17.—Do you know from whom this opinion emanated?

Ans.—I do not.

Ques. 18.—Was it upon this opinion, forwarded from Washington, that General Harney issued the order informing the Company that they had no rights?

(Objected to as incompetent.)

Ans.—I can only answer that by saying I don't know what order you refer to, and I have only given it as an impression of mine, that General Harney received his instructions from Washington.

Ques. 19.—Was there not a correspondence between General Harney and the officers of the Company's post, with reference to the rights of the Company at Vancouver, a short time before they left that fort?

Ans.—There was a correspondence on several occasions with the officers of the Company, but on different subjects; but I don't remember now particularly whether there was any special correspondence in reference to the rights of the Company. Sometimes a correspondence was carried on with the officers at Victoria, and sometimes with those at the fort.

Ques. 20.—When you speak of lands being gravelly at and near Vancouver, do you not mean to say that the gravel is found on the high grounds back of the Hudson's Bay fort; that is, where your buildings were?

Ans.—Yes, sir; there is gravel there, and there is some gravel at the river bottom.

Ques. 21.—Do you not know that there was a bar near the mouth of the Willamette river, and another bar, called the Swan Island bar, in the Willamette river, below Portland, which obstructed the approach of steamers to that place?

Ans.—Yes, sir; there are both of these bars, but they were deeper, and the navigation was better, as it was decided by the survey that was made, than that on the Columbia.

Ques. 22.—Is this information which you have given with reference to the bars in the Columbia and the Willamette river derived from your own personal knowledge, or from what you have heard as to the report of this survey that you have spoken of?

Ans.—I have been on the river frequently, both ways; but I have never sounded the sand-banks, and have never struck on them. The opinion I am giving now is based on the report of the survey that was made; the report passed through my office.

Ques. 23.—Do you know where this report is, or what has become of it?

Ans.—It ought to be with the records of the Department, somewhere.

Ques. 24.—Do you know anything of the country, its increase, and the change in the course of trade since the year 1860, of your own personal knowledge?

Ans.—No; I left the country in the summer of 1860, and have not been back there since.

Ques. 25.—Has your attention during the last four years been at all directed to what occurred while you were there, in Oregon or Washington, and has not your distinct and accurate recollection of these matters been much impaired during the last four years?

Ans.—I have been very actively employed in other ways for the last four years, and as regards a great many of the details connected with the service in Oregon while I was there, I don't remember them; but my opinions, as they were formed, of the transaction of certain facts, I think they are just as good now as they were then.

Ques. 26.—Look at this letter, now shown you, dated March 3d, 1860, and to which your signature is attached as Acting Assistant Adjutant General, and now in evidence in this case, and state, if you can, whether it was written before or after the communication from Washington, which you have spoken of?

(Objected to as incompetent.)

Ans.—This letter appears to be an answer to a letter re-

ceived from Mr. Wack, the agent of the Hudson's Bay Company at Fort Vancouver. I stated that it was an impression of mine that General Harney had received instructions from Washington on the subject, but I have nothing positive to show that he did so, and this letter in question is not an order, but simply a reply to a letter from Mr. Wack.

Ques. 27.—Do you recollect anything about a purchase made by the commanding officer of the Department, General Harney, of land near the military post, and on the lands claimed by the Hudson's Bay Company near Vancouver?

Ans.—No; I have no personal knowledge of any purchase.

Ques. 28.—Do you know of any land occupied by General Harney, near the military post of Vancouver, on land claimed by the Hudson's Bay Company?

Ans.—I know of the General building a house about a mile up the river, I think, on the bluff; but the terms on which he did I don't know anything of.

A. PLEASONTON,
Bvt. Brig. Gen U. S. A.

Sworn to before me this 13th day of July, A. D. 1866.

JOHN A. OSBORN,
U. S. Com. Southern District of New York.

SOUTHERN DISTRICT OF NEW YORK, }
City of New York. } *ss.*

I, John A. Osborn, United States Commissioner, do hereby certify that the foregoing deposition of Alfred Pleasonton, a witness produced by and on behalf of the United States in the matter of the claims of the Hudson's Bay Company against the same, now pending before the British and American Joint Commission for the final settlement thereof, was taken before me, at my office in the city of New York, and reduced to writing, under my direction, on the 13th day of July, 1866.

I further certify that before this examination I administered to said witness the following oath :

“You swear that the evidence you shall give in the matter of the claims of the Hudson’s Bay Company against the United States of America shall be the truth, the whole truth, and nothing but the truth, so help you God.”

After the same was reduced to writing, the deposition of said witness was carefully read to and then signed by him.

I further certify that Eben F. Stone, Esq., attorney for the United States, and Edward Lander, Esq., attorney for the Hudson’s Bay Company, were personally present during the examination and cross-examination of said witness.

And I do further certify that I am not of counsel, nor attorney for either of the parties in the said deposition and caption named, nor in any way interested in the event of the cause named in said caption.

In testimony whereof I have hereunto set my hand and seal [L. s.] this 30th day of July, A. D. 1866.

JOHN A. OSBORN,
U. S. Com’r Southern Dist. of New York.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of *J. W. Perit Huntington.*

*Interrogatories propounded by Caleb Cushing, in behalf of the
United States.*

TESTIMONY OF J. W. PERIT HUNTINGTON.

Ques. 1.—Please to state your name in full, your present place of abode, and your official station, if any.

Ans.—My name is J. W. Perit Huntington; I reside at Salem, Oregon; I am Superintendent of Indian Affairs for the State of Oregon.

Ques. 2.—Have you any interest, direct or indirect, in the claim preferred by the Hudson's Bay Company against the United States?

Ans.—None whatever.

Ques. 3.—In what year did you first go to Oregon?

Ans.—In the year 1849.

Ques. 4.—Have you or not resided there continuously from that time to the present?

Ans.—I have resided there continuously from that date to the present time.

Ques. 5.—In what part of Oregon did you reside during the early part of your residence there?

Ans.—From 1849 to 1852, I lived in the Umpqua Valley; In 1862, I lived in Walla-Walla, Washington Territory; and my present residence is at Salem.

Ques. 6.—How long have you held the office of Superintendent of Indian Affairs?

Ans.—Since the 1st of April, 1863.

Ques. 7.—Prior to your holding the office of Superintendent of Indian Affairs, had you held any, and if so, what office or offices in Oregon?

Ans.—I had been county clerk of Umpqua county for two years, the years 1852 and 1853; and I was a member of the Oregon Legislature in 1860.

Ques. 8.—What were your professional pursuits or occupation during your residence in the valley of the Umpqua?

Ans.—My chief occupation was surveying; farming was an incidental occupation also.

Ques. 9.—Whether or not did your business as surveyor lead you into opportunities of knowledge in reference to the geography and other matters in the valley of the Umpqua?

Ans.—It did; my knowledge of the Umpqua, both as to its geography and its population in its early days, is very intimate—very familiar indeed.

Ques. 10.—Whether or not have you had any personal knowledge and observation of the post of the Hudson's Bay Company on the Umpqua?

Ans.—I had; I was a guest of Mr. Gagnier, who was the agent in charge of the fort in the spring of 1850, for several days, and I have frequently stopped there subsequently.

Ques. 11.—Please to state where the post of the Hudson's Bay Company on the Umpqua is situated, relatively to the California trail.

Ans.—It is between fifteen and twenty miles west of the trail, and separated from it by a very high and rugged range of mountains.

Ques. 12.—Please to state whether or not that post has any topographical connection or otherwise with the California trail.

Ans.—It has none whatever.

Ques. 13.—How far by the river is that post from the ocean?

Ans.—I do not know accurately; I think between forty-five and fifty-five miles.

Ques. 14.—From your personal knowledge or observation of that post, what were the uses and purposes of its occupation?

Ans.—It was a post established for fur-trading purposes, and especially for trading in sea-otter skins, a very valuable class of furs, and only to be obtained in a few localities along the coast. Its trade was never extensive, and although not confined strictly to the sea-otter skins, it was mainly carried on with the view of collecting them.

Ques. 15.—What was the condition of this trade in 1850, relatively to the amount of its prosecution?

Ans.—It had diminished very much from what it had been previously; the Company had only one white man there at that time, and one half-breed, and then there were one or two Indians employed about the post. They made, in 1849 and 1850 and in 1851, a little expedition down to Vancouver, with pack-horses, for goods, and to take down furs; the number of packs, I think, in neither instance exceeded twenty.

Ques. 16.—What buildings had the Company there, in 1850, when you first came to the knowledge of them?

Ans.—They had a dwelling-house, a barn, and a store-house, and one other building, the purpose of which I do not know. These were all standing in a square, and enclosed by pickets.

Ques. 17.—In your judgment, how many acres of land were there at this post under enclosure or cultivation, either or both?

Ans.—Between 100 and 150 acres.

Ques. 18.—Please to state, whether or not, as surveyor or as farmer, you have had practice and occasion to judge of the value of buildings and lands in the valley of the Umpqua.

Ans.—I have had a very good opportunity to acquire that knowledge.

Ques. 19.—What, in your opinion, in 1850, was the value in money of the buildings of the Company at the post of Umpqua?

Ans.—Do you mean the cost of putting up, or——

Ques. 20.—First, the cost of putting up, and then the actual value as they stood, when you visited them.

Ans.—I should think the first cost of these buildings, with the stockades around them, was \$1,000. When I saw them, they were very much dilapidated, and their value was very small; they were worth nothing to any one else except the Company; they were very much decayed, and going to ruin pretty fast.

Ques. 21.—State, if you please, provided you know, what became of those buildings.

Ans.—They were burned in 1853—either 1853 or 1854—I am not sure which. They were burned after they had been leased by the Company to Colonel Chapman, an American citizen.

Ques. 22.—By whom is the land, if you know, now occupied?

Ans.—It is held by Henry Beckly and John Smith, in partnership, both American citizens.

Ques. 23.—State, if you know, whether they did or did not enter on the land by license of the Company.

Ans.—No, sir; they did not; they derived the land by purchase.

Ques. 24.—From whom, if you know?

Ans.—From one Robert Hutchinson, who obtained it from Chapman, who was the lessee originally from the Hudson's Bay Company.

Ques. 25.—You have stated that you resided some time at Walla-Walla.

Ans.—Yes, sir; one year—one season.

Ques. 26.—Please state whether, by Walla-Walla, you mean the United States fort of Walla-Walla, or the old establishment, usually known as the Fort of Nez Percés.

Ans.—I referred to neither one; I referred to the valley of the Walla-Walla. The place at which I stopped was about thirty miles southeast of the old fort Nez Percés, sometimes called Walla-Walla.

Ques. 27.—Have you any personal knowledge of the condition of the old fort of Nez Percés.

Ans.—I have not, prior to 1862; at that time it was very much dilapidated, in fact almost entirely destroyed; my own personal knowledge of it is the extent of it.

Ques. 28.—State, if you please, from what you saw, what buildings, if any, had constituted the structures of that post.

Ans.—I do not know that I can state with any accuracy what buildings constituted the post. A portion of them had been destroyed in 1862, and all were very much dilapidated. There was an enclosure, and an adobe wall, and some buildings inside of it, but their number or size I could not give.

Ques. 29.—Whether or not any land appeared to have been enclosed at that post?

Ans.—I do not think any was enclosed there; they had a farm twenty miles back in the Walla-Walla Valley, twenty miles south, which was attached to the post.

Ques. 30.—Have you any knowledge of the farm of which you speak?

Ans.—I have an intimate acquaintance with it.

Ques. 31.—Please to describe the quantity of enclosed land at that farm.

Ans.—I cannot give it accurately, having never measured it; but I should estimate it at from twenty to thirty acres.

Ques. 32.—What was the quality and nature of the land around that farm?

Ans.—There is a valley there containing 1,000, or perhaps 2,000 acres of excellent land. The land outside of that is high land, affording some grass, but not fit for cultivation.

Ques. 33.—What, in your judgment, at the time you saw it, was the value of that enclosed land?

Ans.—\$8 or \$10 dollars an acre.

Ques. 34.—Were there any buildings on it; and if so, what?

Ans.—None, sir.

Ques. 35.—Are you acquainted with the locality of the valley of the Walla-Walla, called Wallula, and the landing-place there?

Ans.—I am.

Ques. 36.—Please to describe the uses of that landing-place.

Ans.—Wallula is the Indian name of the old buildings, Nez Percés or Walla-Walla; it is at the mouth of the Walla-Walla river, and has a high sand-point and beach running down to the river, making a favorable steamboat landing. The land is a drifting sand desert, producing no vegetation, and not capable of producing any, except some very small narrow bottoms, along the Walla-Walla creek or river, which overflows frequently, and cannot be cultivated on that account; it produces some grazing, however.

Ques. 37.—State, if you know, whether or not the landing at Wallula is now a place of landing at that region, or whether there is or not some other place of landing preferred to it; and if so, the name of that place.

Ans.—The landing at Umatilla has superseded that at Wallula; there are now a hundred tons of freight landed at Umatilla, where there is one ton landed at Wallula.

Ques. 38.—What causes have led to the comparative abandonment of Wallula, and the increased use of Umatilla?

Ans.—Umatilla has been found to be a more convenient *entrepôt* for the traffic which goes towards Bois  and Idaho. Wallula is still used, and always will be for the traffic which goes to Walla-Walla Valley; but that is but a small part of the trade of that country.

Ques. 39.—State, if you know, whether or not any act or interference on the part of the United States Government has procured the relative abandonment of Walla-Walla as a landing-place?

Ans.—I do not know that any has; on the contrary, I think that the fact that quartermasters have used it as a landing-place for the supplies that are taken to Fort Walla-Walla, in the interior, has done much to keep the place up longer than it would otherwise have maintained itself. The village of Wallula is a commercial rival of Umatilla now, and there is, of course, the usual strife between two such places of precedence. The last two or three years Umatilla has

gone very much ahead of Wallula, and solely on account of its natural advantages.

Ques. 40.—Whether, so far as you can have observed, what proportion, if any, of the traffic of Wallula is dependent upon the location of the United States fort at Walla-Walla, and is created by that?

Ans.—Fully one-half, in my judgment.

Ques. 41.—Have you any knowledge of an enclosure, or appearance of an enclosure, having ever existed, of a mile square, in and around Fort Nez Percés?

Ans.—I have not; I never heard of any such enclosure; I do not think any such possible, because, in order to make such a one, the enclosure must necessarily cross the river Walla-Walla twice, and unless constructed very substantially, it would be removed every year by the June freshets.

Ques. 42.—What is the quality of the land or soil immediately surrounding the fort of Nez Percés?

Ans.—It is a desert of drifting sand, totally incapable of producing any crop or grass, with the exception of narrow bottoms around the Walla-Walla river or creek, which are tolerable fertile, and could be cultivated, if they were not subject to overflow. The whole tract is utterly valueless for agricultural purposes.

Ques. 43.—In the hills back of the immediate site of the fort and its surroundings, have you or not ever noticed any cattle or horses pastured?

Ans.—I have frequently.

Ques. 44.—To whom, if you know, did they belong?

Ans.—They belonged to settlers, American citizens there.

Ques. 45.—Have you or not ever noticed any Indians pasturing their horses there?

Ans.—Yes, sir; great numbers of them.

Ques. 46.—What bands of Indians?

Ans.—The Cayuses, Walla-Wallas, and Umatillas.

Cross-Examined by Edward Lander, in behalf of the Hudson's Bay Company.

Ques. 1.—What is the usual price of sea-otter skins?

Ans.—I believe their usual value in Portland has been \$40 to \$80 each.

Ques. 2.—I will ask you, is there a trail connecting the Hudson's Bay post at Umpqua with the main-trail, from which you say it is separated by mountains?

Ans.—Yes, sir; there is now a wagon-road constructed, but there was not at that period; there was a trail which passed over that range of mountains; it was used by the Company in passing from the fort down to Vancouver.

Ques. 3.—You have spoken of the value of these skins. I will ask you what the value of lumber was, at Portland, per thousand, from the fall of 1849 to the spring of 1850, if you know?

Ans.—Well, I think that the average price for it at that time was \$100 per thousand; it was very high, I remember.

Ques. 4.—Is that the value you placed upon these buildings at the time you saw them in 1850?

Ans.—I valued them, in the first place, by estimating the cost of putting up such buildings at that time.

Ques. 5.—In 1850?

Ans.—Yes, sir; in the spring of 1850; and then I stated in my former answer that their value at that time was very small, because they were unsuitable for other uses than those the Company had for them, and because they were very much decayed and dilapidated.

Ques. 6.—I will ask you, what were these buildings made of?

Ans.—They were made of logs—hewn logs.

Ques. 7.—And whether they were shingled or not?

Ans.—I do not remember what the roofs were constructed of; they were very rotten, and moss-grown, and leaky.

Ques. 8.—What was the price of square timber, at that time, in Portland, Oregon? But first, was the timber used in these buildings square on four sides, or only on two?

Ans.—I think some of them were square on four sides, and some two.

Ques. 9.—What was the price of square timber, at that time, in Portland, Oregon?

(Mr. Cushing.—I object to that question: first, as intro-

ducing new matter and as not being in the nature of cross-examination; and secondly, as assuming that the logs at Umpqua were what is called square timber.)

Ques. 10.—What was the price of square timber at Portland?

Ans.—I do not know.

Ques. 11.—I will ask you again, what was the price of square timber in any portion of Oregon, with which you were acquainted, at that time?

(Mr. Cushing objected to this question as not being in the nature of cross-examination, and as introductory of new matter not pertinent to the present inquiry.)

(Mr. Lander.—I must say I do not see how that is; he has sworn that part of them were square timber. What was the price of timber, at that time, in any part of Oregon with which you were acquainted?)

Ans.—I know of square timber having been gotten out at six cents per foot, running measure, in the Umpqua Valley.

Ques. 12.—Are you aware of any settlers at the valley of the Umpqua before you arrived there in 1849?

Ans.—There were six men and some families.

Ques. 13.—How long had they been in the valley at the time of your arrival?

Ans.—The first settler went there in 1848, the others had gone there in the early part of 1849.

Ques. 14.—Is your estimate of the cost of the erection of those buildings based upon the price of labor and the value of material in the year 1850, or not?

Ans.—Yes, sir; it is based upon the price of labor at that date; the value of timber was nothing.

Ques. 15.—The value of material at that date was simply the value of labor bestowed upon it. Is that so?

Ans.—I mean to say that these buildings could have been erected for the money I name, at that time.

Ques. 16.—I will ask you this question: When you speak of material which is of no value, do you mean the material standing as timber in the wood?

Ans.—Yes, sir; there was no other material in the construction—no iron.

Ques. 17.—How many laborers were there in the valley of the Umpqua capable of putting up this building in the year 1850?

Ans.—There were some hundreds who settled there that summer; I do not know the number. There was a great number of people passing back and forth through the valley who were always ready to work if we wanted to hire them.

Ques. 18.—What was the price of labor per month in the valley in that year; in the summer of 1850?

Ans.—\$40 to \$60, with board.

Ques. 19.—Do you know the size of these buildings?

Ans.—I do not; I could not give it accurately.

Ques. 20.—I will ask you if the dwelling-house was not 40 by 30 feet?

Ans.—My impression would be, from recollection simply, and of course rather vague, that it was forty feet long, and less than thirty feet wide.

Ques. 21.—Was not the barn 45 by 30 feet?

Ans.—I should think, probably that size.

Ques. 22.—Was not the stockade ninety feet square by twelve feet high?

Ans.—Yes, it might have been.

Ques. 23.—Was not the store or range of stores 40 feet by 20?

Ans.—Perhaps they were that size.

Ques. 24.—And did not all these buildings average in height from twenty to thirty feet?

Ans.—No, sir; they did not average in height more than eight feet to the eaves; they were very low.

Ques. 25.—Was not the barn over eight feet high?

Ans.—I do not think it was over eight or ten feet.

Ques. 26.—Was this barn lower in height than the usual log barns of Oregon, since that time?

Ans.—Yes, sir; the buildings were all very low.

Ques. 27.—What is the present value of land in the Ump-

qua Valley per acre, where the title of land has been confirmed?

Ans.—The value of good agricultural land there, unimproved, is from \$2 to \$4 an acre.

Ques. 28.—Then I will ask the question entirely. What is the value of good alluvial bottom-land, that has been improved, per acre?

Ans.—Do you mean, including the improvements?

Ques. 29.—I mean by improvements, fence and plough; land that is not in a natural state.

Ans.—The answer must depend on the character and extent of the improvements.

Ques. 30.—I will ask it again: What is the value of cultivated alluvial bottom-land per acre?

Ans.—Do you desire me to include the price of improvements—the house?

Ques. 31.—I cannot tell whether there is a house or not.

Ans.—I cannot answer the question, unless you can tell me whether there is a house on it or not.

Ques. 32.—I have asked you the value of cultivated alluvial bottom-land.

Ans.—The value of unimproved is as I have stated; the value of improved or cultivated land would be enhanced precisely by the value of the permanent improvements put upon it, which may be small or great; in fact, farms are ordinarily sold—they are now—with dwellings, and large part of the land fences, for from \$3 to \$5 an acre.

Ques. 33.—In the Umpqua Valley?

Ans.—In the Umpqua Valley.

Ques. 34.—At what time, and for how long, were you in the Walla-Walla Valley?

Ans.—I was there in 1862, from spring until October.

Ques. 35.—Are all those answers that you have made to questions, put to you with reference to Wallula and Walla-Walla Valley and landing, based upon knowledge acquired at that time?

Ans.—They are all based upon knowledge acquired at that time or subsequently.

Ques. 36.—Have you ever been in the Walla-Walla Valley subsequently?

Ans.—Every season since; I was there this year, in May.

Ques. 37.—Do you own land, or have you been farming in the Walla-Walla Valley?

Ans.—I have never owned any land there, or farmed there; I have kept cattle and sheep there in 1862 and 1863.

Ques. 38.—At the time you kept stock in the valley, did you pay for it; or were your stock ranging on the public lands?

Ans.—They were ranging on the public lands; nobody thought of paying for grass.

Ques. 39.—Are not those parts of the valley of the Walla-Walla where the alluvial land is found of much greater value than the surrounding uplands?

Ans.—They are.

Ques. 40.—Have you ever purchased or sold any of the alluvial lands of the valley of the Walla-Walla?

Ans.—I never have.

Ques. 41.—Are there any titles at present given to the United States Government in the valley of the Walla-Walla, so that the value of lands with good titles can be ascertained?

(Mr. Cushing objected to this question, inasmuch as this witness is not the proper person to prove the United States grants of lands, if any, having no personal or official knowledge of that matter.)

(Witness.—I do not know whether the United States have issued patents of lands or not.)

Ques. 42.—I will ask you this: Is not the sale of lands in the valley of the Walla-Walla a mere delivery of possession between the purchaser and buyer?

(Mr. Cushing objected to this question as incompetent.)

(Witness.—I think it is not; I think that lands are usually sold upon a land-office certificate; that where the proper proof of residence has been made which entitles the resident to possession; they are sometimes sold in that way, and sometimes mere possession.)

Int. 43.—Is the value of \$8 or \$10 per acre, which you place

upon these twenty acres of enclosed land on the Old Farm in the Walla-Walla, the value put upon it, in your own opinion, on knowledge derived from your observation of the sale of other lands?

Ans.—From my observation of the sale of lands in that district.

Int. 44.—How near is this to the farm formerly owned by Mr. Davis, and afterwards by Ruckell and Thomas?

Ans.—I do not know accurately; I should think five or six miles.

Int. 45.—How does this enclosed land that you have spoken of compare in value with that of the Davis farm?

Ans.—It is less valuable.

Int. 46.—To what extent is it less valuable?

Ans.—It is not as good land; the Davis farm is the choice piece of land in the Walla-Walla Valley, and indeed of all Eastern Oregon; and it is so much further away from market than the Davis farm as to make its products less valuable.

Int. 47.—Which is the nearest, at the present time, to the town of Walla-Walla?

Ans.—The Davis farm; to go from the town of Walla-Walla you would pass right by the Davis farm.

Int. 48.—What is the value of the Davis farm per acre? Or, if you know, state what was given for it.

Ans.—I do not know what was given for it. I should think the Davis farm, in its improved condition, is worth from \$25 to \$30 per acre; it would be \$10,000 for the half section; if it is a half section, \$10,000; or if a quarter of a section, \$5,000.

Int. 49.—What, if you know, is the present population of the valley of the Walla-Walla and the town of Walla-Walla?

Ans.—I cannot give either.

Int. 50.—Is not the town of Walla-Walla a place of considerable trade and importance for that section of country at which supplies are purchased for the mines?

Ans.—It is.

Int. 51.—Is there not a line of stages running from Walla-

Walla across the Blue Mountains to Boisé and the mining regions?

Ans.—There is a line of stages running from Wallula to Walla-Walla, and another from Walla-Walla to Boisé City, across the Blue Mountains.

Int. 52.—How many soldiers were there stationed in the United States fort of Walla-Walla, during the time you resided there?

Ans.—When I first went there, there were six companies; all but two companies were sent out on the plains that summer, and, I think, returned there in the winter.

Int. 53.—Are not the supplies for these troops, of beef and flour, necessary to their subsistence, produced in the valley of the Walla-Walla?

Ans.—They are; all of them.

Int. 54.—Have you any idea of the amount of freight delivered at Wallula, for the use of the military at the fort of Walla-Walla?

Ans.—I have not; but it is very large.

Int. 55.—Does not the town of Wallula possess at least 1,000 inhabitants?

Ans.—I think it does; more than that.

Int. 56.—Is there not now in the valley of the Walla-Walla, including the town population, 5,000 inhabitants?

Ans.—I should think 5,000 a very high estimate, but it may come up to that.

Int. 57.—Are there not, to the east of Wallula, the mining towns of Orofino, Florence, and Elk City, whose supplies pass through the town of Wallula, and are landed at Wallula?

Ans.—No, sir; the supplies for none of those places pass through Wallula; they are landed at Lewiston.

Int. 58.—Do not the steamers that navigate the river, with the exception of a few to Lewiston and White Bluffs, all of them stop at Wallula in going up the river?

Ans.—Some only go as far as Umatilla; some go on to Wallula; the others go on to White Bluffs or Lewiston.

Int. 59.—At the time you left Wallula, or the valley of the

Walla-Walla, how many stores were there in Wallula for the sale of goods?

Ans.—I was there last April; there were then two stores there for the sale of goods.

Int. 60.—How many hotels?

Ans.—I do not know sir; one or two.

Int. 61.—You have stated that it would be impossible to make a mile square of enclosed land without crossing the Walla-Walla river several times?

Ans.—Twice.

Int. 62.—What is the distance between the mouth of the Walla-Walla river and the mouth of the Snake; and in that distance is there a single stream to interrupt the enclosure?

Ans.—I do not know the distance; my impression is, it is some fifteen miles; there is no stream intervening; I still repeat my former assertion, however.

Int. 63.—On what line of that enclosure would it be necessary to cross the river twice; on the north and south, or the east and west line?

Ans.—The town Wallula—the Old Fort—stood on a narrow tongue of land, between the Walla-Walla creek and the Columbia river, the creek or river running nearly parallel to the Columbia; no square mile of land could be laid off which would include the old adobe fort, and not cross that stream.

Int. 64.—You mean by that, that no square mile could be laid off, at right angles to the course of the river, without crossing the river twice?

Ans.—I mean that no body or tract of land could be laid off containing a square mile, in a solid form, without crossing the Walla-Walla river.

Int. 65.—Do you mean to say, that a mile of land, 640 acres, cannot be laid off without crossing the Walla-Walla river twice, and so as to include the Old Fort?

Ans.—No, sir; I do not think that at all; I mean that no square mile of land, in a compact form, could be laid off there to include the old adobe fort, and not cross the Walla-Walla river, bounded by the Columbia river on the other side; of

course there is more than 640 acres of land on that side of the river, more than 6,000 acres.

Int. 66.—You mean then to say, that taking the Columbia river as one line, and the other lines being at right angles to the river, a square mile of land could not be laid out without crossing the river?

Ans.—Yes, sir.

Int. 67.—Does not the Walla-Walla river, a short distance from its mouth, in going up the river, change its direction to the South?

Ans.—Yes, sir.

Int. 68.—Do you know the amount of freight delivered at Umatilla in a year?

Ans.—I do not.

Int. 69.—Do you know how many tons of freight are laid down at Wallula in a day?

Ans.—No, sir.

Int. 70.—In a year?

Ans.—I am unable to give any statistics about it.

Int. 71.—Is there not plenty of bunch grass, upon which cattle and stock can feed, immediately in the rear of the old adobe fort of Wallula?

Ans.—Bunch grass is not abundant until you get four or five miles away from the river.

Int. 72.—Is there any bunch grass suitable for pasturage near the old fort of Wallula?

Ans.—No, sir; there is not.

Int. 73.—How far from the old fort can the first bunch grass be found?

Ans.—The first bunch grass is found, I think, about three miles off; it does not come plentifully for stock until a greater distance is reached.

Interrogatories in rebuttal by Caleb Cushing, in behalf of the United States.

Int. 1.—Were the buildings which you have described at Fort Umpqua constructed of what is known as square timber,

or were they constructed of what is the usual material of log houses in the western States?

Ans.—They were what is known in Oregon as French-hewn log houses; a small portion of the timber was square on four sides, but most of it was only hewn on two sides.

Int. 2.—Have you any knowledge of square timber at Portland, its marketable value, and the like?

Ans.—I had not at that time.

Int. 3.—Has the price of timber at Portland any particular relation to your estimation of the value of log houses in the valley of the Umpqua?

Ans.—None whatever; no more than the value of timber in Paris; there was no connection between the two places, and no transportation; there was no lumber used in the construction of these buildings.

Int. 4.—You were asked in cross-examination the height of the stockade in the valley of the Umpqua; of what is that stockade made?

Ans.—It was made of fir poles or small logs, planted in the ground and tied together with wooden strips at the top.

Int. 5.—What, in the year 1850, was the pecuniary value of those fir logs, standing as they grew?

Ans.—They had no value—were worth nothing.

Int. 6.—As raw material, they had no value?

Ans.—They had no value.

Int. 7.—What was the value, as raw material, of the logs of timber of which the buildings were constructed?

Ans.—Nothing.

Int. 8.—From whose lands must these logs and those fir trees have been cut?

Ans.—From the public lands of the United States; all of them.

Int. 9.—There was nothing in the building or stockade except the labor?

Ans.—Nothing.

Int. 10.—Was there anything in the construction there, apart from the material and excepting the labor of cutting

them from the public lands of the United States and putting them up?

Ans.—Nothing; there was little or no iron used in the buildings, and no glass.

Int. 11.—Have you any knowledge, from your observation of the country and its inhabitants, of the relative cost of labor in putting up a fir stockade in 1850 and at some time prior to that time?

Ans.—Prior to the discovery of the gold mines in 1848 it would cost less money than in 1850, because labor was more abundant and much cheaper.

Int. 12.—Was or not your estimate of the labor involved, in your estimate of the cost or value of those buildings in 1850 and of the work done upon them, greater in 1850 than it would have been prior to the discovery of gold?

Ans.—Much greater.

Int. 13.—From your knowledge of the Indians there, and half-breeds, and work done by them, was or not, in your judgment, the cost of their labor prior to 1848, greater or less than the cost of white laborers in 1850?

Ans.—It was far less; the cost of Indian labor to the Hudson's Bay Company was a mere nothing; they subsisted them on potatoes and salmon, and paid them in clothing and trinkets at most enormous prices.

Int. 14.—What implements of labor, if any, would have been necessary for the construction of the stockade and the buildings at Fort Umpqua?

Ans.—An ax, broad-ax, and an auger.

Int. 15.—What was the description of the enclosed land at Umpqua, as being upland or alluvial bottom-land?

Ans.—Alluvial bottom-land.

Int. 16.—How much of the price, from \$3 to \$5, which you have said is the value of the best of such alluvial bottom-land now—how much of that is due to the Government as purchase money?

Ans.—I do not understand.

Int. 17.—This is public domain; how much do settlers have to pay for it?

Ans.—The price of Government land is \$1 25 an acre.

Int. 18.—In the cross-examination you state that improved land for which the United States has been paid, which belongs to a private proprietor now, and which is improved, not only by fencing and by buildings, the price is from \$3 to \$5?

Ans.—Yes, sir.

Int. 19.—Is there, or not, any particular causes which tend to deteriorate the value of growing crops in the valley of the Umpqua?

Ans.—I think not.

Int. 20.—Are they, or are they not, subject to vicissitudes, such as uncertainty of weather, drought, or insects, or grasshoppers, or any other cause which might affect their value?

Ans.—The valley has occasionally been visited by grasshoppers, which are very destructive, destroying crops and fruit trees; and indeed all the vegetation in the valley has been destroyed by them once or twice.

Int. 21.—You have spoken in the cross-examination of the actual value of the Davis farm on the Walla Walla; please to describe what improvements there are upon that farm, apart from the mere earth.

Ans.—There are some log dwellings upon it, several barns, granaries, and other buildings—farm buildings—and it is enclosed and subdivided into fields with good fencing, which is very expensive there; ten times more so than in some other parts of Oregon; rails have to be hauled fifteen or twenty miles.

Int. 22.—Do, or not, all these improvements enter into the estimate of the value of the Davis farm?

Ans.—They do.

Int. 23.—What is the precise character of the improvements made by the Hudson's Bay Company upon the farm claimed by them on the Walla Walla?

Ans.—I do not know that they ever had any improvements on the farm except the cabin. I do not know that there was ever any fencing there; my impression is there never was; it was cultivated, and the Indians herded stock off of it.

Int. 24.—You have spoken of hotels, one or more hotels at

Walla; be good enough to describe those hotels (that being a term of somewhat vague application) as relatively to the Fifth Avenue or Willard's Hotel.

Ans.—Well, they are a very uncomfortable sort of hash-houses, where a traveller is compelled to stop and enjoy the vermin and the filth as well as he can. They are like other stopping-places in a new, wild country; a man can get enough to stay his stomach and a blanket to sleep in, if he wants it.

Int. 25.—What are the dimensions of the hotel that is chiefly in your mind?

Ans.—The one I have usually stopped at is kept in an adobe fort, the only one remaining of the Hudson's Bay Fort. It is, perhaps, 18 feet by 30 feet in dimensions, and two stories high.

Int. 26.—You have spoken of stores, two stores there; I would like to understand their dimensions relatively to Mr. Stewart's store in New York, as that word is also an extremely vague term.

Ans.—One of them is, I should estimate very roughly, 20 or 25 feet front by 35 feet deep. The other one is much smaller.

Int. 27.—Are these adobe or wooden buildings?

Ans.—Wooden buildings.

Int. 28.—Of what height?

Ans.—One story. I believe, upon reflection, that there is a third store now, of smaller dimensions than the one whose size I have just given.

Int. 29.—Whether is the site of Nez Percés a tract of rich, alluvial land or not?

Ans.—It is not; it is a sandy desert.

Int. 30.—Whether there is anything of peculiar value in the tract that was apparently occupied by the Hudson's Bay Company at Nez Percés Fort as their farm?

Ans.—It is no better than much other land in the Walla-Walla Valley.

Int. 31.—Are the lands of which that farm constituted a part—have they ever been surveyed by the United States?

Ans.—Yes, sir. I think they have.

Int. 32.—Are there, or not, any unsold lands of the United States there in that region?

Ans.—A very small portion have ever been claimed or purchased.

Int. 33.—Does your answer apply to what has been called, in the cross-examination, alluvial lands, as well as others?

Ans.—No, sir; it includes all uplands and the alluvial lands. A large portion of the latter have either been purchased from the United States, or taken up as donation or pre-emption claims.

Re-Cross-Examined by Edward Lander, in behalf of the Hudson's Bay Company.

Int. 1.—Are not those lands you have spoken of as untaken and unclaimed, in the Walla-Walla Valley, pasturage lands, which are not valuable for cultivation?

Ans.—They are pasturage lands; they are none of them valuable for cultivation. The alluvial land which is valuable for cultivation is nearly quite all held or owned or claimed by white settlers.

J. W. PERIT HUNTINGTON.

JAMES W. TOOLEY,
Stenographer.

TESTIMONY OF WILLIAM R. GIBSON.

In the matter of the Hudson's Bay Company against the United States.

Deposition of *William R. Gibson*, taken in behalf of the United States.

Interrogatories propounded by Caleb Cushing, in behalf of the United States.

Ques. 1.—Please to state your name in full, your official station or rank, if any, and your place of duty.

Ans.—My name is William R. Gibson; I am a colonel and paymaster in the Army of the United States, and am stationed at Washington.

Ques. 2.—Have you any interest, direct or indirect, in the claim preferred by the Hudson's Bay Company against the United States, except as a citizen of the United States?

Ans.—None whatever.

Ques. 3.—Whether or not you have, at any period of time, resided in the former Territory of Oregon, and if so, from what year to what year inclusive?

Ans.—From 1848 to 1856, I was stationed at what was originally the Territory of Oregon.

Ques. 4.—In what part of Oregon did you chiefly reside?

Ans.—At Fort Dallas, in the latter part of my residence, and in the prior part of it at Vancouver.

Ques. 5.—Have you any knowledge of the site of the old fort of Nez Percés?

Ans.—Yes, sir; I have been there very frequently.

Ques. 6.—Please to describe the situation of that fort relatively to the United States fort of Walla-Walla?

Ans.—That I cannot do; the present United States fort was not built when I left the country.

Ques. 7.—State exactly where the fort of Nez Percés was situated?

Ans.—The fort of Walla-Walla was then at the mouth of the Walla-Walla river, on a sand-bank formed at the junction of the two rivers, the Columbia and the Walla-Walla.

Ques. 8.—Is or not the fort of Walla-Walla of which you speak a different place from the United States fort of the Walla-Walla?

Ans.—Yes, as I understand it; I do not know the location of the present United States fort of Walla-Walla.

Ques. 9.—You understand it is a different place?

Ans.—Yes.

Ques. 10.—And is it or not the same place which is sometimes also called Nez Percés?

Ans.—Yes, sir.

Ques. 11.—Please to describe what buildings, if any, existed

at the Hudson's Bay post of old Walla-Walla at the time when you saw it.

Ans.—There was an old stockade fort with storehouses and dwelling-houses, two or three of them, inside the stockade; I do not know the number; it is some years ago since I saw it; I have not been there since 1853, and then I only made casual visits whilst passing to and fro.

Ques. 12.—Do you know anything of a place near that fort called Wallula?

Ans.—That was the landing, I believe.

Ques. 13.—At that time was there or not any landing-place near the old fort of Walla-Walla?

Ans.—There was no special landing-place other than the beach; the boats landed there going to and from the lower river.

Ques. 14.—Was there or not at that time any town on that beach?

Ans.—No, sir; no town there at all.

Ques. 15.—Were there or not any buildings there?

Ans.—I remember none.

Ques. 16.—Are you acquainted with Fort Hall?

Ans.—My knowledge of Fort Hall is very limited indeed; I have been there three different times in passing.

Ques. 17.—Was there or not any considerable establishment of buildings there?

Ans.—No, sir; I believe not.

Ques. 18.—From your observation, for what uses, and in what manner, was that post occupied?

Ans.—Well, the trade [had] run down very much when I was there; they were trading more with emigrants than anything else; they had stock there.

Ques. 19.—Have you ever been at the place called Fort Boisé?

Ans.—Yes, in going to and from Fort Hall.

Ques. 20.—Please to describe that place, as far as you remember it.

Ans.—It was a small trading-post, much less than Walla-

Walla or Fort Hall, but I cannot describe it; I cannot distinctly remember what it was like now.

Ques. 21.—What, according to your observation of it, was the apparent value of that establishment in money?

Ans.—Well, it had no value for me at all; I would not have bought it at any price; I could not have been hired to have lived there; the buildings were in a very bad condition when I saw them; they were in a very tumble-down condition; I would not have given anything at all for them.

Ques. 22.—What, from your observation, were the apparent uses and occupation of the establishment of Nes Percés or old fort of Walla-Walla?

Ans.—From my knowledge of it, it was more a halting or resting-place for the ponies of the Hudson's Bay Company going up into the interior with packs, than anything else. They did some little trading with the Indians with ponies.

Ques. 23.—What apparent Indian trade, other than that of ponies, did you observe there?

Ans.—Very little, except that they got a few skins there; a few bear skins were taken there, and they traded beaver, because they were compelled to do so, or they could not otherwise have got any bear skins.

Ques. 24.—What was the quality of the land around the old fort of Walla-Walla?

Ans.—Immediately around the fort [it] was a sand bank, pretty much; about twenty-five or thirty miles from there was good land.

Ques. 25.—Whether or not on the hills at some distance from the fort there was pasturage of bunch grass?

Ans.—Yes, sir, an abundance; the country was noted as a pasturage.

(Objection taken by Mr. Edward Lander to this question and answer, on the ground that the question was a leading one.)

Ques. 26.—On those hills, did you or not, notice any ponies or cattle pasturing?

Ans.—Yes, sir; I have frequently seen them there, ponies and cattle too.

Ques. 27.—Have you or not, at any time had conversation with Peter S. Ogden, the chief agent of the Hudson's Bay Company, in regard to the condition of the forts of the Company in Oregon?

Ans.—I have, in relation to the business of the Company.

Ques. 28.—Please to state what he communicated to you on that subject.

(Objected to by Mr. Lander, on the ground that the statements of Mr. Ogden are not within the scope of his agency, as shown by the testimony in this cause.)

Witness.—Mr. Ogden has frequently said to me that the Company merely kept up their establishment in order to make good their claim, and that their trade had entirely fallen off, and the fur trade was worthless.

Ques. 29.—What did you understand by the expression "make good their claim," if anything was said by Mr. Ogden that should communicate an explicit idea of the meaning of the word?

(Objected to by Mr. Lander, on the same grounds as before.)

Witness.—I understood that it was necessary for them to be in possession of and occupy the property claimed, in order that their claim might be valid and have effect.

Ques. 30.—Claim against whom?

Ans.—Against the United States.

Ques. 31.—Did or not, Mr. Ogden use any words communicating to you the idea that what he spoke of was claimed against the United States?

(Objected to by Mr. Lander, upon the same grounds as before, the incompetency of the evidence; and upon the further ground that the question is leading, and directing the attention of the witness to the answer to be made.)

Witness.—He stated distinctly it was a claim against the United States; there was no misunderstanding in the matter.

Ques. 32.—What, according to your observation, was the condition of the fur trade when you arrived in Oregon, as whether on the increase, or stationary, or on the wane?

Ans.—It was very much on the decrease, and continued to decrease during my stay in that country.

Ques. 33.—Did or not Mr. Ogden say anything in regard to the fur trade, and the kind of fur purchased by the Indians at that time?

Ans.—He said that the fur trade had become worthless; that the beaver had ceased to pay; and the only skins they cared for were the bear and a few fox skins; and those were all they could get.

(The whole of this question and answer objected to on the grounds heretofore taken, in reference to any conversation with Mr. Ogden.)

Witness.—I staid at Mr. Ogden's every time; I staid at his post, and we had then these talks together.

Cross-Examination by Mr. Edward Lander, in behalf of the Hudson's Bay Company.

Ques. 1.—What was your rank in the service at the time you were in Oregon?

Ans.—I was a clerk in the Quartermaster's Department, and afterwards Military Storekeeper.

Ques. 2.—Do you know, from your own observation, that the landing at Wallula, or the old fort of Nes Percés, is the usual landing for boats on the Columbia river, passing there?

Ans.—Yes, sir.

Ques. 3.—Do you not know that the old fort of Nez Percés is not more than 200 yards from the river at the ordinary landing?

Ans.—That was my impression of it as I now remember.

Ques. 4.—Have you ever seen the place called Wallula, and is not the statement which you have made in reference to that place derived from information which you have received since you have been upon the Atlantic side?

Ans.—Of Wallula, yes sir; I do not know Wallula except from what I have been told of it.

Ques. 5.—At the time you were at the post of the Hudson's Bay Company at fort of Nez Percés, were not their buildings and fort the only buildings on the land?

Ans.—As far as I remember, I do not know of any other; there was nobody else in the country at that time.

Ques. 6.—Is your description of Fort Boisé and Fort Hall as correct, and is your recollection as distinct of Fort Hall and Fort Boisé, as of Fort Nez Percés.

Ans.—I have not been to either of those places as often as to the fort of Wallula.

Ques. 7.—Do you not know that there is bunch grass, affording pasturage for cattle and horses, commencing within a mile from the site of the old Fort Nez Percés?

Ans.—Bunch grass? No sir, I do not.

Ques. 8.—How far do you say it is from that fort before you noticed the first bunch grass?

Ans.—Well the first bunch grass that I remember at all in coming from the fort was at Whitman's Mission.

Ques. 9.—Was there no good land in the valley of the Walla-Walla river towards its mouth?

Ans.—I do not think there is any nearer than the Mission; I do not remember any now.

Ques. 10.—Between 1853 and 1856, how did the travelling road run, direct from the old fort to Whitman's Mission and up to the creek?

Ans.—I never was at Walla-Walla since 1853; my last visit was in 1853.

Ques. 11.—Whether the trail from the old fort to Whitman's Mission at the time you were at Walla-Walla run up the creek, the Walla-Walla creek?

Ans.—Yes, sir.

Ques. 12.—Were not all the horses then used and owned in that section of the country Indian ponies?

Ans.—Yes, sir; except a few they may have traded with the emigrants; but the majority were of course Indian ponies.

Ques. 13.—Were there not inside of Fort Hall dwelling-houses and stores?

Ans.—Yes, sir; the principal dwelling-house was outside; the one Captain Grant occupied was. I think so; I cannot say for certain.

Ques. 14.—How long were you at Fort Hall at any one time, and how many times?

Ans.—I have been three times; I was never over three days there at any one time.

Ques. 15.—At what seasons were you there?

Ans.—I was there in the fall and during the early summer.

Ques. 16.—Do you think your opportunities of judging of the trade of the post, of what it consisted, and of what it had consisted before that, are equal to those of the officer in charge?

Ans.—Of course not, sir; I know the nature of the trade at the time I was there, and the character of the things they took into that country, because they passed the post I was at.

Ques. 17.—At what year were you at Fort Boisé?

Ans.—I was at Fort Boisé in 1848; I was again at Fort Boisé in 1851 and 1852.

Ques. 18.—Who was in charge of the post at the time you were there?

Ans.—I think his name was Craig, [Craigie;] Maxwell was there during the last part of the time I was there.

Ques. 19.—Was there not at Fort Hall, and were there not at Fort Boisé, inside of the fort, storehouses and dwelling-houses?

Ans.—Yes, sir.

Ques. 20.—Were not the walls of the fort at that time in good repair?

Ans.—I think not, sir; my impression is not; I thought it a very dilapidated-looking place when I was there.

Ques. 21.—To which visit have you reference when you say it was a dilapidated place?

Ans.—I thought so at the first; and I did not think it had improved in condition at my last visit.

Ques. 22.—At what time of the year were you there?

Ans.—It was the fall and in the early spring, passing to and from Fort Hall in the fall of 1848, and the other times in the early summer months.

Ques. 23.—Did not the dilapidated condition of these forts

arise from their being built of adobe, and having a dusty appearance in dry weather?

Ans.—That would not account for their worn condition; they looked very much worn and out of condition.

Ques. 24.—Have you any distinct recollection of the appearance of these forts, and has not the length of time that has elapsed since you saw them, and the excitement of the last four years, caused your recollection to be impaired with reference to them?

Ans.—I think not, sir; my first visit to them was fully impressed on my mind, because I had come from a long trip over the country, and they were the first houses or habitations almost that I saw.

Ques. 25.—You say you were at Fort Boisé three times; how long did you remain there at each time?

Ans.—Not over a day or two at any one time.

Ques. 26.—Is the knowledge which you have expressed with reference to the trade at Fort Boisé derived from your visits there at those times?

Ans.—No, sir; not so much as from my conversations with Mr. Ogden in relation to his trade; and all the officers, in fact, of the Company talked the same way.

Ques. 27.—Then your statement with reference to the trade is made up more from statements of Mr. Ogden than your own observation?

Ans.—Yes, sir; that and the supplies they sent in to the post, and the trade with the emigrants.

Ques. 28.—Did you examine those supplies, or is your knowledge of those supplies derived from the statements of the officer in charge?

Ans.—I saw them landed and put on the animals, and carried up into the country.

Ques. 29.—Were not these supplies in packages, and bound around, so that in order to ascertain the contents the packages would have to opened?

Ans.—No, sir; I know they were provisions from the manner in which they were packed, and also from the statement of the officer in charge of them; I have frequently acted as

agent for Mr. Ogden, in forwarding off these packages, at his request.

Ques. 30.—Can you give the exact language made use of to you by Mr. Ogden in any conversation you have held with him?

Ans.—No, sir, I cannot; it was a frequent subject of conversation, and that was the burden of it—the falling off of their trade, and their object in remaining there.

Ques. 31.—Is not the statement you have made, in reference to what Mr. Ogden told you, the statement of an impression made upon your mind by various conversations, none of which you can distinctly relate?

Ans.—No, sir; it is the substance of the conversations I had with him; the substance, and not the impression left with me; I have a distinct impression of the substance of the conversation, not in so many words, but that was the character of it.

Ques. 32.—Can you state where conversations occurred—at what place, and at what time?

Ans.—In his house at Fort Vancouver; the times were numerous; I cannot say what time; I never expected to give any testimony in the matter, and I never noticed it particularly; in visiting the post, coming from Fort Dalles, I always stayed with Mr. Ogden; he was a warm personal friend of mine, and very kind.

Ques. 33.—Was there any person present at these numerous conversations between Mr. Ogden and yourself, in which the subject was talked about?

Ans.—No, sir; there was no secrecy about it. I do not remember any parties being present.

Ques. 34.—Can you call to mind any particular conversation, giving the date thereof, which occurred between you and Mr. Ogden, or the date as near as you possibly can?

Ans.—No, I cannot; my visits there were frequent, and we were constantly talking on the subject; he, time and again, expressed the opinion that they would go, all of them, to Vancouver's Island before a great while; and the conversation was brought about in that way, more particularly about our

separation, and my not seeing him; but as for any particular dates, I said before, I never had any particular reason to take notice of them for future reference.

Ques. 35.—Can you give the time of the year that any one of these conversations took place?

Ans.—I cannot. I have been there repeatedly at all seasons of the year, and we were continually talking of these things—repeatedly.

Ques. 36.—Can you state the time of day at which any one of these conversations took place?

Ans.—Well, I really don't understand the object of the question; I have stated that I cannot particularize any time that these frequent conversations took place, except that it was when I was visiting him, and I cannot say if there were any persons present; there was no secrecy about it; there may have been persons there; it was talked of continually; it was impressed on my mind by the fact that the Hudson's Bay Company expected to get out of that country.

Ques. 37.—Did not Mr. Ogden, in speaking of the Hudson's Bay Company getting out of that country, also couple it with a further idea that they would get out of the country when their lands were purchased by the United States?

Ans.—Yes, sir; they expected a settlement with the Government; and he frequently said that it was the interest of the Government to buy at once, before the property had more value.

Ques. 38.—Did he not, in the same conversation, complain strongly of the treatment which he had received from the United States authorities, and especially of the manner in which their land was trespassed upon by settlers?

Ans.—He complained very bitterly of the settlers taking their land.

Ques. 39.—Did he not, at the same time, express the opinion that the United States authorities ought, in some way, to have protected them in their rights?

Ans.—Yes, sir; and frequently asked that protection.

Ques. 40.—Did he not, at the same time, when speaking of the decay of trade, state that it was caused by the encroach-

ments of the settlers upon the lands of the Company in some degree?

Ans.—No, sir; there were no settlers encroaching upon any of their lands, except near Vancouver and these other lands down in the settlements. There were no settlers in the Indian country, where they were trading for furs. He has made the remark that he did not consider Oregon a fur country, since beaver had depreciated in value.

Ques. 41.—Did you ever have any access to the books of the Company, so as to know the amount of trade, and the changes of trade, after your arrival in the country?

Ans.—No, sir; I certainly would not seek it, and do not suppose it would be offered voluntarily.

Ques. 42.—Do you think that any one can tell about the decrease of any trade in a country unless he himself is specially interested in it?

(Mr. Cushing objected to this question as too general, speculative, and argumentative, even in cross-examination.)

Witness.—I have seen a great deal of the trading with the Indians, and knew the character of it, and made my impressions from it.

Ques. 43.—Was Mr. Grahame, Mr. Mactavish, or Mr. Wirt, [Wark,] either or any of them, present at any of these conversations?

Ans.—Mr. Mactavish did not come there until Mr. Ogden was deceased; he succeeded him; Mr. Wirt [Wark] was never there; Mr. Grahame was chief clerk, and may have been present; I cannot say whether he was or not.

Ques. 44.—What other officers of the Company were there except those that have been named to [by] you?

Ans.—There was a physician, Dr. Barclay, there, and Mr. McNiel McArthur, and Mr. Lowe.

Interrogatories in Rebuttal, propounded by Caleb Cushing, in behalf of the United States.

Ques. 1.—Please to state whether you did, or did not, at some portions of time, live with Mr. Ogden, as a member of the family.

Ans.—Only as a guest, sir, when I have been visiting the post.

Ques. 2.—How many days, more or less, may you have been his guest when at that post?

Ans.—A week or two at a time.

Ques. 3.—On those occasions did you, or not, eat with him?

Ans.—Yes, sir.

Ques. 4.—Please to state whether your intercourse with him was distant and reserved, or familiar and usual.

Ans.—It was entirely the contrary of distant. I was on very intimate terms with him. He was a warm personal friend of mine from the time I entered the country.

Ques. 5.—State, if you remember, how many of such visits you have passed as the guest of Mr. Ogden.

Ans.—I really cannot do that.

Ques. 6.—Whether few or many?

Ans.—Numerous. I was continually going backwards and forwards, and always went there.

Ques. 7.—During what period of time, years, or months, were you thus continually going backwards and forwards, and stopping there as a guest with Mr. Ogden?

Ans.—I was going there continually, from the time I left Vancouver in 1850 until Mr. Ogden's death; continually visited him at all seasons of the year. I frequently came down there on Mr. Ogden's invitation; he sent for me to come down.

Ques. 8.—During how many years?

Ans.—Some four years, I think, sir.

Ques. 9.—Please to state, particularly and circumstantially, for what length of time, more or less, you acted as the agent of Mr. Ogden, in the business of the post, at Fort Dalles.

Ans.—Well, it was not a regular thing. He would frequently write to me to see to sending his supplies up. It was not a continual agency, and only when receiving the care of his party, and having their animals provided for, which I did for him. It was an agency that I received no pay or compensation for; it was merely a friendly act on my part for Mr. Ogden, at his request.

Ques. 10.—You say that this agency was not continual but

only occasional; please to state whether the occasions were rare or frequent.

Ans.—They were not frequent, and mostly occurred when some subordinate person was going up in charge of the packs, when he would request me to see that they got off. Frequently his men would get drunk and neglect their business.

Ques. 11.—According to your recollections, how many such occasions were there in the course of a year?

Ans.—I cannot say.

Ques. 12.—In two of the cross-interrogatories reference is made to the walls, so called, of Fort Boise; please to describe those walls, their material and their actual condition, as whether in perfect repair, or dilapidated or otherwise.

Ans.—They were adobe walls and in very bad repair. The weather had injured them, worn them in many places, and they wanted a great deal of repair; in fact, it is a character of material that wants constant repair, which I do not think they received. I never saw any improvement in them.

Ques. 13.—You have said, in answer to a cross-interrogatory, that you do not know Wallula, except on information; do you or not mean by this to exclude any knowledge of a landing-place at the old fort of Walla-Walla?

Ans.—I never knew it by that name. I never knew them call the place Wallula; I have a knowledge of the usual landing-place there.

Ques. 14.—In one of the cross-interrogatories you were asked whether Wallula was not the usual landing for boats passing up and down; do you or not mean by your answer to that question, to assert that there was no other landing-place above or below Wallula?

Ans.—I do not know of any other being used as a landing-place. It was possible to land both above and below.

Ques. 15.—Have you any knowledge, or not, of the landing-place called Umatilla?

Ans.—Yes; I know the Umatilla landing.

Ques. 16.—Have you or not any knowledge which of the two landings, Wallula or Umatilla, is most used?

Ans.—Well, at that time the landing that you call Wallula

was used entirely. When I left that country there were none of those settlements there that have been made since.

Re-Cross-Examined by Edward Lander, in behalf of the Hudson's Bay Company.

Ques. 1.—You speak of being agent to the Company; do you mean by that that you were at any time, or ever, a regular agent of the Company, or even of Mr. Ogden?

Ans.—I acted only for Mr. Ogden, on various occasions, at his request, as a personal friend of mine.

Ques. 2.—Did you act in any other way than as a friend of Mr. Ogden's, and were your acts other than those of a friend, without pay as agent, or compensation as such?

Ans.—Yes, sir; these parties that I acted for were sent to report to me and receive instructions. I never received or expected pay for it, or considered myself as occupying any position in the Company's service.

Ques. 3.—Do you know anything of a landing at Umatilla other than by hearsay, since your arrival on the Atlantic side?

Ans.—I know it only by hearsay.

W. R. GIBSON.

WASHINGTON, D. C., August 4.

JAMES W. TOOLEY,

Stenographer.

Witness desires to make the following explanation: Since giving the testimony he remembers having been at Walla-Walla in the year 1855, the year of the Indian war, where he was arrested by the Indian agent for attempting to remain in the country, in disobedience of his order for all whites to leave it.

W. R. GIBSON.

DISTRICT OF COLUMBIA, }
County of Washington. }

I, Nicholas Callan, a notary public in and for the county and District aforesaid, do hereby certify that the foregoing

depositions of J. W. Perit Huntington and William R. Gibson, witnesses produced by and on behalf of the United States, in the matter of the claims of the Hudson's Bay Company against the same, now pending before the British and American Joint Commission for the adjustment of the same, were taken at the office of said Commission, No. 355 H street north, in the city of Washington, District of Columbia, and reduced to writing by James W. Tooley, a stenographer agreed upon by Caleb Cushing, Esq., attorney for the United States, and Edward Lander, Esq., attorney for said Company, beginning on the — day of August, A. D. 1866, and terminating on the 4th day of August, A. D. 1866, according to the several dates appended to the said depositions, when they were signed respectively.

I further certify that to each of said witnesses, after his examination, by consent of parties, I administered the following oath :

“You swear that the deposition by you subscribed, in the matter of the claim of the Hudson's Bay Company against the United States of America, contains the truth, the whole truth, and nothing but the truth; so help you God.”

That, after the same was reduced to writing, the deposition of each witness was carefully read and then signed by him.

I further certify that Caleb Cushing, Esq., and Edward Lander, Esq., were personally present during the examination and cross-examination of all of said witnesses, and the reading and signing of their depositions.

In testimony whereof I have hereunto set my hand and affixed my notarial seal this 4th day of August, A. [L. s.] D. 1866.

N. CALLAN, *Notary Public.*

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of *Robert J. Atkinson.*

*Interrogatories propounded by Caleb Cushing, in behalf of the
United States.*

TESTIMONY OF ROBERT J. ATKINSON.

Robert J. Atkinson, being duly sworn according to law, deposes and says:

Int. 1.—Please to state your name in full, your present place of residence, and your profession.

Ans.—Robert J. Atkinson; I am temporarily residing in Washington, D. C.; my profession is that of a lawyer.

Int. 2.—Have you any interest in the matter of the claims of the Hudson's Bay Company against the United States other than as a citizen of the United States?

Ans.—No, sir.

Int. 3.—Have you at any time held the office of Third Auditor in the Treasury Department of the United States; and, if so, from what day to what day?

Ans.—Yes, sir; I was Third Auditor from, I believe, the 15th day of September, 1854, and I retired from the office, I think, on the 19th day of July, 1864.

Int. 4.—In a deposition made by Dougald Mactavish in behalf of the Hudson's Bay Company, it is stated, that in the years 1855 and 1856, supplies were furnished by said Com-

pany for the uses of volunteers raised by Governors Curry and Stevens, Governors of the Territories of Oregon and Washington, on occasion of the so-called Yakama Indian war, and vouchers for such supplies obtained from the proper officers for the same; but in the precise words of the deponent, "when pay day came, for some reason, the Third Auditor of the Treasury at Washington cut down the bills to the amount of something like thirty thousand dollars, which sum remains unsettled to this day." Have you or not any such knowledge of the transaction thus referred to as to be able to state whether or not you are the person spoken of by Mr. Mactavish as the Third Auditor of the Treasury at Washington?

(All testimony in reference to any claims of the Hudson's Bay Company against the United States not mentioned or set up in their memorial objected to as immaterial and irrelevant.)

(Mr. Cushing responds to this objection; says that it is the fault of the Hudson's Bay Company, not by the United States, if this foreign matter be introduced into the case, it having been introduced by that Company apparently to raise implication or imputation of unjust treatment by the United States, of the Hudson's Bay Company, as argument of prejudice. Therefore Mr. Cushing persists in the interrogatory, as involving inquiry strictly responsive to the matter thus introduced by the Hudson's Bay Company.)

Ans.—I can only say I was Third Auditor of the Treasury at the time the official action referred to was had, and of course I suppose I must be the person Mr. Mactavish alluded to.

Int. 5.—Have you or not any recollection of any such account having been preferred by the Hudson's Bay Company?

(The personal recollection of the witness objected to on the ground that the records of the office would show the fact, had such an account been preferred.)

(Mr. Cushing persists in the question as being an essential link in the identification of the witness as being the person into whose hands the accounts officially came.)

Ans.—Yes. I remember there were various accounts embraced in the claims in the Indian wars in Washington and

Oregon Territories presented in the name of the Hudson's Bay Company.

Int. 6.—On inspecting files of original accounts on file in the Treasury Department, would it or not be in your power to identify the account referred to by Mr. Mactavish?

Ans.—Yes, sir. I refer to the claims growing out of the Indian war in Washington and Oregon in 1855 and 1856, and which was called here the Washington and Oregon Indian war.

Int. 7.—How long since have you looked at or examined the accounts of the Hudson's Bay Company against the United States for supplies on account of any Indian war in Washington and Oregon?

Ans.—At the request of Mr. Gibbs, I made an examination of those accounts one day last week.

Int. 8.—Please to state whether or no those were accounts on which you passed as Third Auditor?

(Objected to on the ground that the action in this case was official, and the decision on claims is to be found in the records in the office.)

(Mr. Cushing persists in the question as necessary to the identification of this witness as being the person who passed upon the accounts as Auditor, that inquiry and nothing else being contained in the interrogatory, and neither the original accounts or any copy of them affording any internal proof that this witness is that person.)

Ans.—They were.

Int. 9.—Can you, either at the present time or at an adjournment, present an official abstract of that account, to be made a portion of your deposition?

Ans.—The accounts are not in my possession; they are in the records of the Third Auditor's office. I have no right to call for copies of them, but I have no doubt the Third Auditor will furnish to the Commission any copies or information relative to the accounts, if officially called upon. If the documents are furnished, I have no objection to their being annexed to my deposition.

Int. 10.—It appears from the account annexed, that the total of the claim preferred by the Hudson's Bay Company

was \$, and the amount allowed was \$, being a difference of \$; please to state whether or not you are the person who officially directed the auditing of this account and ordered the reduction which appears in it.

(The introduction of the account, and all testimony in relation to it, objected to as immaterial and irrelevant.)

(Mr. Cushing persists in this line of inquiry, for the reason above stated, that it is responsive to matter introduced by the Hudson's Bay Company. If Mr. Lander does not like it, he can save all trouble on the subject, both to himself and the United States, by striking out from Mr. Mactavish's deposition all that matter which he now so strenuously insists is impertinent and unfit to go before the Commissioners.)

Ans.—Yes, sir; I am.

Int. 11.—Please to state whether or not any accounts of citizens of the United States for similar supplies, on the occasion of the same Indian war, came before you for auditing as Third Auditor.

(All objected to as irrelevant.)

Ans.—Yes, sir; they did.

Int. 12.—Please to state whether or not, in auditing the respective accounts of the Hudson's Bay Company and of citizens of the United States, any distinction as to amount or rule of allowance was made between the two classes of claims; and if so, whether such distinction was against or in favor of the Hudson's Bay Company.

(Objected to as irrelevant.)

Ans.—Of course, in my official action, no distinction was made between claims presented by the Hudson's Bay Company or citizens of the United States. The claims of the Hudson's Bay Company were not reduced in the same ratio, in the aggregate, as the claims of the citizens generally were reduced. The reduction in the Hudson's Bay Company claims appears to have been less than one-third, whereas, of the whole amount of claims as presented, growing out of the war, less than one-half were allowed and paid.

Int. 13.—Please to explain fully and explicitly the reasons and considerations which influenced you officially in the de-

cision which you came to, as to the amount to be allowed on the claims of the Hudson's Bay Company relatively to the amount claimed by that Company.

(The reasons and considerations governing an official in a *quasi* judicial capacity, in the discharge of an official duty, objected to as incompetent, and the whole as irrelevant.)

(Mr. Cushing persists in the question on both grounds; first, the reasons and considerations on which an official person acts, whether *quasi* judicially or judicially, are always competent; otherwise it would be quite superfluous for official persons generally, and especially judges, to assign, as they universally do when expected to do, the reasons of their decisions, and it is more especially competent here, when the official action of this officer, and through him the action of his Government, are impeached by the Hudson's Bay Company. If it be competent for the Hudson's Bay Company to complain of the action of Mr. Atkinson, then still more is it competent for Mr. Atkinson to assign good and official reasons for his official action. Secondly, the evidence is responsive to evidence introduced by the Hudson's Bay Company.)

(This does not answer the objection, because, first, opinions of judges are not evidence as matters of fact; second, because these opinions are made and put on file as part of the records of the courts over which they preside; and third, that in this case the opinion of the witness of record is not offered, but only testimony as to what he now thinks, and his reasons for decisions ten years old.)

(Mr. Cushing persists in the question.)

Ans.—The reasons for my official action will be found fully set forth in Public Documents, and which arose under the following circumstances: The question of payment of the claims growing out of Indian hostilities in Washington and Oregon Territories in 1855 and 1856 were presented to Congress, and there referred to the Committee on Military Affairs of the House of Representatives. At the request of the chairman of the Committee, the papers connected with the claims, then on file in the office of the Third Auditor, were examined by me, and the result of that examination is contained in a letter ad-

dressed to Hon. C. J. Faulkner, Chairman of the Committee on Military Affairs, dated January 10, 1859. (See Executive Document No. 51 of House of Representatives, Thirty-Fifth Congress, Second Session.)

On the 8th of February following, the House of Representatives passed a resolution directing another examination to be made by the Third Auditor, of the claims to be made preliminary to a final settlement and adjustment, and to make report to the House of Representatives by the first Monday in December following of the amount respectively due to each claimant, agreeably to certain rules prescribed by the resolution.

In pursuance of this resolution, I made another examination of the claims, and the results of that examination, were the reasons that governed my action, and are contained in an official letter of the 7th of February, 1860, addressed to Hon. William Pennington, Speaker of the House of Representatives. (See Executive Document No. 11, House of Representatives, Thirty-Sixth Congress, First Session.)

At the same session a law was passed by Congress providing for the settlement of these claims, substantially on the basis of my report, and the awards made by me were under the authority and direction of that act of Congress.

(The whole of the answer objected to as irrelevant, and the documents referred to objected to further, as it does not appear that the claims of the Hudson's Bay Company were presented at this time, and both of the documents were made before any act of Congress authorizing the payment of the claims, or the final adjudication of the same.)

Int. 14.—Please to state whether or not the objection of Mr. Lander to your answer is or not founded on misconception of facts, and if so, please to explain that misconception.

Ans.—The claims of the Hudson's Bay Company were embraced in, and considered in connection with, all the other claims growing out of those hostilities when the examinations and reports referred to were made. All these claims were presented together; it is true that, after the passage of the act providing for their payment, the outstanding duplicates in

the hands of the original claimants or other holders were required to be presented, and the final adjudication was then made in pursuance of the act of Congress.

(Objected to as incompetent, and not best evidence of the fact.)

Int. 15.—Please to state whether or not the original documents on file included the claims of the Hudson's Bay Company, as to be hereafter annexed to your deposition, show that the claims of the Hudson's Bay Company were before you when you made your report.

Ans.—All the claims of every description in both Territories, including those of the Hudson's Bay Company, were transmitted by a commission to the Department at Washington, and were before me when the examinations referred to were made. It is proper to state that there were duplicates of these claims in the possession of the original claimants or other holders, and these duplicates were required to be surrendered, so that there might be no evidence of claim outstanding when payment was made by the United States.

Int. 16.—Whether or not is Mr. Lander in error in assuming by his objection that the claims of the Hudson's Bay Company were not before you officially when you made those two reports?

Ans.—They were before me in the form I have stated.

Cross-Examination.

Int. 1.—Did not your final action and adjudication of the claims of the Hudson's Bay Company for supplies furnished during the Indian war take place after the passage of an act of Congress, and after the making of the two reports that have been mentioned in your testimony; and is not that adjudication and decision as to the amount due now of record in the Third Auditor's Office?

Ans.—Yes, sir.

Int. 2.—In your answer to interrogatory 12 you say, "The reduction in the Hudson's Bay Company's claims appears to have been less than one-third, whereas, of the whole amount

of claims, as presented, growing out of the war, less than one-half were allowed and paid." What were the reasons that induced you to make a less reduction in the Hudson's Bay Company's claims than in the others?

Ans.—The reasons, as far as I can give them, are generally set out in the reports before referred to. I may say that one reason, and perhaps the principal one which occurs to me now, was, that claims for personal services rendered were reduced in a greater ratio than claims for supplies furnished. The Hudson's Bay Company's claims were, I think, exclusively for supplies furnished; and I think, furthermore, that the prices charged by them were considered as approximating more nearly to actual cash prices than the claims of contractors or citizens generally; hence they were not subjected to so great reduction as many other claims were.

Int. 3.—Did you have any authority to decide favorably upon or reject any claim arising out of the Indian war as Third Auditor until the passage of an act of Congress, passed subsequent to your report dated February 7, 1860?

Ans.—No; there was no appropriation by Congress, and no officer of the Government had any authority to settle or pay any of these claims until after the passage of the act of 2d March, 1861.

Int. 4.—Was there any evidence submitted to you to show that the prices charged by the Hudson's Bay Company for the supplies furnished in the Indian war were the same as those charged to individuals for the same supplies at the same time?

Ans.—I have no recollection that any evidence was presented to me, except what accompanied the claims when originally transmitted to the Department by the Commission.

Int. 5.—Had such evidence been submitted to you, would you, on the part of the United States, have allowed to the Company the prices paid to them by private persons for the same supplies at the same time?

(Mr. Cushing objects to this question, as hypothetical in form, and therefore incompetent.)

Ans.—I cannot say what I would have done. I would have considered it. The act authorized additional testimony in

certain cases; and if conclusive testimony had been offered to show that the prices allowed by me were below the actual cash prices of such supplies at the time, I have no doubt I would have increased the allowance.

Examination-in-Chief Resumed.

Int. 1.—In explanation of your answer to the third cross-interrogatory, please to state whether the examination which you made of these claims prior to the act of March 2, 1861, was a volunteer examination, or an examination required of you by competent public authority, and made by you officially in consequence thereof.

Ans.—It was not voluntary on my part, as before stated. The first examination was made at the request of the Chairman of the Committee on Military Affairs, which had the subject under consideration, and the second in obedience to a resolution of the House of Representatives, all of which was in my official capacity as Third Auditor of the Treasury Department.

Int. 2.—Please to state whether the act of Congress was in conformity with, or in contradiction to, the conclusions of your report.

(Objected to, as asking the opinion of the witness upon a law.)

Ans.—The act was as follows: "For the payment of claims for services, supplies, transportation, &c., incurred in the maintenance of said volunteers, \$2,400,000, to be paid upon the principal, and agreeably to the rates for services, supplies, transportation, &c., allowed and reported by the Third Auditor of the Treasury, in his aforesaid report of the 7th of February, 1860."

Int. 3.—Please to state, in explanation to answer to cross-interrogatory number five, whether or not any particular circumstances existed at the time of the enactment of the act of March 2, 1861, and immediately following thereon, which might have had a tendency to affect the question, whether parties would put in additional evidence, or, without that,

readily accept such sums as the act of Congress and your report contemplated.

Ans.—I can only say, that I think it very probable that the unsettled condition of the country, growing out of the war, which broke out immediately after the passage of the act in question, operated on the minds of claimants, and induced them to press for payment at the earliest practicable moment; and it was known that the production of additional testimony would necessarily cause some delay in settlement. Still it was a matter for claimants to determine whether or not they would present additional testimony or take the amounts allowed.

Cross-Examination Resumed.

Int. 1.—In your answer to second interrogatory, in rebuttal, mention is made of rates for supplies allowed and reported by you prior to the passage of the act of March, 1861. Was there ever an opportunity allowed to the claimants for supplies for the Indian war, or to the Hudson's Bay Company, to show that these rates reported by you would not afford a fair compensation for supplies furnished before that report was made?

Ans.—I do not think that any testimony was offered by the Hudson's Bay Company during the time of the examinations and reports referred to, nor was there any public notification that such testimony might be presented other than the published proceedings of Congress and the known action of the Department thereon. After the passage of the act, however, such publication was made, and claimants were required, when presenting their claims for settlement, to state whether they desired payment in accordance with the allowance made by the Third Auditor, or whether they intended to present additional testimony, with a view of obtaining an additional allowance.

Int 2.—Was not this notice you speak of given by circular letter, and do you know whether any letter was ever addressed to the Hudson's Bay Company on this subject?

Ans.—My recollection is that the circular notice referred to was published in the official newspapers of both Oregon and

Washington Territories. I do not know that any letter was addressed to the Hudson's Bay Company, or to anybody else.

Int. 3.—Was not the sum of \$2,400,000, mentioned in your answer above, appropriated as payment in full for the claims of that war, according to the rates, and in pursuance of the estimates made by you of the total amount due, and would not, in case of further amount being shown to be due, by the additional testimony mentioned in the act, another appropriation have had to be made, by act of Congress, to satisfy such additional indebtedness?

Ans.—The amount reported by me, at the rates fixed for supplies, &c., was \$2,193,428 82. Congress appropriated \$2,400,000, leaving a margin of a little over \$200,000 to cover increased allowances to be made by the Third Auditor, on the production of additional testimony; hence no additional testimony was required within that limitation.

R. J. ATKINSON.

WASHINGTON CITY, D. C., August 6, 1866.

TESTIMONY OF G. C. GARDNER.

G. Clinton Gardner, being duly sworn according to law, deposes and says:

Int. 1.—Please to state your name in full, place of residence, and occupation.

Ans.—George Clinton Gardner; residence is Salem, Oregon. My profession is civil engineer, at present holding the office of assistant astronomer and surveyor of the Northwest Boundary Survey.

Int. 2.—State whether or not you have any interest, except as a citizen of the United States, in the controversy between the Hudson's Bay Company and the United States Government.

Ans.—I have not.

Int. 3.—When were you appointed assistant astronomer,

and have you or not held that office from the time of your appointment to the present day?

Ans.—I was appointed, I think, in April, 1857, and have held it, and do hold it now.

Int. 4.—Whether or not, in the performance of your official duties, you passed any time in Washington Territory and British Columbia, and if so, what time?

Ans.—I passed all the time from June, 1857, to some time in 1861, with the exception of three or four months in the latter part of 1859 and 1860, when I paid a visit to San Francisco.

Int. 5.—Whether or not you have any knowledge of a post of the Hudson's Bay Company on the river Kootenay, or Kootanais? If so, please to describe the situation of that post relatively to rivers and to the boundary line.

Ans.—The only knowledge I have of the Kootenay post is that we passed in August, 1860, some log houses, which the Indians told us was the old Kootenay post. I don't remember how far it is from the boundary line; but it is near the mouth of the Tobacco river, where it empties into the Kootenay, and their position is better shown on an accurate survey that was made of the Kootenay river south of the boundary. These log houses were on the right bank of the Tobacco river and the left bank of the Kootenay river, in the elbow between the two rivers.

(The statements of Indians objected to.)

Int. 6.—How many log buildings did you see there?

Ans.—I saw the remains of four.

Int. 7.—State whether or not of those four buildings one was a Catholic mission house.

Ans.—I do not know.

Int. 8.—Describe, as well as you remember, the construction and character of those four buildings.

Ans.—I don't remember the construction of those buildings, because my attention was not particularly called to it. I passed them without a thought of remembering them, and, probably, the knowledge of those buildings I have may be what I have gained from sketches I have seen since. The

only thing I can positively state is that I passed four dilapidated buildings.

Int. 9.—Please to look at that photograph, and state whether you have any knowledge of the origin of the photograph, in whose hands it now is; and if in the possession of the boundary survey, from whom received by that Commission.

(See copy of the photograph hereto annexed, marked A.)

(The introduction of the photograph, now marked "Roman Catholic Mission on left bank of Kootenay," objected to as incompetent and irrelevant.)

Ans.—The photograph was made by the English Commission, one of a collection taken during their survey; copies of most of them have been presented to the American Commissioner, and also a set of them to me, one of which is a copy of this same photograph, and is the first that I had seen of them.

Int. 10.—Please to state, after examining the photograph for the purpose of refreshing your memory, whether you do or not now remember the appearance of any one of those four buildings at Kootenay.

Ans.—I can't say that I do.

Int. 11.—What persons, if any, did you find apparently occupying or in charge of these buildings?

Ans.—No one.

Int. 12.—Whether or not at that time any apparent use was made of said buildings?

Ans.—None that I am aware of.

Int. 13.—Whether or not you had any occasion, in the performance of your duty on the boundary line, to go to the Kootenay river, and if so, what was that occasion?

Ans.—The boundary line crosses the Kootenay; and in order to find the most practicable route for the transportation of our supplies, I visited the Kootenay on a reconnoissance, with an assistant and with several Indians.

Int. 14.—Whether or not at or in the vicinity of the buildings of which you have spoken, which you saw at the junction of the Kootenay and Tobacco rivers, you saw any Indians?

Ans.—I did not, except those I had belonging to my party.

Int. 15.—Whether you have any knowledge of a post of the Hudson's Bay Company called Fort Colville?

Ans.—I have; I have visited Fort Colville.

Int. 16.—At what time?

Ans.—Several times in the early part of 1860.

Int. 17.—On what river is it situated, if any, and how far from the boundary line of Washington Territory.

Ans.—It is situated on the Columbia river and about from thirty to forty miles south of the boundary line.

Int. 18.—State, if you remember, what buildings there were at that post.

Ans.—On the north side of the court-yard there were store-houses, apparently one house or building; on the east side were the quarters of the officer in charge. I don't remember whether there were small houses on the court-yard attached; I know there were on the rear of his house. On the south side there were houses for the employés; I don't know how many. There were one or two detached houses from these; I don't remember their number.

Int. 19.—Of what material was the store-houses constructed, and of what size, as of one or more stories?

Ans.—It was constructed of hewn timber and a story and a half high.

Int. 20.—Of what were the materials, and of what height were the quarters of the officers?

Ans.—The quarters of the officers were of hewn timber; I don't remember the height.

Int. 21.—Whether there were any palisades or other enclosures for the post?

Ans.—None that I remember; the only enclosure that I remember was the corral, back of the officers' quarters.

Int. 22.—Have you any knowledge of the photograph now exhibited to you, and if so, in whose possession have you seen it?

Ans.—I have seen that, or a copy of it, in the possession of the American Commissioner, presented to him by the English Commission.

Int. 23.—State whether or not you have any recollection

of the buildings purported to be there represented. (See copy annexed, marked "B.")

Ans.—I have a very distinct recollection of these buildings. The view shows the rear of the officers' quarters at Fort Colvile, with the enclosure of which I have spoken, which forms the corral or back yard.

Int. 24.—State whether or not you have ever visited a post of the Hudson's Bay Company, called Fort Okanagan or Okinakaine.

Ans.—I have; I think it was in the early part of 1861. It was on the occasion of my making a reconnoissance of the river Columbia from Fort Colvile to Fort Walla-Walla.

Int. 25.—State, if you remember, the character of the buildings there.

Ans.—I do not remember the character of the buildings. To the best of my recollection, I think they were of hewn timber. They were occupied by Indians, and in charge of one half-breed or full Indian, I don't know which, and were in a dilapidated condition.

Int. 26.—Was there any enclosed land at or about the fort?

Ans.—None that I remember.

Int. 27.—If anything material to the subject of these inquiries occurs to you, which has not been specifically called for by interrogatory, please to state it.

Ans.—I don't know there is anything.

Cross-Examination.

Int. 1.—Have you any knowledge whatever of what those buildings were that you saw at the mouth of Tobacco Creek, except from statements made to you by Indians?

Ans.—I can't say that I have, though my impression was that I also have heard the Hudson's Bay agent at Kootenay speak of those buildings as their former trading-post. I am not sure whether the agent was Linklighter or not. Linklighter was there upon one visit I made to a new post on the Kootenay, which was nothing but a small house north of the boundary.

Int. 2.—Have you anything more than a mere impression of some such statement being made to you by somebody, without any certainty of whom the person was?

Ans.—I have not. The general belief was that that was the former trading-post, and it was so accepted.

Int. 3.—I believe you have stated, in your examination-in-chief, that you saw these buildings on the left bank of the Kootenay river but once, and that merely in passing them?

Ans.—I stated that I had seen them in passing them; but I have seen them since then, and upon my return from the Rocky Mountains I have also seen them.

Int. 4.—Did you give more particular attention to them the second time than you did the first time?

Ans.—No, sir, I did not. The first time I passed I observed them as a matter of curiosity, and the second time, knowing they were there, I had no curiosity to see them. We encamped there two or three days on our return, but my attention was not particularly called to the houses; I saw them.

Int. 5.—How long were you at Fort Colville at the time you speak of?

Ans.—I visited Fort Colville three or four times; I don't remember how often; the longest time I stayed there was over night.

Int. 6.—Did you pay, at any time when you visited there, such particular attention to the buildings as to enable you to describe them correctly, or was your observation of them and of the post that of a casual visitor?

Ans.—My observation was not such as to describe them accurately; yet my observations were not casual, being at all times desirous of observing the style of building, in visiting those places, at the different posts we visited, for the purpose of ascertaining the best style for our own buildings, which we frequently had to construct.

Int. 7.—You have spoken of the north side of the courtyard. Were there not, on that side, two store-houses, one sixty feet by twenty, one forty by eighteen feet, built of square timber, one story and a half high, with two floors, and with shingled roofs?

Ans.—I don't remember the exact details of those buildings. As I have stated in my evidence, I did not know whether there were two buildings or not.

Int. 8.—Were not the officers' houses, of which you have spoken of, on one side, a story and a half high, ceiled inside with tongued and grooved boards, with two floors, three chimneys, shingled roofs, sixty feet long by eighteen feet wide?

Ans.—I don't remember the details of that building; I think it was ceiled on the inside of the first story.

Int. 9.—Was there, at the time you were there, a large frame dwelling-house, fifty by twenty-three feet, story and a half high, with two floors, clapboarded and shingled, plastered inside, what is called hard-finished, with two large quartz-rock chimneys, situated on one side of the court-yard?

Ans.—I don't remember it.

Int. 10.—Do you not recollect what might be called a back family house, of square timber, boarded roof, lined with cotton cloth, with two floors, about twenty-two by fifteen feet, together with a kitchen of the same size, with shingle roof, with quartz-rock chimney?

Ans.—I do not remember those buildings; there were back buildings to the officers' quarters; I don't remember the details.

Int. 11.—Do you recollect a square timber bastion, with port-holes, two stories high?

Ans.—I think I do; I think it was to the west of the buildings spoken of.

Int. 12.—Was there not a blacksmith shop and carpenter shop and a barn, framed and boarded, about sixty by thirty feet?

Ans.—I don't remember any shops, but think there was a barn.

Int. 13.—Do you recollect the size of the corral or yard, of which you have spoken?

Ans.—I do not; the yard I speak of was in the rear of the officers' quarters.

Int. 14.—Does this photograph, marked "B," referred to in your deposition, show anything more than merely the rear of

what you call the officers' quarters at Fort Colville; and does it show either side of the court-yard of the fort, or the buildings thereon?

Ans.—It shows the rear of the officers' quarters, with the buildings attached, and the gable-end of the store-house, situated on the north side of the court-yard.

Int. 15.—Would you compare your recollection of the buildings at Fort Colville with the recollection of a person under whose charge nearly all the buildings of the fort had been rebuilt, and was a continuous resident of the place from 1852 to 1865?

Ans.—No; I will not compare, because I have not the means of comparison.

Int. 16.—Where your recollection differs from that of the person mentioned in the former interrogatory, would you not yourself believe his recollection to be more accurate and distinct?

Ans.—There is no person individually mentioned in the former interrogatory, and I would not draw any comparison between my recollection and that of any other person.

Examination-in-Chief Resumed.

Int. 1.—Whether or not, at some time subsequent to the establishment of the Hudson's Bay Company at Fort Colville, the British Boundary Commission resided for a time at Fort Colville, requiring especial accommodations to be provided for them?

Ans.—I don't know whether the British Boundary Commission resided at the fort or not before the erection of their own quarters. They were encamped in that vicinity, and afterwards built quarters some distance to the north of Fort Colville.

G. CLINTON GARDNER.

WASHINGTON CITY, D. C., August 10, 1866.

Examination-in-Chief Resumed, February 15, 1867.

Int. 1.—Look at these photographs now exhibited to you, and marked Copy of “A” and Copy of “B,” and say whether they are correct copies of the photographs which were marked “A” and “B,” and shown you at the time you gave your answers to interrogatories 9 and 14 of your direct examination.

Ans.—They are.

G. CLINTON GARDNER.

February 15, 1867.

Examination of George Clinton Gardner Resumed, this 23d of April, 1867, at the City of Washington, D. C.

Int. 1.—What buildings were erected by the Northwest Boundary Commission at Colville depot?

(The above question objected to as irrelevant.)

Ans.—Two officers’ quarters of hewed timber, a story and a half high; one large mens’ quarters, of rough logs, chinked with small logs; two shops, under one roof of rough logs, built in the same manner; one stable with loft, capable of stabling twelve animals, with large corral in the rear. The officers’ buildings were each of them double houses. These buildings were built in the fall of 1859.

Int. 2.—What was the cost of these buildings?

Ans.—These buildings were built by the Boundary Survey, and afterwards turned over to the Quartermasters’ Department of the army; and they allowed for the buildings their actual cost, as invoiced by the Boundary Survey in the following manner:

“Invoice of Quarters turned over by *Archibald Campbell*, Commissioner Northwest Boundary Survey, to Brevet Major Pinkney Lugenbeel, 9th United States infantry, at Fort Colville, Washington Territory, August, 1861.

Cost of materials and labor, as per voucher marked

A, voucher 2, Abr. G., 4th Qr., '59 - - - - \$2,075.70

Cost of materials, as per voucher marked B, voucher 8, Abr. G., 2d Q., '60 - - - - -	392.66
Cost of labor, as per voucher marked C - - -	930.00
See receipts of Major P. Lugenbeel, U. S. Army, marked D.	

\$3,398.36

ARCHIBALD CAMPBELL,
Com. N. W. Boundary Survey."

The two buildings for officers' quarters were commenced before the different parties of the Boundary Survey arrived at Colville Depot, by the quartermaster of that post, and he kept an accurate account of everything expended upon them, which he charged the Boundary Survey for, as per following voucher, referred to in previous invoice as marked A.

"The United States to 2d Lieutenant William B. Hughes, 9th Infantry, A. A. Q. M., Dr.

"On account of Northwest Boundary Survey for the cost of the following materials, and the hire of mechanics employed in the construction of two log-buildings, for the use of the U. S. Boundary Commission, as winter quarters and offices, viz :

For 40,000 shingles, at \$6 per M - - -	\$240.00
5,560 feet sided timber, at 6c. per foot -	333.60
1,406 " square " at 10c. " " -	141.60
12,000 " lumber, at \$28 per M - - -	336.00
21 doors, at \$4 each - - -	84.00
20 windows, at \$4 each - - -	80.00
800 lbs. nails, at 19c. per lb - - -	152.00
18,000 brick, at \$10 per M - - -	180.00
20 barrels lime, at \$2 per barrel - -	40.00
17 door-locks, at \$2.50 each - - -	42.50
23 prs. butts and screws - - -	3.00
7 latches and bolts - - -	1.00

For Cost of building chimneys, plastering and lay- ing hearths	- - - - -	102.00
Hire of extra-duty men for 20 days, at 50c. each per day	- - - - -	100.00
Hire of four citizen carpenters, 20 days, at \$3 per day	- - - - -	240.00
		<u>\$2,075.70</u>

“Received at Colville Depot, of Archibald Campbell, Commissioner N. W. Boundary Survey, this 21st day of December, 1859, two thousand and seventy-five dollars and seventy cents in full, of the above account.

Signed duplicates.

(Signed,
\$2,075.70

WM. B. HUGHES,
2d Lieut. 9th Infantry, A. A. Q. M.

“I certify that the above account is correct; that the items charged therein were required and furnished on account of the service above mentioned, and that the same were necessary therefor, the buildings having been constructed under my supervision, with materials furnished by Q. M. Dept. U. S. A.

“(Signed,) P. LUGENBEEL,
“*Bvt. Maj., Capt. 9th Inf., Com'd. Colville Depot.*”

The voucher marked “B,” as per invoice, gives the cost of materials used principally upon the out-buildings, consisting of mens' quarters, shops, and stables, previously mentioned, and are given as follows:

The United States to 2d Lieutenant William B. Hughes, 9th Infantry, A. A. Q. M.

On account of Northwest Boundary Survey, for the following Quartermaster's stores, purchased from the 1st of January, 1860, to June 20, 1860, viz:

8,573 ft. lumber, at \$30 per M,	\$257.19;	4 M shingles, at \$6 per M,	\$24.00	- - - - -	\$281.19
1 pr. window-sash,	\$4.00;	2 door-locks at	\$2.50	-	9.00

12 pr. butts at 26c. each, \$3.12; 5 pr. hooks and hinges, at 70c. each, \$3.50	-	-	-	-	6.62
2 pr. strap-hinges, at 62½c., \$1.25; 1 door-bolt, 45c.					1.70
269 lbs. cut nails, at 35c. pr. lb.	-	-	-	-	94.15
					<hr/>
					\$392.66
					<hr/> <hr/>

Which, together with the voucher marked "C," given as follows:

"Account of labor performed in December, 1859, and January, 1860, by employés of the Northwest Boundary Survey, on the buildings at Colville depot:

3 men, 1 month at \$50 each per month	-	-	-	\$150
4 " 1 " \$45 " "	-	-	-	180
15 " 1 " \$40 " "	-	-	-	600
				<hr/>
				\$930
				<hr/> <hr/>

"I certify that the labor, as stated above, was expended upon the winter quarters of the Northwest Boundary Survey at Colville depot.

"G. CLINTON GARDNER,
"Assist. Astr. & Surveyor."

Gives the entire cost of those buildings.

(The whole of the above answer objected to as irrelevant and incompetent. The statements or writings of other persons than the witness also objected to for the same reason, and the papers introduced and the calculations.)

Int. 3.—Would the materials employed in erecting these buildings cost private individuals more or less than it cost the Boundary Commission?

Ans.—I should think the materials used in these buildings would cost private individuals about the same. The only difference in cost would be in the labor, which, I think, would not exceed \$500. The doors and windows, and all the hardware were transported there, and probably at a greater expense than private individuals could have transported them.

Int. 4.—What do you estimate it would have cost private individuals to have erected these buildings in 1859?

Ans.—From the data I have, I should estimate it at \$3,880.36. The cost of material and labor, as given in preceding voucher, will be as follows:

Cost of material for officers' quarters - -	\$1,735.70
Cost of labor for officer's quarters, as follows:	
For carpenters - - - - -	\$240
Extra-duty mens' labor, reduced to citizen labor at \$1.50 per day, being 200 days - 300	
Rations for above laborers, 280, at 30c. - - 84	624.00
	<hr/>
Cost of officers' quarters - - -	\$2,359.70
	<hr/> <hr/>
Cost of materials on out-buildings - -	392.66
Cost of labor " - -	930.00
Cost of rations for above laborers, 660, at 30c. per ration - - - - -	198.00
	<hr/>
Cost of out-buildings - - - - -	\$1,520.66
	<hr/> <hr/>

Int. 5.—How did the buildings erected by the Northwest Boundary Survey, at Colville Depot, whose cost you have just estimated, compare in value with those occupied by the Hudson's Bay Company at Fort Colville, in 1859?

Ans.—From what I remember of the buildings of the Hudson's Bay Company at Fort Colville, I should think they were not more than twice as extensive, and probably of not more than double the value. I would not exchange on any higher terms.

(All the foregoing questions and answers objected to as incompetent and irrelevant.)

Int. 6.—Have you ever followed any of the brigade trails of the Hudson's Bay Company in what was Washington Territory?

Ans.—Yes; I have been over parts of the trail, between Colville and Fort Hope, on Fraser river.

Int. 7.—What was the character of this trail?

Ans.—It was a broad road-way, through the portions of the country not timbered, and through the timbered portions opened sufficient to allow their packs to pass. The brigade trail around the Kalespelm Lake, which is part of the brigade trail from Colville to Flat-Head trading-post, follows the water's edge, and is impassable at high-water. The most of these brigade trails follow old Indian trails, with but little improvement upon them.

Int. 8.—What do you estimate would be the average cost per mile of these trails?

Ans.—From the cost of the trails that we opened in carrying on our work, I should judge these trails did not cost as much as ours, and the estimated cost of a portion of our trail across the Cascade Mountains is about \$20 per mile.

Cross-Examination this April 30, 1867.

Int. 1.—At what time were you at Fort Colville?

Ans.—In March or April, 1861.

Int. 2.—How long were you there at that visit, and did you go to the Company's post?

Ans.—I don't remember whether I went to the Company's post or not upon that occasion. I was at the post a few days previous.

Int. 3.—Was there any difference in the buildings at the post at the time you first saw them, and at the date of your last visit?

Ans.—No marked change that I observed.

Int. 4.—Had any of the buildings been rebuilt?

Ans.—I don't think any of them had.

Int. 5.—How many buildings were there at Fort Colville, within the square?

Ans.—I don't know what you would call the square; there was but three sides when I was there. On the north side were store-houses, my impression, under the same roof; and on the east side were the officers' quarters, with an extension to the north, if I remember; on the south side were two or three small houses for employés.

Int. 6.—Is that the best and most accurate description that you can give of the buildings at the Hudson's Bay Company's post at Colvile?

Ans.—No; it is only the buildings fronting or facing the court-yard of the Hudson's Bay post.

Int. 7.—How far was the Company's post at Colvile from the Boundary Commission's quarters, which you have spoken of?

Ans.—About seventeen miles, by the road.

Int. 8.—How far from the Hudson's Bay Company's post were the buildings of the British Boundary Commission?

Ans.—Between one and two miles.

Int. 9.—Were these buildings erected for the accommodation of the British Boundary Commission during the same winter that the American Commission passed at their quarters?

Ans.—Yes; but not at the same time that ours were erected; they were built afterwards, and I visited them first in the winter of 1860 and 1861.

Int. 10.—How did they compare with the buildings of the American Commission, in number, size, material, construction, and finish?

Ans.—First, as regards to number, they were more numerous; and as regards size, they were not as large; in regard to material, it was about the same, I think. They probably were not constructed with the same care, and not as well finished.

Int. 11.—You have compared the value of the Hudson's Bay Company's buildings at Colvile with that of the value of the American Boundary Commission at Colvile. Will you now state the values of the American Boundary Commission buildings, and the British Boundary Commission buildings?

Ans.—The British Boundary Commission buildings were more numerous than the American Boundary Commission buildings, and were worth, I should think, three times as much.

Int. 12.—Do you not know that Hiram Field was paid the sum of \$20,000 for erecting the buildings of the British Boundary Commission?

Ans.—No; I did not know that Hiram Field was paid that amount; I understood he had the contract for building them.

Int. 13.—Was there three times as much lumber and other materials used in the construction of the British Boundary Commission buildings as in those of the American?

Ans.—I should think there was.

Int. 14.—Were you employed in any way in the erection of the buildings of the American Boundary Commission, the cost of which you have detailed?

Ans.—I was employed after my arrival at Colville from the field; and in order to expedite the work, the men of the different parties were also placed at work upon them.

Int. 15.—Was this labor charged in estimating the cost of the buildings?

Ans.—Yes; as per voucher marked "C," previously referred to.

Int. 16.—What does voucher marked "C" contain?

Ans.—Voucher marked "C" is a certificate of labor placed upon those buildings by the employés of the Boundary Survey.

Int. 17.—Was there no other labor placed on these buildings by the members of the Boundary Commission than that mentioned in voucher "C"?

Ans.—There was other labor placed on those buildings, as charged in voucher marked "A."

Int. 18.—Do you recollect the price of labor, at that time, in Colville Valley?

Ans.—Yes; the price of labor was the same as given in voucher "C."

Int. 19.—Was not, at this time, Colville and its vicinity full of miners and prospectors, seeking to pass the winter, many of whom were glad to be employed to procure food and shelter for the winter?

Ans.—There were a good many that we could have employed; but they were not willing to remain with us the following season, which we required of every employé, before we consented to keep them during the winter. Some that were

discharged upon going into winter-quarters returned to our employ, in the spring, at the same wages.

Int. 20.—Is not your own personal knowledge of the cost of these buildings confined to knowledge of the number of men of the Boundary Commission employed, and the price paid them; and is not the rest of your knowledge of the cost derived from inspection of vouchers and certified accounts or invoices read off by you and copied into your answer to 2d interrogatory to your examination-in-chief in this case?

Ans.—My knowledge of the cost of these buildings is from the amount of labor placed upon them by the employés of the Boundary Commission, together with the cost of material and labor placed upon them by portions of the escort employed, as certified to by Major Lugenbeel.

Int. 21.—Is your knowledge of the material and values mentioned, and the labor charged in voucher marked "A," introduced into your testimony, purporting to be signed by P. Lugenbeel, Brevet Major, derived from the account itself, and the certificate?

Ans.—My knowledge of the amount of material and labor is partly from the account and partly from the results of that material and labor. My knowledge of the value of the material and labor is from the certificate.

Int. 22.—Is your knowledge of the material furnished, and the prices charged in voucher "B," derived from an inspection of the document itself?

Ans.—Partly from the inspection of the voucher itself, and partly from the inspection of the materials, as nearly as I remember them.

Int. 23.—Is not your knowledge of the price of these articles derived entirely from the voucher itself?

Ans.—Yes; because there was no other price paid for them than that charged in the voucher.

Int. 24.—Did you pay for these articles yourself, or do you know that they were paid for, except through the inspection of this voucher?

Ans.—I did not pay for them myself, and the receipt to the voucher is the only evidence I have of payment.

Int. 25.—How many officers and men were employed, on an average, on the Boundary Commission when at work in the field?

Ans.—I do not remember; I should judge about sixty.

Int. 26.—How many companies of soldiers were employed as an escort and guard for the Commission?

Ans.—On the western slope of the Cascades there was one company of infantry. To the east of the Cascades there was four companies of infantry, who established a military depot at Colville Depot, sending detachments sufficient to guard and protect the parties [that] were at work in the field.

Int. 27.—What escort did the British Commission have?

Ans.—The English Commission, I believe, had sappers and miners as their escort, as well as to do the work; the number I do not know.

Int. 28.—How many companies were there at Colville Depot at the time the buildings of the American Boundary Commission were begun?

Ans.—Two companies of infantry, I believe.

Int. 29.—State, if you know, what was the cost of bringing the Company's soldiers to Fort Colville, and maintaining them there while acting as guard.

Ans.—I don't know.

G. CLINTON GARDNER.

Deposition of *Marcus A. Reno*, a witness examined in the city of Washington, at request and in behalf of the United States, in the matter of the Hudson's Bay Company against the United States, Caleb Cushing appearing as counsel for the United States, and Edward Lander for the said Company, sworn before Nicholas Callan, a notary public in and for the county of Washington, District of Columbia.

TESTIMONY OF MARCUS A. RENO.

Int. 1.—State your name, rank in the army, post or station.

Ans.—Marcus A. Reno; Captain of 1st cavalry, and Bre-

vet Colonel in the United States Army; my regular station is Fort Boisé, Idaho Territory.

Int. 2.—Have you, at any time, been on duty at the post of Fort Boisé?

Ans.—I have, at some time heretofore, been acquainted with Fort Boisé, a post of the Hudson's Bay Company. I was there first in the summer of 1859; there twice that summer. I was there four times in the summer of 1860; was there in the capacity of a subaltern in the 1st dragoons, that was scouting along the emigrant route in that country. The first time I was there a day and night, the second time I spent about three days there, in the summer of 1860. I camped there two weeks the first time, the second time I was there about two days. Fort Boisé, of the Hudson's Bay Company, was situated on the right bank of the Snake river, fifteen or twenty miles below the mouth of Boisé river; the present post, held by the United States, is on the Boisé river, about thirty miles above its mouth. The Snake river is the main river; the Boisé is the branch river. Am not certain as to the distances; they are about the distances above stated.

Int. 3.—State whether you noted, with more or less particularity, the condition of the Hudson's Bay post at Fort Boisé.

Ans.—I took notice, with some particularity, of the condition of Fort Boisé at the time of my first visit there. I took the dimensions of the building, and noted the condition of the country back of it, in reference to pasturage for the animals of our command. I kept a journal regularly every day. I reported the result of my observations to the commanding officer on my return to camp.

Int. 4.—Please to describe the character and condition of the buildings there.

Ans.—The buildings were pretty much in ruins; one was quite so, the other was simply four walls that had been covered with a single slant roof; the face looking up the river seemed to have been arranged for defence, Indian defence; this is what I understood to be called a bastion. I only saw two buildings there. The whole locality was entirely overgrown with wild rye grass, very tall grass.

Int. 5.—Were the buildings occupied or deserted?

Ans.—These buildings were in a deserted condition; no indications of any one having been there for some time.

Int. 6.—At what pecuniary value should you estimate those buildings, in the condition in which they were at that time?

Ans.—I should say they were worthless. The walls were built of this adobe sun-dried brick; would hardly have supported the roof; they had crumbled away, from the rain. I think it would have been economy to have built anew, rather than to have attempted to make them habitable.

Int. 7.—Please to state, according to your judgment and experience, how many of your men would it have taken, and how many days' time, to construct two such buildings.

(Mr. Lander objects to this question, unless it is previously shown that the witness had some experience in putting up adobe buildings.)

Ans.—I do not feel myself competent to answer this question fully.

Int. 8.—Have you ever had occasion to witness or direct the making of adobe bricks. If so, state briefly the material and process.

Ans.—I have. The United States post at Fort Wallula was built of frame work, and lined with adobe brick. It is a kind of mortar formed of the ground and water, with the addition of straw; the time of making depends a great deal on the weather; dried in the sun.

Int. 9.—What is the common size of these sun-dried blocks of mud, called adobes?

(Mr. Lander objects to this question.)

Ans.—The size varies according to the different uses they are put to. The sizes I saw made were almost cubes, about one foot. Those I saw in the buildings at Boisé were the size of ordinary bricks.

Int. 10.—State, if you please, how these adobes are formed.

Ans.—Those that I saw made were as follows: An excavation was formed in the ground, the dirt from which was wet and then manipulated with shovels. Some were made in that way. Then, afterwards, they improved on that manner and

had a kind of mill. This mill was nothing more than a cylinder and a wheel to turn around by a horse, of the very simplest construction imaginable.

Int. 11.—Please to state whether you saw any enclosed land at Fort Boisé.

Ans.—I did not. I saw no evidence of cultivation or improvement except the ruins of these buildings I spoke of.

Int. 12.—What was the quality or character of the land immediately around and in the neighborhood of these two adobe ruins?

Ans.—In the immediate vicinity of the post it was level bottom; they call that country sage-brush country. The soil of alkali nature. The sage-brush land is very indifferent for cultivation; it would require great labor to make it profitable; and as to pasturage, I do not think a herd of a hundred animals could live within range of the fort, and be at all serviceable. Sage brush is not considered feed for cattle; horses and cattle will not eat it. I have heard it said mules would eat it, but I don't believe it. I found, in the execution of the orders I had received, that it was useless to send animals there for pasturage.

Int. 13.—Please to state whether you have at any time been on duty at the United States fort of Walla-Walla; and, if so, how long and at what time?

Ans.—I have been stationed at United States Fort Walla-Walla from September, 1859, to May, 1860. I spent the winters of 1859 and '60 and 1860 and '61 there.

Int. 14.—State whether or not in the vicinity of the United States [Fort] Walla-Walla there was a post of the Hudson's Bay Company, known by the name of Walla-Walla or of Wallula.

Ans.—There was a post of the Hudson's Bay Company on the Columbia river called Old Walla-Walla, at the mouth of the Walla-Walla river, not a mile above the mouth of the Walla-Walla river, about thirty miles from the United States fort of Walla-Walla. I never heard Fort Walla-Walla designated in any other way than the old fort.

Int. 15.—Did you at any time or times visit old Fort Walla-Walla; and, if so, how many times?

Ans.—I visited there frequently; the first time was in May, 1860. I visited there also in charge of a scouting party; camped there several days.

Int. 16.—Please to describe what buildings or structures constituted the old fort.

Ans.—I remember particularly one building, built of adobe brick, which they called a store; also an enclosure, four walls, inside of which there were some small buildings; think there were two; not positive about that. Enclosure was arranged like a fort for defence, and built of adobe. The two buildings inside were of adobe. Two sides of the building were also portions of the wall, the building being placed in corners of the enclosure.

Int. 17.—Was there any enclosed land under cultivation at the old fort?

Ans.—There was one small tract of land near the Walla-Walla river, I suppose two or three miles above the fort; probably ten or fifteen acres, I should judge.

Int. 18.—What was the character of the soil and country around the old fort?

Ans.—In the vicinity of the old fort, a shifting, sandy soil; the sand was so loose it drifted with the wind. There was no vegetation worthy of the name.

Int. 19.—What persons, if any, were in occupation of the old fort at that time; and what business, if any, appeared to be transacted there?

Ans.—The Oregon Steam Navigation Company, at that time, had just succeeded in running up their first boat. They had a landing at the old fort, and had some agents there in occupation of the old buildings.

Int. 20.—Have you knowledge of any apparent use or profitable occupation of the old fort, at that time, by the Hudson's Bay Company?

Ans.—No, sir.

Cross-Examination.

Int. 1.—At what time of the year were you at Fort Boisé?

Ans.—I was there in September, 1859; in July and August, 1860; in October and November, 1860.

Int. 2.—Was it at the first time you were there, in September, 1859, that you made your report to the commanding officer?

Ans.—Yes.

Int. 3.—Is not the grass injured in the month of September—injured by the long summer drought of that country?

Ans.—No; I do not think it is; the grass that forms the pasturage there is the bunch grass; it is nutritious even in the winter, when there is a sufficiency of it.

Int. 4.—On these scouting expeditions you have spoken of, are not your horses subsisted on the pasturage you find on your journeys?

Ans.—Entirely so.

Int. 5.—How long would you like to have your horses go without grass on one of your journeys?

Ans.—I should hate to have them go more than six or eight hours.

Int. 6.—You have stated that you camped at Old Fort Boisé, first time, a day and night; at another time, two days; at another time, two weeks; the next time, two or three days. Were your horses at that time confined to sage-brush pasturage?

Ans.—No, sir; our horses were herded with suitable guard, and sent off in different directions from the camp to be grazed. They would be taken at times as far as six miles. We were forced to keep our camp there, because it was a depot of provisions for emigrants. The most of the grazing we found was on the river Owyhee, some two miles from Old Fort Boisé.

Int. 7.—Do I understand you to mean, then, that there was pasturage around Fort Boisé, but not in the immediate vicinity of your camp there?

Ans.—There was no pasturage around Fort Boisé in the immediate vicinity; there was grass there that would sustain life, scattered through the sage grass, [brush.] If it had been optional with the commanding officer, he would not have remained there the time he did. I remember, in our homeward march, men were made to dismount and lead their horses, they had been so reduced by scant feed at Fort Boisé.

Int. 8.—You stated the horses were sometimes sent six miles for feed. Were they not often herded at shorter distances from the fort?

Ans.—Yes, sir; herded in every direction; this six miles [was] probably the longest distance.

Int. 9.—From your knowledge, derived from your camping at Fort Boisé, would it not have required a great deal of land on both sides of the Snake river to have pastured large bands of horses, kept by persons living at old Fort Boisé?

Ans.—It would so; it would have required a very extensive range.

Int. 10.—Is not Fort Boisé on the emigrant trail, and the usual and common camping-ground for parties passing up and down the Snake?

Ans.—It is so; but I do not think it [was] is so [much] on account of the pasturage at that time, as for wood and water. The Snake river is difficult to water stock in; it is miry along that portion of it.

Int. 11.—Might not the camping of these parties, passing up and down the river so often, at the same spot, have injured the pasturage in the vicinity of and around the fort?

Ans.—The first time I was at the fort, in 1860, there had been no encampments there that year; the year before, the emigration that had passed over might have destroyed it to some extent.

Int. 12.—Do you know anything of the effect of emigration on sage-brush lands?

Ans.—Not from my personal knowledge.

Int. 13.—Is not the bunch grass of that country often found, to some extent, on what is called sage-brush land?

Ans.—It is, to a very limited extent.

Int. 14.—In your examination of Fort Boisé, did you not observe an enclosure, or the remains of one, similar to that at old Fort Walla-Walla, although not as great in extent?

Ans.—The building spoken of in my evidence as in ruins, looked like it might be an enclosure; but it was so crumbled it was difficult to say what it looked like.

Int. 15.—You have spoken of the south face of this building with a bastion to it. Was not this the south wall of an enclosure, similar to that of Fort Walla-Walla?

Ans.—No, sir; I don't think it was; it had been a building arranged for defence, but built more especially for a store-house.

Int. 16.—What was the length of this south wall you spoke of?

Ans.—I do not remember sufficiently the dimensions to say.

Int. 17.—Where was this other building situated that you spoke of, and how near to the building you have last spoken of?

Ans.—Situated off the northwest angle of the main building, towards the river, from thirty to fifty yards distant; may have been a little less than that.

Int. 18.—Was this an enclosure resembling the old fort at Walla-Walla?

Ans.—It was too much in ruins for me to say what it had been; but the extent of the foundations were greater than they could have roofed out there.

Int. 19.—Could not buildings have been erected on the inside of the enclosure, and roofed, leaving an open space within the enclosure?

Ans.—It might have been so.

Int. 20.—You have some acquaintance with adobes, as made by soldiers. Have you any idea how long they would last?

Ans.—I have not.

Int. 21.—Is all the earth you found fit for adobes; and does it not require a peculiar kind of earth for the purpose of making adobes?

Ans.—Some kind of earth you can make adobes of with less trouble than others.

Int. 22.—Could you make adobes at old Fort Walla-Walla, of the earth there?

Ans.—Very near there; in the bottom of the Walla-Walla river.

Int. 23.—Is not the earth preferred for adobes generally a sort of clay?

Ans.—Yes.

Int. 24.—Does it not require working by the feet of cattle and horses, driven about, or in some other way, to make it fit for bricks?

Ans.—Depends upon the number you want; they require to be worked in some way.

Int. 25.—How is the shape and measure of the brick obtained, that you have spoken of?

Ans.—They have some form of mould.

Int. 26.—If you cannot [give] the length of the walls at Fort Bois , can you give its height or its thickness?

Ans.—I think the short wall that was standing was seven feet high, and one opposite was ten or eleven; I should say they were a foot and a half to two feet in thickness.

Int. 27.—Can you give any approximate idea of their length?

Ans.—I should think not more than thirty feet.

Int. 28.—You have spoken of rye grass springing up and almost concealing the ruins; is not this rye grass, in the spring of the year, a good pasturage for horses?

Ans.—It is not considered good pasturage; it scours the horses very much.

Int. 29.—Does not all new grass, in the spring of the year, have that effect on horses?

Ans.—Yes; but not to the same extent. A horse that has been pastured all winter would not be scoured by the mountain grass, even when green; but he would by the rye grass.

Int. 30.—Did you give a particular examination to old Fort Walla-Walla?

Ans.—I did not; I was frequently in the enclosure, but did not take the dimensions.

Int. 31.—Have you any particular recollection of the wall of the fort, its height or its thickness.

Ans.—I have not.

Int. 32.—Can you say that there were not, inside of the walls of the fort, some houses and ranges of stores?

Ans.—I cannot.

Int. 33.—Have you any recollection of two bastions, belonging to the fort?

Ans.—I remember there was something of the kind.

M. A. RENO,
Capt. 1st. Cav., Bvt. Col. U. S. A.

[L. S.] Sworn and subscribed before me this ninth day of
 November, A. D. 1866.

N. CALLAN,
Notary Public.

*In the matter of the Claim of the Hudson's Bay Company
 against the United States.*

Deposition of *Lewis S. Thompson*, a witness examined in the City of Washington, and District of Columbia, on the part and behalf of the United States, who, being duly sworn, deposeth and testifies as follows:

TESTIMONY OF LEWIS S. THOMPSON.

Int. 1.—Please to state your name at length, residence, and profession.

Ans.—Lewis S. Thompson; residence in Jacksonville, Jackson county, Oregon; I am a physician.

Int. 2.—Have you any personal knowledge of the Hudson's Bay post at Umpqua; and if so, under what circumstances acquired, and at and for what time?

Ans.—I have, having resided at Scottsburg, the road to and from which passes immediately in sight of the post. My

business led me to travel this road frequently, there being but one trail from Scottsburgh to the interior, and that trail passing this post. I frequently traversed the country at and about the post. I was at Scottsburgh from September, 1852, to January, 1857.

Int. 3.—Please to describe the buildings at the post as you saw them in 1852. State what buildings were there.

Ans.—I cannot exactly recollect. The buildings were dilapidated; a portion of them were standing, and a portion had fallen down.

Int. 4.—Did you take notice of the character and quality of the land about the post? And if so, please to state what proportion of it was good land, and what, in your judgment, was the value of a mile square of the land at and around it.

Ans.—I did; one-half was good land. Two thousand to twenty-five hundred dollars. A portion of the land was good, and a portion of it was hilly, mountainous land. The hilly land had no particular value for tillage or grazing. I desire to explain that I base my estimate of the land on the assumption that the post stands in the centre of the land up and down the river; a half-mile up the river, and half-mile down the river.

Int. 5.—What person, if any, was in apparent charge of the post, in behalf of the Company?

Ans.—I do not remember the name of the person in charge of the post; it was a Frenchman.

Int. 6.—On which side of the river, relatively to the road to California, and how far from it, is the post at Umpqua. Is it on the right or the wrong side of the river, relatively to that road?

Ans.—Umpqua is on the south or west side of the river, the road to California passing on the opposite side at no great distance; the road is on one bank of the river, and the post on the opposite bank.

Int. 7.—Have you or not any knowledge of cattle belonging to the post being killed by the settlers; and if so, under what circumstances, and for what apparent cause?

Ans.—Nothing beyond common talk. The common repu-

tation was that the stock was wild, and had not been handled for several years, and the consequence was that they were very troublesome, and therefore were killed.

Int. 8.—Have you or not knowledge of cattle or horses belonging to the post being sold by the Company's agent?

Ans.—I have not, personally. I have seen the corral in which the horses were collected, and saw persons who were employed in collecting them. I also saw some dead animals, and heard statements made as to the cause of their death, and statements concerning sales.

Int. 9.—Have you or not knowledge of the farm in that region owned or occupied by Mr. Chapman; and if so, how is it situated relatively to Fort Umpqua?

Ans.—Mr. Chapman lived on the Fort Umpqua farm.

Int. 10.—What is the estimated value, in that country, of Mr. Chapman's farm at this time?

Ans.—Fifteen hundred dollars; the land not being so valuable as it formerly was, when I valued it at twenty-five hundred dollars.

Cross-Examination.

Int. 1.—How far is this town of Scottsburgh from the Company's post at Umpqua?

Ans.—Twenty miles.

Int. 2.—You speak of the road running from Scottsburgh to the interior. To what places of importance did that road lead?

Ans.—It leads to the main trail running through Oregon to California, and is the trail over which goods are shipped to the towns in the interior of Oakland, Winchester, Roseburgh, Canyonville; which towns supply the settled portions of Umpqua valley with goods.

Int. 3.—How far from the bank of the Umpqua was the Company's post?

Ans.—About one hundred and fifty yards.

Int. 4.—Is the Umpqua a fordable river near the fort or not?

Ans.—It is not. There is a ford, used in summer time, about

three miles above the fort. I think there is a bridle trail from the ford to the fort, but no wagon trail.

Int. 5.—Is there any difficulty in crossing the river near the fort by canoes or boats?

Ans.—There is none. That was the means of crossing from the trail to the post.

Int. 6.—Was it not common reputation that a good many cattle had been killed by the settlers belonging to the Company?

Ans.—It was.

Int. 7.—Was it not also common reputation that the beef cattle of the Company, killed by the settlers, had been sold in Scottsburgh and other places by the settlers?

Ans.—I think not. There were reports occasionally of cattle being killed by packers passing through the country; they usually called the cattle elk.

Int. 8.—Were not the cattle usually kept by the settlers in that country, many of them, of the Spanish breed?

Ans.—They were not, until, about 1854 or 1855, some cattle of the Spanish breed were driven into that country.

Int. 9.—Did not all the cattle in that country range loose as a general thing?

Ans.—They did.

Int. 10.—Who is the present occupant of the farm at the post?

Ans.—I cannot tell. My belief is that it has not been occupied for several years.

Int. 11.—Are you acquainted with Governor Gibbs? If so, state what is your judgment of his competency to pass upon the value of land personally known to him in the valley of the Umpqua.

(Mr. Cushing objects to the question, as not matter of cross-examination, and not competent testimony in any point of view.)

Ans.—I am. I should think he was.

Int. 12.—Have you bought or sold any farming land in the Umpqua Valley during the last year?

Ans.—I am now trying to sell a farm which I have owned

since 1857, containing 640 acres, for two thousand dollars, within sight of Fort Umpqua, and which I would not exchange for the Fort Umpqua Farm.

Examination-in-Chief Resumed.

Int. 1.—When you say that in your opinion Governor Gibbs is competent to pass judgment on the value of land in Umpqua Valley, do you mean to be understood as implying that he has any special competency superior to your own?

Ans.—I do not.

Int. 2.—Do you think he is any better judge of the money value of your own farm than you yourself are?

Ans.—I do not.

Int. 3.—Do you think that he is any better judge than you yourself are of the relative value of your farm and the Fort Umpqua Farm?

Ans.—I do not.

Int. 4.—What are your means of information as to the value of lands in the Umpqua Valley?

Ans.—From actual transactions, lands being bought and sold under my knowledge.

(Mr. Lander objects to this last interrogatory, upon the ground that it is incompetent and irrelevant, in the renewal of an examination-in-chief.)

(Mr. Cushing responds that this question is not renewal of an examination-in-chief, but is the cross-examination of the witness relative to the elements of the matter of opinion, as to which Mr. Lander made the witness his own by the introduction of new matter.)

Int. 5.—Who is Governor Gibbs, and how does he get the title of Governor?

Ans.—He is a man who weighs about 250 lbs., and served four years as Governor of Oregon.

Int. 6.—You have stated that there was a report that cattle were killed by packers going through the country, and called elk meat. Did the report run that these cattle were killed in the corral of the Company?

Ans.—The report did not. The Company could not have corralled their cattle had they tried.

Int. 7.—Have you or not any knowledge of sea-otter or other furs being traded by the Indians to the Company, when you first went there?

Ans.—There was little or no trade at Fort Umpqua when I went there.

L. S. THOMPSON.

WASHINGTON, D. C., *December 18, 1866.*

Claim of the Hudson's Bay Company against the United States.

Deposition of *A. J. Cain*, taken at the request and in behalf of the United States, by agreement between Caleb Cushing, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF A. J. CAIN.

Int. 1.—Please to state your name at length, and your present occupation and residence.

Ans.—My name is Andrew J. Cain; have been residing at Walla-Walla, in Washington Territory; engaged in real estate business.

Int. 2.—Have you, at any time, been employed as Indian agent in Oregon or Washington? And if so, please to state for what district, and for what years.

Ans.—I was employed as Indian agent in Washington Territory for three years, up to September, 1861, in charge of the Walla-Walla district, which embraced all of Washington Territory between the Columbia river and the Bitter-Root Mountains.

Int. 3.—For what length of time, since then, have you resided at Walla-Walla?

Ans.—Up to my departure for that city in March last.

Int. 4.—Please to describe the structures, if any, of the Hudson's Bay Company at old Walla-Walla, at the time when you first had knowledge of them as Indian agent.

Ans.—An ordinary sized trading-fort, made of adobes, with a main building inside, which I suppose was about sixty by thirty, all in a very dilapidated condition. There were evidences of there having been some small tenements, but I could not judge of their character. There was but the one building left standing, which had no roof on it.

Int. 5.—In what manner were these structures occupied, if at all, at that period?

Ans.—They were unoccupied during 1859. Some traders repaired the building, and occupied it in 1860.

Int. 6.—What is the present condition of the buildings, and how, if at all, occupied?

Ans.—They have been almost entirely rebuilt; they are now occupied by traders. New roofs have been put on the buildings, and the walls repaired—putting in doors and windows. The walls of the fort and building, when I first saw them, were in a very bad condition.

Int. 7.—State, if you know, at whose expense these repairs were made, and who were the traders occupying the premises.

Ans.—To the extent of my knowledge, at individual expense; Higgins and Greenwell first occupied them, afterwards, Van Sickle and Tatem; I am not acquainted with the parties who have been occupying them of late. By expense of individuals, I mean private individuals, traders.

Int. 8.—How many years have you been engaged in the land or real estate business; and have you or not had experience in the purchase and sale of real estate? And if so, to what extent?

Ans.—Engaged in that business since 1861; have owned property in Walla-Walla, and negotiated large amounts of purchases and sales for others.

Int. 9.—Please to state what, in your judgment, was the intrinsic pecuniary value of those structures as structures, and apart from the land, as they stood in 1859, and before they were repaired by private traders.

Ans.—Twenty-five hundred to three thousand dollars, at the price of building material then.

Int. 10.—Describe the character of the land, as adapted to agricultural or grazing uses, at and about old Walla-Walla.

Ans.—Land in the immediate vicinity is a sandy waste; there are no good farming or grazing lands until you reach Touchet river, fourteen miles in the interior.

Int. 11.—Please to state the character of the roads, if any, at or about old Walla-Walla; whether any particular road, leading to or from old Walla-Walla, existed at the time when you first became acquainted with the post; and whether travelling at or about old Walla-Walla requires the expensive construction of roads.

Ans.—The character of the country did not, and never has required any labor in making good wagon roads, beyond the bridging of streams; the reason of this is, because it is a prairie country, universally a sandy soil; the grade of the highest plateaux is of that easy character that good natural wagon roads could always be obtained by simply making a reconnoissance, except as to crossing the mountains, which are fifty miles distant from the post. Even at the mountains, natural roads can be obtained.

Int. 12.—Are you acquainted with the Hudson's Bay Company's post at Fort Colvile? And if so, how much, and at what time?

Ans.—I am; having spent some time in the Colvile Valley in the fall of 1859.

Int. 13.—Please to describe the buildings which you saw there at that time.

Ans.—They were of the most ordinary character, built of logs, put up in a rough manner; I don't remember their dimensions; I was particularly struck with the dilapidated air the place wore.

Int. 14.—What, in your judgment, was at that time the value in money of those buildings?

Ans.—From five to seven thousand dollars, to any one who needed those buildings at that point.

Int. 15.—Please to inspect the lithograph [photograph] sub-

mitted to you, and hereto annexed, and marked with your name, and state whether it does or does not represent any structures with which you are acquainted. And if so, what?

Ans.—It represents one view of the buildings at Fort Colville.

Cross-Examination.

Int. 1.—What trading-posts, other than those of the Hudson's Bay Company, have you ever seen in Indian country?

Ans.—I have seen none in Oregon and Washington but those of the Hudson's Bay Company.

Int. 2.—When you speak of an ordinary sized trading post, you mean a Hudson's Bay Company's post?

Ans.—Yes.

Int. 3.—Was not this fort that you have spoken about, 113 feet square, and the walls about 12 feet high, and about one and a half foot thick?

Ans.—My recollection serves me that the fort was from 100 to 120 feet square; adobe walls, from ten to twelve feet high; that is, the walls that were standing.

Int. 4.—Did the traders that you have spoken of repair the walls with adobes, as well as roof the buildings?

Ans.—They repaired the buildings, and also repaired the walls somewhat, and used it as a corral.

Int. 5.—You have spoken of the intrinsic pecuniary value of these structures as structures, and apart from the land in 1859. What was the value, in your opinion, of a mile square of land, including the old post at Walla-Walla, and landing, at the time you last saw it?

Ans.—In 1859, a mile square had no particular value apart from these improvements; since then it has become valuable as a landing, owing to the development of the mines; it has been quite a shipping point for the Walla-Walla Valley and interior mines.

Int. 6.—Has not this landing a value also, caused by the settlement of the surrounding country, for agriculture, as well as the mining improvements?

Ans.—To a limited extent.

Int. 7.—From your knowledge of the surrounding country, west of the Cascade, and east of the Bitter-Root Mountains, what, in your opinion, is the best landing on the Columbia river for the transaction of business?

Ans.—Wallula is the most important landing.

Int. 8.—Can you place any pecuniary value on it as a town-site?

Ans.—It would be difficult to do so, owing to the efforts being made to establish two other points above it, one at White Bluffs, and the other at Palouse Rapids on the Snake river.

Int. 9.—Will not the fact that the rapids on the Columbia and Snake prevent navigation at low-water above Wallula, and the fact that these two other places communicate only with extreme northern mines, prevent their becoming rivals of Wallula to any great extent?

Ans.—Low-water, at certain seasons of the year, obstructs navigation above Wallula, but whether to the extent of interfering with the mining trade with those upper points, I am unable to say.

Int. 10.—Do you not think yourself that the advantages which Wallula possesses over White Bluffs, and the point on the Palouse, will secure to Wallula the start which she now possesses over both those places?

Ans.—I think she possesses advantages arising from the agricultural resources of the Walla-Walla Valley; but as to whether she will rival other points above in controlling mining trade is questionable in my mind.

Int. 11.—Has not the main business transacted at Wallula heretofore been with the southern mines and the valley of Walla-Walla; and does it not owe to that chiefly its present position?

Ans.—It does.

Int. 12.—Can either of these places you have spoken of rival it in the trade of the southern mines or Walla-Walla Valley?

Ans.—No.

Int. 13.—Are there not good grazing lands on the hills

south of the Walla-Walla river, and within two or three miles of the old fort ?

Ans.—There is good grazing on the plateau and hill sides, on the south side of the Walla-Walla river, within about three miles of the old fort ; more than two miles ; about three miles.

Int. 14.—Are there not agricultural lands for farming purposes along the valley of the Walla-Walla river, which flows into the Columbia river, a short distance south of the old fort ?

Ans.—No, sir ; there is a small piece of bottom-land, forty or fifty acres, two miles and a-half from the fort up the river, and some further bottom-land, a little higher up, in detached pieces.

Int. 15.—Do you know as to the price of the old store at Wallula ?

Ans.—I think at one time \$150 a month was paid for the store.

Int. 16.—At the time you were at Fort Colville, in 1859, was or was there not a stockade around the buildings of the fort ?

Ans.—Not around all the buildings ; there was some stockade ; cannot say how much.

Int. 17.—Where did you stop when in the Colville Valley ?

Ans.—At the military post, about 12 or 14 miles from Fort Colville.

Int. 18.—How often were you at Fort Colville when in the valley ?

Ans.—I made two special visits to the fort, and was there an entire day each time.

Int. 19.—At the times of your visit there, did you give a particular examination to the building at the fort ?

Ans.—I gave no further examination than natural curiosity, under the circumstances, would induce one to give.

Int. 20.—What was that examination ?

Ans.—The gentleman in charge of the post went with me, and an officer of the army, round the post and surroundings, explaining in a general way the character of the operations.

Int. 21.—Did these buildings face outwardly or inwardly upon a square in the centre?

Ans.—I cannot answer that question distinctly. There were some old buildings detached from the main building.

Int. 22.—Do you remember whether the stockade of which you have spoken extended on three sides?

Ans.—I can't say. Saw evidences of there having been a stockade.

Int. 23.—Was there an open place in the centre, surrounded by buildings?

Ans.—I don't remember such.

Int. 24.—Do you remember a large frame dwelling-house, about 50 by 23 feet, a story and a half high, clapboarded and shingled and plastered?

Ans.—I remember being in a house of similar dimensions; do not recollect it as described.

Int. 25.—Do you remember any clapboarded and shingled house there?

Ans.—I can't say that I could speak particularly of the character of the roofs.

Int. 26.—If you cannot speak as to the roofs, can you say whether any building was clapboarded?

Ans.—My impression is, that there were some that were clapboarded.

Int. 27.—Is it not a very unusual thing to clapboard any building in that country, unless it be a very valuable one?

(Mr. Cushing objects to this question as too argumentative, and as assuming facts for the premises which do not appear.)

Ans.—No, sir.

Int. 28.—Did you notice chimneys to these buildings?

Ans.—I cannot remember the chimneys. I saw fire-places.

Int. 29.—Did you notice a store-house 60 feet by 20?

Ans.—I was in a store-house, but did not take sufficient notice as to size.

Int. 30.—Were you in or did you see any other store-house than the one you have mentioned?

Ans.—I was in the attic of the building, looking at some furs,

but I do not know whether it was in the same building I had been in or not.

Int. 31.—Do you or not recollect whether there was another store-house than the one you first mentioned?

Ans.—I do not remember.

Int. 32.—Do you recollect a timber bastion of two stories high?

Ans.—My impression is that I saw such a bastion—a vague impression.

Int. 33.—Have you anything now but a vague impression of the buildings you saw there in 1859?

Ans.—Yes, sir. I have distinct recollection of the officer's quarters and the trading-house where they were trading with the Indians; and there were some out-buildings occupied by some half-breeds and some Indians.

Int. 34.—Are these the buildings you noticed, and to which your testimony already given applies?

Ans.—One of those buildings I was in.

Int. 35.—You have stated, in answer to the last interrogatory, that you were in one of these buildings, and you have also stated that you “have distinct recollection of the officers' quarters, the trading-house, and some out-buildings;” which of these buildings and out-buildings do you now mean to say that you were in?

Ans.—I accepted the hospitality of the officer in command of the post in the building occupied by him. I visited, with him, another building where there was trading with the Indians, and then visited another building separate and apart, to see some half-breed Indians. When I said “one of these buildings,” I was alluding to the building on the lithograph.

Int. 36.—Is the building in which you say you accepted the officer's hospitality the same which you before mentioned as that of the officers' quarters?

Ans.—Yes.

Int. 37.—Do you know whether the officers' quarters was a frame building or built of logs?

Ans.—It was a log building.

Int. 38.—Was it clapboarded and shingled or not?

Ans.—I only remember examining the interior of the building, and its general appearance outside.

Int. 39.—Was it plastered inside or not?

Ans.—Remember no plastering; saw some wood-work and papering.

Int. 40.—Was there a good roof on the house or not?

Ans.—From the general appearance inside, I suppose there was.

Int. 41.—From the general appearance of the house inside, do you consider the house in good repair?

Ans.—Very good repair, for the character of the house, and what you would call good repair for this part of the country.

Int. 42.—Was the store-house you have mentioned in as good repair as the officers' quarters?

Ans.—The building was not near as well finished, and would not need as much repair.

Int. 43.—Were the goods of the Company stored in the store-house of which you have been speaking?

Ans.—I know nothing about any other goods than those I saw displayed in the store-house alluded to.

Int. 44.—Do not all buildings, built of squared timber, and neither clapboarded or painted, after exposure to the weather, look both worn and dilapidated?

Ans.—As a general rule, they do; but they maintain their proportion.

Int. 45.—Does this lithograph you have referred to exhibit anything more than the side and rear of one of the buildings at Fort Colville, and the out-building, shed, and stable belonging to it?

Ans.—My recollection is that this lithograph gives a side-view of one of the main buildings, out-houses attached, and stabling.

Int. 46.—Is this building, the side-view of which is exposed in the lithograph, one of the buildings you have mentioned as visited or noticed by you?

Ans.—The main building to the left, in the lithograph, is the officers' quarters.

Int. 47.—Were or were not the officers' quarters and storehouse built of square timber?

Ans.—The logs had been faced; I cannot recollect whether they had been squared or not.

Int. 48.—State what position, relatively, the valleys of Colville and Walla-Walla bear to the country east of the Cascade Range and the mining regions, and their relative value to the surrounding country as agricultural and farming sections.

Ans.—Walla-Walla and Colville Valleys are the only two agricultural districts east of the Cascade Mountains in Washington Territory; Colville Valley bears the same relation to the northern mines in British Columbia that Walla-Walla Valley does to the southern mines in Idaho Territory.

Int. 49.—How does the value of the agricultural lands of these two valleys compare with the value of lands in the country there and east of the Cascade and west of the Bitter-Root and Rocky Mountains?

Ans.—Walla-Walla and Colville Valleys embrace the only two large bodies of agricultural or valuable lands east of the Cascade Mountains in Washington Territory; other lands in the same district of country are available for grazing purposes alone.

Int. 50.—Are you acquainted with the prices of transportation on the Columbia river and in the interior, prior to the gold excitement? Also state what was the price per ton of freight from Portland to old Walla-Walla, and what would have been a fair price for freight, at the rates then charging per pound, from old Walla-Walla to Fort Bois ?

Ans.—Yes, sir. The price of freight per ton from Portland to old Walla-Walla was from \$120 to \$130, and a fair charge of freight from old Walla-Walla to Fort Bois  would be 20 cents per pound.

Direct Examination Resumed.

Int. 1.—Are there any rocks or stones in the neighborhood of Fort Colville, as marble, sandstone, quartz, or any other?

Ans.—I observed nothing but some limestone. The limestone was from 12 to 15 miles from Fort Colville.

Int. 2.—What is the character or nature of the earth about Fort Colville?

Ans.—Some sandy loam, and a good deal of gravel, called gravelly land.

Int. 3.—Did you notice any quartz rocks there, on the banks of the river?

Ans.—I did not observe any, and none have been discovered to my knowledge.

Int. 4.—Is it inferable, because of a house being clap-boarded, that it necessarily follows that the house is an expensive one or intended for expensive uses?

Ans.—Quite the reverse.

Int. 5.—You said you had some impression of seeing a bastion at Fort Colville; was the thing of which you thus speak a large projecting mass of earth or masonry at the angle of a fortified work, which is the definition of a bastion in the dictionary before me?

Ans.—No, sir.

Int. 6.—Did you see any guns mounted on that or any other fortification at Fort Colville, or any port-holes for guns?

Ans.—No, sir.

Int. 7.—What, so far as you recollect, was the particular thing at Fort Colville dignified in the cross-interrogatory by the name of bastion?

Ans.—It was what on the frontier is called a small block-house, built of logs, and capable of containing six or eight men, for defence against Indians.

Int. 8.—When, in the course of the cross-examination, you spoke of the agricultural capabilities of the valleys of the Colville and the Walla-Walla, did you or not intend that word agricultural as implying tillage only?

Ans.—I meant tillable land only.

Int. 9.—From your knowledge of land and its uses, do you or not say that land may well be profitably used in grazing as in tillage?

Ans.—Yes, sir.

Int. 10.—What proportion, in your judgment, as conversant with the purchase and sale of land, of the surface of Washington Territory has passed into the hands of private proprietors?

Ans.—Not over one-thousandth part.

Int. 11.—What is the present population of Washington Territory, as estimated at the present time?

Ans.—About twenty thousand.

Int. 12.—What, in your estimation, is the extent of surface of land in the Colville Valley?

Ans.—About three hundred square miles.

Int. 13.—What is, at this time, the price per acre of land of average quality, for mere agricultural purposes, in the valley of the Colville?

Ans.—Value of land there is entirely estimated by the amount of improvements on it?

Int. 14.—If unimproved, has it any marketable value per acre; and, if so, how much?

Ans.—Not aware that it has above government price, there being so much subject to public entry.

Int. 15.—What is the superficial extent of the land of the valley of the Walla-Walla?

Ans.—About a thousand square miles.

Int. 16.—What is the value per acre of the average land, for agricultural use, in the valley of the Walla-Walla?

Ans.—From \$5 to \$20 per acre, owing to the character of the lands and the improvements.

Int. 17.—If the land be wholly unimproved, what is its market value?

Ans.—Except a few choice localities, not above government price.

Int. 18.—Is there or not a river named Walla-Walla, from which the valley derives its name?

Ans.—Yes, sir.

Int. 19.—At what distance from the old English post of Walla-Walla is the town of Walla-Walla, and how is it situated relatively to it?

Ans.—The town of Walla-Walla is situated in the centre of the valley, 30 miles distant from the old English post.

Int. 20.—Is the United States post of Walla-Walla in the same place as the Hudson's Bay Company's post; and if not, how far off?

Ans.—No, sir; it is about thirty miles distant, in the interior, one mile from the town of Walla-Walla.

Int. 21.—How does the river Walla-Walla run, relatively to the Columbia?

Ans.—The Walla-Walla river, in its course from the Blue Mountain to where it empties into the Columbia, makes a right angle with the course of the Columbia, below the mouth of Snake river, which also flows into the Columbia. The Blue Mountain is on the south side of the Columbia. From the point where the Walla-Walla enters the Columbia, the course of the Columbia is nearly east and west, and that of the Walla-Walla from south to north.

Int. 22.—Is Wallula the name of a river, or a landing only?

Ans.—The name of a steamboat landing only.

Int. 23.—How is this landing situated relatively to the Walla-Walla and the Columbia rivers?

Ans.—It is situated in the angle made by the two rivers, and about half a mile above the mouth of the Walla-Walla river.

Int. 24.—When you first saw this landing-place, in 1859, was there any wharf, pier, jetty, or other such structure at the landing-place?

Ans.—Nothing of the kind, either then or since.

Int. 25.—Was it or not simply the bank of the river in its natural state?

Ans.—Yes, sir.

Int. 26.—Was there at that time any enclosure of this landing, either above or below, or any other sign of private appropriation?

Ans.—None whatever.

Int. 26 a.—Has any wharf been constructed or placed there since; and if so, of what character, and by whom?

Ans.—There has been no improvement made of that character. The Government has a wharf-boat moored there.

Int. 27.—In the last cross-interrogatory there is question of freight from Portland to old Walla-Walla, and from old

Walla-Walla to Fort Boisé, "prior to the gold excitement;" what year do you intend by that?

Ans.—I allude to the years 1858 and 1859; 1859, more particularly.

Int. 28.—State particularly what freight you speak of from Portland to old Walla-Walla, how much of such freight there was, by whom transported, and where landed, and what your means of knowledge were on that whole subject.

Ans.—Quartermasters' and Indian Department freight, of goods belonging to the Government. The amount was very limited, sufficient only to employ one small steamboat, making weekly trips from the Des Chutes to Wallula. The steamboat was private property, belonging to Thompson, Coe & Co. Freight was landed at Wallula, the most of it, but a portion was carried above, up Snake river. My knowledge on the subject is derived from my having made shipments as Indian agent.

Int. 29.—What amount of freight at that time, by whom transported, and on whose account, went from old Walla-Walla to Fort Boisé?

Ans.—I know of none being transported there until after the discovery of gold.

Int. 30.—Please explain what you intended by stating, in answer to the cross-interrogatory No. 50, that freight would be twenty cents per pound from old Walla-Walla to Fort Boisé, when it now appears that no goods were transported.

Ans.—I meant that that would be about a reasonable price if there had been goods to be transported at that time, based on the prices of transportation and labor since that time.

Int. 31.—By what route, and in what manner, would such freight have been conveyed from old Walla-Walla to Fort Boisé?

Ans.—It would be transported across the mountains upon what is called the old emigrant road, the road made by the first emigrants that came into Oregon. It could be transported on pack animals, or in wagons.

Int. 32.—You have stated that your estimation of what such freight would be, if it had existed, is founded on know-

ledge of the prices since 1859. Are the prices the same as before 1859; and if not, in what respect do they differ?

Ans.—Prices have been reduced since, owing to competition and the large amount of freight to be transported. In 1859, the amount of freight to be transported was so limited there were no persons engaged in land transportation.

Int. 33.—As to transportation from above the Dalles to old Walla-Walla, how does the price of freight, since 1859, range as compared with the price at that time?

Ans.—It is greatly reduced, having been as low as \$20 a ton, when there were opposition boats running.

Int. 34.—Since 1859, how many boats, and how many times in the course of a year, touch at Wallula?

Ans.—The number of boats gradually increased, first making semi-weekly and tri-weekly trips to Wallula, and for the last two or three years making daily trips, except a portion of the winter season, when the water would be very low, scarcity of business, or ice in the river.

Int. 35.—State whether or not, within your knowledge as a shipper, or otherwise within your knowledge, any person or company has claimed dockage, wharfage, or tolls of any sort, on account of boats touching at the so-called landing of Wallula.

Ans.—I have no knowledge of anything of the kind.

Int. 36.—Describe by name and locality the landing-places referred to, in the cross-examination, as existing above Wallula.

Ans.—White Bluffs is about 60 miles above, on the Columbia river; Palouse Rapids about the same distance up the Snake river; Lewiston about 160 miles up Snake river; these places are in an easterly direction from Wallula.

Int. 37.—Relatively to the business of the northern mines, how far does competition exist between the four landing-places of Lewiston, White Bluffs, Palouse Rapids, and Wallula?

Ans.—Nearly all the freight for the northern mines goes above Wallula to the three points named.

Int. 38.—Whether or not, below Wallula, there is a landing-place at Umatilla, and how far, relatively to the southern

mines, there is actual or possible competition between Umatilla and Wallula?

Ans.—Umatilla has competed so successfully as to obtain the greater share of the trade of the southern mines.

Int. 39.—From your knowledge of the progress of settlement of the new States and Territories, and of the rise and growth of settlements on rivers, whether or not the growth of such settlements depends more or less on the combination between natural advantages of locality and the enterprise of individuals?

(Mr. Lander objects to this question as assuming facts, and being argumentative.)

Ans.—Of course.

Int. 40.—Whether or not the value of landing-places and town-sites on the rivers in Washington Territory is more or less prospective and speculative?

Ans.—It is.

Int. 41.—You state in cross-examination that a mile square, at old Walla-Walla, has become valuable since 1859, because of the landing. State what portion of the mile square, having the old fort for its centre, has thus been raised in value.

Ans.—That portion in the vicinity of the old fort that has been built upon. The building of the trading-houses established the landing there.

Int. 42.—Who were the persons carrying on trade at that point?

Ans.—I am only personally acquainted with a few; I suppose there are twenty or thirty persons engaged in different branches of trade.

Int. 43.—So far as you know, are they not private individuals, engaged in their own business.

Ans.—They are.

Int. 44.—What proportion of the mile square, having the old fort for its centre, is occupied by the buildings of these traders?

Ans.—About 80 acres.

Int. 45.—What, in your judgment, is the average value of the residue of the mile square per acre?

Ans.—It has no value, except a speculative one.

Int. 46.—Has the Hudson's Bay Company, to your knowledge, any enclosures on this mile square, other than the site which the structures of the fort occupy?

Ans.—None.

Int. 47.—You stated in cross-examination that at one time \$150 a month store-rent had been paid. State how long time, by whom, and to whom.

Ans.—It was in 1862 or 1863, during the first mining excitement; I understood from Mr. Tatem that he and his partner were then receiving that rent; I was not acquainted with the party occupying the building and paying it; I have no knowledge of the length of time stores rented.

Int. 48.—What is the present rent for similar storage?

Ans.—I would suppose about \$50 a month.

Int. 49.—What would have been the rent prior to 1862?

Ans.—There was so little business done there then, there was no fixed value.

Int. 50.—What are the dimensions and capacity of storage of the building or buildings which you rate at \$50 a month?

Ans.—A store-room, in a business locality, of from 60 to 80 feet by 25 or 30.

Int. 51.—Do you now speak of a particular store-room, or store-rooms in general?

Ans.—I speak of store-rooms in general, at business points in that country.

Int. 52.—Of what material would such a store-room as you speak of be constructed?

Ans.—Of wood, generally.

Int. 53.—What would be the cost of construction of such a building?

Ans.—About \$2,500.

Int. 54.—In the cross-examination, you spoke of a forty-acre lot, of tillable quality land, about two and a half miles from old Fort Walla-Walla. How much good tillage land is there in those intervening two and a half miles?

Ans.—There is none at all.

Cross-Examination Resumed.

Int. 1.—Are not the square buildings, of two stories high, erected at the corners of stockaded forts, in such a manner as to command by the fire from them one or two sides of a stockade, usually called and understood to be bastions in Washington Territory and the Indian country of the United States?

(Mr. Cushing objects to the question, because the witness is not a military expert.)

Ans.—Usually called bastions, sometimes block-houses.

Int. 2.—You have spoken, in answer to interrogatory 13, as to the value of land for mere agricultural purposes in Colville Valley. Do you mean to include in the term agricultural both grazing and tillage lands?

Ans.—I can't say that I do.

Int. 3.—Do you wish to be understood as saying that at the present time there is no difference in value in the Colville Valley, between land capable of tillage and that suitable only for pasturage?

Ans.—In the Colville Valley proper there is but little difference.

Int. 4.—When were you last in the Colville Valley?

Ans.—Late in the fall of 1859.

Int. 5.—Can you answer, as to your own knowledge, anything as to the value of land in Colville Valley, since 1860, per acre?

Ans.—I can only speak of my intercourse, business relations, with residents of the valley.

Int. 6.—With how many of them have you talked, in reference to the value of the land, since 1860?

Ans.—Have had repeated conversations, I suppose, with fifteen or twenty of the early settlers there.

Int. 7.—When was the last conversation you had with any person in reference to the value of land in Colville Valley, and who was it?

Ans.—With H. P. Isaacs and Mr. Lasiter, of Walla-Walla,

last February; Mr. Isaacs being the owner of a farm in that valley.

Int. 8.—Have you ever had any conversation with any one with reference to the value of lands immediately around the Hudson's Bay Company's Fort at Colvile, and claimed by them?

Ans.—I cannot now remember having had any special conversation with reference to those lands.

Int. 9.—Have not your conversations been with reference to lands lying around and near the United States post in Colvile Valley?

Ans.—My conversations were generally about the improved lands, most of which are in the vicinity of the post.

Int. 10.—Have there been any United States surveys extended over Colvile Valley?

Ans.—None, unless made during last summer, since my absence.

Int. 11.—Where there are no surveys, and no title in case of sale of lands, does the vendor transfer or convey anything but a mere possession?

Ans.—He does not.

Int. 12.—Have you, then, in what you have stated in reference to the value of land around the United States military post in Colvile Valley, had any reference to the value of lands to which a title could be had?

Ans.—All the inhabitants in Colvile expect to perfect their titles under the Government by purchase, under the pre-emption laws.

Int. 13.—Do you wish to be understood as saying that a man who sells his possession of land ever expects to obtain a title from the United States?

(Mr. Cushing objects to the question, inasmuch as it puts words into the witness's mouth which he has never uttered.)

Ans.—I don't exactly understand the question.

Int. 14.—Do you understand the difference between a squatter upon land, and one who owns and can make title to it?

Ans.—Yes, sir.

Int. 15.—Does the fact that the vendor being in possession

and able to make a good title make any difference in the price of the land which he occupies and the land equally good and well situated occupied by a squatter?

Ans.—There would be a difference; in some localities, very great; and in others, very little.

Int. 15 a.—Do you know whether or no the Indian title to lands in the Colville Valley has been extinguished so as to open them to settlement?

Ans.—I don't know; I don't know whether they made any treaties last summer or not.

Int. 16.—Do you not know that there are no lands subject to public entry, at Government price, in the Colville Valley, at the present time, or during the last few years?

Ans.—There was none at the time I left Walla-Walla; but the citizens of Colville Valley have been anticipating every year, for three years past, being able to perfect their titles.

Int. 17.—Do you not know good tillable lands have been sold in the Walla-Walla Valley for \$50 per acre?

Ans.—Have known farms to be sold, with the improvements, at that price, including dwelling-house, out-houses, barns, and fencing, 160 acres in the tract. Several acres sold at this price. They had fine buildings for that country.

Int. 18.—Would not any good land, unimproved, in the valley of the Walla-Walla, capable of tillage, be worth at the present time from \$10 to \$20 per acre?

Ans.—No, sir.

Int. 19.—How much is such land worth?

Ans.—It would be difficult for me to put an estimate on unimproved lands.

Int. 20.—Was there any wharf, wharf-boat, or jetty at Umatilla landing, when you were there last?

Ans.—There was a wharf-boat only.

Int. 21.—When were you last at White Bluffs?

Ans.—It has been three or four years.

Int. 22.—Was there any wharf, wharf-boat, or jetty at White Bluffs when you were there?

Ans.—No.

Int. 23.—Was there any house at White Bluffs when you were there?

Ans.—No.

Int. 24.—Was there any wharf, wharf-boat, jetty, or any house at Palouse Landing, when you saw it last?

Ans.—There was one house only.

Int. 25.—What was the size of that house, and by whom was it built?

Ans.—I do not remember the size; I am under the impression that the house had been built by the proprietors of the ferry.

Int. 26.—Was it anything else but a small log-house?

Ans.—It was more than that.

Int. 27.—What was it?

Ans.—A frame building, with considerable storage room, freight being frequently stored there.

Int. 28.—In estimating the cost of transportation of freight from old Fort Walla-Walla to Fort Boisé, did you not take into consideration the price paid by you for transportation by land, at the time you speak of, from old Walla-Walla to the Indian agency at Lapwai?

Ans.—I did. Lapwai is twelve miles above the point where the Koos-koo-ski or Clear Water empties into the Snake river, being on the Koos-koo-ski or Clear Water.

Int. 29.—What did you pay per pound for transportation?

Ans.—Six cents.

Int. 30.—Is not Wallula the only landing, of those you have mentioned, on the Columbia and the Snake, that has a productive country back of it?

Ans.—Umatilla landing has a small amount of productive country back of it, but not in the immediate vicinity of it. But there is no point compares with Walla-Walla in that respect.

Int. 31.—Do not unoccupied lots, in new towns, that bear a speculative value, have an absolute value and a price asked for them?

Ans.—Not always.

Examination-in-Chief Resumed.

Int. 1.—At the close of your first cross-examination by Mr. Lander, he put a question to you which he prefatorily introduced by stating that it was new matter, namely, cross-interrogatories 48 and 49, in which inquiry was made of you how the value of the valleys of Colville and Walla-Walla, as agricultural and farming sections, compared with the value of lands in the country east of the Cascades and west of the Bitter Root and Rocky Mountains, as to which you made answer. Have you any personal knowledge of the country west of the valley of the Columbia river in the region of Fort Colville (assuming that to be the region you designate as the Colville Valley) and the country intervening between that valley and the Cascade Mountains, 'so as to enable you, from personal observation, to compare the lands of one of those regions with the lands of the other?

Ans.—I could not, from personal observation, compare the two regions, not having visited the region between Colville Valley and the Cascade Mountains.

Int. 2.—Have you any personal knowledge of the whole region of country between the Colville Valley and the Bitter Root Mountains, so as to enable you to speak, from personal knowledge, as to the character of the lands in all that region?

Ans.—My knowledge of that portion of the country alluded to, from personal observation, is very limited. Have rode over it very hastily.

Int. 3.—Please to state what portion of the country between the mouth of the Walla-Walla on the south, Fort Colville on the north, the Columbia river on the west, and the Rocky Mountains on the east, you have personally observed, so as to be able to state, by absolute exclusion, that in all that vast region east of the Colville and Walla-Walla valleys, no agricultural or farming lands exist, and grazing alone?

(Mr. Lander objects to the question, because it puts words into the witness's mouth, and because the witness has not stated that there was no such land in the section of country spoken of.)

(Mr. Cushing adheres to his question because, although it does not profess, as the objection implies, to repeat any words of the witness, yet it does apply to his statement in answer to cross-interrogatory 49, that the "Walla-Walla and Colville Valleys embrace the only two large bodies of agricultural or valuable lands east of the Cascade Mountains in Washington Territory," and adds "other lands in the same district of country are available for grazing purposes *alone*.")

(Mr. Lander renews his objection to the interrogatory, on the further ground that the witness has said nothing of a country west of the Rocky Mountains alone, but of a country west of the Bitter Root and Rocky Mountains, and of no country whatsoever lying east of the Bitter Root Mountains.)

(The Commissioners' attention is respectfully called to the fact that Mr. Lander, in the 49th cross-interrogatory, calls for comparison of the Colville and Walla-Walla Valleys as to the whole region east of the Cascades and west of the Bitter Root and Rocky Mountains. If the Bitter Root and Rocky Mountains are identical, and represent one and the same line of longitude, then his objection is pertinent; but if there be any space of territory east of the Bitter Root Mountains and west of the Rocky Mountains, then that territory is comprehended by his interrogatory, and by the answer of the witness, and is a fit subject of explanation.)

Ans.—I have no personal knowledge of the country lying between the Bitter Root and Rocky Mountains, but have travelled over the balance of the country designated, but never gave any special attention to lands except in the Colville and Walla-Walla Valleys and the Nez Percés reservation.

Int. 4.—What do you understand by the Bitter Root Mountains? Is it a ridge or a dispersed body of mountains? If a ridge, does it run north and south or east and west; and if it be a ridge, where is its point of commencement, and where does it end; and what relation, if any, have they to the Bitter Root river?

Ans.—They are a separate and distinct range of mountains; it runs in a northwardly and southerly direction; it begins near 48th parallel; they have been called by early explorers

spurs of the Rocky Mountains. The Bitter Root river flows through the Bitter Root Valley, which lies between the Bitter Root Mountains and the Rocky Mountains.

Int. 5.—Assuming, as you state, that the Bitter Root Mountains commence at the 48th parallel, near Lake Pend-Oreille, how far south does the range extend?

Ans.—I should think between three or four hundred miles.

Int. 6.—That is to say, some five or six degrees of latitude southwardly?

Ans.—Yes, sir.

Int. 7.—In all this region of four hundred miles in length, what proportion of the land have you seen with your own eyes, so as to determine its quality for use?

Ans.—I have seen scarcely any south of the 46th parallel, and none east of the Bitter Root Mountains.

Int. 8.—How much have you seen of the tract within the large westwardly bend of the Columbia river, between the mouth of the Walla-Walla and the mouth of the Spokane?

Ans.—I have travelled across it, in different directions, two or three times.

Int. 9.—How much have you seen of the country on the upper waters of the Pelouse and the Spokane rivers?

Ans.—I never made but one trip across that part of the country.

A. J. CAIN.

Examination of A. J. Cain resumed by consent.

Int. 1.—Have you any knowledge concerning the use of bateaux for transportation on the upper waters of the Columbia river?

Ans.—Yes, sir.

Int. 2.—Have you or not transported goods, or caused them to be transported, by such bateaux?

Ans.—Yes, sir.

Int. 3.—At what time, and in what capacity?

Ans.—In the year 1860 I acted in the capacity of Indian agent for Washington Territory.

Int. 4.—Is or is not the transportation of goods by bateaux still continued on the upper waters of the Columbia?

Ans.—No, sir; all the transportation is by steamboat.

Int. 5.—State, if you know, why transportation by steamers has taken the place of transportation by bateaux.

Ans.—Transportation by steamboat is so much cheaper. I built five four-ton bateaux in 1860, for the purpose of transporting Indian Department goods from the Des Chutes to Lapwai, on the [Nez] Percé reservation, under the belief that I could save in transportation, but the experiment was a failure, so far as economy was concerned. I sold the bateaux, and shipped by steamboat and wagon. I employed Indians exclusively, with the exception of one white man. I employed Indians because it was cheaper.

Int. 6.—State whether or not, during your knowledge of that part of the country, there has been any impediment to prevent anybody—the Hudson's Bay Company, or anybody else—from transporting goods by bateaux on that river, apart from the question of expense.

Ans.—I am satisfied there has not, as there are a number of persons, besides the Oregon Steam Navigation Company, engaged in transportation from Portland to the Upper Columbia and Snake river.

Int. 7.—State, if you know, whether or not the steamers plying on the Upper Columbia have any special privileges as such.

Ans.—None that I am aware of, except being able to command a large capital.

Int. 8.—State, if you know, whether or not these steamers are common carriers, taking all such lawful freight as offers.

Ans.—They are common carriers, and take all lawful freight offered.

Int. 9.—Have you any knowledge of the portages in that region?

Ans.—Yes, sir.

Int. 10.—State, if you know, whether any of those portages are or have been obstructed.

Ans.—The portages on the Washington Territory side of

the Columbia river have never been obstructed. I am not familiar with the Oregon side, on the Lower Columbia; but the portages of the Upper Columbia, on both sides, both Oregon and Washington, have never been obstructed.

Cross-Examination.

Int. 1.—Are there any steamboats running on the upper waters of the Columbia, on that stretch of the river, of about one hundred and twenty miles, between White Bluffs and Fort Colville?

Ans.—No, sir.

Int. 2.—At the time you speak of, at which you constructed bateaux, for the purpose of transportation, what did you pay per ton for transportation by steamer from the Des Chutes to Wallula; and what per pound for land transportation, from Wallula to Lapwai?

Ans.—My recollection is about \$75 a ton, by measurement, from the Des Chutes to old Fort Walla-Walla. I paid six cents per pound, for land transportation, from old Fort Walla-Walla to Lapwai.

Int. 3.—Was this, at the time you speak of, in the former part of your examination, as being before the gold excitement?

Ans.—Yes; prior to the gold excitement.

Int. 4.—Has not the Oregon Steam Navigation Company, to whom the steamers plying on the Upper Columbia belong, control and ownership, through the stockholders of the railroads at the Cascade Portage, on both sides of the river, and of the only railroad at the Dalles portage?

Ans.—Members of that Company claim the ownership of the land on the Oregon side of the Cascade Portage, but never had any exclusive control on the Washington side, beyond the control of the railroad built by themselves.

Int. 5.—Does not the railroad, on the Washington side of the Cascade Portage, obstruct the landing of freight at some stages of the water?

Ans.—Yes, sir.

Int. 6.—Is not the whole of the land on the Cascade Port-

age, including the landings claimed by donation or pre-emption claimants, under the laws of the United States, and as United States military reservations, the only privilege granted through these lands being a right of way by the railroad and a wagon road?

Ans.—Yes, sir.

Int. 7.—Can goods be transported up the Columbia river, without passing over these different portages?

Ans.—No, sir.

Examination-in-Chief Resumed.

Int. 1.—Are not the three railroads, of which you have spoken, one at the Dalles, and two at the Cascades, public railroads for the transportation of passengers and freight?

Ans.—They are.

Int. 2.—Is there not a wagon road at these portages?

Ans.—Yes; there is a wagon road on each side of the river at the Cascades, as I know, having been over it. The one on the Washington side has always been a public highway. There is also a wagon road at the Dalles Portage, which is a public highway.

Int. 3.—Whether or not the means of transportation across these portages, for wagons or pack animals, or for the backs of men, are as good as they were prior to the construction of those railroads?

Ans.—They are, in fact, better.

Int. 4.—Whether or not any person may not now pass those portages with pack-animals or a pack on his back?

Ans.—I know that they can on the Washington Territory side.

Int. 5.—You spoke of a landing at the Cascades being occupied by the railroad; whether or not there are other landings there? And if so, what?

Ans.—Another landing could be made just below or just above.

Cross-Examination Resumed.

Int. 1.—Is there now, or can there be obtained, a landing on the Washington Territory side of the Cascade Portage, which is not now or would not have to be located on the land of some private person, or of a corporation, or on the United States military reservation?

(Mr. Cushing objects to this question as involving matters of law and fact, and the matter of fact being record, not provable by this witness. I note the same objection to cross-interrogatory 6.)

Ans.—There could not, without locating on lands claimed by individuals, incorporated on the Government.

Int. 2.—Is not a landing necessary for transportation of freight above and below the falls at the Cascade Portage?

Ans.—Yes, sir.

Int. 3.—Is not the upper landing, used by those who travel over the present wagon road at the Cascade, on the land claimed by a private individual?

Ans.—I am not aware of any individual claiming exclusive control of the landing at the terminus of the wagon road.

Int. 4.—Is not this landing on the land claimed of a Mr. Bradford and his wife?

Ans.—I am under the impression it is.

(Mr. Cushing objects to the question and the answer both.)

Int. 5.—You have twice stated, in reply to re-examination, that on the Washington Territory side there is a public highway, and that passengers pass freely as they please. Do you wish to be understood that there is not a public highway over which these passengers can pass, if they please, on the Oregon side of the Cascade Portage?

Ans.—I have no positive information as to the portage on the Oregon side.

Int. 6.—Was not the railroad and common road, if any, on the Oregon side, the private property of a person named Ruckle, and used and controlled by him exclusively, or nearly

so, for the accommodation of freight and passengers on a certain line of steamboats?

Ans.—Colonel Ruckle exercised ownership over a portion of the land, and my impression is, built the road under a charter from the Oregon Legislature; I am not familiar with any exclusive privilege exercised by him.

Int. 7.—You have stated that the railroad on the Washington side of the Cascade Portage was a public railroad. Do you not know that the freight going up the river on a line of steamboats not connected with the parties owning this road was taken over this portage, and that of the Dalles, on the common road?

(Mr. Cushing objects to this question as designedly obscure, and intended to entrap the witness, and to introduce matters of illegal inference instead of fact.)

Ans.—I know of freight having gone over the common road.

Int. 8.—Was not the freight which you know to have passed over the wagon road that you have just spoken of, freight brought up the river by the Peoples' Line of steamers, the line not connected with the owners of the Portage railroad?

Ans.—Freight by the Peoples' Line of steamers was shipped over the common road.

Re-Examination-in-Chief.

Int. 1.—Was not this a public railroad, chartered by the Legislature?

Ans.—The Company built the road under a charter from the Washington Territory Legislature, with provisions similar to usual railroad charters.

Int. 2.—Do you mean to be understood as stating, in answer to the two last previous cross-interrogatories, that the officers of the railroad unlawfully, and in violation of their charter, excluded freight therefrom?

Ans.—No, sir.

Int. 3.—Have you any knowledge of any freight having been excluded from that railroad by its officers?

Ans.—I have not.

Int. 4.—State, if you know, for what reason, on the occasion or occasions of which you speak, such freight not being excluded from the railroad was transported by wagons.

(Objected to by Mr. Lander as assuming the facts that freight was excluded, when the witness merely stated that he personally did not know of any exclusion.)

(Mr. Cushing adheres to the question, because its object is to disprove an influence which the cross-interrogatories intended to imply contrary to the fact.)

Ans.—One of the owners of the Peoples' Line informed me they shipped their freight over the wagon road in order to secure a sufficient sympathy and influence to obtain a charter for another road, thus demonstrating one road was insufficient to do the business.

Cross-Examination Resumed.

Int. 1.—Have you not heard other reasons, given in conversations, for the course adopted by the Peoples' Line?

(Mr. Cushing objects to this question as incompetent, and as out of time.)

Ans.—None other than the Oregon Steam Navigation Company, when there was a rush of business, would send their own freight over the railroad first.

A. J. CAIN.

WASHINGTON, D. C., *December 19, 1866.*

Claim of the Hudson's Bay Company against the United States.

Deposition of *George W. Shoemaker*, taken at the request and in behalf of the United States, by agreement between Caleb Cushing, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF GEORGE W. SHOEMAKER.

Int. 1.—Please to state your name at length, your place of abode, and your official capacity, if any.

Ans.—George W. Shoemaker; at present in the city of

Philadelphia; I am in no business at present; have been in the Quartermaster's Department, and since that, been farming. I was farming in Walla-Walla Valley several years.

Int. 2.—Please to state during what years you were in the Walla-Walla Valley.

Ans.—I went there in 1858, and left there in 1864.

Int. 3.—Whether or not you had charge at any time of the sutler's store at new Walla-Walla, and had teams running to and from the landing at old Walla-Walla?

Ans.—I did have charge of the sutler's store, and had teams running as inquired of.

Int. 4.—State, if you know, at what time, and under what circumstances, the landing-place at old Walla-Walla came to be called Wallula.

Ans.—I think it was in 1862 that J. M. Van Syckle christened it Wallula. He was the government transportation agent stationed at old Fort Walla-Walla, also afterwards steamer agent—express agent.

Int. 5.—When Van Syckle went there, were the buildings of the old fort occupied by anybody?

Ans.—About that time occupied as an embarcadera by a few persons engaged in transporting goods up the Columbia river, and also some Indians were there fishing for salmon.

Int. 6.—State, if you know, whether there was any apparent occupation of the buildings by the Hudson's Bay Company or its agents.

Ans.—None, to the best of my knowledge.

Int. 7.—State, if you know, whether Van Syckle settled there in local business, and whether the same proved profitable or not.

Ans.—He kept a store, general grocery, of supplies; proved profitable at that time, under the gold excitement. Van Syckle's exertions caused Wallula to be an important place. After the gold excitement died out, business declined, until Umatilla sprung into existence some twenty-odd miles below on the Columbia river, which turned the trade from Wallula, and Van Syckle became a ruined man.

Int. 8.—How many buildings were constructed there at the

landing during the period of its prosperity or before, and what is their present condition?

Ans.—Some twenty-five or thirty; of which the principal building was constructed by Mr. Van Syckle and his partner Tatem; the other buildings were what is commonly called balloon frames, with one or two exceptions, being very cheap structures, the cheapest known to carpenters, and some of them part or wholly of canvas. After Mr. Van Syckle became embarrassed, the place went down; nearly all the buildings ceased to be occupied, or to have any value as buildings, and a number of them were torn down and the materials sold for lumber. One building was sold to the Government for a storehouse.

Int. 9.—Please to state the condition and apparent value of the old buildings of the Hudson's Bay Company there.

Ans.—The whole place was in a dilapidated condition; the buildings were built of adobes. At the time I saw the old buildings, they were worth from \$500 to \$1,000, provided anybody wanted them.

Int. 10.—State what means of personal knowledge you have concerning these buildings, and whether or not, by profession or experience, you are a judge of the value of the buildings.

Ans.—My business called me there for several years. Being a house builder and carpenter by trade, I consider myself a judge of the value of buildings.

Int. 11.—Please to state whether those buildings, as they stood when you first saw them, were or were not capable of any beneficial use.

Ans.—None of them tenantable.

Int. 12.—Whether or not was the landing-place enclosed in, or the open beach or bank of the river?

Ans.—No enclosure; open beach and bank of the river, common to all.

Int. 13.—What trade now stops at Wallula?

Ans.—The California Steam Navigation Company and some sail vessels touch there, on their way up the river; also, a stage line runs there, in connection with the steamers, and teams

haul up the valley. Most of the goods of the trade there are for the Walla-Walla Valley.

Int. 14.—In addition to Umatilla, below Wallula, is there any place or places above, which have affected, by competition, the business at Wallula?

Ans.—The town of Lewiston has. It has taken all the upper trade from it.

Int. 15.—Are all the supplies for the valley of the Walla-Walla, through the whole year, landed at Wallula, or are they conveyed partly by some other route?

Ans.—They are conveyed to a great extent by another route. That route is overland from the Dalles city.

Int. 16.—At the time of your last being at Wallula, what persons were doing local business there, if any, and what kind of business?

Ans.—I do not remember their names. There are two houses selling goods there—small stocks, small retail business—and one person selling bad whiskey. There had been a hotel there, but it was being closed up for want of business.

Int. 17.—Have you personal knowledge of the quality of the land at and around old Walla-Walla; and, if so, what are your means of knowledge, either by observation or by practical experience? And, if so, state the same.

Ans.—I have such knowledge. My means of knowledge were by observation and practical experience in farming and teaming. For several miles around old Fort Walla-Walla, it is nothing but sand, rocks, and alkaline bottom-lands, and of no value for farming or grazing. The bottom-lands are subject to overflow, which prevents the cultivation of the few acres that might otherwise be cultivated.

Int. 18.—Who is the nearest settler to old Fort Walla-Walla?

Ans.—A man by the name of Pambrill, about two and a half to three miles up the Walla-Walla river; and he does not live by farming, but by fish or game and teaming.

Int. 19.—Please to state what you know regarding the Hudson's Bay Company's farm.

Ans.—It is about 18 or 20 miles from old Fort Walla-Walla,

up the river, on the east side. I do not know the extent of it; it is immediately west of the Whitman farm; it is called the Protestant Mission.

Int. 20.—What was the value of the said farm when you first saw it, and now?

Ans.—Cannot form any idea, not knowing the boundaries.

Int. 21.—Whether or not the farms in that region have any value, independently of actual occupation and improvement?

Ans.—Very little, if any.

Int. 22.—State, if you know, what has been the chief cause of value to Wallula, and to cultivation in the valley of the Walla-Walla.

Ans.—The establishment of the Government post in Walla-Walla Valley. The post created the town of Walla-Walla, and in order to draw settlers there, for the supply of the post, it became necessary for the officers of the Government to encourage settlers to come there by the supply of seeds and other proper means, including, in some cases, farming implements and teams, which obviated the necessity of bringing grain from Vancouver at great expense to the Government. The families there previously were half-breed families, or Canadians, or others, and those, not many in number, sent there for trapping in former years, and who did not cultivate the land, except in little garden spots, affording no surplus.

Cross-Examination.

Int. 1.—When did you leave Wallula?

Ans.—In November, 1864, and have not been there since.

Int. 2.—During the summer of 1864, were you engaged in the sutler's store at the military post in Walla-Walla Valley?

Ans.—I was.

Int. 3.—Was that your business all the time you remained in the valley of the Walla-Walla?

Ans.—No. I was there two years and ten months in that business; then farming for several years, in person.

Int. 4.—Where were you farming?

Ans.—On the west line of the Government military post.

Int. 5.—Were you on your own farm, or farming for others?

Ans.—On my own farm.

Int. 6.—Are you still the owner of that farm, or have you sold it?

Ans.—I have sold it.

Int. 7.—Was it land you had entered and paid for?

Ans.—Yes.

Int. 8.—How much did you sell your land for?

Ans.—Twenty-six hundred dollars—with the improvements and some furniture and farming implements.

Int. 9.—Is it your opinion that you obtained a fair price for your farm?

Ans.—I think I did, for the time I sold it.

Int. 10.—Did not Van Syckle or others repair and occupy a portion of the Hudson's Bay Company's old fort, Walla-Walla?

Ans.—Yes.

Int. 11.—At what time did the gold excitement go down?

Ans.—The Salmon river and Oro-Fino gold excitement died out in spring of 1862 or '63.

Int. 12.—Were there not, in the spring and summer of 1863, a large number of passengers and a great deal of freight landed at Wallula, passing to the Boisé mines?

Ans.—There was very little of the passengers of that excitement came to Wallula; the majority went to Umatilla.

Int. 13.—How many times were you at Umatilla in the spring and summer of 1863?

Ans.—Only once.

Int. 14.—Are you able, then, from your personal observation at Umatilla, to state the number of passengers that went there in 1863?

Ans.—I know it, not from observation alone, but from other circumstances.

Int. 15.—Were you farming in spring and summer of 1863?

Ans.—Yes.

Int. 16.—How far did you live from the main road leading from Wallula to the Boisé mines, and how far from the road leading from Umatilla to the Boisé mines?

Ans.—I was half a mile from the road leading from Wallula to Walla-Walla. I was six miles from the nearest direct road from Wallula to the Boisé mines. The next road from Umatilla to the Boisé mines was about twenty miles from me. My farm was about thirty miles from Wallula.

Int. 17.—Are not many buildings in the towns on the Pacific coast, in Washington Territory, built of balloon frames?

Ans.—The majority are built in that way.

Int. 18.—When did Van Syckle leave Wallula?

Ans.—He had not left when I came away.

Int. 19.—How many houses in Wallula did you see torn down in the fall of 1864?

Ans.—In the summer of 1864, I saw teams hauling lumber up from Wallula, and on inquiry, I was told it was buildings torn down at Wallula, and next time when I went there I saw where they had been torn down. I can't say how many buildings were torn down, from the fact that the materials were removed. I saw the space where the buildings had been.

Int. 20.—How many spaces did you see, from which buildings had had been removed, at the time you speak of?

Ans.—I don't know.

Int. 21.—Can you locate any particular spot in the town of Wallula from which the building had been removed?

Ans.—Next door to Samuel Crider's, or a few lots from it.

Int. 22.—What sort of a house was it?

Ans.—It was a wooden building.

Int. 23.—You have placed a value on the buildings of the Hudson's Bay Company?

Ans.—Yes; when I first saw them.

Int. 24.—At what time do you wish this valuation to be dated?

Ans.—1859.

Int. 25.—When you saw these buildings, at the time you placed the value upon them, were you any judge whatever of the value or cost of adobe buildings?

Ans.—Yes, sir; I have seen many of such locations. The value of a building depends a great deal on its location.

Int. 26.—Do not the steamers of the Navigation Company, for most of the year, stop at Wallula?

Ans.—Yes, sir; but a part of the year they run up as far as Lewiston.

Int. 27.—Is not Wallula, during the summer and fall months, the head of navigation on the Columbia river?

Ans.—It is, in the latter part of the summer; more particularly in the fall.

Int. 28.—At the time you left the valley of the Walla-Walla, had the new stage road through the Blue Mountains been finished?

Ans.—They were working on it still, though the stages were running on it.

Int. 29.—Were you at the town of Lewiston in the year of 1864, or any other time?

Ans.—I was, in the fall of 1863, and the spring of 1863.

Int. 30.—At the time you were at Lewiston, had the swerving excitement of the Oro-Fino and Salmon river mines beyond Lewiston ceased?

Ans.—No; it was in its height.

Int. 31.—Are you prepared, from your own knowledge of the trade and business at Lewiston, since the gold excitement ceased, as you have before stated, to say anything in reference to it?

Ans.—Nothing, of my own knowledge.

Int. 32.—What was the population of the Walla-Walla Valley at the time you left it?

Ans.—The vote for sheriff for that county was something less than 500; that was the summer I left.

Int. 33.—Did you leave the valley of the Walla-Walla the same summer which Mr. Cole was elected to Congress?

Ans.—I returned to New York December 15, 1864. I was just thirty-six days from Walla-Walla city to New York city.

Int. 34.—What is the distance by land from the Dalles to Walla-Walla?

Ans.—180 miles.

Int. 35.—What was the price per pound for freight from

the Dalles to Walla-Walla, by land transportation, in the spring and summer of 1864?

Ans.—From four to six cents per pound, and that taken out in trade sometimes.

Int. 36.—Immediately around Fort Walla-Walla, in the spring of the year, is there not bunch grass found amongst the sage brush?

Ans.—No, sir.

Int. 37.—Were you ever at Walla-Walla in the spring of the year?

Ans.—Yes.

Int. 38.—Across the river Walla-Walla, from the old fort on the bluffs, within three miles of the old fort, is there not bunch grass to be found at all seasons of the year?

Ans.—On top of the hills there is bunch grass three miles off. There is pretty good grazing on those hills in spots. Some call the grass sheep-grass.

Int. 39.—Was there no demand for the productions of the Walla-Walla Valley in the year 1863, and the part of 1864 that you resided there, except that afforded by the military post?

Ans.—None for grain, with the exception of Umatilla and Lewiston, and also Auburn.

Int. 40.—How many flouring mills, and how many run of stone in each mill, were there in the valley of the Walla-Walla, in 1864?

Ans.—There were two running; thinks he saw two run of stones, Sems's mill; another mill on Dry Creek.

Int. 41.—How many soldiers were there quartered at the military post in the summer of 1864?

Ans.—Some four to six companies; two of cavalry; three of the companies on my books.

Int. 42.—Why did you not have the balance of the companies on your books?

Ans.—I don't know that there were more than three companies. I understood that a part of the companies go out on expeditions, and some of them went out that summer. This

was a regular thing every summer. The post was built for a seven-company post.

Int. 43.—Do you feel certain that there were any companies sent out to meet the emigration in the year 1864?

Ans.—I could not swear positively on this point; I know it was a general thing to go out.

Int. 44.—Was there not a great mining excitement in 1863 and 1864 about the mines of Bois , and late in the summer of 1864, of Owyhee?

Ans.—There was no extraordinary excitement; there was some little excitement—I mean Walla-Walla.

Int. 45.—Do you know anything about the freight and passengers passing up Columbia river so as to be able to say whether there were more passengers and freight, or not, in 1863 and 1864, when you say there was no ordinary excitement, than in 1862, when you say there was an excitement?

Ans.—I saw that at Walla-Walla, and all over the country, in 1862, there was a general excitement, and the trade was then pretty equally divided between the Walla-Walla route and the Lewiston route, until the latter end of the excitement, when Lewiston had the best of it. There were a great many more passengers and freight in 1861 and 1862 than in 1863 and 1864.

G. W. SHOEMAKER.

December 19, 1866.

Claim of the Hudson's Bay Company against the United States.

Deposition of *George B. Simpson*, taken at the request and in behalf of the United States, by agreement between Caleb Cushing, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF GEORGE B. SIMPSON.

Int. 1.—What is your name, residence, and occupation?

Ans.—George B. Simpson; late additional paymaster of

the United States Army ; temporary residence in Washington city, and a citizen of Oregon.

Int. 2.—Were you ever at Fort Hall, a post of the Hudson's Bay Company in what was Oregon Territory? If so, what time or times?

Ans.—Yes; in 1852 or 1855.

Int. 3.—What was the condition of Fort Hall at those times?

Ans.—The condition of the fort was very good at those times.

Int. 4.—Did the Hudson's Bay Company, at that time, have any trade with emigrants or with Indians at that post? And if so, state what was its nature?

Ans.—From what I saw, I judged they had a limited trade with the Indians; this was in 1852; but I did not learn that they had any trade with the emigrants. From what I saw, my impressions were, both in the years 1852 and 1855, that they merely held the post, under the treaty between the United States and Great Britain, guaranteeing them certain possessory rights.

Int. 5.—In 1855, did the Hudson's Bay Company have any trade with the Indians in furs at Fort Hall?

Ans.—I do not know that they had. From what I saw, I judged that they still retained a very limited trade.

Int. 6.—Were there any agents of the Hudson's Bay Company at Fort Hall in 1855; and, if so, how many?

Ans.—I saw one only—Mr. William Sinclair.

Int. 7.—Were there any cattle or horses owned by the Hudson's Bay Company at Fort Hall in 1855?

Ans.—Neither saw or knew of any cattle; they had some horses, but only a few.

Int. 8.—Were you ever at Fort Boisé, another post of the Hudson's Bay Company; and, if so, when?

Ans.—I was at Fort Boisé in 1852, 1853, and 1855.

Int. 9.—What was the condition and value of the buildings and land at the post in 1853?

Ans.—The buildings were in a dilapidated condition; the land was nearly a desert, with the exception of a little strip

along the river; the building and land I should judge to have been worth \$3,000.

Int. 10.—What was the value of these same buildings and land in 1855?

Ans.—Very little difference in their value. The buildings may have depreciated some.

Int. 11.—Was there any trade in furs, between the Hudson's Bay Company and Indians or trappers at Fort Boisé, at the times you were there; and, if so, how much?

Ans.—None, to my knowledge.

Int. 12.—What would you estimate to have been the value of the post at Fort Hall, including buildings and lands, when you were there in 1852?

Ans.—From my knowledge of such improvements in Utah, I judge them to have been worth about \$5,000. I include in this estimate the land and buildings. The land has no comparative value.

Cross-Examination.

Int. 1.—What length of time were you at Fort Hall in 1852 and 1855?

Ans.—In 1852, I was there most of one day. In 1855, I was the guest of Mr. Sinclair two or three days. In 1852, I was there about August 1; in 1855, in August..

Int. 2.—Was it from that visit in 1852 that you received the impression that the Company merely held the post under the treaty?

Ans.—It was partially from that visit and partially from the further fact that former agents of the Company were trading with the emigrants on their own account.

Int. 3.—Have you any personal knowledge of former agents of the Company trading with the emigrants on their own account?

Ans.—Yes, sir.

Int. 4.—State what former agents of the Company you saw trading with the emigrants, and at what time and places.

Ans.—Mr. McArthur, Mr. Mayett, and, I think, Mr. Grant;

but I am not positive about the last. I know that Mr. McArthur was a former agent of the Company, but I do not know that the others were. Nearly all the trading with the emigrants was done by persons not connected with the Company.

Int. 5.—Do you, from your own personal knowledge, know at what periods of the year furs were brought into Fort Hall to trade by trappers and Indians?

Ans.—I do not.

Int. 6.—Is your personal knowledge of the trade at Fort Hall confined to the day you spent there in 1852 and the two or three days spent there in 1855?

Ans.—No, sir.

Int. 7.—What other days were you there than those you have mentioned?

Ans.—No other time.

Int. 8.—What do you mean by personal information, other than what you saw in 1852 and 1855?

Ans.—Information derived from others; one of whom, Mr. Sinclair, was an officer of the Company—the agent at Fort Hall in 1853 and 1855.

Int. 9.—Did you go out upon the range at either time that you were at Fort Hall?

Ans.—I did not go out upon any special range; I passed up the river bottom from the emigrants' trail to the fort; and, in 1855, I passed up the bottoms, between one and two miles, to Mr. McArthur's trading-post, then crossed the river, above the fort.

Int. 10.—In making your valuation of the land and buildings at Fort Boisé, how much land did you include as belonging to the Company?

Ans.—I did not include any specific amount of land, as it was nearly all a sage plain, and of no comparative value.

Int. 11.—Have you not seen sage plains cultivated by means of irrigation?

Ans.—I have seen them so cultivated.

Int. 12.—What length of time were you at Fort Boisé, at your different visits, and at what seasons of the year?

Ans.—I was at Fort Boisé about one day each in 1852 and 1853; and in 1855 I was there three or four, and I may have been five, days.

GEORGE B. SIMPSON,
Late Add'l Paymaster U. S. A.

WASHINGTON CITY, D. C., *December 21, 1866.*

DISTRICT OF COLUMBIA, }
County of Washington. } *ss.*

I, Nicholas Callan, a notary public in and for the county and District aforesaid, do hereby certify that the foregoing depositions, hereunto annexed, of Robert J. Atkinson, George Clinton Gardner, Marcus A. Reno, Lewis S. Thompson, A. J. Cain, George W. Shoemaker, and George B. Simpson, witnesses produced by and on behalf of the United States in the matter of the claims of the Hudson's Bay Company against the same, now pending before the British and American Joint Commission for the adjustment of the same, were taken before me at the office of said Commission, No. 355 H street north, in the city of Washington, District of Columbia, and reduced to writing, under my direction, by a person agreed upon by Caleb Cushing, Esq., attorney for the United States, and Edward Lander, Esq., attorney for said Company, beginning on the 6th day of August, 1866, and ending on the 21st day of December, 1866, (excepting the resumed examination of George Clinton Gardner, which was commenced on the 23d April and concluded on the 30th April, 1867,) according to the several dates appended to the several depositions, when they were signed respectively.

I further certify that to each of said witnesses, before his examination, I administered the following oath:

“You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United States of America shall be the truth, the whole truth, and nothing but the truth, so help you God.”

And that, after the same was reduced to writing, the depo-

sition of each witness was carefully read and then signed by him.

I further certify that Caleb Cushing, and Edward Lander, Esqs., were personally present during the examination and cross-examination of all of said witnesses, and the reading and signing of their depositions.

Witness my hand and notarial seal this 19th day of June,
[L. s.] A. D. 1867.

N. CALLAN,
Notary Public.

BRITISH AND AMERICAN JOINT COMMISSION
ON THE
HUDSON'S BAY AND PUGET'S SOUND AGRICUL-
TURAL COMPANIES' CLAIM.

*In the matter of the Claim of the Hudson's Bay Company vs.
The United States.*

Deposition of Major General Philip H. Sheridan, a witness sworn and examined in the city of New Orleans, in the State of Louisiana, by virtue of the commission hereto annexed, issued by the Honorable John Rose and the Honorable S. Johnson, commissioners, to me, the undersigned commissioner, directed, for the examination of the said witness, in the matter of the claim of the Hudson's Bay Company against the United States of America.

TESTIMONY OF PHILIP H. SHERIDAN.

Philip H. Sheridan, Major General in the Army of the United States, now on duty at the city of New Orleans, a witness produced on the part and behalf of the United States, being first by me, said commissioner, duly and solemnly sworn, pursuant to the directions hereto also annexed, in answer to the interrogations and cross-interrogations propounded to him in the matter aforesaid, deposes and says as follows, to wit:

Ans. 1.—To the first interrogatory he saith: Major General Philip H. Sheridan, United States Army; city of New Orleans, State of Louisiana.

Ans. 2.—To the second interrogatory he saith: I was in Washington Territory from about the 1st of October, 1855, until some time in May, 1856. During this period I was on the expedition against the Lakina Indians, and stationed, for

short intervals, at the Dalles of the Columbia, Fort Vancouver, and the Cascade of the Columbia.

Ans. 3.—To the third interrogatory he saith: I am acquainted with the military post of Vancouver. As to whether the ground covered by the garrison was previously occupied by the Hudson's Bay Company or not, I cannot say. I have heard it said that the Hudson's Bay Company claimed the ground upon which it was built. Outside of the garrison fence, I think immediately south of the garrison, was what was called the Hudson's Bay Company's establishment, which was surrounded by a square or rectangular picket, with block-houses inside at diagonal corners. The establishment comprised some six or seven very large, gloomy-looking frame structures of wood, rudely built, and, from their appearance, very old. There was also a house occupied by the store, nearly as rude as the others, but a little more cheerful, with a ceiled floor, making an up-stairs store-room or extensive garret. There was no covering above the up-stairs room but the roof, if I recollect right. Then there was the chief factor's house, very old, but a little more modern in appearance, with a portico covered with grape vines. There were, in addition, several smaller houses, in which the servants of the Company lived, very ordinary in construction. These servants were composed of half-breed Indians, Ranches, or mixed races; or, if the heads of the families were white, their families were half-breeds, quadroons, or octoroons. These houses were all insignificant in appearance and construction. Outside of this picketed establishment there were several small houses of very insignificant value, occupied by the same character of people. These houses were so frail and so contemptible that I have known some of the vicious teamsters of our Quartermaster's Department, in driving their teams, strike the corners of some of these houses with the hubs of their wagon wheels, and render them uninhabitable by the collision. The large, gloomy store-houses inside the picket enclosure were, I think, very old; they had the look of primitive construction, and had the decay of old age.

Ans. 4.—To the fourth interrogatory he saith: I cannot

answer this question directly, but can give my feelings in reference to these buildings and improvements at the time. They were situate, I think, three-fourths of a mile from the river, and were of no value as store-houses, because inconvenient from the location. Doubtless they were important for the storage of furs; but the settlement of the country, and the progress attending it, would cause people to choose other places for storage, which gave them the advantages of modern improvements and less portorage. I can recollect very well that my impressions at the time were that it would be a good thing if they would burn down. In this, of course, I was only estimating their actual value. Since then I have had some experience of the value realized for buildings put up for special purposes, and, by the progress of events, becoming inconvenient and unnecessary. Structures, for instance, like the cavalry stables erected in this instance, were necessary and valuable when put up, costing about (\$290,000) two hundred and ninety thousand dollars; and when found unnecessary, these stables were sold at five thousand dollars or six thousand dollars, and the boards and framework of these stables were new, the structure new, the timbers new, and the demand created by the contiguity of a large city of two hundred thousand inhabitants. So we may say that the storehouses of the Company were, by the almost entire cessation of the fur trade and the progress of settlement, rendered useless and unnecessary, and their actual worth could have been but little, as there was no market for the materials, even if they were sound. I might also say the same of the Sedgwick Hospital, erected in the vicinity of this city. It cost over seven hundred thousand dollars, (\$700,000,) and is perhaps the finest military hospital in the United States. It was erected for a special purpose, and fulfilled its object; but if sold now, the material would not bring twenty thousand dollars, (\$20,000.)

Ans. 5.—To the fifth interrogatory he saith: I have not.

Ans. 1.—And to the first cross-interrogatory he saith: There were hostilities existing with the Lackina Indians and some of the Indians on Puget's Sound.

Ans. 2.—To the second cross-interrogatory he saith: I did not.

Ans. 3.—To the third cross-interrogatory he saith: My impression of the buildings came from visiting the Hudson's Bay Company's officers, and from a variety of other circumstances connected with my official duties while residing there.

Ans. 4.—To the fourth cross-interrogatory he saith: I cannot give the number of buildings inside of the fort or stockade.

Ans. 5.—To the fifth cross-interrogatory he saith: I cannot say; I think there were one or two large store-houses down near the bank of the Columbia River. These two store-houses were the only buildings I considered of any particular value, and that was on account of their location. They were both very old and out of repair. One of them was occupied by Capt. McFeeley, as a commissary store-house for a short time.

Ans. 6.—To the sixth cross-interrogatory he saith: I have placed no value on the buildings. I have some experience in buildings, but can give you no idea of the amount of lumber in any of them.

Ans. 7.—To the seventh cross-interrogatory he saith: For the value I have placed upon them, I refer you to my answer, hereinbefore made, to the fourth direct interrogatory.

Ans. 8.—To the eighth cross-interrogatory he saith: I do not exactly recollect the price of lumber at Vancouver at that time; but subsequently, in the Willamette Valley, at Oregon city, and other points higher up the valley, I purchased lumber at fair prices.

Ans. 9.—To the ninth cross-interrogatory he saith: Of the number I have no knowledge.

Ans. 10.—To the tenth cross-interrogatory he saith: I cannot tell precise dates. I visited Vancouver several times between October, 1855, and September, 1861. I was then stationed in Oregon.

Ans. 11.—To the eleventh cross-interrogatory he saith: I did not pay any particular attention to the lands of the Company, for the opposite reason which I have given for putting a very light value on the structures of the Company—we might consider the lands occupied by them as increasing in value.

Ans. 12.—To the twelfth cross-interrogatory he saith: I was a second Lieutenant, Fourth Infantry, United States Army.

P. H. SHERIDAN,
Major General U. S. A.

Examination taken, reduced to writing, and by the said witness subscribed and sworn to, this the thirtieth day of the month of November, in the year of our Lord one thousand eight hundred and sixty-six.

In faith whereof I have hereunto subscribed my name and affixed my seal as Commissioner aforesaid, at my office in the said city of New Orleans, the day and year above written.

JAS. GRAHAM,
Commissioner.

In the matter of the Claim of the Hudson's Bay Company against the United States of America.

To James Graham, Commissioner, New Orleans, Andrew Hero, Jr., Notary Public, New Orleans, or any other person duly authorized to take depositions in the State of Louisiana:

Know ye, that in confidence of your prudence and fidelity, you have been appointed, and by these presents you, or any one of you, is invested with full power and authority to examine Major General Philip H. Sheridan, on his corporal oath, as a witness in the above-entitled cause, upon the interrogations annexed to this Commission on the part of the United States, and the cross-interrogatories thereto annexed by the Hudson's Bay Company.

Therefore, you are hereby required, that you, or either of you, at certain days and places, to be appointed by you for that purpose, do require the said Major General Philip H. Sheridan to come before you, and then and there examine him on oath on said interrogatories, and reduce the same to writ-

ing, in conformity with instructions hereto annexed. And when the said deposition shall have been completed, you will return the same, annexed to this writ, closed up under your seal, and addressed, by mail, to George Gibbs, Esq., Clerk of said Commission, at the office thereof, in the city of Washington.

Witness:

ALEXANDER S. JOHNSON,
Commissioner.
JOHN ROSE,
Com. for Great Britain.

INSTRUCTIONS.

BRITISH AND AMERICAN JOINT COMMISSION ON HUDSON'S BAY
AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

*In the matter of the Claim of the Hudson's Bay Company against
the United States of America.*

INSTRUCTIONS FOR THE EXECUTION OF THE COMMISSION.

The deposition may be preceded by the following heading:

"Deposition of ———, a witness sworn and examined in the city of New Orleans, in the State of Louisiana, by virtue of this Commission, issued by the Honorable John Rose and the Honorable Alexander S. Johnson, Commissioners, to me directed, for the examination of a witness in the matter of the claim of the Hudson's Bay Company against the United States of America."

The Commissioner then calls the witness before him, and administers to him the following oath, namely:

"You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United States of America shall be the truth, the whole truth, and nothing but the truth, so help you God."

The witness having been thus sworn, the evidence given by him will be reduced to writing, thus:

"*Philip H. Sheridan*, Major General in the Army of the

United States, now on duty at the city of New Orleans, a witness produced on the part and behalf of the United States, in answer to the following interrogatories and cross-interrogatories, deposes and says as follows:”

When the deposition of the witness is concluded, he must subscribe his name thereto.

The deposition, with all documents and papers, if any, accompanying the same, will be returned before the Commissioners with all convenient diligence.

Attest:

GEORGE GIBBS,
Clerk.

In the matter of the claims of the Hudson's Bay Company, now pending before the British and American Joint Commission on the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States.

Interrogatories to be addressed, on behalf of the United States, to Major General Philip H. Sheridan, now stationed at New Orleans, in the State of Louisiana.

Ques. 1.—What is your name, place of residence, and present occupation?

Ques. 2.—Have you ever resided in Washington Territory; if yea, where and when, and for how long a period?

Ques. 3.—Are you acquainted with the post in Washington Territory, called Vancouver, that was formerly occupied by the Hudson's Bay Company? If yea, will you please to describe the same, as it was, when it came under your personal observation, giving, as fully as you can, the number and character of the buildings and improvements which were in the possession of the Company, and the extent of land which was occupied by them, and the nature of their occupation.

Ques. 4.—What, in your judgment, was the value of the buildings and improvements at that post, which were claimed and occupied by the Company, at the time that you had an opportunity to observe them?

Ques. 5.—Have you any knowledge of any other matter which may affect the claims of the Hudson's Bay Company

against the United States? If yea, please to state the same as fully as if you were specially interrogated in relation thereto.

C. CUSHING,
Counsel for the United States.

In the matter of claims of the Hudson's Bay Company now pending before the British and American Joint Commission on the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies against the United States.

Cross-interrogatories to be addressed, on behalf of the Hudson's Bay Company, to Major General Philip H. Sheridan, now stationed at New Orleans, in the State of Louisiana.

Ques. 1.—During the time you were stationed at Fort Vancouver, was there not an Indian war going on in Washington Territory?

Ques. 2.—Did you at any time give a particular examination to the Hudson's Bay Company's fort at Vancouver, with a view to ascertain the number and condition of the buildings, so far as regarded decay and repair or necessity for it?

Ques. 3.—Is not any knowledge you may have of those buildings and their condition derived from your casual observations made while going in or out of the fort for business, or on visits to the officers of the Company?

Ques. 4.—Can you give the number of buildings inside the fort in 1856, stating how many of them were store-houses, how many were dwelling-houses, how many small shops, what the size of the largest dwelling-house was, what that of the smallest? If so, please give the answer in the order in which the questions are put.

Ques. 5.—How many buildings were there outside the fort or stockade?

Ques. 6.—If you have placed any value on those buildings, you will please state whether you have any experience in

building, or can estimate by mere observation the amount of lumber in any given building. If your answer is yea to this question, then state how much lumber there was in the house of the chief factor, and what its value was in material alone.

Ques. 7.—Has not any value you have placed on those buildings been a value based upon their use to the United States, whose they then were, and not an estimate having reference to their value to the Company or any person other than the United States?

Ques. 8.—Were you acquainted with the cost of lumber or the price of labor at Vancouver at the time at which you have valued those buildings, if at all?

Ques. 9.—How many buildings of the Company outside of the stockade were removed or burnt down while you were at Vancouver?

Ques. 10.—Please to state for how much of the time you spent in Oregon and Washington you were stationed at Vancouver, giving, if you can recollect them, the dates of your arrival at and departure from there?

Ques. 11.—Please to state whether, during the time you were stationed at Vancouver, you paid any particular attention to the lands of the Hudson's Bay Company, their enclosures, fields, and orchards, with any view to a definite and certain knowledge of them, or whether your observations were those of a casual nature, feeling no particular interest in the subject, and your knowledge thus acquired slight, and neither accurate or positive.

Ques. 12.—What was your rank in the Army of the United States while you were in Washington Territory?

CHAS. D. DAY,

Counsel for the Hudson's Bay Company.

Deposition of Rear Admiral Charles Wilkes, U. S. N., sworn and examined in the city of Charlotte, county of Mecklenburg, State of North Carolina, in behalf of the United States of America, by virtue of an agreement between

Charles C. Beaman, Jr., Esq., agent and attorney for the United States of America, and Edward Lander, agent and attorney for Hudson's Bay Company, before me, Charles Overman, a justice of the peace in and for the city of Charlotte, county of Mecklenburg, State of North Carolina.

TESTIMONY OF REAR ADMIRAL CHARLES WILKES.

Int. 1.—Are you the same Rear Admiral Charles Wilkes who testified in the case of Puget's Sound Agricultural Company against the United States?

Ans.—I am.

Int. 2.—When on your exploring expedition in the year 1841, state whether or no you visited and made a map of the Columbia river and the adjacent country.

Ans.—I did.

Int. 3.—Whether or no you made a report of what you and your officers saw and learned at that time. If so, state by whom it was written, and by what authority it was published.

Ans.—I did make a report, written by myself, from my own notes and observations; and it comprises reports, and official reports of officers and scientific gentlemen attached to the expedition, completed and published by the authority of Congress.

Int. 4.—Whether or no you visited at that time Astoria, a station of the Hudson's Bay Company? If so, state its situation and what you saw.

Ans.—I did visit it. It is situated (11) eleven miles from the bar, on the left bank of the river, on elevated ground rising from the river. It covers the space of about twenty (20) acres, or thirty, (30,) on which buildings could be erected. There was one dwelling-house, of moderate dimensions, one (1) story, and several out-buildings. A garden of about two (2) acres of ground, all in a dilapidated condition. About two (2) acres were enclosed. The two acres cultivated were enclosed.

Int. 5.—How many officers and men of the Hudson's Bay Company were stationed there?

Ans.—Mr. Birnie was the officer, and half dozen servants.

Int. 6.—Whether or no, in your report, you made this statement in regard to the post at Astoria: “The Company paid little regard to it, and the idea of holding or improving it as a post has long since been given up;” and whether or no you made this statement of your own knowledge, and now remember the same to be true.

Ans.—I made that statement from my own knowledge, in part, and from information derived from the officers of the Hudson’s Bay Company; and I now remember and believe the same to be accurate and true.

(Question and answer objected to, the introduction of all statements taken from the report of the witness objected to, and all information received from others, and all testimony except that which he gives from his own personal knowledge, as incompetent and irrelevant.)

Int. 7.—Were you at the station of Astoria more than once? If so, state how often, and about how long you have remained there.

Ans.—I was there twice: first time about (4) four days; second time some weeks there and in the vicinity.

Int. 8.—What do you consider the cost of the buildings at Astoria to have been; and what the value of the (2) two acres of ground enclosed at the time you were there?

Ans.—I suppose the cost of the buildings was five or six hundred dollars, and the value of the land probably twenty (20) or twenty-five (25) dollars per acre.

Int. 9.—Whether during the year 1841 you visited and surveyed Cape Disappointment. If so, state whether, at that time, the Hudson’s Bay Company had any post or buildings there.

Ans.—I visited it in 1841, and was very often employed on the cape and in its immediate vicinity, between it and Astoria. There was no habitation, nor an individual except myself and party, on the cape or its adjacent land during the whole period.

Int. 10.—What use did you make of the cape?

Ans.—I used it as a point of triangulation in my survey of the mouth of the river.

Int. 11.—What is the character of a mile square of land about the point and including the point?

Ans.—Abrupt, rocky, and uncultivated, and not susceptible of cultivation.

Int. 12.—What is the character of the harbor on the inside of the cape?

Ans.—It is a temporary roadstead.

Int. 13.—What is the value for public purposes of as much land as would be used and necessary for a suitable light-house and fort on this point?

Ans.—I should think five hundred (\$500) to be a high price.

Int. 14.—Whether or no you are acquainted with a place known as Pillar Rock, on the right bank of the Columbia; if so, describe it.

Ans.—I am acquainted with the rock. It stands about two hundred (200) yards, I should think, from the shore. The shore is perpendicular.

Int. 15.—Had the Hudson's Bay Company in 1841 any station or post at or near Pillar Rock?

Ans.—None whatever.

Int. 16.—Whether or no the Hudson's Bay Company had made at any time, before or during your visit, any claim to any land at Pillar Rock.

Ans.—None to my knowledge, nor did I hear of any.

Int. 17.—Whether or no there was any station of the Hudson's Bay Company on the right bank of the Cowlitz river where it enters into the Columbia, in 1841.

Ans.—There was none, and I should not have expected to find one, from the situation and character of the soil.

Int. 18.—What is the situation and character of the land described in the last question?

Ans.—Low; subject to be overflowed by both the Cowlitz and Columbia rivers.

Int. 19.—Whether you visited a place on the Willamette river known as Champoeg; if so, state what was its situation.

Ans.—I did. It was a low sandy point projecting from the right bank into the river. It was one of the landings at which

I stopped. It was low prairie, subject, as I was informed by Mr. Johnson, who lived near, to inundation.

(The statement on information of Mr. Johnson objected to as incompetent.)

Int. 20.—Whether the Hudson's Bay Company had any station at Champoeg in 1841.

Ans.—None.

Int. 21.—Whether or no you visited in 1841 a post of the Hudson's Bay Company on the Columbia river known as Vancouver?

Ans.—I did.

Int. 22.—Were you there more than once? If so, about how long were you there in all?

Ans.—I was there twice; the first time eight (8) or ten (10) days, second time three or four weeks, I think.

Int. 23.—By whom were you entertained?

Ans.—By Dr. McLoughlin the first time, and the second time by Dr. McLoughlin and Sir George Simpson.

Int. 24.—Whether or no that part of your report which describes the station at Vancouver was made from your own notes, and from what you yourself saw and heard.

(Objected to as irrelevant.)

Ans.—It was.

(The answer objected to also.)

Int. 25.—Whether or no you used this language in your report: "We came in at the back of the village, which consists of about fifty (50) comfortable log houses. The fort stands at some distance beyond the village, and to the eye appears like an upright wall of pickets twenty-five (25) feet high. This encloses the houses, shops, and magazines of the Company. The enclosure contains about four (4) acres, which appear to be under full cultivation. Beyond the fort large granaries are to be seen. At one end is Dr. McLoughlin's house, built after the model of the French Canadian, of one story, weather-boarded, and painted white. It has a piazza and small flower beds, with grape and other vines in front. Near by are the rooms for the clerks and visitors, with the blacksmith's and cooper's shops. In the centre stands

the Roman Catholic chapel, and near by the flag-staff. Beyond these again are the stores, magazines of powder, warerooms, and offices?"

Ans.—I did.

Int. 26.—Whether or no you, from your own knowledge, used the language just quoted, and now remember it, and declare the same to be true.

Ans.—Yes; I made it from my own knowledge, and as a general description. I remember it, and it is true.

Int. 27.—Whether or no you used this language in your report: "Everything may be had within the fort. They have an extensive apothecary's shop, a bakery, blacksmith's and cooper's shop, trade offices for buying, others for selling, others again for keeping accounts and transacting business?"

Ans.—I did, sir.

Int. 28.—Whether or no you, from your own knowledge, used the language just quoted, and now remember it, and declare the same to be true.

Ans.—It is, of my own knowledge. I perfectly remember it. It is true.

Int. 29.—Whether or no you used this language in your report: "Vancouver is the headquarters of the Northwest or Columbia department, which also includes New Caledonia. All the returns of furs are received here, and hither all accounts are transmitted for settlement?"

Ans.—I did.

Int. 30.—Whether or no you, from your own knowledge, used the language just quoted, and now remember it, and declare the same to be true.

Ans.—The knowledge is derived from the officers of the Company, Sir George Simpson, Dr. McLoughlin, Mr. Ogden, and Mr. Douglas. I remember it, and believe it to be true.

Int. 31.—Whether or no you used this language in your report: "The interiors of the houses in the fort are unpretending; they are simply finished with pine-board panels, without any paint; bunks are built for bedsteads; but the whole, though plain, is as comfortable as could be desired. Besides the storehouses, there is also a granary, which is a frame

building of two (2) stories, and the only one, the rest being built of logs?"

Ans.—I did.

Int. 32.—Whether or no, you, from your own knowledge, used the language just quoted, and now remember it, and declare the same to be true?

Ans.—I made it from my own knowledge, and fully remember that it was at that time true.

Int. 33.—What would you estimate the cost of the fort, dwelling-houses, store-houses, and all other buildings existing or near by the fort at Vancouver, to have been?

Ans.—I did estimate, while there, the cost of the erection of the fort and the accompanying buildings at the sum of about fifty thousand (\$50,000) dollars. Captain Hudson coincided with me in this estimate.

(Captain Hudson's opinion objected to as incompetent.)

Int. 34.—Whether or no you used this language in your report: "The farm at Vancouver is about nine (9) miles square. On this they have two dairies, and milk upwards of one hundred (100) cows. There are also two (2) other dairies situated on Wappatoo Island, on the Willamette, where they have one hundred and fifty (150) cows?"

Ans.—I did. Wappatoo Island, I understand, is now known as Sauvies' Island.

Int. 35.—Whether or no you, from your own knowledge, used the language just quoted, and now remember it, and declare the same to be true?

Ans.—No; this is not of my own knowledge, but knowledge derived from the officers of the Hudson's Bay Company. I remember their statements, and believe them to be true.

Int. 36.—Whether or no you used this language in your report: "One afternoon we rode with Mr. Douglas to visit the dairy farm, which lies to the west of Vancouver on the Callapuya;" [Cathlapootl] and do you remember it, and declare it to be true?

Ans.—Yes, sir; I did see it, and I do remember it.

Int. 37.—Whether or no you used this language in your report: "They have likewise a grist-mill and saw-mill, both

well constructed, about six miles above Vancouver on the Columbia river. I visited the grist-mill, which is situated on a small stream, but owing to the height of the river, which threw a quantity of back-water on the wheel, it was not in action. The mill has one run of stones, and is a well-built edifice. The saw-mill is two (2) miles beyond the grist-mill. A similar mistake has been made in choosing its position, for the mill is placed so low, that for the part of the season when they have most water they are unable to use it. There are in it several runs of saws, and it is remarkably well built. The quality of timber cut into boards is inferior to what we should deem merchantable in the United States, and is little better than our hemlock. They have a large smith-shop here, which, besides doing the work of the mill, makes all the axes and hatchets used by the trappers."

Ans.—Yes, sir.

Int. 38.—Whether or no you, from your own knowledge, used the language just quoted, and now remember it and declare the same to be true?

Ans.—From my own knowledge, drawn from observation, I remember it, and declare the same to be true.

Int. 39.—What do you estimate the cost of all the buildings on the farms about Vancouver and at Sauvie's Island, of the grist and saw-mills, together with the large smith's shop, to have been?

Ans.—The cost of the four dairies might have been from one hundred and fifty (150) to two hundred (\$200) dollars each, that of the grist-mill three hundred (\$300) dollars, and that of the saw-mill and blacksmith shop four thousand five hundred (\$4,500) dollars. The cabins at the 2 mills were worth one thousand (\$1,000) dollars.

Int. 40.—Whether or no you used this language in your report: "The stock on the Vancouver farm is about three thousand (3,000) head of cattle, two thousand five hundred sheep, and about three hundred brood mares?"

Ans.—I did, and the information was derived from the officers of the Company, and I remember it, and believe it to be true.

Int. 41.—Whether or no you ever heard or knew of any particular boundaries or lines, natural or artificial, to the Hudson's Bay Company's lands or pasturage at Vancouver?

Ans.—I never did. The Company told me they had nine miles square. I know of no maps or descriptive boundaries in existence.

Int. 42.—What would you estimate the value of a tract of land extending in front along the bank of the Columbia river from a point a few miles above the saw-mill, to the Callapuya [Cathlapootl] river about twenty-five (25) miles, and backward from the Columbia river about ten (10) miles?

Ans.—As an agricultural space or area, with the exception of a mile square about Vancouver, for agricultural purposes my estimate would be a little above that of the public lands per acre, say from one dollar and twenty-five cents (\$1.25) to one fifty (\$1.50) per acre. The space from about a mile and a quarter to a mile and a half to the westward, where the Callapuya [Cathlapootl] comes to its mouth, some fifteen (15) miles, and back from the river some five (5) miles in breadth is entirely submerged, with the exception of a few knolls and the river bank, in the months of June and July, by the waters of the Columbia, so as to preclude any raising of grain, and unfit, therefore, for any crops. Above the fort some three (3) miles it is in like manner submerged. With reference to the high prairie, the soil is there of the character of the high prairie—gravelly and thin.

Int. 43.—Whether or no you used this language in your report: "From the circumstance of this annual inundation of the river prairies, they will always be unfit for husbandry, yet they are admirably adapted for grazing, except during the periods of high water. There is no precaution that can prevent the inroad of the water. At Vancouver they were at the expense of throwing up a long embankment of earth, but without the desired effect."

Ans.—I made this statement, and remember the circumstances.

Int. 44.—About how many square miles of the tract of land

described in interrogatory No. 42 were subject to this annual inundation?

Ans.—Taking the dimensions given, about seventy-five (75) square miles below and about five square miles above Vancouver.

(All the above interrogatories which contain language purporting to be used by the witness in his report of an exploring expedition and the answers thereto, and all other questions and answers relating to said language, objected to as incompetent and irrelevant.)

Int. 45.—Whether or no Mr. Drayton, an officer connected with your expedition, was detached by you to ascend the Columbia river as far as Walla-Walla, a post of the Hudson's Bay Company, in the year 1841; if so, state whether he made an official report to you, and whether he is now alive.

Ans.—He did, under orders from me, make a part of the survey and a report of his observations. In obedience to my orders he went to Walla-Walla and the country beyond as far as the Grand Ronde in the Blue Mountains. He visited Walla-Walla. He is not alive; he died in 1859.

Int. 46.—Whether or not you used this language in your report: "Fort Walla-Walla is about two hundred (200) feet square, and is built of pickets, with a gallery or staging on the inside, whence the pickets may be looked over. It has two (2) bastions, one on the southwest and the other on the northeast. On the inside are several buildings, constructed of logs and mud; one of them is the Indian store; the whole is covered with sand and dust, which is blown about in vast quantities. The climate is hot and everything about the fort seems so dry that it appeared as if a single spark would ignite the whole and reduce it to ashes."

Ans.—Yes, sir.

(The above question and answer objected to as incompetent.)

Int. 46.—Whether or no you now remember that in the words just quoted you embodied a part of Mr. Drayton's official report to you?

Ans.—I do, and believe them to be true, both as to facts and circumstances.

(Above question and answer objected to as incompetent and irrelevant.)

Int. 47.—Whether or no you used this language in your report: “There is very little vegetation near the Fort, not only on account of the heat and dryness, but owing to the vast clouds of drifting sand, which are frequently so great as to darken the sky. In summer it blows here constantly, and at night the wind generally amounts to a gale;” and whether you remembered it to have embodied a part of Mr. Drayton’s report.

Ans.—I did use it, and firmly believe it to be true, both in facts and circumstances.

(The above question and answer objected to as incompetent.)

Int. 48.—Whether or no you detached Lieutenant Johnson, an officer under your command, to visit Forts Okanagan, Colville, and other places, and gave him these orders, and others: “Your inquiries at posts and forts will lead to much information of the country, with capabilities, productions, climate, soil, &c.; they will particularly embrace the following, viz: How long the posts or forts have been occupied; state of fur trade in the interior; number of forts established; where, and among what tribes.”

Ans.—I did.

(The above question and answer objected to as incompetent and irrelevant.)

Int. 49.—Whether or no Lieutenant Johnson visited Forts Okanagan and Colville and officially reported to you what he saw and learned there, and whether he is now alive.

Ans.—He did; he visited those forts in obedience to his orders, and made his report, including note-books, maps, and surveys, to me. He has been dead some six or seven years.

(The above question and answer objected to as incompetent and irrelevant.)

Int. 50.—Whether or no you used this language in your report: “Okanagan is situated on a poor, flat, sandy rock, about two miles above the junction of the river of that name with the Columbia. It is a square, picketed in the same manner as those already described, but destitute of bastions; and re-

moved sixty (60) yards from the Columbia, within the pickets, there is a large house for the reception of the Company's officers, consisting of several apartments, and from each end of it two rows of low mud huts run towards the entrance. These serve as offices, and dwellings for the trappers and their families. In the centre is an open space. Besides the care of the barges for navigating the river, and the horses for the land journey to the northern posts, they collect here what skins they can. The country affords about eighty beaver skins during the year, the price of which is usually twenty charges of powder and ball. Some bear, marten, and other skins are also obtained, for which the prices vary, and it appears to be the practice of the Company to buy all the skins that are brought in, in order to encourage the Indians to procure them. At this post they have some goats and (35) thirty-five head of very fine cattle, which produce abundance of milk and butter. The soil is too poor for farming operations, and only a few potatoes are grown."

Ans.—I did.

(Above question and answer objected to as incompetent.)

Int. 51.—Whether or no you now remember that, in the words just quoted, you embraced a part of Lieutenant Johnson's official report to you?

Ans.—I do remember it, and believe the facts and circumstances therein stated to be accurate and true.

(Above question and answer objected to, as incompetent and irrelevant.)

Int. 52.—Whether or not you used this language in your report: "The largest stream passed was one near Colville, on which the Hudson's Bay Company have their grist-mill. Within two miles of the fort, the house of the Company's storekeeper was passed. Lieutenant Johnson having reached Fort Colville with his party, it was determined that they should spend three days there. Fort Colville is situated on the east bank of the Columbia river, just above the Kettle Falls. In this place, the river, pent up by the obstructions below, has formed a lateral channel, which nearly encircles a level tract of land containing about two hundred acres of rich soil. Of this peninsula about

one hundred and thirty acres are in cultivation, and bear crops composed chiefly of wheat, barley, and potatoes. Fort Colvile, like all the other posts of the Hudson's Bay Company, is surrounded by high pickets with bastions, forming a formidable defensive work against the Indians. Within the pickets all the dwellings and storehouses of the Company are enclosed. At Colvile the number of beaver skins purchased is but small, and the packs which accrue annually from it and its two outposts, Kootanay and Flatheads, with the purchases made by a person who travels through the Flathead country, amount only to forty, (40,) including the bear and wolf skins. Muskrats, martens, and foxes are the kinds most numerous in this neighborhood. The outposts above mentioned are in charge of a Canadian trader, who received his outfit from Colvile."

Ans.—I did.

(Above question and answer objected to as incompetent.)

Int. 53.—Whether or no you remember that in the words just quoted you embodied a part of Lieutenant Johnson's official report to you?

Ans.—I remember that I did embody part of his report, and believe the facts cited to be true.

(Question and answer objected to as incompetent and irrelevant.)

Int. 54.—Whether or no you detached Lieutenant Emmons, an officer under your command, and gave him this order and others: "Should you visit any of the forts or stations of the honorable Hudson's Bay Company, you will procure every information relative to them, together with that of any missionaries;" and whether or no he officially reported to you what he saw and learned in regard to Fort Umpqua?

Ans.—I did give him those instructions; and he made a full official report.

Int. 55.—Whether or no you used this language in your report? Fort Umpqua was, like all those built in this country, enclosed by a tall line of pickets, with bastions at diagonal corners. It is about two hundred (200) feet square, and is situated more than one hundred and fifty (150) yards from the river, upon an extensive plain. It is garrisoned by five

men, two women, and nine dogs, and contains a dwelling for the superintendent, as well as storehouses, and some smaller buildings for the officer's and servants' apartments?

Ans.—I did.

Int. 56.—Whether or no you now remember that in the words just quoted, you embodied a part of Lieutenant Emmons's official report to you?

Ans.—I remember that I did embody a part of his report in the words quoted, and believe the facts and circumstances related to be true.

(All the above questions relating to Lieutenant Emmons and the language relative to the Umpqua post, and the answers thereto, objected to as incompetent and irrelevant.)

Int. 57.—Whether or no you used this language in your report in reference to the tract of country known as Vancouver's Island, Washington Territory, and Oregon: "I satisfied myself that the accounts given of the depopulation of this country are not exaggerated, for places were pointed out to me where dwelt whole tribes that have been entirely swept off, and during the time of the greatest mortality the shores of the river were strewed with the dead and dying. This disease occurs, it is said, semi-annually, and in the case of foreigners it is more mild at each succeeding attack. Owing to the above causes, the population is much less than I expected to find it. I made every exertion to obtain correct information. The whole Territory may be considered as containing about (20,000) twenty thousand Indians; and this from a careful revision of the data obtained by myself and some of the officers I am satisfied is rather above than under the truth. The whites and half-breeds are between seven and eight hundred."

Ans.—I did; and now remember it to have been derived from the best authority.

(The above question and answer objected to as incompetent.)

Int. 58.—Whether or no you used this language in your report: "At Vancouver I was again kindly made welcome by Dr. McLoughlin, Mr. Douglas, and the officers of the establishment. During my absence, Mr. Peter Ogden, chief

factor of the northern district, had arrived with his brigade. Mr. Ogden had been (32) thirty-two years in this country, and consequently possesses much information respecting it, having travelled nearly all over it. Furs are very plenty in the northern region, and are purchased at low prices from the Indians. His return this year was valued at (\$100,000) one hundred thousand dollars, and this he informed me was much less than the usual amount. On the other hand, the southern section of this country, I was here informed, was scarcely worth the expense of an outlay for a party of trappers."

Ans.—I did.

(The above question and answer objected to as incompetent.)

Int. 59.—Whether or no you now remember the language just quoted, and declare the same to be true?

Ans.—I do.

(Question and answer objected to as incompetent.)

Int. 60.—Whether or no you used this language in your report: "The trade and operations of the Hudson's Bay Company are extensive, and the expense with which they are attended is very great. I am inclined to think that it is hardly possible for any one to form an exact estimate of the amount of profit they derive from their business on the west side of the mountains. The stock of the Company certainly pays a large dividend; and it is asserted that, in addition, a very considerable surplus has been accumulated to meet any emergency; yet it may be questioned whether their trade in Oregon Territory yields any profit, although it is now conducted at much less cost than formerly. This diminution of cost arises from the fact that a great part of the provisions are now raised in the country, by the labor of their own servants. The value of all the furs obtained on this coast does not exceed forty thousand (£40,000) pounds annually; and when the costs of keeping up their posts, and a marine composed of four ships and a steamer, is taken into account, and allowances made for losses, interest, and insurance, little surplus can be left for distribution. I am, indeed, persuaded that the proceeds of their business will not long exceed their expenses, even if they do so at present. The statement of the Com-

pany's affairs presents no criterion by which to judge of the success of their business on the Northwest coast. I learned that it was the general impression among the officers that such has been the falling off in the trade that it does not now much more than pay the expenses."

Ans.—I did.

(Question and answer objected to as incompetent.)

Int. 61.—Whether or no you now remember the language just quoted, and declare the same to be true?

Ans.—I do.

(Question and answer objected to as incompetent.)

Int. 62.—What opportunities did you have for learning the value of the trade of the Hudson's Bay Company?

Ans.—I had a great many opportunities of learning, in conversation, and eliciting opinions, in relation to the then value, as well as future prospects, of the trade in furs and peltries obtained, the modes of trapping, fitting out, discipline, and operations at their various posts, the times and seasons best suited for the conveyance of the articles dealt in, both by land and water, and also information in regard to the climate, and the character and numbers, and intercourse with the Indians. Also, the emigration from the States, and the condition in which the parties arrived in the Territory, together with the routes most practicable through the Rocky Mountains.

(Question and answer objected to as incompetent.)

Int. 63.—What do you mean by the southern section of this country?

Ans.—The section south of [the] 49° parallel.

Cross-Examination.

Int. 1.—How many buildings and out-buildings were there at Astoria?

Ans.—I think about five (5.)

Int. 2.—How many of these were main buildings, and how many out-buildings?

Ans.—I think there was one main building; Birnie's headquarters had two rooms.

Int. 3.—How many sheds were there?

Ans.—I should like to know the definition of a *shed*.

Int. 4.—Have you not stated and caused to be published in the year 1850 the following about the post at Astoria: “Half a dozen log houses, with as many sheds, and a pig-stye or two, are all that it can boast of.”

Ans.—It was published in 1845. The paragraph alluded to was descriptive of the famous Astoria as it first met my eye in the morning after my arrival, and it is accurate as a descriptive view of it embraced in the landscape.

Int. 5.—In estimating the cost of buildings at Astoria, did you make your estimate of their cost at the time you saw them from their then appearance or not?

Ans.—Having given my estimate of their cost in the direct examination, I make the same answer I did then.

Int. 6.—Do you now say that the cost of those buildings at the time of their erection was five or six hundred dollars?

Ans.—I do not know when they were erected, but I say that they ought not to have cost more than that.

Int. 7.—What is the value to the United States of a position on which a light-house can be erected, and a fortification built, commanding to some extent the entrance of one of the largest rivers within its domain?

Ans.—I think it is of no value to the United States, but of great value to the commercial world, if a light-house is needed there. I am of the opinion, and always have been so, from the knowledge I have of the Columbia river and its approaches, that where the light-house is placed it is useless. Its proper position should have been on the top of the cape, solely for the purpose of indicating the position of the cape to vessels approaching at night. No light-house can be of any service for any vessels entering the Columbia river at night. For that reason I deem it useless where I understand it has been placed.

Int. 8.—Was there any settlement or clearing whatever at any place on the right bank of the Cowlitz when you were there?

Ans.—No, sir.

Int. 9.—Did you notice, within two miles of the place you called Champoeg and described as low prairie, any higher ground on the same bank of the river?

Ans.—Yes, sir, I did. The low prairie terminates a short distance below the sandspit of Champoeg. There the rocky ledge rises some fifteen hundred (1,500) feet in height, and continues on the other side of the river, and back on the same side, extending down the river some fifteen miles, to where the Willamette river falls abruptly some fifteen or twenty feet. All this tract with rocky ledges is unsuitable for cultivation. Above Champoeg, on the right bank of the Willamette river, the lower prairie extends a long distance, some four or five miles in width; thence it rises to a second, and finally to the upper prairie.

Int. 10.—You have estimated the cost of the erection of the fort at Vancouver and the accompanying buildings. Do you know the date when they were built, the cost of labor at the time, the value of the materials, or the danger from Indians to be guarded against?

Ans.—I do not know the time the buildings or the pickets of the lower fort were put up. The building of the original forts on the second steppes is alleged to have been in 1825, at which time it is deemed that no establishment could be erected on the lower prairie, on account of its overflow. It was subsequently built, and the estimate I have formed of the cost of the buildings is derived from information given me by Dr. McLoughlin, Sir George Simpson, Mr. Ogden, and Mr. Douglas, who described to me the facility and speed with which such buildings could be constructed; likewise the quantity of lumber and the materials used in the construction. At the time of its building, and from the nature of its pickets, without defences, it was evident that all apprehension from attacks of Indians had passed.

Int. 11.—How long did you stop at the saw-mill and grist-mill at the time you say the water had backed up so as to affect the running of the mill?

Ans.—I suppose I was there some three hours; ample time to inspect the whole establishment, and to take lunch.

Int. 12.—Did you ever visit and inspect these mills at any other time, and is all your personal knowledge from observation derived from the visit you have described in your last answer?

Ans.—No, sir; I think I rode out there several times during my stay.

Int. 13.—Were these rides you have mentioned taken at the time of your first or second visit to Vancouver?

Ans.—My second visit.

Int. 14.—At the time of your second visit to Vancouver what was the stage of the water in the Columbia river?

Ans.—It was much lower than at the first.

Int. 15.—Could the mills you have spoken of, the saw and grist-mills, have been built without the aid of experienced or skilled workmen and millwrights?

Ans.—I think they could with an intelligent superintendent.

Int. 16.—Do you suppose that the person who superintended the erection of those mills and their machinery could give a more accurate statement of their cost than you could from your inspection of them?

Ans.—He might in a few particulars, but generally I think not.

Int. 17.—Were not the materials used in this saw-mill better than what are used in most buildings, so that in few indeed can such materials be seen?

Ans.—No, sir; economical construction of both saw and grist-mills requires strong framing, on a good, strong foundation. The husk frames that support the stones require special attention. I have spoken of this mill as being constructed of good timber, but it was apparent to me that it had been badly located, on several accounts, and the gang of saws was indisputable evidence of the paucity of stream. On account of the want of water for any duration of time, it was necessary to have it speedily done. The presence of the blacksmith shop at that locality was, in my mind, a proof that repairs are frequently required, and promptly to be made, in order to insure no loss of time by the advance of the season.

Int. 18.—Have you not, in speaking of this mill, made this

statement, and caused it to be published, in the year 1845, as follows: "It is remarkably well built. In few buildings indeed can such materials be seen as are here used?"

Ans.—Yes, sir, I have. I will add now that the buildings themselves have very little more to do with the mill than the watch-case has with the works.

Int. 19.—Is not the smith's shop you have mentioned a large one; and is it not used for the manufacture of axes and hatchets for trappers, at the rate of from twenty-five to fifty per day?

Ans.—So I was then told, and believed so.

Int. 20.—Were you not surprised at seeing the celerity with which these axes were made?

Ans.—I might have been.

Int. 21.—Have you not once positively stated that you were so surprised at this celerity?

Ans.—I probably have so stated in my book.

Int. 22.—At what time did you visit the Dairy Farm, on the Callapuyas, [Cathlapootl,] in company with one of its officers, at your first or second visit to the post?

Ans.—I think I must have visited it at both times.

Int. 23.—Did you ride through the woods, or through the open prairies on your way?

Ans.—Both.

Int. 24.—Did not the high water compel you to go through the woods, at the time you rode there, on your first visit to Vancouver?

Ans.—Yes, sir; we went through the woods, and through prairies on the verge.

Int. 25.—Is not the Callapuya also called the Cathlapootl?

Ans.—I presume it is; I did not know of it until this examination.

Int. 26.—At which visit to the Callapuyas [Cathlapootl] farms did you see the large herds of cattle feeding and reposing?

Ans.—At my first visit.

Int. 27.—At the time you visited Callapuyas, or Cathla-

pootl farm, was there not a dairy establishment, managed by a Canadian and his wife?

Ans.—So I was told.

Int. 28.—Have you not stated, and is it not printed, as follows: “And at the dairy we were regaled with most excellent milk, and found the whole establishment well managed by a Canadian and his wife?”

Ans.—I have so stated in my report of the expedition published by the Government.

Int. 29.—You have stated that you were at Vancouver, at your first visit, for eight or ten days. Will you state, as near as you can, the date of your arrival at Vancouver, and the date of your departure?

Ans.—I got there first about the last of May, and left on the 4th day of June, for the Willamette Valley; got back the 12th, and left again on the 17th of June. I call all this one visit, and my first visit.

Int. 30.—At what time did you return at your second visit, and how long did you remain?

Ans.—I returned about the first of September, and remained several weeks.

Int. 31.—What difference was there in the height of the water in the river, between the time you arrived there on the last of May, and when you left there on the 4th of June?

Ans.—The river was rising, and was higher on the 4th of June, than when I first arrived.

Int. 32.—Had it began to fall when you returned from the Willamette?

Ans.—It was higher when I left, on the 17th of June, than at any time during my first visit.

Int. 33.—Does the Columbia river overflow its banks anywhere, except in the lower prairie, and does it rise anywhere, except on the lower parts of the prairie?

Ans.—I don't know that it overflows its bank anywhere, but the percolation causes all its own, and the backwaters of its tributaries, to set back and submerge the lower grounds.

Int. 34.—Have you not stated, in speaking of the Columbia

and its rise, and the effect on the prairie, that the water rises on the low parts of the prairie?

Ans.—I have so stated.

Int. 35.—Did you not see in the granary of the Company, wheat, flour, barley, and buckwheat?

Ans.—Yes; but I do not know that they came from the farm.

Int. 36.—At the time you were at Vancouver, did you see any bulls, of the English breed of cattle?

Ans.—I think I saw one or two.

Int. 37.—Do you not know that a milch cow sold in the Willamette Valley about the time you were there for sixty (60) dollars?

Ans.—Yes; the enhanced price was owing to the great difficulty in breaking the wild cattle to milch cattle.

Int. 38.—Do you not consider the situation of Vancouver favorable for agricultural purposes, and have you not so stated?

Ans.—I think I have not so stated, nor do I consider its value to consist in agricultural purposes.

Int. 39.—Have you not stated in a report purporting to be written by you after a certain exploration, and published, that the situation of Vancouver is favorable for agricultural purposes?

Ans.—I think not, sir; on the contrary, I think I have given reasons why it is not so.

Int. 40.—Is not Vancouver at the head of navigation for sea-going vessels on the Columbia river?

Ans.—I've said that it may be so considered, but vessels go above it, about forty miles, to the foot of the Cascades.

[*Addition to the answer to cross-interrogatory 39.*—I find on examination that I made this statement, but it has reference to the mile square around Vancouver.]

Int. 41.—Can a vessel drawing fourteen feet of water reach Vancouver at the lowest state of the river?

Ans.—Yes, I think she can; indeed I may say I know she can.

Int. 42.—Is not Vancouver the most eligible site on the

river for the building up of a commercial town when the country should become populated?

Ans.—As far as my opinion goes I think it is.

Int. 43.—Have you not stated that “Vancouver is a large manufacturing, agricultural, and commercial depot; and also that the Company’s establishment at Vancouver is upon an extensive scale, and is worthy of the vast interest of which it is the centre?”

Ans.—I have, or words to that effect. Those remarks are to be confined to the operations of the Company, to its wants and business. It is not to be understood as embracing a general view of manufactures and trade relative to commerce.

Int. 44.—When did you see the Columbia river at its lowest stage?

Ans.—In the latter part of September.

Int. 45.—Did you visit the Callapuyas or Cathlapootl farm in the latter part of September?

Ans.—It strikes me that I did.

Int. 46.—State, if you can, whether there is not a lake, or a series of lakes, at low water, extending from a point two or three miles below Vancouver nearly to Cathlapootl.

Ans.—The whole country within a mile and a half of Vancouver westward, has the appearance of a low, marshy ground, such as the retiring of the Columbia floods would present.

Int. 47.—Did you, or did you not, observe any collection or collections of water between the points described in the former question at the time specified?

Ans.—The Callapuyas or Cathlapootl creek might be traced to some distance by large spaces of water lying on either side of it as far as the eye could reach.

Int. 48.—Did you witness the Columbia at its greatest and least heights?

Ans.—From the accounts I received from creditable witnesses, I do not believe that I saw it either at one or the other.

Int. 49.—Have you not stated, in a report made after your visit to Columbia river in 1841, and published, that “I witnessed the Columbia at its greatest and least heights?”

Ans.—If I did so, it was with reference to the time of my

visit. I could not have intended those words to apply to all times and all seasons, for I had the most reliable information from Mr. Ogden and Mr. Birnie, that the Columbia had swept over even the site of the present Fort Vancouver. This circumstance, when there, I should have deemed almost impossible. About two miles below Fort Murrier, at the mouth of the lower Willamette, there is a bar, which at times I've been informed has less than ten (10) feet of water on it in the lowest stages of the water.

(The portion of this answer of the witness stated upon information objected to.)

Int. 50.—What section of country did you mean, when, in speaking of the number of cattle in it, you stated that there were upwards of (10,000) ten thousand cattle in 1841. Was it, or was it not, the Willamette Valley?

Ans.—It was not, as regards the Willamette Valley. It was most probably intended for the whole country as far as 54° 40', and derived from most reliable information.

Int. 51.—What country do the parties which trap on their way go to from Vancouver, and return with cattle?

Ans.—California.

Int. 52.—Is this a country which is very well adapted to the raising of cattle and sheep?

Ans.—There are plenty of cattle, no sheep in California.

Int. 53.—Have you not used this language in a report made after your exploration: "This southern country, as will be seen from what has already been stated, is very well adapted to the raising of cattle and sheep; of the former many have been introduced by parties which trap on their way thither and return with cattle?"

Ans.—Yes sir, that is stated in my report.

Int. 54.—Did not Mr. Ogden bring in the furs collected from all the posts on the Columbia and its tributaries above Vancouver, including New Caledonia and Colville?

Ans.—I understood from Mr. Ogden that he had brought in all the furs from the northern posts, and doubt whether any of the posts of the southern section of the country were referred to.

Int. 55.—Was it from this statement of Mr. Ogden that you have stated that the southern section of the country was scarcely worth the expense of an outlay of a party of trappers?

Ans.—Not only from the statement of Mr. Ogden, but from the statements of Dr. McLoughlin, Mr. Douglas, and Sir George Simpson; with all of whom I had frequent conversations relative to the value and expense of the several posts throughout the whole country, in which they coincided very nearly in opinion.

Int. 56.—Did you not understand distinctly that the southern section of the country was that portion of the country not included within the business control of those posts of the Company from which Mr. Ogden brought the furs, with his brigade, arriving at Vancouver in the month of June, 1841?

Ans.—From the indistinctness of the question, I can give it no definite answer. If put in a more definite form, I should be glad to afford all the information in my power.

Int. 57.—Were there any settlers at Vancouver and Fort Astoria when you were there in 1841, other than the officers and employés of the Hudson's Bay Company?

Ans.—I think there were a number of persons intending to settle, or who so expressed themselves to me; whether they had settled or located themselves, I've no actual knowledge.

Int. 58.—Did you, at either of your visits to Vancouver in 1841, see a single house or dwelling, of any kind whatever, belonging to or in the possession of any person other than an officer or an employé of the Hudson's Bay Company, or of some one or more of the officers or men of the vessels under your command?

Ans.—I may have seen houses or shanties erected about Fort Vancouver that might have been occupied by others than officers or employés of the Company. While there, I was frequently asked by the visitors and emigrants from the United States, what rights they had in the country, and whether or not they could choose locations on which to erect shanties and occupy land.

Int. 59.—Was there any government in the country at the time of your visits in 1841?

Ans.—I did not consider that there was any.

Int. 60.—Have you not stated, in speaking, in a report made by you of your explorations after 1841, of the members of the Willamette Mission and Dr. McLoughlin, that “they invariably spoke of Dr. McLoughlin in the highest terms. They were averse to his absolute rule of the whole territory, and, although it was considered by them as despotic, they could not adduce any instance of the wrong application of his power?”

Ans.—The paragraphs quoted are to be understood as referring to the moneyed power which Dr. McLoughlin, being at the head of the Hudson’s Bay Company, could give or withhold at his pleasure. In some cases, he thought proper to extend a helping hand, or afford means to settlers, while in other cases he denied it. This was calculated to produce a great deal of ill feeling, as well as good feeling.

Int. 61.—Have you not also stated, at the same time, and in the same report, in speaking of the settlers, that “the settlers are also deterred from crimes, as the Company have the power of sending them to Canada for trial?”

Ans.—I have stated so; and this applies to those settlers who were formerly in the service of the Hudson’s Bay Company.

Int. 62.—So far as your knowledge extends, has Dr. McLoughlin extended to new-comers and settlers, of good character, every facility in his power, and also invariably given them the use of cattle, horses, farming utensils, and supplies, to facilitate their operations until such time as they are able to provide for themselves?

Ans.—I think he has. All cases of any misunderstanding between himself and settlers, that came to my knowledge, proved his liberality and solicitude for their welfare.

Int. 63.—Did not the officers of the Hudson’s Bay Company afford to yourself, and the officers under your command, every facility within their power to further the exploration in which you were engaged?

Ans.—I think they did, sir.

Int. 64.—Look at this letter, now shown to you and marked

Exhibit A, and state whether the letter of which it purports to be a copy was written by you and sent to the person to whom it is addressed.

Ans.—I wrote the letter of which the letter now shown to me is a correct copy, and sent it to the persons to whom it is addressed.

Int. 65.—Look at this extract from a letter, marked Exhibit B, and state whether it is an extract from the letter from which it purports to be taken, written by you to John McLoughlin, Esq., and sent to the person to whom it is addressed.

Ans.—That is a correct extract from the letter, and was sent as directed.

Int. 66.—What number of posts are occupied by the Hudson's Bay Company in the territory used by them on the north-west coast? Are not these posts located at the best points for trade, so as to secure the resort of the Indians without interfering with their usual habits? Did not the Company also occupy places in the vicinity of the abodes of the Indians during the most favorable part of the year for obtaining the proceeds of their hunting?

Ans.—I think they did. At that time it was so. I'm not prepared to speak as to the present time. I was told that they had twenty-five posts.

Re-Examination.

Int. 1.—What was the value, in 1841, of the square mile of land around Fort Vancouver, excepted by you in your answer to the 42d interrogatory of the direct examination, which tract of land you have described as favorable for agricultural purposes?

Ans.—I judge it was worth some ten or twelve thousand dollars.

Int. 2.—Whether or no you own and manage a saw and grist-mill, and consider yourself competent to estimate the cost of such mills?

Ans.—I do own saw-mills and grist-mills, and have had competent persons to manage them. I have built, repaired, and

rebuilt them, and from the expenses incurred I deem myself to be competent to pass an opinion on their efficiency and value.

Int. 3.—What was the average price of unbroken cattle in the Willamette Valley in 1841?

Ans.—About ten dollars, (\$10.)

Int. 4.—Whether or no you consider that it would be safe for a sailing vessel to pass at night in or out of the mouth of the Columbia river even if there were a light-house on Cape Disappointment?

Ans.—I should consider it impracticable and dangerous; it is very dangerous even in the day-time.

Int. 5.—Whether or no you ever at any time before 1847 made any estimate of the value of all the posts and trade of the Hudson's Bay Company south of the 49° of north latitude; if so, state under what circumstances you made it, and what it was?

Ans.—I made such an estimate at the suggestions of many persons connected with the Government and Congress, and to Sir George Simpson during a visit of his to Washington. I think this visit was about the year 1846, prior to or about the time of the making of the treaty. The amount I estimated then to be worth was a half million dollars for all the posts of Hudson's Bay and Puget's Sound Companies. Sir George Simpson thought it ought to be a million. I told him that it might be so, but advised him to get that sum inserted in the treaty, for I thought that if he left it out of the treaty he might get much less.

(Answer objected to as incompetent.)

Cross-Examination Resumed.

Int. 1.—In what State are the saw and grist-mills that you own situated?

Ans.—One within two miles, and some within twenty-five miles of this place.

Int. 2.—Do you not know that the difference in the cost of mills is caused by a difference in the framing, gearing, and machinery?

Ans.—I am willing to say that there is a very great difference in the cost of mills.

Int. 3.—At the time you made this estimate which you speak

of, of the value of all the posts and trade of the Hudson's Bay and Puget's Sound Companies south of 49°, what was your estimate or idea of the income of the Companies from those posts?

Ans.—My idea was that it was of very little, if any, profit south of 49°.

Int. 4.—Was it on this profit that you estimated the value of their trade and posts to be five hundred thousand dollars?

Ans.—It could not have been on the profits, for I did not believe there were any. Nor can I at the present time designate on what the estimate was based. I merely state the fact what I then stated, and of what was stated to me by Sir George Simpson.

Int. 5.—Was your estimate of the value of all the outside the mile square, and included within certain limits at Vancouver, and also your estimate of the value of that mile square at ten or twelve thousand dollars (\$10,000 or \$12,000) an estimate based upon their value for agricultural and pasturage purposes?

Ans.—My former answers to these questions are definitive.

CHARLES WILKES.

CITY OF CHARLOTTE,
County of Mecklenburg, State of North Carolina. }

Hudson's Bay Company in the matter against the United States in the above case. It is agreed by the undersigned that the testimony of Rear Admiral Charles Wilkes, U. S. N., a witness procured by and on behalf of the United States of America, in defence to the claims made against the United States by the Hudson's Bay Company, before the British and American Joint Commission for the adjustment of the same, shall be taken before Charles Overman, a justice of the peace for and in the county and State aforesaid.

This the 31st day of December, A. D. 1866.

EDWARD LANDER,

Of Counsel for H. B. Co.

CHARLES C. BEAMAN, Jr.

Attorney for the United States.

EXHIBIT A.

Copy.]

U. S. BRIG PORPOISE,
BAKER'S BAY, *October 5, 1841.*

GENTLEMEN: My last duty, before leaving the Columbia, I feel to be that of expressing to you my sincere thanks for the important aid and facilities which you have afforded the expedition, on all occasions, for carrying out the object of our visit to this part of the world, and be assured it will prove a very pleasing part of my duty to make a due representation of it to my Government.

Your personal kindness and friendly attentions to myself and officers, from our first arrival, and also to Captain Hudson and his officers, after the wreck of the Peacock, have laid us under many obligations, which I trust it may be, at some future day, in our power to return.

We all would request, through you, an expression of our feelings for the many attentions and kindnesses received, and the pleasures afforded us by the officers of the Hudson's Bay Company's service with whom we have had any intercourse, which will be long remembered with pleasure.

With my sincere wishes for the health, happiness, and prosperity of yourselves and families, I am, very truly, your obedient servant,

(Signed)

CHARLES WILKES,
Commanding Exploring Expedition.

To JOHN McLOUGHLIN and JAMES DOUGLAS, Esq's,
Chief Factors H. B. C. Service, Vancouver.

 EXHIBIT B.

Extract from letter of Captain Wilkes, dated United States brig Porpoise, Columbia river, October 2, 1841, to John McLaughlin, Esq., Chief Factor Hudson's Bay Company, Fort Vancouver.

"In making this request, I am well aware of the desire the Honorable Hudson's Bay Company and its officers have always

shown to do everything in their power to afford relief to those in distress, and the deep feeling all attached to this squadron have evinced for the relief extended to ourselves individually during the late disaster, and it will be only placing a suitable boat in the hands of the Company, in which to afford relief more promptly. I therefore have little doubt but that you will not object to assume the charge; and I assure you it will afford me great satisfaction hereafter to hear that she has been of any use in saving lives or property."

CITY OF CHARLOTTE,
County of Mecklenburg, State of North Carolina. }

I, Charles Overman, a justice of the peace in and for the county and State aforesaid, do hereby certify that the foregoing deposition, hereto annexed, of Rear Admiral Charles Wilkes, U. S. N., a witness produced by and on behalf of the United States of America in defence to the claims made against the United States by the Hudson's Bay Company, before the British and American Joint Commission for the adjustment of the same, was taken before me at the office of the First National Bank of Charlotte, in the city of Charlotte, North Carolina, and reduced to writing under my direction and in my personal presence, by P. P. Zimmerman, a person agreed upon by Charles C. Beaman, Jr., Esq., attorney for the United States, and Edward Lander, Esq., attorney for the said Company, beginning on the 2d day of January, A. D. 1867, continuing from day to day until the 4th day of January, 1867, when it was signed according to the date appended to said deposition.

I further certify that said deposition was taken before me in pursuance of the written agreement hereto annexed, between said Charles C. Beaman, Jr., Esq., and Edward Lander, Esq. I further certify that to said witness, before his examination, I administered the following oath:

"You swear that the evidence which you shall give in the matter of the claim of the Hudson's Bay Company against

the United States of America shall be the truth, the whole truth, and nothing but the truth, so help you God."

That after the same was reduced to writing, the deposition was carefully read to, and then signed by said witness.

I further certify that Edward Lander, Esq., attorney for said Company, was personally present during the examination and cross-examination of said witness, and the reading and signing of his deposition.

I further certify that the documents marked A and B, hereto annexed, are those referred to in examination of said witness.

In testimony whereof I have hereunto set my hand at said office the 4th day of January, A. D. 1867.

CHARLES OVERMAN, *J. P.*

In the matter of the Claim of the Hudson's Bay Company vs. the United States.

Deposition of a witness (on behalf of the United States) sworn and examined in the city of Philadelphia, Eastern District of Pennsylvania, before me, Charles Sergeant, United States commissioner in and for the Eastern District of Pennsylvania, by virtue of a verbal agreement made and entered into between C. C. Beaman, Esq., as counsel for the United States, and Edward Lander, as counsel for the Hudson's Bay Company.

TESTIMONY OF GEORGE DAVIDSON.

George Davidson being first duly sworn, deposes and testifies as follows:

Ques. 1. What is your name, residence, and present occupation?

Ans. George Davidson; Germantown, Philadelphia; I am Assistant United States Coast Survey.

Ques. 2. Did you ever visit Cape Disappointment at the entrance of the Columbia river, and if so in what capacity?

Ans. I was stationed at Cape Disappointment from some

time in June 1851, to the following October, in charge of the astronomical work and of the topographical work, having special reference to the propriety of locating a light-house on that cape.

Ques. 3. Whether or no A. M. Harrison was an assistant under you?

Ans.—Yes, he was.

Ques. 4.—Whether or no he made a topographical map of Cape Disappointment?

Ans.—He did of the southern part of the cape.

Ques. 5.—Whether or no a portion of the map, now shown you, entitled “Mouth of Columbia River, &c., published in 1851,” to be marked “A,” and hereafter annexed to your deposition, is a reduced copy of the map made by Mr. Harrison?

Ans.—It is.

Ques. 6.—Will you, from your own knowledge, describe this cape?

Ans.—It is a rocky promontory, formed by hills of horizontal columnar basalt, rising at the highest point of the cape to an elevation of about 287 feet, and covered with a thin stratum of vegetable soil. The ocean faces of the cape are rocky, very precipitous, and in most cases inaccessible. For the most part, these ocean faces are covered from a line about thirty feet above the water with grass and fern, and destitute of trees to their summits, which, at the southern part of the cape, are very narrow. From these ridges the land slopes more gradually towards the inner side of the cape facing on Baker’s Bay. Along the shore line, inside of the cape, are two short stretches of low ground, with good landing beaches. From the summit of the ridges to the inner shores it is covered with a dense growth of fir and underbrush, through which I had to open and grade an ox-sled road between the summit of the cape and the first cove inside. Landing upon the outside of the cape is, at all times, dangerous, and can only be effected in certain localities when there is no sea on.

Ques. 7.—What was the value of this land at that time?

Ans.—I would not have paid the Government price for it. The only value to be paid upon the land would have been on account of its timber; but the whole country in this region is covered with as good timber, and more accessible.

Ques. 8.—Whether or no you ever heard, when you were there in 1851, of an occupation at that time, or any previous time, of this cape by the Hudson's Bay Company?

Ans.—I did not.

Ques. 9.—Whether or no you saw any marks of previous occupation or any marks of boundary lines of this cape?

Ans.—I saw no marks of the cultivation of the soil or of any timber having been cut upon the part of the map figured, but there were buildings erected and in state of being erected in the locality designated at Pacific City. I was well acquainted with the people in this vicinity and with Captain Scarborough, living at Chinook, and formerly of the Hudson's Bay Company, and cannot remember any claim being intimated or asserted for the Hudson's Bay Company, although it was well known for months that I was occupying the cape with my parties for Government work.

(So much of answer to interrogatory ninth as refers to the statements of others objected to.)

Ques. 10.—Whether or no you selected a point for the location of a light-house?

Ans.—I did. The points selected by me were the highest point of Cape Disappointment and Point Adams, on the south side of the entrance—advising that two lights be built; but advising that if only one should be constructed, it should be at Point Adams, because the south channel of the Columbia river, passing around Point Adams, was at that time, and from then up to the time of my leaving the Pacific coast, in the year 1860, almost invariably used by vessels entering and leaving the Columbia river; and because I have known Cape Disappointment to be enveloped in fog for a few hours after sunset, while Point Adams was without fog. And I considered it practicable that, with a beacon light on the hills behind Point Chinook, steamers might be enabled to enter and leave the river by the south channel at night. This they can.

not do by either channel now, and could not well do by the north channel at any time, because the shore along Baker's bay, inside of Cape Disappointment, is much lower than Cape Disappointment, and it would be difficult to establish range lights. The light on Cape Disappointment is used altogether by vessels at night, as a mark or signal by which to know their approximate position when off the mouth of the river. Vessels coming from the northward cannot see the light as at present located until they are nearly abreast of the Cape.

Ques. 11.—What was the value, in 1851, for public purposes of sufficient land for the proper location of a lighthouse, and necessary buildings on Cape Disappointment?

Ans.—Not more than the Government price of the land. I should judge that the amount of ground required for the light-house site would be a tract of land lying between the height and the first small cove inside the cape, about seven hundred yards in length by two hundred and fifty in width; this would give ample facility and space for the construction of a road from the landing to the summit, for the conveyance of light-house material, and a small patch of level ground at the landing for residences and a garden, with a fine spring of water at the landing. This tract, when I was there, was not worth ten dollars to anybody to locate and live upon.

Ques. 12.—What is the character of the entrance to the Columbia river?

Ans.—The width of the Columbia river between Cape Disappointment and Point Adams is nearly six miles. Lying between them is an extensive shoal, known as the Middle Sands. The inner or up-river point of this shoal is not covered at high water, and is known as Sand Island. This shoal divides the entrance to the river into two channels; that lying between it and Cape Disappointment is known as the North channel, and that between it and Point Adams is known as the South channel. The entrance to each of these channels is obstructed by a bar. That of the North channel had generally more water upon it than the bar of the South channel, but the North channel was seldom used on account of its greater length, and being a dead-beat to windward for over

two miles The South channel, although more changeable in its general location, is almost invariably used, on account of its shortness and because the pilots are better acquainted it. I have entered the Columbia river by the South channel as late as 1857. From the top of Cape Disappointment, for several months in 1851, (June to October,) I daily saw the condition of the two bars; at times the sea was so smooth that no person, except one thoroughly acquainted with the ranges and marks about the entrance of the river, could have known the accurate position of either bar, there being not less than five fathoms water at high water on the North bar, and not less than four and a quarter fathoms at high water on the South bar. At other times I have seen a continuous line of fearful breakers extending from the cape northwesterly, round in a horse-shoe form, along the line of the bar and ocean point of middle sands to the beach a mile or two below Point Adams. At such a time it would have been impracticable and unsafe to have gone in or have taken out any vessel through either channel, even supposing wind, tide, and currents to be favorable, and a pilot on board. I have frequently seen, during heavy weather, vessels lying off and on for a week at a time, unable to effect an entrance. I knew of one case, but did not see it, where a vessel has laid off and on over forty days in vain attempts to get in. I have known lumberladen vessels lying in the river for over two weeks trying to get out, and afraid to take the risks of going through a breaking bar. My general conclusion is, and always has been, that the Columbia river entrance is of the most dangerous character, and in my official reports and directions for entering this river have always advised the waiting for a pilot.

Several surveys of the entrance to the Columbia river have been made by the United States Coast Survey, but their sale is only made with a distinct understanding that they represent the condition of the entrance at the time of survey only, and not for any other period, and the Coast Survey does not furnish sailing directions for entering the river, except for the particular time of the survey.

Adjourned to May 7.

(All the foregoing testimony which relates to the channels of the Columbia river objected to.)

Cross-Examination.

Ques. 1.—After you left this place, in 1851, when did you return to it, and how long did you remain there?

Ans.—I returned on duty again in 1853, but cannot state exactly the time I remained in the river, but about a week. I think I was in again in 1855, and was in twice in 1857—the first time about a week or two, the second time a day or so. October, 1857, was the last time I was there.

Ques. 2.—Is not your personal knowledge of the use made of the two channels of the Columbia river confined to the times you visited it?

Ans.—No; because I have been officially called upon to make examinations and comparison of the different surveys of the river by the United States to discover the law of changes in the channels, draw up directions for entering them, and to ascertain the amount of trade in the river, and by what channels that trade entered and left. I have also compared all accessible surveys of the river, from the time of Vancouver up to those made by the Coast Survey.

(The whole of the above answer objected to which refers to anything but the personal observation of the witness, the rest being hearsay.)

Ques. 3.—When did you last go into the mouth of the Columbia river?

Ans.—In October, 1857.

Ques. 4.—Can you state how many steamers a month went to Portland, on the Willamette river, while you were on that coast?

Ans.—I have not been on that coast for six years.

GEORGE DAVIDSON.

UNITED STATES OF AMERICA, }
Eastern District of Pennsylvania. }

I, Charles Sergeant, United States Commissioner, duly appointed and commissioned by the Circuit Court of the

United States in and for the Eastern District of Pennsylvania, do hereby certify that the foregoing deposition of George Davidson was taken and reduced to writing by me, in the presence of said witness, from his statements on the sixth and seventh days of May, 1867, at my office, No. 123 South Fifth street, Philadelphia, in pursuance of a verbal agreement made in my presence by C. C. Beaman, Esq., as counsel for the United States, and Edward Lander, Esq., as counsel for the Hudson's Bay Company.

I further certify that to said witness, before his examination, I administered the following oath :

"You do swear that the evidence you are about to give in the matter of the claim of the Hudson's Bay Company against the United States shall be the truth, the whole truth, and nothing but the truth, so help you God."

I further certify that said deposition was by me carefully read to said witness, and then signed by him in my presence.

I further certify that the paper, hereto annexed, marked "A," is the one referred to in the foregoing testimony of George Davidson.

In testimony whereof I have hereto set my hand and affixed
 [L. S.] my official seal, at my office in the city of Philadelphia, this seventh day of May, 1867.

CHARLES SERGEANT,
U. S. Com'r in and for the Eastern Dist. of Penn.

*In the matter of the Claim of the Hudson's Bay Company vs.
 the United States.*

Deposition of a witness (on behalf of the United States) sworn and examined in the city of Philadelphia, Eastern District of Pennsylvania, before me, Charles Sergeant, United States Commissioner in and for the said Eastern District of Pennsylvania, by virtue of a verbal agreement entered into between C. C. Beaman, Esq., as counsel for

the United States, and Edward Lander, as counsel for the Hudson's Bay Company.

TESTIMONY OF ALEXANDER M. HARRISON.

Alexander M. Harrison, being first duly sworn, deposes and testifies as follows:

Ques. 1.—What is your name, residence, and present occupation?

Ans.—Alexander M. Harrison; I reside at Plymouth, Massachusetts; I am an assistant, United States Coast Survey.

Ques. 2.—Are you acquainted with Cape Disappointment, at the mouth of the Columbia river, Washington Territory?

Ans.—Yes.

Ques. 3.—In what capacity, and when did you become acquainted with it?

Ans.—As an officer in the United States Coast Survey, in 1851.

Ques. 4.—What were your particular duties on that survey?

Ans.—I was in charge of a topographical party, for the purpose of making a topographical survey of the cape, under the direction of Assistant George Davidson.

Ques. 5.—Look at this map, entitled "Mouth of the Columbia River, &c.," published in 1851, and marked "A," and to be hereafter attached to your deposition, and state what it represents.

Ans.—It represents a preliminary survey of the entrance to the Columbia river, and some distance inside the entrance.

Ques. 6.—Referring to that part of the map marked Cape Hancock or Disappointment, state what it represents.

Ans.—A minute topographical survey of all the features of the ground, from the entrance point to the distance of a little over a mile northward, embraced between the inner and outer shores.

Ques. 7.—Of what is this portion of the map a copy?

Ans.—A reduced copy of my original survey.

Ques. 8.—Will you describe the various marks upon this section of the map, and explain what they mean?

Ans.—The darker shades upon the shore-line represent bold, rocky, precipitous bluffs, and the lighter shades or hachures represent more gradual slopes; the small stars are conventional signs for representation of cone-bearing trees, and the other signs for deciduous trees; the straight, unbroken shore-line, dotted along its edge, represents sand-beach; the bold headland on the northwestern part of this sketch, is, at high tide, an elevated island, with rocky and bluff shores; the first small dotted line outside of the shore-line represents the mean low-water mark.

Ques. 9.—Will you state any particular opportunities you had for knowing the character of this point?

Ans.—I was there in the neighborhood of four months, from some time in June to some time in October, and the minuteness of my survey necessitated a personal inspection of the entire ground.

Ques. 10.—Will you now describe the character of the cape?

Ans.—The shore-line, with the exception of that portion formed by sand-beaches, consists of bold, abrupt, basalt-rock, presenting, in some places, almost a perpendicular face to the sea; a sharp, high ridge, extending along the southern and western shores, from which the land slopes irregularly to the east and north; the ground for the most part is densely wooded, and not at all available for agricultural purposes; there are one or two small patches, none of them of a greater area than an acre, which could be made available as truck-gardens.

Ques. 11.—Were there any inhabited buildings or ruins of buildings within the limits of your survey?

Ans.—I saw none whatever.

Ques. 12.—Was there any cultivated ground within the limits of your survey?

Ans.—No.

Ques. 13.—What would you estimate to be the value of the land embraced in your survey?

Ans.—I would not have given the Government price for it

and paid taxes. I can conceive of it having no value except for the timber, of which there was an abundance in this whole region much more accessible.

Ques. 14.—Whether or no your party made any examination with a view to locating a light-house on this cape?

Ans.—Yes, sir; we did.

Ques. 15.—Where did you locate it?

Ans.—On the highest point of the cape, nearest its southern extremity.

Ques. 16.—How much land would be needed for the light-house you located?

Ans.—About from three and a half to four acres, extending across the cape from the selected position, to include the first cove in the height of the cape.

Ques. 17.—What would be the value of this land for public purposes?

Ans.—About the Government price.

Ques. 18.—Whether or no you knew or heard of any occupation of this cape at the time you were there by any officers or servants of the Hudson's Bay Company?

Ans.—I did not.

(The portion of question 18, asking if the witness heard, objected to.)

Ques. 19.—Whether or not you knew of a house on this cape occupied by a man by the name of Kipling?

Ans.—My memory is not clear as to names; but I did know of and visited a house a few times on the inner shore north of the limits of my survey, occupied by, I believe, a half-breed, whom I also employed on one or two occasions to take me across to Point Adams. I think he mentioned having been once in the employ of the Hudson's Bay Company; but I am pretty clear in my recollection that he intimated, if he did not distinctly assert, that he was now trading for himself. I know I made purchases of him, for the Indians which I employ, and for my own men, of tobacco, and, at the time, I was clearly under the impression that it was on his own account. As I remember, his house was a log-house. My recollection as to the size of the house is crude, but I should say it was about

forty feet by twenty feet; it was one story high. I should say the house was worth then considerably less than one thousand dollars.

(Interrogatory 19 objected to as incompetent, and all the answer thereto, and especially the statement purporting to be made by a half-breed.)

Ques. 20.—Whether or no there was any cultivated ground around this house?

Ans.—I don't remember.

Ques. 21.—What was the character of the entrance of the Columbia river?

Ans.—It is very difficult of entrance, and at times impossible. It is not, or was not at that time, ever entered at night. I have seen a continuous line of breakers from Cape Disappointment extending across to Point Adams. The bar is continually shifting. I surveyed Sand Island, lying between the two points of the entrance, and know that it is continually changing in position and configuration.

Ques. 22.—What, in your judgment, would be the importance of [a] light in Cape Disappointment?

Ans.—Merely as a mark to hold your position. It is useless to enter by, without a range on the shore of Baker's Bay; and the north channel, for which it would be available, is rarely used, and never at night.

Adjourned to May 7.

Cross-Examination by Counsel for Company.

(If this map is proposed to be introduced in the trial of the case, or if it has been introduced in any deposition, or the introduction of it, either as annexed to this deposition or any other in which it is mentioned, objected to as incompetent.)

(All the testimony in regard to the bar in the mouth of the Columbia river objected to.)

Ques. 1.—Are you certain of the length of the land surveyed by you? If so, state its greatest length, and in what direction.

Ans.—About a mile long, and in a northwesterly direction.

Ques. 2.—What was the width of this land you surveyed from the Ocean to the shores of Baker's Bay, if you did survey it?

Ans.—Approximately, a third of a mile, average width.

Ques. 3.—Standing on Cape Disappointment, and looking towards Baker's Bay, or inward towards the land, is there not low ground within the portion of land you surveyed?

Ans.—Yes; but compared with the whole area, very little.

Ques. 4.—Were you living upon the shore at the time you made this survey?

Ans.—Yes; encamped upon the shore.

Ques. 5.—State where your camp was located; and, if you can do so, point to it on the map.

Ans.—On the first bight, after rounding the southeastern point of the cape called Cape Bluff, and directly under the inner or western slope of the bluff.

Ques. 6.—I see noticed here Pacific City on the map; how far was this location from the extremity of your survey?

Ans.—About a quarter of a mile.

Ques. 7.—Were there any houses between the place called Pacific City and your survey?

Ans.—One.

Ques. 8.—How far was that house from the line of your survey?

Ans.—That I could not say exactly.

Ques. 9.—When the north channel came into general use, would not the light-house on Cape Disappointment be of great value to navigators?

Ans.—It might be of some value, but not much without a range on the shore of Baker's Bay; and, from my recollection of the topography there, I say this would be impracticable, from the fact that the ground along the shores of the bay is lower than, and would be covered or hidden by Cape Disappointment.

Ques. 10.—Is it, then, your opinion that the only point of land available for a light-house at the usually navigated channel of a great river, the only outlet to the commerce of a numerous population, is of little value?

Ans.—I don't regard Cape Hancock or Disappointment as the only available point for a light-house. Indeed, I have serious doubts whether that is the point where a light-house should be erected at all.

Ques. 11.—State where, in your opinion, a light-house could be erected for the benefit of those navigating the North channel, at the entrance of the Columbia river, could be located other than on the land you have stated that you have surveyed?

Ans.—To answer that question exactly would require an examination for that special purpose. When I was there the North channel was not used at all; whatever vessels came in and went out, during the period of our stay there, did so through the South channel; and it appeared to me then, as it does now, that Point Adams should have been selected as the one for the location of the light-house, from which ranges could readily be obtained. I looked upon the light upon Cape Disappointment merely as a means of holding your position off the mouth of the river.

Ques. 12.—Is not your preference for a light-house at Point Adams caused by the fact, as you state, that when you were there the South channel was the one used by vessels entering the river?

Ans.—Partially; but I still see the objection which I have heretofore stated in the matter of ranges at Cape Disappointment.

Ques. 13.—Are you acquainted with the cost of erecting buildings at the mouth of the Columbia river, or thereabouts, or do you know of the sales of any buildings there?

Ans.—I can form an approximate estimate of the cost of buildings of the character of that of which I have testified. I knew of the sale of no buildings while I was there.

Ques. 14.—Do you know anything of the cost of skilled labor, or value of material, or the cost of transportation?

Ans.—I can form a tolerably close estimate with regard to a building of the character of the one which I saw there.

Ques. 15.—Do you, personally, know anything of the use

made of the channels, at the entrance of the Columbia river, since the time you left there?

Ans.—I do not.

A. M. HARRISON,
Ass't U. S. Coast Survey.

UNITED STATES OF AMERICA, }
Eastern District of Pennsylvania. }

I, Charles Sergeant, United States Commissioner, duly appointed and commissioned by the Circuit Court of the United States in and for the Eastern District of Pennsylvania, do hereby certify that the foregoing deposition of Alexander M. Harrison was taken and reduced to writing by me, in the presence of said witness, from his statements on the sixth and seventh days of May, 1867, at my office, No. 123 South Fifth street, Philadelphia, in pursuance of a verbal agreement made in my presence by C. C. Beaman, Esq., as counsel for the United States, and Edward Lander, Esq., counsel for the Hudson's Bay Company.

I further certify that to said witness, before his examination, I administered the following oath:

“You do swear that the evidence you are about to give in the matter of the claim of the Hudson's Bay Company against the United States shall be the truth, the whole truth, and nothing but the truth, so help you God.”

I further certify that the said deposition was by me carefully read to said witness, and then signed by him in my presence.

I do further certify that the paper, hereto annexed, and marked “A,” is the one referred to in the testimony of Alexander M. Harrison.

In testimony whereof I have hereunto set my hand and official seal, at my office in the city of Philadelphia,
[L. S.] this seventh day of May, 1867.

CHARLES SERGEANT,
U. S. Commissioner.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of ALEXANDER GARDNER, taken at the request and in behalf of the United States, by agreement between C. C. Beaman, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF ALEXANDER GARDNER.

Alexander Gardner being duly sworn, deposeth and says:

Int. 1.—State your name, residence, and occupation.

Ans.—My name is Alexander Gardner, my residence Washington city, D. C., and my occupation photographer.

Int. 2.—Please to state whether the photograph exhibited to you and identified by your signature at the bottom, "Alexander Gardner, No. 1," was or not prepared at your establishment, and under your direction.

Ans.—It was.

Int. 3.—At whose request did you do this?

Ans.—At the request of George Gibbs, Esq., Secretary of the British and American Joint Commission.

Int. 4.—Please to state from what original, if any, that photograph was copied.

Ans.—It was copied from another photograph placed in my hands for that purpose by Mr. Gibbs, having inscribed on it, at its lower corner, the words following: "Roman Catholic

Mission on left bank of Kootenay river." (Mr. Lander objects to the foregoing testimony.)

Int. 5.—Please to state whether another photograph, now presented to you, and which is identified by containing on it the printed inscriptions, "Ale'r Gardner, Photographer, 511 Seventh street, Washington," was or was not taken at your establishment, and if so, at whose request.

Ans.—It was at Mr. Gibbs's request.

Int. 6.—Please to state, if any, from what original that photograph was copied.

Ans.—It was copied from another photograph placed in my hands for that purpose by Mr. Gibbs, having inscribed on its lower corner the words following: "H. B. C., Fort Colvile."

Int. 7.—State whether or not the two copy photographs made in your office as above described are true and correct representations of the original photographs placed in your hands for that purpose by Mr. Gibbs.

Ans.—They are.

Cross-Examination.

Int. 1.—By whom were these copies made?

Ans.—One of two men, Mr. Sullivan or Mr. Knox; I do not remember which.

Int. 2.—What part of the copying of this photograph was done in your presence?

Ans.—The whole of it. I saw it focused, I saw it exposed in the camera, and I saw it developed.

ALEX. GARDNER.

January 30, 1867.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of CHARLES T. GARDNER, taken at the request and in behalf of the United States, by agreement between C. C. Beaman, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF CHARLES T. GARDNER.

Charles T. Gardner being duly sworn, deposes as follows:

Int. 1.—Please to state your name at length, and your present residence.

Ans.—Charles T. Gardner, Washington city, D. C.

Int. 2.—Were you or not in Oregon at or about the year 1853, and at different times since then?

Ans.—Yes, sir.

Int. 3.—What was your profession at the time of your first residence in Oregon?

Ans.—Civil engineer and surveyor.

Int. 4.—Whether or not were you employed in the survey of the Northwestern boundary?

Ans.—I was. It was in the winter of 1858 and 1859, and I remained in this employment until 1861.

Int. 5.—State whether or not you have since served in the army of the United States.

Ans.—I have.

Int. 6.—What is your present employment or occupation?

Ans.—Clerk in the Third Auditor's office of the Treasury.

Int. 7.—Have you any knowledge of the Hudson's Bay Company post at Umpqua, and if so, at and for what time?

Ans.—In 1854 I subdivided the townships around Umpqua and from there to Scottsburg, on the Umpqua river. This subdivision passed through a tract of land claimed by Colonel Chapman.

Int. 8.—What was the name of the place at which Colonel Chapman's claim was situated?

Ans.—Fort Umpqua.

Int. 9.—Describe what buildings, if any, existed at that time at Fort Umpqua.

Ans.—As far as my recollection serves, there were the remains of a log house.

Int. 10.—What person, if any, was residing in that house?

Ans.—No one, to my knowledge.

Int. 11.—On which side of the river is Fort Umpqua, relatively to the road to California?

Ans.—On the opposite side.

Int. 12.—State whether there was any corral containing cattle at Fort Umpqua.

Ans.—No, sir.

Int. 12.—How far is Fort Umpqua from Scottsburg, in your estimation?

Ans.—About twenty miles.

Int. 14.—How near to the river is the fort?

Ans.—About one hundred and fifty yards.

Int. 15.—State whether or not Colonel Chapman occupied the farm at Fort Umpqua?

Ans.—He did.

Int. 16. What was the quality of the land at and about Fort Umpqua?

Ans.—First rate, according to our definition in the survey. Where the Fort was and Colonel Chapman's house was, was a plain, the half section run into the mountain.

Int. 17.—Have you any knowledge of cattle belonging to the Hudson's Bay Company in that region?

Ans.—I have none.

Int. 18.—Have you any knowledge of the Hudson's Bay post at Champoeg?

Ans.—I have stopped there; I think in 1854.

Int. 19.—What building or other improvements did the post consist of?

Ans.—I don't remember.

Int. 20.—Have you knowledge of the Hudson's Bay Company post at Kootenay?

Ans.—I have been there, in 1860, whilst employed on the boundary survey.

Int. 21.—Please, if you recollect, state what improvements there were at that post.

Ans.—There was a log house in a dilapidated condition, and a shed, apparently. I don't think there was any fence around. Saw land there that had been cultivated, but was not then in cultivation.

Int. 22.—What was the extent of the land which seemed once to have been cultivated?

Ans.—I can't say. I should think not more than forty acres.

Int. 23.—What was the quality of the land?

Ans.—Good.

Int. 24.—Were any persons apparently in charge of the post?

Ans.—No one.

Int. 25.—Have you knowledge of the Hudson's Bay Company Post at Fort Colville? And if so, at what time?

Ans.—Yes, in 1859-60-61.

Int. 26.—Please to describe the improvements at Fort Colville.

Ans.—Fort Colville was a pallisade enclosure with towers at each corner, built of logs. There were two storehouses with furs. In each one they had a store where they sold goods to the Indians. Outside of the Fort was Angus McDonald's house; he was chief trader. There were two or three houses that joined his.

Int. 27.—Was there any enclosed or cultivated land at or near Fort Colville?

Ans.—There was some; I don't think it belonged to Mr. McDonald. It was about three-quarters of a mile from the post. Don't remember the quantity of enclosed or cultivated land.

Int. 28.—State whether or not you have recollection of a Catholic Mission House at Kootenay.

Ans.—I have none.

Cross-Examination.

Int. 1.—How near to the remains of a log house at Umpqua was the house of Colonel Chapman?

Ans.—I should judge about 150 yards.

Int. 2.—Were there any remains of a stockade where you noticed the remains of a log house?

Ans.—There were signs of a stockade having been there.

Int. 3.—Could you tell, from the remains you saw there; whether that had been a log house or a barn?

Ans.—I thought it had been a log house.

Int. 4.—Were there not remains of some five buildings at the place where you noticed the stockade?

Ans.—I don't remember.

Int. 5.—How many buildings were there on this place of Colonel Chapman's at the time you saw it?

Ans.—His house, a small house where the Indians lived, and his barn.

Int. 6.—In making out your notes of the land surveyed by you as deputy surveyor of the United States, are you not required to divide the lands surveyed into classes of different quality, such as first rate, second rate, &c.?

Ans.—Yes, sir.

Int. 7.—Do you not place in the class denominated first rate the best and richest lands you surveyed?

Ans.—Yes.

Int. 8.—Do you mean by the word first rate, in speaking of the Umpqua land, the first-class lands of your surveys?

Ans.—Yes, among the first-class lands.

Int. 9.—How does the land at the place you call Kootenay compare with the land at Umpqua?

Ans.—Not near so good. It is sandy, but good land.

Int. 10.—Was there anything at the place you call Kootenay to designate it as a post of the Hudson's Bay Company?

Ans.—Nothing.

Int. 11.—Have you any personal knowledge that this was a post of the Hudson's Bay Company?

Ans.—I was told so.

Int. 12.—How long were you at Fort Colvile?

Ans.—Been there several times; stopped a day or two at a time; always there during the winter.

Int. 13.—Did not the snow cover the ground at the time of your visits there?

Ans.—It did.

Int. 14.—Did you visit the barns or the mills of the Company while you were at Fort Colvile?

Ans.—No.

Re-Examination in Chief.

Int. 1.—Whether or not, among the persons employed by or with you, the place you describe as Kootenay was reputed to be the site of the post of the Hudson's Bay Company, or from what other persons you derived knowledge to that effect?

Ans.—The party that were with me knew nothing about it but what they learned from me. My information was obtained from the maps that I received from the officers of the survey to guide me in my work.

(Mr. Lander objects to this last answer as incompetent.)

CHARLES T. GARDNER.

January 30, 1867.

Examination Resumed.

Int. 1.—Are you acquainted with a landing or other place in Oregon, occupied by the Hudson's Bay Company, by the name either of Monticello or Caweman?

Ans.—I am.

Int. 2.—Please state what it is.

Ans.—On the west bank of the Cowlitz river, about two or three miles above where it empties into the Columbia river.

Int. 3.—Please state what you know of the use or occupation of that place by the Company.

Ans.—I know there was a store there. In this store were the goods usually kept in a Hudson's Bay store, as blankets, beads, and so forth, for trade with the Indians. As well as I remember, it was a long house, probably thirty feet in length by fifteen.

Int. 4.—Please to describe the landing there, whether there were any wharves constructed, or any portion of the landing visibly appropriated by enclosure.

(Mr. Lander objects to this question.)

Ans.—I landed from a canoe on the bank of the river—no wharf or any constructed landing.

Int. 5.—Was there any plank path or any other accommodations for facilitating the landing of persons or goods at that place?

Ans.—There was no plank there. There was a foot-trail on the bank.

Int. 6.—Was there any person in occupation of the store of the Company at that time?

Ans.—Yes, there was.

Int. 7.—Did the Hudson's Bay Company, or any agent of theirs, demand tolls or compensation from you for the accommodation of beaching your canoe at the landing and availing yourself of the foot-trail after you landed?

Ans.—No.

Cross-Examination.

Int. 1.—How do you know that the store you mention as belonging to the Hudson's Bay Company was actually the store of the Company?

Ans.—I was introduced to the gentleman who had charge of the store as one of the Hudson's Bay Company's men.

Int. 2.—What was his name?

Ans.—I have forgotten.

Int. 3.—Was this store situated on the bank of the river, or on the west side of the little street running by the landing?

Ans.—I think on the bank of the river.

Int. 4.—Who was the person who at that time claimed to possess the landing and the land immediately around it, who did practically control it?

Ans.—Mr. Huntington.

Int. 5.—At the time you were there, were there not some piles driven along the bank to prevent its being washed away by the current of the river?

Ans.—None that I noticed.

CHAS. T. GARDNER.

WASHINGTON, D. C., *January* 30, 1867.

Claim of the Hudson's Bay Company against the United States.

Deposition of SIMPSON P. MOSES, taken at the request and in behalf of the United States, by agreement between C. C. Beaman on behalf of the United States, and Edward Lander on behalf of the Hudson's Bay Company.

TESTIMONY OF SIMPSON P. MOSES.

Int. 1.—Are you the same person examined as a witness this day in the matter of the Puget's Sound Agricultural Company's claim against the United States?

Ans.—Yes.

Int. 2.—State whether or no the Hudson's Bay Company imported any merchandise into your collection district, when you were United States collector of customs for the district of Puget's Sound?

Ans.—They did, paying duties amounting in the aggregate to about \$5,000.

Int. 3.—Where were these goods sold?

Ans.—At Fort Nisqually.

Int. 4.—Who was the agent of the Hudson's Bay Company in these matters?

Ans.—Dr. Tolmie. The imports of merchandise were consigned to him. He was also an officer of the Puget's Sound Agricultural Company in charge of the post.

Int. 5.—How was the value of the Company's interests affected by being required to pay duties on their imports through your district?

Ans.—Dr. Tolmie represented to me that their interests had suffered seriously thereby, and that they would in future import their goods at Vancouver, on the Columbia river, and bring them across the country.

Int. 6.—State whether or no you ever visited Fort Vancouver, on the Columbia river.

(Statements of Dr. Tolmie objected to as incompetent.)

Ans.—I was at Fort Vancouver on two occasions—in the winter of 1852–3, and the spring of 1853.

Int. 7.—State whether you had any conversation with Governor Ballenden, chief factor in charge of the Hudson's Bay Company's post at Vancouver, in regard to their right to import merchandise into the Columbia river.

Ans.—I had a general conversation with him on the subject, in which he contended the treaty gave the Company the right of importation free of duties.

(Statement of Ballenden objected to as incompetent.)

Int. 8.—Was the Hudson's Bay Company permitted to introduce goods into the Columbia river free of duty or not?

Ans.—The Company was required to pay duty.

Int. 9.—State whether or not you had any conversation with Governor Ballenden in regard to the value to the Company of the navigation of the Columbia river under the treaty, if the Company was compelled to pay duties.

Ans.—Governor Ballenden remarked to me that the requirements of our revenue system, as practised at the custom-houses in that country, were such as to render that right of no value to them, and that the Company had determined to discontinue the use of the north branch of the river, and that the Company was then constructing, or about to construct, a road from a point on the Pacific, within the British territory, striking inland, so as to supply their posts independent of the annoyance of the American custom-houses.

(Statement of Ballenden objected to as incompetent.)

February 7, 1867.

SIMPSON P. MOSES.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Before me personally came Simpson P. Moses, to whom I administered the following oath:

"You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United States shall be the truth, the whole truth, and nothing but the truth. So help you God."

Witness my hand this seventh day of February, A. D. 1867.

SAM'L H. HUNTINGTON,

Chief Clerk Court of Claims.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

CROSS-EXAMINATION OF SIMPSON P. MOSES.

Int. 1.—How do you know that the Hudson's Bay Company were required to pay duties at the Columbia river, and did your collection district extend to the Columbia river?

Ans.—My district did not extend to the Columbia river, and I only knew the Hudson's Bay Company paid duties there from the statement of the officers of the customs there on the river, and from the statement of the officers of the Company, and also because it was a matter of notoriety which was never controverted.

Int. 2.—Did not Dr. Tolmie complain of your interpretation of the revenue laws in your collection district, and was not that one of the reasons given for importing goods into the Columbia district, and subjecting them to the very great additional cost of land transportation from the river to the post at Nisqually?

Ans.—Dr. Tolmie did so complain, as he had previously complained in like manner of the interpretation at Astoria. At the time when he complained of interpretation he paid the duties under written protest, which protest I forwarded to the Treasury Department, and my interpretation was sustained, of which fact I notified Dr. Tolmie.

Int. 3.—What reason did Dr. Tolmie give you for adding so greatly to the cost of his goods by importing them by the way of the Columbia river?

Ans.—He gave me only a general reason, that the Company thought it would be to their advantage to do so, and that they had so determined.

Int. 4.—At what time did you have this conversation you have spoken of with Mr. Ballenden?

Ans.—It was November or December, 1852, to the best of my recollection.

Int. 5.—Did not Mr. Ballenden in this conversation tell

you that the custom-house authorities interfered with their navigation of the river above Astoria?

Ans.—He said that the annoyances that the Company had to submit to from the American custom-house authorities were such as to render the Company's right under the treaty to the use of the river of no value to them.

Int. 6.—Did he say anything to you about the threats to seize a vessel of the Company engaged in navigating the river above Astoria?

Ans.—No; he said nothing of that sort.

SIMPSON P. MOSES.

Claim of the Hudson's Bay Company against the United States.

Deposition of the Hon. WILLIAM GILPIN, taken at the request and in behalf of the United States, by agreement between C. C. Beaman, on behalf of the United States, and Edward Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF HON. WILLIAM GILPIN.

Int. 1.—What is your name, residence, and present occupation?

Ans.—William Gilpin, Denver, Colorado. I am now Governor-elect of the State of Colorado.

Int. 2.—Under what circumstances and with what purpose did you cross the Plains in 1843?

Ans.—I made the journey from St. Louis to the mouth of the Columbia for the purpose of personal and individual examination and information.

Int. 3.—What particular education or opportunities have you had which would enable you to judge and estimate the value of lands in new settlements, or the cost of erecting buildings in such settlements?

Ans.—Preliminary training at the Military Academy at West Point, service in the army, and residence on the frontier from the age of 16. I have traversed the interior of the continent a great deal in military expeditions and otherwise.

Int. 4.—State whether you ever visited Fort Hall, a station of the Hudson's Bay Company.

Ans.—I visited and remained several days at Fort Hall, going out to the Pacific sea, in September, 1843, and returned from the Pacific in June, 1844, remaining at this time several weeks at the fort.

Int. 5.—Describe the station of Fort Hall.

Ans.—Fort Hall was a small quadrangular trading-post, about 100 feet square, constructed of adobe and logs—log cabins.

Int. 6.—What would you estimate the cost and value of this station, with the buildings?

Ans.—As I saw the buildings, they were of little value as structures, and designed for mere temporary use, for the protection of stores and trade with the Indians. I am able to estimate the value of this class of buildings, as I have built such buildings, and I once was in treaty to purchase Bent's Fort, on the Upper Arkansas, and know what value was put upon it. Fort Hall was bought by the Company from Mr. Wyeth. I should think that \$2,000 would be a generous, equitable price for all the structures I saw at Fort Hall.

Int. 7.—State whether or no there were any lands enclosed or cultivated, or occupied and used for the pasturage of horses and cattle, at Fort Hall.

Ans.—My recollection is that there was no cultivated land of any kind at Fort Hall; no enclosures, except small, temporary corrals, with poles. My recollection is that there were about 300 or 350 head of stock, under the charge of the persons at the fort. These were herded, and grazed at large over the surrounding domain. I know of no lands enclosed or reclaimed for permanent use from year to year, except the fort.

Int. 8.—How many men stationed at Fort Hall?

Ans.—About 11.

Int. 9.—What was the condition of the trade?

Ans.—From repeated conversations with the officers of the Company and American traders, I came to the conclusion that the amount of trade there was uncertain and transient, on

account of the migratory character of the surrounding Indians.

(Interrogatory objected to as incompetent and hearsay.)

Int. 10.—Have you visited any other stations of the Hudson's Bay Company?

Ans.—Yes; in 1843 and 1844, Boisé, Walla-Walla, Vancouver, Fort George, and Champoeg.

Int. 11.—When and how long were you at Fort Boisé?

Ans.—Three or four days, in October, 1843, and June, 1844.

Int. 12.—Describe Fort Boisé.

Ans.—Fort Boisé was in all particulars similar to Fort Hall, and I judge to have been a place of about equal value with Fort Hall. The buildings were somewhat better finished, but of less value as a trading point. I think there were only 6 or 7 men stationed there. Its chief consequence was as a place of rest and refitment for the passing trains of the Company. I did not observe any lands enclosed or specially used in agriculture or pasturage. I should not put the value of the buildings and post at Boisé over \$2,500 or \$3,000.

Int. 13.—How long and when were you at Walla-Walla?

Ans.—In October, 1843, some eight days; in April and May, 1844, some twenty-five or thirty days.

Int. 14.—What was the character of the post at Walla-Walla?

Ans.—The houses were well constructed, of adobe. There were no corrals or out-houses of any value near the fort. Walla-Walla was the depot for transportation to the posts north, east, and south of it, and for the purchase of animals of transportation. I think there were small cultivated fields of a few acres at some distance from the fort, on the Walla-Walla river, where potatoes were grown. I think the Company had no stock there other than horses. The permanent equipment of the fort was very small, five persons only. I should set down the moneyed value of the place at \$8,000 or \$9,000, including the cultivated land. The country around Walla-Walla was extremely sandy, of no value for cultivation, enclosure, or pasturage at that time.

Int. 15.—State whether you had any conversation with

Major Grant, chief trader Hudson's Bay Company, with regard to the value of the Company's posts and trade south and east of the Columbia river.

(Objected to as incompetent.)

Ans.—I had frequent conversation with him, and others in the service of the Company, on this subject. The general impression made on me by these conversations was, that their presence in the country was transient, and their posts held in that light, their connection with it liable to cease immediately on the termination of the diplomatic discussions then pending. It was further stated that the intention of the Company was to abandon the posts south and east of the Columbia if they could not sell them privately. In those regions of country where the Company had the prospect of permanent control, the Company established and pursued a set policy and discipline calculated to enhance and enrich the general business of the fur trade; but on the contrary, where the sovereignty was in dispute, they were less careful of the permanent and prospective favorable condition of the country, and permitted a state of things calculated to exhaust it rapidly, and bring about the destruction of the fur-bearing crop of animals. The Company were gradually curtailing their operations in the disputed territory, owing to diminution of the supply of fur-bearing animals.

Int. 16.—When, and how long, and under what circumstances did you visit Fort Vancouver?

Ans.—My recollection is that I visited Vancouver in November, 1843, in February, 1844, and April, 1844. I was there about ten days on each occasion, and on the two last occasions was specially the guest of Governor John McLoughlin, and was treated by him with the greatest hospitality and kindness.

Int. 17.—Describe Fort Vancouver.

Ans.—The main establishment consisted, as I remember, of some seven or ten dwelling-houses, framed, surrounding a parade, the whole enveloped in a picket enclosure. These houses were ample in size, substantial, and convenient dwellings. Outside was one large store and warehouses, and some

distance, some hundred yards off, was a small village, the residence of the employes and their families, consisting of cabins, neat cabins. Besides these were shelters, built near the river and elsewhere, to facilitate the loading and unloading of vessels and their cargoes; also corrals, for stables, and for hogs and poultry.

Int. 18.—What would you estimate to have been the value of the buildings you have just described, together with a square mile, extending half a mile up and down the river and a mile back?

Ans.—I should estimate at a liberal price, the cost of putting up the building \$50,000, and for the land \$45,000, the total liberal cash value being \$95,000.

Int. 19.—What do you know of the amount of land cultivated, and the value of the crops raised at and around Vancouver?

Ans.—I recollect to have visited a well-conducted and substantial farm east of Vancouver, six miles off, well equipped in all particulars. My recollection is that there were 300 acres of wheat, oats, and potatoes in constant cultivation. There were also a garden and orchard. I do not know of any other cultivated lands about Vancouver. I do not know the value of the crops raised on these lands, but a large portion of the wheat sent to Sitka was purchased from settlers in the valley of the Willamette and from California.

Int. 20.—State whether you visited any mills belonging to the Company in the vicinity of Vancouver, and if so, give an estimate of their cost and value.

Ans.—At the mouth of a considerable creek, flowing into the Columbia from the north, and I think opposite the farm, I visited a group of water-mills. These consisted of a mill for the manufacture of wheat into flour, good sized and well equipped, and of, I think, two saw-mills. These saw-mills were very large and substantial as to size and structure. I should estimate the mills at \$60,000 or \$65,000.

Int. 21.—State whether or not you knew or heard of any map of any land claimed by the Company around Vancouver, or whether you heard the officers of the Company make any

claim to any other land than that actually occupied by them.

Ans.—I did not hear of or see any map, other than a manuscript chart purporting to illustrate the entrance to and navigation of the river Columbia as high as the Cascades, and Arrowsmith's general map, printed in London, of the region occupied by the Hudson Bay Company in North America. I understood, from what I saw and heard from the officers of the Company, that the Company did not claim any permanent right or title in the soil, other than the use of it, and the value attached to it in the prosecution of their business as traders.

(Statement of officers objected to as incompetent.)

Int. 22.—What would you estimate to have been the value of a tract of land extending in front along the bank of the Columbia river twenty-five miles, and extending back from said river about ten miles, and excluding the tract a mile square you have already valued around the Fort, the said land running 17 miles down the river below Vancouver and 8 miles above.

Ans.—I can form no estimate. I knew of no claimed occupancy of such a tract of land; it was then wild and unoccupied in all particulars.

Int. 23.—State, if you can, the number of cattle and sheep owned by the Company.

Ans.—The number was small. Most of those around Vancouver and other posts were, as I understand, owned by individuals or by the Puget's Sound Agricultural Company, and kept around the posts for better protection.

Int. 24.—When were you at Champeog, and what was its condition?

Ans.—I was there at various times, particularly March 4th, 1844. I have no recollection of any buildings there but sheds. I did not understand that the Hudson's Bay Company had any station there; my understanding was that it was used merely as a landing place.

Int. 25.—When were you at Astoria (Fort George?)

Ans.—April 1st, 1844; three or four days.

Int. 26.—What was the character of the Post?

Ans.—It was of the very smallest class, consisting of a single building; it was the point where vessels anchored. Captain Birnie and his family, with one or two assistants, were all the persons I saw there. The only trade of the post was salted salmon.

Int. 27.—What do you know of the policy of the officers of the Company to induce intelligent Americans to go to the Sandwich Islands, and of their expectation of the final settlement of the boundary line between the United States and British America?

Ans.—There was perceivable an earnest desire to give to their own Government as much as possible the benefit of *exclusive* occupancy by British subjects of all the country between the Columbia river and the ocean. The officers of the Company were very liberal and generous in giving free passage to Americans to the Sandwich Islands. The officers of the Company expected and desired that the Columbia river should be made the line between the United States and British America.

Int. 28.—State what you know of the origin of provisional government beyond the Rocky Mountains.

Ans.—Provision for self-government was arranged and adopted by the people at a mass meeting at Champeog 4th March, 1844, and I was appointed the first delegate to the American Congress from the inhabitants of Oregon.

Int. 29.—What do you know of the Hudson's Bay Company's post of Umpqua?

Ans.—I met Mr. Paul Fraser, an officer of the Company; he gave me an exact description of the establishment at Umpqua, leading me to estimate its size, value, and importance as ranking with Boisé and Fort Hall, and its desirableness as a place of trade diminishing.

WILLIAM GILPIN.

WASHINGTON CITY, *February 8, 1867.*

*In the matter of the Claim of the Hudson's Bay Company against
the United States.*

Before me personally came William Gilpin, to whom I administered the following oath:

“You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Witness my hand this eighth of February, A. D. 1867.

SAM'L H. HUNTINGTON,
Chief Clerk Court of Claims.

Cross-Examination.

Int. 1.—You have estimated Fort Hall on your recollection of it; suppose Fort Hall to have consisted of the buildings and horse-yards or corrals in good repair, set out on page 123 of the testimony in behalf of the Hudson's Bay Company, and now shown to you, what value would you put upon it in 1843, or at any time within three years preceding or following that time?

Ans.—In giving the estimate I did in the examination-in-chief, I had in my mind the establishment as set forth here, such being my distinct recollection of the fort and its surroundings.

Int. 2.—Do you recollect any adobe horse-yard or corral at Fort Hall 165 by 130 feet?

Ans.—I remember having seen and perhaps used such corral as existed at the time I was there. Its construction was rude and imperfect; a portion of it of poles.

Int. 3.—How many bastions were there at Fort Hall?

Ans.—I have no distinct recollection of the bastions. At two corners of the fort the inhabited building had attics or upper structures, which served the purposes of bastions for defence.

Int. 4.—Do you know anything of the cost of maintaining

and equipping a party of men for the purpose of crossing the Plains, and trapping, or hunting, or doing work in the mountains?

Ans.—I have had great experience and general knowledge of such things, and have seen and accompanied many such. The cost of these expeditions is so various as that each specific one varies from all the rest, according to the point of departure, the distance travelled, and the length of time occupied.

Int. 5.—What will be the cost, as near as you can estimate it, of a party of twenty men, leaving St. Joseph, Missouri, for an expedition on the Plains to Fort Hall and back, and time occupied being six months, about the years 1843-4-5 and 6?

Ans.—I should say the minimum cost would be \$150 per man, and the maximum \$300, say, average, \$200 per man.

Int. 6.—How much cultivated land was there at Fort Walla-Walla belonging to the Fort?

Ans.—My recollection is from 5 to 7 acres.

Int. 7.—What value do you place on those 5 or 7 acres?

Ans.—The fields were small bottoms upon the creeks, and their value from \$10 to \$12 per acre.

Int. 8.—You have estimated the moneyed value of Fort Walla-Walla, including the cultivated land, at \$8 or \$9,000; what value would you put upon it, excluding the land of the value of which you have just spoken?

Ans.—The estimate of \$8,000 or \$9,000 was intended to embrace the aggregate of everything that went to give value to the place. The buildings of Fort Walla-Walla were at that time new, and built to replace an older establishment that had been burnt down. I would estimate at the sum already estimated, deducting the valuation placed by me upon the land.

Int. 9.—While you were visiting at Vancouver did you ride down the river from the Fort and visit any farm or dairies on the Cathlapootl river?

Ans.—I think not. I only rode 3 or 4 miles down the river to some lakes.

Int. 10.—At what time in the year did you make this ride of 4 miles down the river?

Ans.—In the spring; saw them ploughing.

Int. 11.—Did you place any value on the Company's Post at Astoria, which you have described?

Ans.—I think I should value the buildings I saw there at \$1,200 or \$1,500.

WILLIAM GILPIN.

WASHINGTON, *February 11, 1857.*

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of FRANCIS HUDSON, a witness examined on behalf of the United States, by agreement between Mr. Beaman, on behalf of the United States, and Mr. Lander, on behalf of the Hudson's Bay Company.

TESTIMONY OF FRANCIS HUDSON.

Int. 1.—What is your name, residence, and occupation?

Ans.—Francis Hudson, Washington City, D. C., an employé of Coast Survey.

Int. 2.—Have you ever been in Washington Territory? If so, state in what capacity and during what time.

Ans.—Yes. I was there as computer on the Northwest Boundary Survey, during the years 1859 and 1860.

Int. 3.—Are you acquainted with the location of the Post lately occupied by the Hudson's Bay Company and known as Kootenay? If so, please state where it was situated; and whether it was north or south of the 49th parallel of north latitude.

Ans.—I know two such places, one to the north of the 49th parallel, and one to the south of the line. I was fully under the impression that the one north of the line was also called Kootenay, and my impression is that the one south of the line was the old post, and was not occupied.

Int. 4.—Will you describe the Fort Kootenay north of the line?

Ans.—I was only there once. My recollection is that there was only one building there, that was the dwelling of the officer in charge. I saw but one man connected with the Hudson's Bay Company there.

Int. 5.—Were there any cultivated lands at this post?

Ans.—None at all.

Int. 6.—(Mr. Lander objects to all statements in reference to a post north of the line as irrelevant.)

Int. 7.—Will you describe the post known as Fort Kootenay, which you say was south of the line, and was not occupied?

Ans.—It was about five miles south of the 49th parallel, and not more than a mile north of the Tobacco river, certainly not two miles. To the best of my recollection it consisted of a building called a church; there was also a dwelling for the man in charge, as I understood, and there were four smaller buildings I believe; I am not certain there were four.

Int. 8.—Look at the photograph now shown you, which is in evidence, and marked Alexander Gardner, No. 1, and say if you recognize it as a correct representative of the building called a church.

Ans.—I recognize the building in photograph as the one I was told was a church.

Int. 9.—State also, if the other buildings were larger or smaller, and similarly built.

Ans.—The dwelling of the man in charge was much smaller and was similarly built, and the other buildings were much inferior and quite small.

Int. 10.—How long were you at and about the post last described?

Ans.—I can't answer certainly; it might have been about four or five weeks.

Int. 11.—Whether you saw any persons living at this post; if so, how many, and how employed.

Ans.—I saw no one there.

Int. 12.—Whether or no you saw any land that appeared to have been cultivated?

Ans.—None.

Int. 13.—Did you see any herds of cattle or horses at this post?

Ans.—None at all.

Int. 14.—Whether or no, while the Commission was stationed near where the Kootenay river crosses the 49th parallel

of latitude, you saw or heard of any other fort or post of the Hudson's Bay Company, or any other white man's habitation on or near the Kootenay and Tobacco rivers than the one you have already described?

(Mr. Lander objects to that portion of the question where witness is asked about what he heard.)

Ans.—No, none at all.

F. HUDSON.

February 13, 1867.

Cross-Examination.

Int. 1.—How did you know that this building you recognize in the photograph was a church?

Ans.—I do not know that it was a church, but it was generally reputed so by the officers of the Boundary Commission.

Int. 2.—Do you not believe that this reputation among the officers of the Commission arose from statements of Indian guides?

Ans.—I cannot say; I think it quite possible.

Int. 3.—About how large was this building, giving as near as you can its length, its height, and its width?

Ans.—I never made an estimate at the time, but I should say about 40 by 15, and not more than 5 feet high at the eaves.

Int. 4.—How often did you visit this place?

Ans.—I can't say precisely, but certainly half a dozen times.

Int. 5.—What was there about it that made you ride five miles to visit this particular locality?

Ans.—Well, in the first place, I walked there; I visited it once out of curiosity, and was there several times while on duty.

Int. 6.—Might there not have been on the Tobacco plain remains of other buildings, which may have escaped your notice by being concealed by undergrowth or grass.

Ans.—I don't know where the Tobacco plains are; they are located in half a dozen different places.

Int. 8.—Might there not have been in the valley of the Kootenay, and within four miles of the Tobacco river, and north of it, remains of buildings not seen by you?

Ans.—I think not, decidedly.

Int. 9.—Was this church which you have described built of square logs or not?

Ans.—The building pointed out to me as a church was not built of square logs.

Int. 10.—Were any of the other buildings, described by you as being there, built of square logs?

Ans.—None of them.

F. HUDSON.

WASHINGTON, D. C., *February 13, 1867.*

In the matter of the Claim of the Hudson's Bay Company against the United States.

Before me personally appeared Francis Hudson, to whom I administered the following oath:

“You solemnly swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the United States shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Witness my hand this 13th day of February, A. D. 1867.

SAM'L H. HUNTINGTON,

Chief Clerk Court of Claims.

WASHINGTON CITY.

In the matter of the Claim of the Hudson's Bay Company against the United States.

The deposition of JAMES G. SWAN, taken in behalf of the United States. C. C. Beaman representing the United States, and Edward Lander representing the Hudson's Bay Company.

TESTIMONY OF JAMES G. SWAN.

Int. 1.—Please to state your name in full, residence, and occupation.

Ans.—James G. Swan, Port Townshend, Washington Territory, merchant.

Int. 2.—Are you acquainted with the lands and territory on the mouth of the Columbia river, below where the Cowlitz river enters?

Ans.—I am. I went to reside at Shoal-water Bay, near the mouth of the Columbia river, in 1852, and resided there about four years. A part of the time I was inspector of the customs under General Adair, the collector at Astoria.

Int. 3.—Are you acquainted with Astoria or Fort George, the former post of the Hudson's Bay Company?

Ans.—I am.

Int. 4.—What was its character, condition, or value at the time you knew it?

Ans.—At the time I was there, there was no vestige of any post of the Hudson's Bay Company.

Int. 5.—Whether or no you ever visited Cape Disappointment?

Ans.—I have visited that portion of it known as Pacific City, at Baker's Bay.

Int. 6.—Whether or no you know or ever heard of the occupation of any land on Cape Disappointment by the Hudson's Bay Company previous to 1856?

Ans.—I never heard of any such occupancy or any such claim. I never heard Duchesney or Captain Scarborough, both formerly in the service of the Hudson's Bay Company, mention any such claim.

(Mr. Lander objects to so much of the above question as refers to what the witness had heard.)

Int. 7.—What were your acquaintance and opportunities for conversation with Mr. Duchesney and Captain Scarborough?

Ans.—I stopped at Duchesney's house on my way to Astoria, whenever I had occasion to go to Astoria, and met Captain Scarborough in Duchesney's house.

JAMES G. SWAN.

February 16, 1867.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of TITIAN R. PEALE, witness produced and examined on the part of the United States, by agreement between C. C. Beaman, counsel for the United States, and Edward Lander, counsel for the Hudson's Bay Company.

TESTIMONY OF TITIAN R. PEALE.

Int. 1.—What is your name, residence, and occupation?

Ans.—Titian R. Peale, Washington city; occupation, examiner of patents.

Int. 2.—In what particular service were you employed in the year 1841?

Ans.—I was a naturalist in the United States exploring expedition under Captain Wilkes, and was on board the United States ship Peacock, and was wrecked at the mouth of the Columbia river in the last of the month of July of that year.

Int. 3.—Whether, during the year 1841, you ever visited Cape Disappointment? If so, describe the character of the cape.

Ans.—I did. The Peacock was wrecked off Cape Disappointment; it was a rocky promontory, fronting on marshy land, the timber commencing behind the marsh, to the west of Baker's Bay.

Int. 4.—Was there any part of a tract of land at the end of this cape containing 640 acres suitable for cultivation?

Ans.—I should think not.

Int. 5.—Whether or no there was any post of the Hudson's Bay Company on this cape in 1841?

Ans.—At that time there was no building there, or preparation for buildings, that we saw.

Int. 6.—Whether or no you ever visited Astoria, known as Fort George?

Ans.—I was there for two days in the last of July, 1841. It was then in charge of Mr. Birnie. The principal building was of squared logs, or puncheons, erected on the slope of a

hill, one story at one end, and two stories at the other end. There were several out-buildings, smaller in dimensions, also built of timber.

Int. 7.—What would you estimate to have been the value of the buildings of this post?

Ans.—I should suppose they could not have cost more than \$500 or \$600.

Int. 8.—What do you know of the trade at this post?

Ans.—At the time we were there I understood from Mr. Birnie the trade to be almost entirely in salmon, a few sea-otter skins, and articles of a similar character.

(The understanding from Mr. Birnie objected to by Mr. Lander as incompetent.)

Int. 9.—Have you ever visited Fort Vancouver, a Post of the Hudson's Bay Company on the Columbia river?

Ans.—I was at Fort Vancouver for about a week in the latter part of July, 1841. The fort was a stockade built of timber, the main building being enclosed within the stockade, being built of square logs, the smaller buildings built of puncheons. Puncheons are split logs set in a frame to economize lumber. All the buildings were of one story, with a basement cellar in some of the larger buildings. The outer buildings were not built with the same care as those within the stockade.

Int. 10.—Of what kind of timber were these buildings constructed, how were they put together, and where was the timber cut?

Ans.—The material was usually pine, or a kind of cypress grown in the immediate neighborhood, and were squared by hand, and put together by a kind of dove-tailing in the better-finished houses. The windows in the residences were glazed, with metal hinges to the doors. There was no iron used in the joining together of these timbers.

Int. 11.—Can you estimate how long this pine or cypress timber would withstand exposure to the weather?

Ans.—I have no knowledge how long it would stand exposure to the weather. It was a perishable material, however, as we saw at the first site occupied by Fort Vancouver, which

was on the second plateau of the river, where little or nothing remained, though but few years had expired from the time of removal.

Int. 12.—What would you estimate to have been the cost of the stockade and the buildings which you saw at Fort Vancouver?

Ans.—From the fact that the timber grew on the spot I should not suppose that the erection of the buildings and stockade could have cost more than \$25,000.

Int. 13.—What do you know of the value of the fur trade at Fort Vancouver?

Ans.—I have no recollection now of the value of the fur trade at that period, but was informed that its value was decreasing.

(Mr. Lander objects to any statements learned from information of others as incompetent.)

Int. 14.—State under what circumstances and from whom you received this information.

Ans.—I received the information from both Governors Douglas and McLoughlin, both officers of the Company. This was in answer to my inquiries whether their agricultural improvements had anything to do with the fur trade. They both gave me the impression the fur trade was decreasing in value, and the agricultural improvements were being made to increase resources and provide a retreat for the members of the Company retiring from active life.

(Information derived from the statements of the officers of the Company objected to by Mr. Lander.)

Cross-Examination by Mr. Lander.

Int. 1.—Where did you go on shore at Cape Disappointment?

Ans.—We landed on the west side of Baker's Bay, inside of Cape Disappointment.

Int. 2.—Did you remain there any length of time?

Ans.—Only twenty-four hours.

Int. 3.—At what time of the day did you arrive, and when did you leave?

Ans.—We landed in the morning and left there the next morning for Astoria.

Int. 4.—Did you make any other visit than this you have mentioned to Cape Disappointment?

Ans.—No, I did not.

Int. 5.—Did you erect a tent on the beach?

Ans.—No; there was no accommodation provided for the officers or men until we got to Astoria, except that, I think, Mr. Birnie, or some one, sent down a tent the morning I left there.

Int. 6.—Did you go on to the Cape Disappointment?

Ans.—I did. I went by land on the beach. I went as far as I could by the beach and then ascended the promontory.

Int. 7.—At what time did you return to the camp?

Ans.—I think I went and returned in about two hours and a half.

Int. 8.—In what other, if any, direction did you go after you returned to camp?

Ans.—Across the Columbia river to the missionary station, in canoes. The station was on the south side of the river. We did not return from the mission to Cape Disappointment, but went from the mission in boats to Astoria.

Int. 9.—Have you ever built or caused to be built any squared log buildings in what was then Oregon; or do you personally know the cost of any such buildings, or the price of the labor of those employed in building them?

Ans.—No. I do not know personally the cost of any such buildings, nor do I know the price of labor in Oregon. I knew public buildings built in other places than Oregon, and the price of labor did not enter into the estimate of cost. The time we were in Oregon there could be no estimate put on labor, as there was no currency.

Int. 10.—Did you see any trading done at Astoria while you were there?

Ans.—Only for salmon.

Int. 11.—At the time you visited Fort Vancouver what condition were the buildings in within the stockade?

Ans.—They were all in good condition at that period.

Int. 12.—Were there any buildings in process of erection at that time within the stockade?

Ans.—I have no recollection of seeing any.

Int. 13.—Do you not recollect that some of these buildings within the stockade, used for storehouses, were of two stories?

Ans.—On the east and south front, I now recollect that there were buildings of two stories used as stores.

Int. 14.—Did you give such a particular examination to the buildings within the stockade as to impress it upon your memory with such distinctness as to enable you, after twenty-six years, to give an accurate description of the buildings you saw in 1841?

Ans.—No; I did not so observe them as to remember distinctly at the present time. I do not remember all the buildings distinctly. My impressions are stronger in reference to the dwelling-houses.

Int. 15.—Can you state of what kind of wood these buildings were built? If so, state what it was.

Ans.—Pine and cypress.

Int. 16.—What other name, if any, is there for the tree you call cypress?

Ans.—I do not remember the botanical name.

Int. 17.—Is the cypress you have reference to a deciduous tree?

Ans.—No; it is an evergreen.

Int. 18.—Were not the pine and cypress you refer to resinous trees?

Ans.—They were.

Int. 19.—Do you not know that the resinous trees can remain a long time exposed to the weather without decay?

Ans.—Some do, but not all, the hemlock of the eastern regions being considered a perishable wood.

Int. 20.—Do you know anything of the red fir tree of Oregon and Washington Territory?

Ans.—I do not.

Int. 21.—Can you tell, by looking upon squared timber in buildings which have been erected for several years, of what species of fir or pine they are built?

Ans.—I think I could with tolerable certainty.

Int. 22.—Is not your statement that these buildings were erected from pine and cypress trees rather derived from the fact that you believed you saw trees of this description growing in a forest back of the site of the old fort, than from the fact that you observed these two kinds of wood in the buildings themselves?

Ans.—That is true as regards the buildings themselves. As regards the stockade, my impression is that they were of the kinds of trees the stumps of which were still existing in the immediate neighborhood.

Int. 23.—Have you any better means of knowledge of the cost of the buildings at Vancouver than you had of those at Astoria?

Ans.—I have not.

Examination-in-Chief Resumed.

Int. 1.—Whether or no, from the promontory at the extremity of Cape Disappointment you had a view of a tract of land a mile square?

Ans.—I think I had. It was a marshy meadow land, with a fringe of timber next to Baker's Bay.

Cross-Examination Resumed.

Int. 1.—Is not Cape Disappointment a promontory rising nearly 200 feet abruptly from the water; does not that height continue backwards to the north, as observed from the water in Baker's Bay, to some distance, certainly for more than a mile?

Ans.—My present impression is that Cape Disappointment is not that high. I have been speaking of the main point, which is disconnected from the high land which forms the west side of Baker's Bay.

Int. 2.—Was not the land on Cape Disappointment, immediately north where you stood, covered for at least a quarter of a mile with a thick growth of timber?

Ans.—No; my recollection is that for about a quarter of

a mile north of Cape Disappointment is a low, sandy beach, bounded inland by bushes.

Int. 3.—From where you stood, how far could you see looking inland?

Ans.—My recollection is that it was about half a mile across the meadow land up to the timber.

Int. 4.—About how much land, if you are able to estimate it, was embraced in the marshy space you have spoken of; what was its length and breadth?

Ans.—It was about half a mile square.

T. R. PEALE.

February 25, 1867.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of General BENJAMIN ALVORD. Witness examined on behalf of the United States by agreement between C. C. Beaman, counsel for the United States, and Edward Lander, counsel for the Hudson's Bay Company.

TESTIMONY OF GENERAL BENJAMIN ALVORD.

Int. 1.—What is your name, residence, occupation?

Ans.—Benjamin Alvord, residence, New York city, paymaster in the United States Army.

Int. 2.—Have you ever been at Fort Vancouver, a post of the Hudson's Bay Company? If so, when, and at what time or times?

Ans.—I arrived at Fort Vancouver in September, 1852, and left there in the spring of 1865. I was at that post the greater portion of that time. From 1855 I was employed as paymaster in the United States Army; from 1862 to 1865 as Brigadier General of volunteers in command of the district of Oregon.

Int. 3.—Describe Vancouver as you saw it in 1852.

Ans.—There was a stockade surrounded with pickets, occupied by the Hudson's Bay Company. Outside of the pickets

there was one building belonging to the Company occupied as a hospital by the United States troops, a Catholic church, and two or three buildings surrounding it, and two or three other small buildings. Inside the pickets was a building occupied as a store in the lower story, the upper story was a storehouse, and two other large buildings were storehouses. There was also one building occupied by the officers of the Company, one building as an office, and a range of smaller buildings occupied by the servants of the Company; also a magazine and block-house.

Int. 4.—Describe any changes that took place in the building while you were there.

Ans.—In 1859, when the Company left, the buildings were, most of them, very much dilapidated, some of them in decay, especially as most of the buildings had, I think, a wooden foundation.

Int. 5.—How were the buildings of the Company constructed, and of what material, and where was it procured?

Ans.—Of Douglas spruce logs hewn square, in a portion of the buildings; some of them were of logs unhewn, procured in that vicinity. There was a spruce forest in the rear of the post. The unhewn logs were put together in notches. I don't remember how the hewed logs were put together.

Int. 6.—What would you estimate to have been the value of the stockade and all the buildings owned by the Company at this Post in 1852?

Ans.—About \$25,000 for the stockade and buildings within the pickets. The price of lumber was very high, and for that reason the United States military barracks were built of logs.

Int. 7.—What would you estimate the stockade and buildings to have been worth in 1859?

Ans.—They were so much decayed they were worth very little.

Int. 8.—What do you know of the military reservation at Fort Vancouver?

Ans.—A military reservation of four square miles was first laid off. In the spring of 1853 a law of Congress reduced all

military reservations for forts in Oregon to 640 acres. I was there when the lines of the small reservation were run.

Int. 9.—Whether or no the Hudson's Bay Company desired that the reservation should be large or small?

(Mr. Lander objects to this question as incompetent, irrelevant.)

Ans.—I think a large reservation was agreeable to the Hudson's Bay Company as protecting them against the encroachments of the settlers.

Int. 10.—Look at the photographs now shown you marked "C" and "D," and state what they represent.

Ans.—The one marked "C" is the northeast corner of the Hudson's Bay stockade at Fort Vancouver from the inside, embracing the building occupied by the officers of the Company, and another building occupied by the servants of the Company. The one marked "D" represents the northwest corner of the stockade, embracing the principal store.

Cross-Examination.

Int. 1.—Was there not outside the pickets a building occupied as an ordnance building?

Ans.—A portion of the building I have described as being used as a hospital was also used as an ordnance storehouse.

Int. 2.—Look on this list of buildings within the fort, dwelling-houses, stores, and workshops, now shown to you, on the 202d and 203d pages of the printed testimony in behalf of the Hudson's Bay Company, and state whether these buildings were not there in 1852, and whether those buildings were not there in 1859.

Ans.—I would add to my first description of the buildings a granary and blacksmith's shop, and a building adjoining the officers' quarters near the gate; the latter, when I first became acquainted with it, was very much gone to decay.

Int. 3.—Can you name any particular building of those you have mentioned inside of the stockade which was in decay in 1859?

Ans.—The building occupied by the officers of the Company was propped up repeatedly, and the other building, the other

side of the gate, was in considerable decay. All the storehouses were much in want of repair.

Int. 4.—State in what manner the building occupied by the officers was propped up.

Ans.—My impression is, the foundations were decayed. I witnessed, once or twice, the process of repair. I saw workmen at work on the front porch, in the front part of the house.

Int. 5.—In what part of the storehouses did you notice any decay?

Ans.—The foundations of the building occupied at one time as a commissary storehouse.

Int. 6.—What portion of the foundation was in decay, and to what extent?

Ans.—I cannot say. My attention was drawn to that building, at one time, in connection with abandoning its use as a storehouse, and the necessity of one being built by the Quartermaster's Department.

Int. 7.—What, if any, estimate was made of the cost of the building spoken of above for the quartermaster?

Ans.—I don't know.

Int. 8.—Do you feel certain that there was any building within the stockade built of unhewn logs?

Ans.—I think none of the principal buildings were.

Int. 9.—State what building was built of unhewn logs, and in what part of the enclosure.

Ans.—I cannot say.

Int. 10.—Do you not think you may be mistaken in saying that any of the buildings inside of the enclosure were built either of hewed logs or unhewn logs?

Ans.—The whole fort was of logs. All the principal buildings were of hewn logs.

Int. 11.—Did you observe the building carefully enough to say whether these buildings were of hewn logs or sawed logs?

Ans.—I think a portion were hewed and a portion sawed.

Int. 12.—Can you say whether the house occupied by the chief factor was a frame or a log house?

Ans.—I think it was a log house with clap-boards on it.

Int. 13.—Do you know anything of the price of sawed lumber per 1,000 feet, at board measure, in 1852, at Vancouver?

Ans.—I came there in 1852, and stayed a few days, and went to the Dalles. Lumber at the Dalles in the summer of 1853 sold at \$75 a thousand.

Int. 14.—Is the estimate you place on these buildings in 1852 based upon the idea that they were built of hewn and unhewn logs?

Ans.—No.

Int. 15.—Do you know the price, and can you now state it, per running foot of hewn timber, such as you say some of these buildings were built of in 1852?

Ans.—No.

Int. 16.—Have you ever calculated or estimated what amount of hewn timber or sawed lumber there was in any single building you have spoken of inside the stockade in 1852?

Ans.—No.

Int. 17.—Did you know, and can you now state, what was the price of shingles per thousand at Vancouver in 1852?

Ans.—No.

Int. 18.—Do you know the price or value of labor, skilled and unskilled, at Vancouver, in 1852?

Ans.—Carpenters asked from \$4 to \$5 a day.

Int. 19.—What value do you place on the buildings at Vancouver in 1859?

Ans.—They had been of so little value since the Hudson's Bay Company left them, that the military authorities have never occupied them except for stabling horses, mules, and animals in the winter time.

Int. 20.—Do you wish to be understood in saying that they were of little value, because they were of little value to the military authorities on the military reservation?

Ans.—I do, because there was frequent want of quarters. Buildings in the town adjoining have been hired, and no proposition made to occupy the abandoned buildings of the Hudson's Bay Company.

Int. 21.—When you speak of their being of little value, how

long after they were left by the Hudson's Bay Company did you put this value upon them?

Ans.—Immediately after they left, for no occupation by the Quartermaster's Department except as above described, was made.

Int. 22.—In what year and what time of the year did the Company leave?

Ans.—The summer of 1859, I think.

Int. 23.—In what year and what time of the year was the British Boundary Commission encamped inside the stockade at Vancouver?

Ans.—I don't know.

WASHINGTON CITY, *February 26, 1867.*

Examination-in-Chief Resumed.

Int. 1.—What do you know of the character of the winter of 1852 in Oregon?

Ans.—That winter I commanded at Fort Dalles, Oregon. The winter was one of extraordinary severity. The navigation of the Columbia closed on the 4th of December, 1852, and remained closed until the latter part of January. It generally did not close until Christmas. A large number of cattle came across the Plains that fall, and great numbers of them in the vicinity of the Dalles perished from cold and want of food. Usually, the bunch grass of the prairies was accessible for their subsistence, but was not accessible that winter from the depth of snow.

Cross-Examination Resumed.

Int. 1.—Is not the Dalles situated at the foot of the Cascade mountains and on its eastern base, about 60 miles, if not more, from the western base, and is not the climate east of the Cascades different in characteristics from the country west of the Cascades?

Ans.—The foot of the eastern slope of the Cascade range is 20 miles below the Dalles. On my arrival at the Dalles, in 1852, the settlers said that during the previous winter there

was very little snow, and the winter bland and mild as the climate of Italy. This deluded the emigrants to leaving their cattle there that winter. The climate at the Dalles is generally a little colder than at Fort Vancouver, but great numbers of cattle perished that winter in the Willamette Valley, and in the whole region west of the Cascade mountains.

Int. 2.—Is not your statement as to the numbers of cattle dying in the Willamette Valley and west of the Cascades derived from statements made to you by others, and not from your own personal knowledge?

Ans.—In the summer of 1853 I was ordered to Umpqua and Rogue River Valley to locate a military road, and made inquiries all along the line of my travel through the Willamette Valley as to the severity of the previous winter.

Int. 3.—Did you notice the emigrant cattle at the Dalles among which this mortality occurred of which you have spoken?

Ans.—I did.

Int. 4.—Were they not on arrival very low in the flesh, and unable to stand, from that reason, the cold of that winter?

Ans.—They were; but all cattle were alike. Even mules were killed for want of food, if for no other reason. If a thaw came, the snow was immediately frozen, and the grass entirely inaccessible.

Int. 5.—Do you not know that a mule is an animal much less capable of sustaining severe cold, and more liable to perish from it, than either the horse or the ox?

Ans.—I don't think so.

Int. 6.—Do you not know that some of these emigrant cattle survived that winter?

Ans.—I think that none survived that were not fed by their owners.

Int. 7.—Did not a large number of these emigrant cattle belong to an emigrant by the name of Hayes?

Ans.—Yes.

Int. 8.—Was not this man Hayes afterwards a resident on Puget's Sound?

Ans.—Yes.

Int. 9.—Is not the Cascade range between Vancouver and

the Dalles, a range of mountains some 60 or 70 miles in width, and is not the country on the eastern slope of the Cascades, and to the east of it, a vast, open plain or plateau, generally free from forests, and, as a general rule, dry and arid?

Ans.—The description in the question is generally correct. The width of the Cascade range is about fifty miles.

Int. 10.—Is not the country west of the Cascades and north of the Cumberland river, and for at least 20 miles south of it, almost an unbroken forest, with here and there prairies interspersed, and with a moist and humid climate?

Ans. Yes.

Int. 11.—Are you aware of the fact that the forests in the winter season afford shelter and food to cattle ranging in them?

Ans.—To a certain extent this is true.

(All the above testimony with reference to the Dalles, the winters of 1852 and 1853, the emigrant cattle, and the mortality among them, objected to by Mr. Lander as immaterial and irrelevant.)

BENJ. ALVORD,

Paymaster and Bvt. Brig. General U. S. Army.

February 28, 1857.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of BENJAMIN F. DOWELL, witness examined on behalf of the United States by agreement between C. C. Beaman, counsel for the United States, and Edwin Lander, counsel for the Hudson's Bay Company.

TESTIMONY OF B. F. DOWELL.

Int. 1.—What is your name, residence, and occupation?

Ans.—Benjamin F. Dowell, Jacksonville, Jackson county, Oregon, attorney at law.

Int. 2.—Have you ever visited Umpqua, a post of the Hudson's Bay Company?

Ans.—I have.

Int. 3.—State when you first saw it, and what condition it was then in.

Ans.—The first time I saw it was in the fall of 1852. I did not examine it particularly. There were some log houses, and what is called the corral, for the purpose of catching wild horses and cattle. The time I first visited it a beef had just been killed, and I bought some of the beef.

Int. 4.—What value would you put on these buildings the first time you saw them?

Ans.—The buildings I saw were dilapidated log buildings, with puncheon floors, very rough. I do not think they were worth over \$500; corral was old and dilapidated.

Int. 5.—What other times did you visit the post, and what changes had taken place?

Ans.—I visited the post again in 1853, 1854, and 1855. I don't remember whether there were any changes in 1853, with the exception that there appeared to be nobody living in the houses, and the man from whom I bought beef, who was a Frenchman, I think his name is Garnier, I met in the first prairie above Scottsburg, and he told me he was living in the said prairie about two and a half miles from Scottsburg. When I was back in 1854 or 1855, I don't remember which, considerable improvement had taken place. The place was not then in possession of the Hudson's Bay Company, but a man by the name of Chapman was in possession. Both the last times I was there, I saw Mr. Chapman's sons at work. The buildings all looked fresh, as if they had been just put up. There was some fencing at the latter period there. I saw no fencing when I was there first. I saw no cultivated land when I was first there.

Int. 6.—What opportunities have you had of estimating the value of lands west of the Rocky mountains, and particularly in the neighborhood of Umpqua?

Ans.—From the spring of 1853 to the fall of 1856 I was the owner of a pack-train, and travelled with it constantly

through Oregon, transporting supplies from the different farms and towns in northern Oregon, and from Scottsburg through Umpqua Valley to Jacksonville, Oregon, and to Yreka, California, or I was transporting supplies for the Oregon volunteers in the Indian wars. Since 1856 I have been engaged in practising law in Jackson and Umpqua counties, and drawing deeds for parties buying lands. I have bought three farms, one in Polk county, one in Umpqua Valley, now Douglas county, and one in Jackson county, and I have travelled through Umpqua Valley two or three times every year since 1852, and heard men price their lands there.

Int. 7.—Do you know whether the Hudson's Bay Company claimed any land around their post at Umpqua?

Ans.—I don't know, of my own knowledge, that they did. The man in charge of the place claimed the corral and the cattle as belonging to the Hudson's Bay Company.

(Mr. Lander objects to statements of the man in charge as incompetent.)

Int. 8.—What was the value of a tract of land of a mile square fronting on Umpqua river, including the post as the centre, or nearly so, in 1852, and what is its present value?

Ans.—I think in 1852 it would sell from somewhere between \$1,500 and \$2,000. If the tract of land was run up the river, so as to include the prairie, and so as just to cover the house below, it would get much better land, and in that case I think it would be worth \$2,000. If it was a mile square with the post in the centre, it would only, I think, be worth \$1,500. This estimate includes all the buildings and improvements that were on it at the time. I don't think the present value is as much as it was in 1852 and 1853, though the buildings and improvements are worth double what they were in 1852. Land there has depreciated. The reason of this is that Scottsburg has not increased in importance as was expected.

Int. 9.—Upon what particular knowledge do you found this estimate of Umpqua?

Ans.—I know of two tracts of land, close by, on the east side of the river, containing 320 acres each, that belong to Dr. L. S. Thompson, who has offered to sell both the said

tracts to me for \$2,000. They have as good improvements as the land at Umpqua, the lands are better, and the location is better.

(Mr. Lander objects to this answer as irrelevant and incompetent.)

Int. 10.—Have you ever visited Fort Hall, a station of the Hudson's Bay Company? If so, when? Please state its condition then.

Ans.—I visited Fort Hall in 1850. It was a large fort, built of adobe brick. I suppose it was about 200 feet square. There were buildings inside of the fort on the corners suitable for a storehouse and a dwelling, and the managing agent of the Hudson's Bay Company, I think his name was Grant, was living there.

Int. 11.—What do you know of the trade at Fort Hall?

Ans.—Our company sold to the managing agent there quite a lot of dry goods. We sold the goods at about the retail price in Missouri, some at less. They had scarcely anything on hand at the post to sell. We were three days selling the goods. The only trade I saw except what we sold, some of our company bought a horse in part payment for the goods at \$60, the pick of a band of about forty or fifty.

Int. 12.—Did you see any cultivated land there?

Ans.—I did not.

Int. 13.—What was the value at that time per acre of land in the neighborhood of Fort Hall?

Ans.—The whole country was vacant, unappropriated public lands of the United States. There was no settlement at that time along the road I travelled from Fort Laramie to Fort Hall, except a little post occupied by the United State troops about five miles from Fort Hall. Anybody could take the land by settling on it. Nobody would do it at that time. Right around Fort Hall the land was very poor, a sandy plain, of no value except as a trading post.

Int. 14.—What do you know of the station of the Hudson's Bay Company known as Walla-Walla?

Ans.—I visited Fort Walla-Walla in December, 1855, in company with Colonel Kelly's command, Indian Agent Olney,

and Mr. Sinclair, the agent of the Hudson's Bay Company. And last year I saw it four or five times.

Int. 15.—Describe it as you first saw it.

Ans.—It was an adobe Fort, very much like Fort Hall—had the appearance of having been recently ransacked by the Indians.

Int. 16.—What would you estimate to have been the value of this post?

Ans.—I should say it would not have sold for over \$2,000 although it perhaps cost more.

Int. 17.—Do you know of the circumstances under which the Hudson's Bay Company left Fort Walla-Walla?

Ans.—All I know on this subject is what the agent of the Company; Mr. Sinclair, told me. I don't know that it ever was abandoned. I know there was nobody in it when I first went there in 1855, and the property had the appearance of everything being taken out.

Int. 18.—What did Mr. Sinclair say to you about the circumstances under which the Hudson's Bay Company left Fort Walla-Walla?

(Mr. Lander objects to this question as incompetent.)

Ans.—He told me that he was the commander of the post at Walla-Walla for the Hudson's Bay Company. He told me the reason why he left the Fort was that several miners travelling between Oregon and Colvile had been killed by the Indians, that Indians had reported it so to him, and a short time after that, Piupiumoxmox, the head chief of the Walla-Walla Indians, with several of his tribe, came to the Fort and demanded of him all the powder he had, and required him to send for more powder for him. He said he told Piupiumoxmox that he had but little, and what little he had he wanted for his own defence. He said he suspicioned that he wanted to make war from his wanting so much, and Piupiumoxmox threatened to kill him if he did not let him have all the powder he had and send for more powder. He said Piupiumoxmox finally went away without getting any powder or doing anything but threatening to kill him. A few days after this he was informed by the Indian Agent Olney that Agent Bolen had been killed

by the Yakama Indians on the opposite side of the river. He said he was satisfied from these two facts that Piupiumoxmox and Kamaiakane had combined together, and that war was inevitable, and they had to leave to save their lives. He said, to keep the Indians from using the powder and lead against the whites, he threw all the powder and lead he had into the river. Mr. Sinclair buried his one or two howitzers in a cache. I sent some of my men to dig them up, and we got them. Several Frenchmen that had Indian wives and farms on the Walla-Walla river, left and went to the Dalles. Mr. Sinclair said all the Americans and Frenchmen left and went to the Dalles. Mr. Sinclair said the reason he did not take his things with him from the Fort, was that he did not have transportation. He did not have time to gather up the cattle.

Int. 19.—Were the buildings at Fort Walla-Walla injured by the Indians at this time?

Ans.—No, except the gates and doors were broken open. I went to the Fort among the first after the Indians had sacked it. I went there with Mr. Sinclair and a lot of soldiers.

Int. 20.—What was the character and value of the lands about Walla-Walla?

Ans.—It was a barren, sandy plain of but little value, except the fort. There is a town there now, and it is worth a good deal more now than it was then.

Cross-Examination.

Int. 1.—At the time you first saw Fort Umpqua, did you put a value on the buildings you then saw there?

Ans.—I did not.

Int. 2.—Is not the value you have put upon it a value made up at the present time?

Ans.—No, sir; I fixed the valuation from the observation of the place in 1854, and from my general knowledge of the price of the property in that vicinity in 1852 and 1853; and by Dr. Thompson trying to sell his place, and not doing it.

Int. 3.—What circumstance caused you in the year 1854 to put a value upon these at Umpqua?

Ans.—I was told by somebody, I don't remember who, that somebody had jumped the Hudson Bay Company's claim at Umpqua, and I got to studying how much he had made by so doing.

Int. 4.—Were there stockades surrounding the buildings at Umpqua when you saw it first?

Ans.—I think there was.

Int. 5.—Do you include the stockades and bastions in your valuation?

Ans.—I don't think I considered the stockades worth anything at that time, as the citizens were living in the valley without any stockades; I did not consider the stockades worth anything, but for the wood.

Int. 6.—Do you recollect a dwelling-house there when you first saw it?

Ans.—Yes, there was a dwelling-house there.

Int. 7.—Do you now restate what you said in your examination-in-chief in reference to these buildings the first time you saw them?

Ans.—I do; I did not examine the Fort at Umpqua particularly; I went over to get some beef, and got it; I went over from my camp on the opposite side of the river in sight of the fort, about a half a mile distant. I saw they were killing a beef, and then went over.

Int. 8.—What office did you fill when you visited Fort Walla-Walla with Colonel Kelly?

Ans.—I was the owner of the transportation animals, and had the management of the transportation.

Int. 9.—Which was the larger fort, Fort Hall or Fort Walla-Walla?

Ans.—I don't know that there was any difference in the size of them.

Int. 10.—Which in your opinion cost the most to build?

Ans.—I think Fort Walla-Walla cost the most.

Int. 11.—What in your opinion would be the difference in the cost of these two forts?

Ans.—I should suppose there was not much difference in the actual labor of building, but my impression from my knowl-

edge of Indians is that it would cost more at Fort Hall to build, as the Indians there were not so good to work as the the Indians about Walla-Walla; I suppose the labor was mostly done by Indians and Frenchmen; I understand the adobes are made out of the natural turf of the prairies, ploughed up with either horses or oxen, and then put right on the walls without ever being burnt at all; the walls are 2 or 2½ feet thick; the adobes have no appearance of being burnt; they make a pretty comfortable house.

Int. 12.—Was not a portion of the fort at Walla-Walla still used and occupied when you was there last?

Ans.—I know a portion of the house was; and probably the whole of the old storehouse was standing.

Int. 13.—Did not in your opinion the fort at Walla-Walla cost much more than the \$2,000 you have estimated it at, in your answer to interrogatory 16?

Ans.—I do think so; I don't think you could put up an adobe house such as that for \$2,000 now, but I could put up a brick house or a wooden house for \$2,000 that I would rather have.

Int. 14.—Can you estimate the cost of this building at all, with a wall of over a hundred feet square, with all its buildings inside?

Ans.—I have no way of estimating the cost of such a building, because I never saw anything like it put up, and of course could only conjecture as to the amount of labor it would take. I could tell no more as to the number of days it would take, than as to the number of days it took to put up any of the forts I saw at Arlington yesterday.

Int. 15.—How long were you at Fort Walla-Walla, itself, and under what circumstances?

Ans.—The first time I was there, I was there about three hours; the next day I was there all day, shooting at the Indians across the river; the next time I was there, I was there two or three hours, looking round; ten or twelve days afterwards I rode by and never stopped at all; in the spring following, in 1856, we camped near there, and was back and forth several times; I was there again in 1865 and 1866.

Int. 16.—At the time you were there in 1866, did you land at the town of Wallula?

Ans.—I did.

Int. 17.—Were there many goods landed at Wallula from the steamer in which you came up?

Ans.—I saw but little goods landed, but there was a good supply of goods in the town; I have no doubt they were all landed there.

Int. 18.—How many times a week did steamers from below stop at Wallula?

Ans.—I think they were running three times a week.

Int. 19.—Did the steamers go higher up the river?

Ans.—The steamer I was on went above; they said were going to Lewiston.

Int. 20.—Are not corrals used as well for tame as wild animals?

Ans.—They are.

B. F. DOWELL.

March 11, 1867.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of EDWARD J. ALLEN, a witness produced on the part of the United States, and examined at Washington city, this 23d day of February, A. D. 1867, by virtue of an agreement between C. C. Beaman, counsel for the United States, and Edward Lander, counsel for the Hudson's Bay Company.

TESTIMONY OF EDWARD J. ALLEN.

Int. 1.—What is your name, residence, and occupation?

Ans.—Edward J. Allen, Pittsburg, Pennsylvania, secretary and treasurer of the Pacific and Atlantic Telegraph Company of the United States.

Int. 2.—Have you ever visited Fort Boise, a post of the Hudson's Bay Company?

Ans.—I have.

Int. 3.—State when you visited it, how long you remained, and under what circumstances.

Ans.—I visited it in the summer of 1852; I remained there about a month; I passed there as an emigrant, and remained ferrying there.

Int. 4.—What was the condition of the fort at that time?

Ans.—Very dilapidated, ruinous.

Int. 5.—What was the value of the buildings?

Ans.—I don't know for what purpose they would have any value; the value would be so slight it would be difficult to estimate it.

Int. 6.—How was that fort occupied?

Ans.—By one white man in charge, an employé of the Hudson's Bay Company.

Int. 7.—What was the value of the trade at this post?

Ans.—I saw no trading transaction at all, while I was there in furs; the employé in charge told me the trade had dwindled away to almost nothing; that the value of the furs brought there did not pay his compensation; the Indians there were in an impoverished condition; they died in great numbers while I was there; in such great numbers that their bodies were piled up and burnt by the employé in charge; I was assured by the employé in charge that the few furs obtained were of very poor quality; I so thought on seeing some of the furs.

(Statement of employé objected to as incompetent.)

Int. 8.—State whether or no you saw any cattle or cultivated lands about the post belonging to the Hudson's Bay Company.

Ans.—I never heard any claim made to cattle there by the Company, except that I think the employé in charge bought some cattle that had been brought there by emigrants, and were broken down. I saw no cultivated lands there.

Cross-Examination.

Int. 1.—Are you the same Edward J. Allen who testified in the case of the Puget's Sound Agricultural Company?

Ans.—I am.

Int. 2.—What time in the summer of 1852 were you at Fort Boisé?

Ans.—About mid-summer.

Int. 3.—What was the name of the person you have spoken of as telling you there were few furs and of poor quality?

Ans.—I don't recall his name; I have it in published letters describing that place, but I have forgotten it now.

Int. 4.—Was he a white man?

Ans.—He was a Scotchman. That is my recollection.

Int. 5.—How many bodies of Indians did you see piled up at any one time and burned?

Ans.—I can't recall the number. I saw, I think, twenty or thirty dead, left unburied, and some they had disposed of. The stench was insupportable. I did not get near enough to count them.

Int. 6.—How many of these burnings did you see during the month you were at Boisé?

Ans.—I don't remember how many; it was all done in a day or two.

Int. 9.—How many bodies were piled together and burning at once?

Ans.—I don't know; I did not get near enough to count them.

Int. 8.—What wood was there in the country that he could and did use for this purpose?

Ans.—He used quantities of willow that grows there, and burns with a very fragrant smell.

Int. 9.—Is not this willow a small tree, properly called a bush?

Ans.—Yes; I guess it is more properly called a bush.

Int. 10.—What is the width of the river at this point?

Ans.—Between a quarter and half a mile.

Int. 11.—Were you not on the other side of the stream of this river during the time of the burning of Indians?

Ans.—I was on both sides, backwards and forwards.

Int. 12.—To what do you attribute this sickness of the Indians?

Ans.—Generally, to their degraded, filthy habits, and more immediately to eating cattle that had died on the plains.

Int. 13.—Was there not in the river at that time an abundance of salmon in good order, the usual food of the Indians?

Ans.—I don't know.

Int. 14.—Have you not a short time since stated, in conversation, that the salmon were so thick in the river that they did not get out of the way of your ferry-boat?

Ans.—No.

Int. 15.—State what you did say in reference to salmon in the river.

Ans.—I saw multitudes of salmon in the river in such a diseased condition that they were rotten. I saw the Indians catch those fish, and I believe they ate them. They were so weak and diseased as to be readily caught by the hand and struck by an oar.

Int. 16.—Was not the flesh upon these salmon firm, and did they not afford an excellent article of food?

Ans.—No.

Int. 17.—Was the flesh in such condition that pieces of it would fall off the fish while it was alive?

Ans.—Yes, it was.

Int. 18.—Did this person whom you say was in charge, himself, personally, assist in burning Indians?

Ans.—Yes, sir; he did.

Int. 14.—Did the Indians themselves assist in it?

Ans.—He had some assistance; I don't know whether it was Indians or half-breeds?

Int. 20.—How many half-breeds were there at the time?

Ans.—I don't know.

Int. 21.—How many men were there employed in the fort?

Ans.—I think but the one, the white man.

Int. 22.—What were the half-breeds doing there?

Ans.—I don't know.

Int. 23.—Did you see more than one half-breed at Fort Boisé at that time?

Ans.—I don't remember.

Int. 24.—Did you see one half-breed?

Ans.—I think there was a half-breed there, but I don't distinctly remember.

Int. 25.—Is this single white man whom you saw about the fort the one who made the statements you detailed in your examination-in-chief?

Ans.—Yes, he was.

Int. 26.—Do you feel certain there was but one white man at the fort while you were there?

Ans.—I remember seeing but one white man who belonged to the fort; there were emigrants passing by.

EDWARD J. ALLEN.

Sworn and subscribed before me this 29th day of May, 1867.

N. CALLAN,
Notary Public.

DISTRICT OF COLUMBIA, }
County of Washington. }

I, Samuel H. Huntington, Clerk of the United States Court of Claims, do hereby certify that the foregoing depositions hereto attached of Alexander Gardner, Charles T. Gardner, Simpson P. Moses, William Gilpin, Francis Hudson, James G. Swan, Titian R. Peale, Benjamin Alvord, and B. F. Dowell, and the direct examination of Edward J. Allen, witnesses produced by and on behalf of the United States in the matter of the claims of the Hudson's Bay Company against the United States, now pending before the British and American Joint Commission for the final adjustment of the same thereof, were taken at the city of Washington, and reduced to writing under my direction by a person agreed upon by Charles C. Beaman, Jr., Esq., attorney for the United States, and Edward Lander, Esq., attorney for said Company, beginning on the 30th day of January, 1867, and ending on the 16th day of March, 1867, according to the several dates appended to said depositions when they were signed respectively.

I further certify that to each of said witnesses, before his examination, I administered the following oath:

“You swear that the evidence you shall give in the matter of the claim of the Hudson's Bay Company against the Uni-

ted States of America shall be the truth, the whole truth, and nothing but the truth. So help you God." That after the same was reduced to writing, the deposition of each witness was carefully read over, and then signed by him.

I further certify that Charles C. Beaman, Jr., Esq., and Edward Lander, Esq., were personally present during the examination of all of said witnesses, and the reading and signing of their depositions.

In testimony whereof, I have hereunto set my hand and the official seal of said Court, at Washington, this twenty-[L. s.] sixth day of June, A. D. 1867.

SAM'L H. HUNTINGTON,
Clerk of the Court of Claims.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of WILLIAM B. McMURTRIE, witness examined on behalf of the United States, at Washington city, D. C., this 2d day of May, 1867.

TESTIMONY OF WILLIAM B. McMURTRIE.

Int. 1.—State your name, residence, and occupation?

Ans.—William B. McMurtrie; hydrographic draughtsman, Coast Survey; Washington city, D. C.

Int. 2.—Did you ever visit the mouth of the Columbia river? If so, state when, and under what circumstances?

Ans.—Yes, several times. In 1850, in the spring, was my first visit there; visited there for several years following. I was hydrographic draughtsman to the United States Coast Survey, surveying from the mouth of the Columbia river to Tongue point, above Astoria.

Int. 3.—Did you ever visit Cape Disappointment?

Ans.—Yes, several times.

Int. 4.—Look at this map, marked "A," annexed to your deposition, entitled "Mouth of the Columbia River," &c., published in 1851, and state if you know under what circumstances it was prepared, and by whom.

Ans.—This preliminary survey was commenced by the United States Coast Survey, by the hydrographic party under command of William P. McArthur, lieutenant of the United States Navy and assistant in the United States Coast Survey. It was prepared in the spring and summer of 1850, for better knowledge of the entrance and channel of the said river.

Int. 5.—Were you connected with the surveying party which made this chart?

Ans.—I was.

Int. 6.—Will you describe Cape Disappointment?

Ans.—It is a bold headland, northern side of the Columbia river, the boldest portion of that coast for some miles. It is

covered with pines, almost from the water's edge to the crest of the hills or bluffs; McKenzie's Head being an exception, as having no trees upon it. The height of these bluffs or headlands at Cape Disappointment gradually falls off in elevation to the northward.

Int. 7.—Will you describe certain marks which appear on the map of this Cape shown you?

Ans.—The shaded portions of this survey indicate slopings or depressions, the darkest portion representing the steeper or more abrupt portions of the land; the white indicate the highest portions of the elevations. The low-water mark or sand-beach, by fine dotted lines; the six-foot curves of water represented by single dotted lines; the twelve-foot curves, by two dots, and the space and two dots again, and so on continuing, the two dots being for two fathoms; and then three dots again represent three fathoms. The pine trees are represented by star-shaped points, other trees by points of round edges in clusters.

Int. 8.—What was the character of the entrance of the Columbia river?

Ans.—It consists of immense shoals or sand-bars, which are constantly shifting, the north and south channels working their way through these shoals or sand-bars; which channels are shifted more to the northward or southward as these shoals or sand-bars are removed by currents or winds. The channels seldom, if ever, lead in the same direction for two successive seasons. For sailing-vessels, the entrance to the mouth of the Columbia river is considered dangerous.

Int. 9.—What advantage is a light-house at the mouth of the Columbia?

Ans.—The only advantage of a light-house at Cape Disappointment is for vessels to hold on to their position during the night.

Int. 10.—Did you ever visit any post of the Hudson's Bay Company on this Cape?

Ans.—I visited a house fronting on Baker's Bay, I should think a mile or more from the point of the Cape, which was said to have belonged to the Hudson's Bay Company by a man who lived

there, who was left in charge. The house was some distance beyond the filled-in portion of the topographical drawing represented on this chart or map. This house, I should think, was about thirty feet in length by about twenty in width or depth. It was situated on sloping ground fronting Baker's Bay, built, I think, of logs or hewn timber; I think not more than one story high.

Int. 11.—What do you estimate to have been the value of this building?

Ans.—I should think it could not have cost more than three or four hundred dollars.

Int. 12.—Was there any cultivated ground about this building?

Ans.—I did not notice any.

Int. 13.—Whether or no you saw any other buildings on the Cape?

Ans.—I did not see any others.

Int. 14.—Did you see any land on the Cape which appeared to have been cultivated?

Ans.—I did not.

Int. 15.—Who was in charge of this building?

Ans.—A man whom I took to be a half-breed, whose name I have forgotten. I saw at one time another person with him in front of the premises, whom I took to be a half-breed. Sometimes I saw a few Indians, probably curious as to our proceedings.

Int. 16.—What was the value of the land on the Cape?

Ans.—I do not think there was any value to be attached to it at all, because it could not be cultivated except in such a circumscribed space as to make it valueless.

Int. 17.—Did you ever visit Astoria, on the Columbia river?

Ans.—Yes, frequently.

Int. 18.—Whether or no you ever saw there a post or any buildings of the Hudson's Bay Company?

Ans.—I saw a building there said to belong to the Hudson's Bay Company, used as a store-house. This building was, I should think, about sixty feet in length, twenty-five or thirty feet in depth or width; I think it was built of squared timber;

I never was in it. It appeared to have been built some time. There were several other houses, small frame houses and log houses, in the vicinity of said store-house, occupied by persons said to be employed in the service of the Hudson's Bay Company.

Cross-Examination.

Int. 1.—Have you any acquaintance of the cost of putting up buildings in Oregon, or have you ever superintended the erection of any buildings?

Ans.—I have no knowledge of the cost of erecting buildings in Oregon, excepting through the information derived from others; and I have never superintended the erection of any buildings.

WM. B. McMURTRIE.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of Commander WILLIAM GIBSON, a witness examined on behalf of the United States by agreement between Mr. C. C. Beaman, on the part of the United States, and * Mr. Edward Lander, on the part of the Hudson's Bay Company, this 22d day of May, 1867, at Washington city, D. C.

TESTIMONY OF WILLIAM GIBSON.

Int. 1.—State your name, residence, and occupation.

Ans.—William Gibson; Commander in the United States Navy; now stationed in Washington, D. C.

Int. 2.—Were you ever at Cape Disappointment, at the mouth of the Columbia river? If so, state when, and in what particular service?

Ans.—I was at Cape Disappointment in the summer of 1850. I was engaged at that time in the survey of the mouth

of the Columbia river, as a passed midshipman on board the schooner Ewing, in a party commanded by Lieut. McArthur.

Int. 3.—Look at the map, now shown you, entitled “Mouth of the Columbia River,” &c., published in 1851, to be marked “A,” and to be attached to your deposition, and state what particular marks on this map were made from your particular observation.

Ans.—Perhaps a majority of the soundings; in addition to which I computed the triangulations.

Int. 4.—Will you describe Cape Disappointment?

Ans.—It was a promontory of columnar basalt, with steep escarpments on the south and west, more sloping on the eastern side towards the small cove; heavily timbered on its crest, with tangled undergrowth, grass, bushes, and creepers. It is rocky, with a thin soil in most places. I visited it several times.

Int. 5.—Whether or no there were any signs of cultivation or occupation of the part of this Cape figured on the map?

Ans.—No signs of cultivation that I observed, and no signs of occupation, except one man living in a solitary house, a little to the northward of the cove—whether on or beyond the figured portion of the map I cannot say, and one or two boats in the cove.

Int. 6.—What would you say of the value of the land on Cape Disappointment?

Ans.—It is valueless, except for its timber; the whole of this portion of Oregon being also richly wooded with spruce, fir, hemlock, and cedar.

Int. 7.—Please describe the house you have referred to as a little to the northward of the cove.

Ans.—To the best of my recollection, it was a small frame-house, perhaps twenty feet front, short two stories or a story and a half high, with two rooms on a floor. I slept in it one night; it was occupied by one man, but was nearly bare of furniture. I saw no cultivated land about the house.

Int. 8.—Whether or no there were any signs of the use of this house as a trading-post?

Ans.—I saw none.

Int. 9.—What would you estimate to have been the cost and value of this house?

Ans.—A few hundred dollars; not exceeding five.

Int. 10.—Whether or not you saw any other houses on Cape Disappointment than the one you have described?

Ans.—To the best of my recollection, I saw no other house.

Int. 11.—What do you know of the channels and the entrance at the mouth of the Columbia river, and the importance of light-houses at Cape Disappointment and Point Adams?

Ans.—Except in very light winds, the breakers are heavy, in a horse-shoe form, across the whole mouth of the Columbia; the current of the river is strong, and the channels are therefore continually shifting. At the time of our survey, in 1850, the south channel was the shoalest, though with seventeen and a half feet at low-water on the bar. It was also the shortest and the most direct, also the one used by all vessels at that time, with the solitary exception of the United States steamer Massachusetts, which on one occasion went out the north channel. The northern channel was the deepest, but was much the longest, with many sharp elbows to turn in order to reach Astoria and the channel up the river. Sailing-vessels would also have to beat up to Cape Disappointment from the bar of this channel against the prevailing winds. I think a light-house on Cape Disappointment important for vessels approaching the river to make and hold on by; but a light-house with a beacon range on Point Adams I consider of much greater importance, as this would enable vessels to run in the south channel at night, if the position of the beacon were changed from time to time with the shifting of the bar.

Cross-Examination—May 27, 1867.

Int. 1.—By what party was the map shown to you in this examination made, and who was in charge of the party?

Ans.—By a party of naval officers and seamen, in the Coast Survey schooner Ewing, Lieutenant Commanding William P. McArthur in charge.

Int. 2.—Do you know anything of the fortification or battery on Cape Disappointment?

Ans.—I do not.

Int. 3.—Do you know anything of the navigation of the mouth of the river since 1850?

Ans.—Nothing.

Int. 4.—Did not, in your time, the passenger-steamers drawing any great depth of water—such as the Panama, the Oregon, the California—go through the northern channel passing in and out of the river?

Ans.—I don't know. I have no knowledge of but one vessel using that passage in coming out; it was the United States steamer Massachusetts, with the rifle regiment on board. She chose that passage, I was informed, on account of her draught of water, and on account of the roughness of the sea, which broke in seven fathoms.

Int. 5.—During the time you were at the mouth of the Columbia river, was or was not the passenger-steamer a small steamer of about 600 tons, called the Columbia?

Ans.—I do not remember; at all events, she was not running while we were engaged on that survey. There was no passenger-steamer running at that time.

Int. 7.—What, in your opinion, would be the value to the United States of a mile square of land used for the purpose of building a light-house and placing a fort so as to command the entrance of one of the channels of the only navigable river in a thousand miles of coast?

Ans.—I consider a light-house on Cape Disappointment important for vessels, to make, even if they do not use, the north channel. A fortification in that location, at the mouth of so great a river, is also very important. I cannot estimate its value numerically, which depends, I should think, upon many circumstances, including its value to the party holding or claiming it.

Int. 8.—How long were you at this house which you have described, to the northward of the Cape, in which you slept one night; what time in the day did you arrive there, and what time did you leave?

Ans.—We arrived there in the afternoon, in a boat that we were in, a good while before dark; I do not remember precisely how long. The crew deserted, with the boat, during the night, and about 7 or 8 o'clock in the morning the man who lived in the house lent us a boat, in which we left for the vessel. I never noticed the house particularly at any other time.

Int. 9.—Were you there at any other time, to make any stay whatever?

Ans.—I was ashore on Cape Disappointment several times, but never was at the house any other time.

Int. 10.—Did you at the time of this visit go off the beach into the country back of the house?

Ans.—Not to any distance.

Int. 11.—What distance did you go, and in what direction from the beach?

Ans.—I strolled about the vicinity of the house in various directions. I had no observations to make except on Cape Disappointment and in the cove.

WILLIAM GIBSON,
Commander, U. S. Navy.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of Major General GORDON GRANGER, witness produced on the part of the United States, this 29th day of May, 1867, at Washington city, D. C.

TESTIMONY OF MAJ. GEN. GORDON GRANGER.

Int. 1.—What is your name, residence, and present occupation?

Ans.—Gordon Granger; Colonel and Brevet Major General, United States Army; residence, New York city.

Int. 2.—Are you acquainted with Fort Hall, a post of the Hudson's Bay Company?

Ans.—I was there frequently from about the 1st of August, 1849, until June, 1850, while stationed at Cantonment Loring, about four miles distant, being then a Lieutenant and Brevet

Captain in the Regiment of Mounted Riflemen. I was there during this interval at least fifty times.

Int. 3.—Will you describe the Hudson's Bay Company's post known as Fort Hall?

Ans.—The post proper was a parallelogram of about 150 feet in depth by 75 to 100 in width, built of adobe. The walls of the front portion, as near as I can remember, contained two buildings, the whole height of which was from fifteen to twenty feet. One was about twenty feet square, the other longer. The upper story of one of them was used as a dwelling by Captain Grant, the Company's officer in charge; the other building was used as stables and store-rooms. The outer walls of this portion of the fort were about twelve feet in height, the walls of the fort forming the back wall of the buildings, as high up as it went. There were other small buildings within this enclosure, used for various purposes, such as blacksmith's shop, servants' quarters, &c., very small, and would not be considered fit for civilized people to inhabit. To the rear the walls extended back towards the Snake river, forming a yard. These walls were from four to six feet in height, and a foot to a foot and a half in thickness.

Int. 4.—Were there any other buildings outside?

Ans.—I don't recollect anything outside these walls.

Int. 5.—What was the condition of this fort when you saw it?

Ans.—The outer walls were much dilapidated; in many places cracked and crumbled. The buildings, roofs, &c., old and decayed. We had one rain, in the spring of 1850, which nearly drowned Captain Grant out. I considered this fort nearly or quite untenable, from the leaky and bad condition of the roofs, walls, &c.

Int. 6.—How much would you estimate that Fort Hall had deteriorated from its value when new?

Ans.—I should estimate that, as a fort or building, it was not worth more than one-fourth of what it was when new.

Int. 7.—Whether or not you have ever constructed any buildings of adobe?

Ans.—I have, both in Texas and New Mexico.

Int. 8.—What would you estimate would have been the cost

in 1850 of erecting such a post as the Hudson's Bay Company's Fort Hall?

Ans.—My answer will have to be approximate. I should say from \$10,000 to \$15,000. In giving this estimate I rate labor at \$50 a month.

Int. 9.—What is the character of the land round Fort Hall?

Ans.—With the exception of the river bottom and a little stream called Portneuf, the land is utterly sterile and worthless, producing nothing but wild sage or artemesia.

Int. 10.—Was there any cultivated land around the fort?

Ans.—There was a little patch of an acre and a half spaded up. They tried to raise vegetables, but did not succeed.

Int. 11.—What do you know of the trade of this post?

Ans.—At that time there was little or no trade that I was aware of. The fur trade seemed to have been almost entirely abandoned, from the scarcity of furs and their decreased value. The Indians about there were the Digger and Snake Indians, the poorest and meanest of all the Indians. There were not exceeding ten persons at the fort—Captain Grant and family, some Canadians, and three or four old Indians.

Int. 12.—Whether or not there were any cattle belonging to the post and ranging over the country?

Ans.—I think Captain Grant had a small herd—from twenty to thirty cattle, and the same number of ponies and mules, not exceeding seventy-five in all. This herd was grazed along this narrow belt I spoke of, on Portneuf Valley and Snake river. For miles there is not a spear of grass; then you come to spots that are lower where grass grows.

Int. 13.—Whether or not there were any cattle kept at the post?

Ans.—The cattle I have referred to, when driven up, were herded in the fort.

Int. 14.—How does the cost of erecting adobe buildings compare with the cost of erecting wooden buildings?

Ans.—The adobe, both in Texas and New Mexico, is considered the cheapest, much. The same thing holds good in old Mexico, in the dry portions of the country.

Int. 15.—Which would be the most expensive, if sufficient

wood could be procured within half a mile, and no expense but for cutting and hauling?

Ans.—The adobe would still be the cheapest.

Int. 16.—Will you please describe how adobe buildings are made?

Ans.—Adobes are made with clay, soil, or earth. The earth is mixed with water; the earth is worked up, something like hastily-mixed mortar, to something like consistency, then moulded similar to brick, in size eighteen inches long, nine inches wide, six inches thick, and then dried in the sun until hard, which takes from three to six days, depending on the weather. They are laid up in the walls, chimneys, partitions, &c., like brick. The pointing or mortar used is the same earth, mixed with the hoes, from which the adobe is made. The roofs of the buildings at Fort Hall were first a layer of poles, and on them were piled the natural earth, covered with natural earth to the thickness of one to two feet. I have had a good deal of experience in the construction of adobes.

Cross-Examination.

Int. 1.—On what stream was Cantonment Loring?

Ans.—It was on a small bayou of Snake river?

Int. 2.—What number of men, horses, pack animals, and draught animals wintered at Cantonment Loring?

Ans.—We arrived at Cantonment Loring, say with about 250 men, about 1,200 horses, mules, and cattle. About two-thirds of that number died from starvation. The few we saved was by forage brought out in the train; and we drove them into little valleys, and cut some grass in August.

Int. 3.—Was there much snow that winter?

Ans.—It was looked upon as a severe winter.

Int. 4.—Did not the officers in command, when deciding to remain at Cantonment Loring during the winter, from all the information they could derive, believe that they could carry most of their animals through the winter on the natural grasses of the country, in addition to the forage they had with them?

Ans.—It was considered very doubtful; so much so [that] the

great trouble was in determining what portion of the command should remain. It was considered hazardous to remain.

Int. 5.—Were not these animals much reduced in flesh by their journey across the plains, and unable to stand the cold of that winter?

Ans.—Yes, sir. On our arrival, most of these animals were thin and jaded, but, from the time of our arrival until the snows set in, most of them had recuperated.

Int. 6.—At what time in the spring did you break camp and leave Cantonment Loring?

Ans.—I think it was about June 1; but I cannot be positive of this.

Int. 7.—Had the grass started to any extent when you left Fort Hall?

Ans.—I should think the grass was about one to two weeks old when we left.

Int. 8.—After leaving the river bottom of the Snake river, is there not a plateau about seventy-five feet?

Ans.—Yes.

Int. 9.—Did you examine this plateau about the fort with any care?

Ans.—I have passed over it, in every direction, a great many times.

Int. 10.—Did you not notice it particularly in the winter season?

Ans.—More particularly before winter set in, in hunting for little valleys for mowing and grazing.

Int. 11.—Did you not see on this plateau bunch grass growing?

Ans.—Did not see any bunch grass growing; sage was the only thing that grew there.

Int. 12.—Will you look at this document, now shown to you, in evidence in this cause, on page 123, published evidence for the Claimants, under head of "Post No. 7, Fort Hall," and say how far it is correct, to the best of your recollection?

Ans.—In addition to what I have stated, I recollect that there were some buildings running along the wall, cut up into apartments ten to twelve feet square. I remember there were perhaps six or eight of these. I also recollect the bastions,

two in all. I think the size is correctly stated in the printed evidence. You could put two men on each side.

Int. 13.—Can you estimate the cost of this fort, built by a party of men strong enough to protect themselves against unfriendly Indians, brought from the frontiers of the United States, including in the estimate the cost of subsistence and wages for the trip out and back, taking into consideration the length of time necessary for the journey out and return, and the erection of buildings?

Ans.—It would take a great deal of time. It would only be arrived at after a long and very careful calculation. You would have to estimate various items—as wages, subsistence, transportation, material, time, &c., &c.

Int. 14.—Would it not largely exceed the estimate you have put, of wages at \$50 a month?

Ans.—I do not think it would, taking into consideration that the necessary outfit could be sold on the return.

Int. 15.—Is not the grass in September and October very much parched and dried up, in the vicinity of Fort Hall, owing to the want of rain in the summer months?

Ans.—Yes, sir; in 1849 it remained generally green until killed by the frost.

Int. 16.—Is not your recollection of Fort Hall and its surroundings somewhat uncertain and indistinct, owing to the lapse of years, and the exciting scenes of the late war, in which you have so largely participated?

Ans.—Of course many of the details have escaped my memory, it being now nearly eighteen years since I was there.

Int. 17.—Are not the adobe buildings you speak of, in New Mexico and other sections of the country which you have spoken of, built in a region of country which unites two conditions, absence of timber and an almost entire freedom from rain?

Ans.—Yes, sir.

GORDON GRANGER,
Bvt. Major General, U. S. A.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of SYLVESTER MOWRY, witness examined on behalf of the United States, this 30th day of May, 1867, at Washington city, D. C.

TESTIMONY OF SYLVESTER MOWRY.

Int. 1.—State your name, residence, and occupation.

Ans.—Sylvester Mowry, Arizona; engaged in mining.

Int. 2.—Have you ever visited Fort Colville, a post of the Hudson's Bay Company? if so, describe it.

Ans.—Yes, sir. I was there in the fall of 1853, in Captain McClellan's expedition for the survey of the Pacific railroad. There were a number of wooden buildings, with a stockade, which was partially demolished. One building was occupied by the Chief Trader, Mr. McDonald, I think. They were plain wooden, serviceable buildings, in tolerable repair. Some were occupied, and some were not. The place had the appearance of having been formerly occupied by a much larger force. I dined twice with Mr. McDonald, once privately, and the other time a kind of State dinner, given to Captain McClellan and the officers. The stores were sent up from Fort Vancouver; there was nothing there to enable them to give a decent dinner to a stranger. The buildings were decaying; there seemed to be no desire to keep them up. I was informed by the officers of the Company that they expected soon to be bought out by the United States.

Int. 3.—How much do you think that this fort has depreciated in value as a fort or building since it had been built?

Ans.—Forty per cent.

Int. 4.—Whether or not you have had experience in erecting buildings; if so, where?

Ans.—At my own cost, in Arizona. I have put up perhaps forty or fifty buildings, both adobe and wood.

Int. 5.—How long do you think it would have taken twenty-five men to have built Fort Colville, stockade and all, if the

timber could have been obtained on the ground, or within a quarter of a mile?

Ans.—From four to six months.

Int. 6.—Have you ever visited Fort Okanagan? if so, describe it.

Ans.—I have. I was there at the same time with Captain McClellan. Okanagan was almost deserted. There was a French half-breed in charge of the place. He had two women and four or five Indians with him. The place was all run down. The place was gone to ruin; no attempt to keep it up. Very few furs there. We could have bought them all for a small sum.

Int. 7.—How much do you think the buildings at Fort Okanagan had depreciated in quality?

Ans.—Seventy-five per cent. The buildings were low, small hovels, only partially occupied. The man in charge represented himself as neglected by the Company, and begged for the smallest things. I think ten men could have built the post in three months.

Int. 8.—Have you ever visited Walla-Walla, a post of the Hudson's Bay Company?

Ans.—Yes. It was a quadrangular fort, made of adobe. It seemed to be in tolerable repair. I think it was not used much as a trading post; more as a station, to supply the posts above.

Int. 9.—What do you know of the comparative cost of adobe and wooden buildings?

Ans.—Adobes are much the cheapest under equal circumstances. Adobes are sun-burnt mud-brick. A simple frame, like a ladder, made of wood, generally having six apertures for moulds; generally the apertures eighteen inches long, nine inches wide, and six inches deep. This frame has handles at each end, so that it can be easily carried by two men. The moulds are laid flat on the ground, and the apertures are filled with mud. A little straw or refuse from the stable is mixed with the mud, to give it adhesion. The frame is lifted and placed alongside of the adobes just moulded, and the same process repeated. After a short drying in the sun, they

are turned so as to rest on the longest edge, and then turned completely over to finish drying. For special purposes, they are sometimes made smaller, seldom less than twelve inches. When made by contract in Arizona, \$8 a thousand would be considered a good price.

Int. 10.—State whether or no you have any particular knowledge of the cost of adobe and wooden buildings.

Ans.—At my own place in Arizona, where timber was abundant, it was found much cheaper to put up adobes. The wooden buildings cost one-half as much more. In building the buildings at the village for my workmen at the mines, the first buildings were of wood, logs, and slabs, and after two or three were built the building of them was abandoned, it being found [that] adobes were much cheaper. This arises from the fact that the use of skilled labor, and the tools necessary to use in building wooden houses, demand a high price in all frontier countries. Adobe houses can be built with the rudest kind of labor, and made comfortable and habitable at very small cost.

(All testimony with reference to Arizona and experience there objected to as irrelevant.)

Cross-Examination of Sylvester Mowry—May 21, 1867.

Int. 1.—How many days were you at Colville in 1853?

Ans.—Four or five.

Int. 2.—Were you all the time at the fort, or camped near it?

Ans.—We first camped across the river, then moved across.

Int. 3.—How much time were you actually at Fort Colville?

Ans.—I suppose I was there twenty-four hours.

Int. 4.—Do you think that you gave much time to the examination of these buildings, their method of construction, the condition of the roof, soundness of the sills, or in any way so inspected them as to enable you to have an accurate and correct idea of the time it would take to build them with a certain number of men, or of their soundness or fitness for service?

Ans.—I made no special examination. My observation was that dictated by natural curiosity, and I saw enough, in the examination I made, to form an intelligent judgment as to the general condition of the post, its state of repair, and how much time it would take to build it with a certain number of men.

Int. 5.—Is the opinion which you gave in answer to interrogatory 3—as to how long it would take twenty-five men to build Fort Colvile and the stockade, with the timber to be obtained within a quarter of a mile of the place—an opinion formed by you at the time? or is it an opinion formed at the time the question was put, and based upon your present recollection of the fort and its surroundings?

Ans.—Formed from my present recollections, and thinking of the matter since I was notified I would be called as a witness.

Int. 6.—Do you recollect at Colvile a range of stores sixty feet by twenty-five?

Ans.—I remember a range of buildings, stores; I did not measure them.

Int. 7.—Do you recollect another range of stores of fifty feet by twenty-one?

Ans.—I have no special recollection of this second range of stores. My recollection of the place is sufficient for me to recognize it if there was a drawing of it.

Int. 8.—Do you recollect another store, separate and distinct from two ranges just spoken of?

Ans.—I recollect a separate building, but my impression is that it was not used as a store.

Int. 9.—Do you recollect these two dwelling-houses, and a range of officers' houses, making in all three houses inhabited by the officers and employés of the fort?

Ans.—I recollect distinctly Mr. McDonald's dwelling-house and some other building which was pointed out for the officers and employés, but I understood they were not all inhabited.

Int. 10.—Can you give the length and width of the range of stores you recollect at the fort?

Ans.—I cannot give any accurate idea.

Int. 11.—Can you give the length and width of the house you dined in with Mr. McDonald?

Ans.—I should think it was in the neighborhood of about forty feet square.

Int. 12.—Was it a new house?

Ans.—No.

Int. 13.—Can you give the dimensions of any of the other buildings they told you were the dwelling-houses?

Ans.—Not accurately.

Int. 14.—How long were you at Fort Okanagan?

Ans.—We camped there one night, I think. I was in the fort twice, a few minutes each time.

Int. 15.—Was it not a stockade fort?

Ans.—There was an enclosure; the buildings were inside.

Int. 16.—Can you say that there was not, inside the stockade at Okanagan, two dwelling-houses—one thirty-eight feet by twenty-two, one twenty-two by twenty-two?

Ans.—There were some tumble-down affairs; you might call them houses. I don't remember the dimensions. The one that I went into was very rudely built, with low ceiling, in bad repair?

Int. 17.—Do you know whether this was a store-house, or a dwelling-house belonging to the fort?

Ans.—My impression is that it was used as both. I went there to interpret for some of the officers who wanted to buy some furs, and I saw in the building two squaws, pointed out as the wives of the man in charge.

Int. 18.—Did you see another building within the stockade of the same size as that into which you entered?

Ans.—I don't recollect it.

Int. 19.—Did you see a third building in the inside, about one-half as large as that you entered?

Ans.—I have no special recollection of it.

Int. 20.—Do you think a building thirty-eight feet by twenty-two is a small building?

Ans.—It depends on what you are going to use it for; it

would be a small building for a church, and a large one for a stable.

Int. 21.—What is your recollection of the size of that building in which you were at Fort Okanagan, its length and width?

Ans.—I should think probably it might have been twenty-five or thirty feet long by fifteen or twenty wide.

Int. 22.—At what time in the year were you at Fort Okanagan?

Ans.—It was in the fall; snow had fallen.

Int. 23.—What time of the year were you at Colvile?

Ans.—We were there a few days before arriving at Fort Okanagan.

Int. 24.—Were you at Colvile more than once in the year 1853?

Ans.—No, sir.

Int. 25.—How long were you at Walla-Walla?

Ans.—We camped above and below the fort. In passing it I rode in, and took a casual look.

Int. 26.—Were not your laborers in Arizona chiefly Mexicans and Indians, or of the mixed race of Mexican and Indian?

Ans.—Altogether, excepting those engaged in skilled labor.

Int. 27.—Were they not unskillful, even in the use of the axe?

Ans.—No; they use the axe very well.

Int. 28.—Do they not usually live in adobe buildings, and are they not well skilled in the erection of this sort of dwelling?

Ans.—Yes; nearly all Indians or mixed race of Indians and Mexicans know how to make adobes, but the laying of them is a trade.

SYLVESTER MOWRY.

May 31, 1867.

*In the matter of the Claim of the Hudson's Bay Company
against the United States.*

Deposition of WILLIAM J. TERRY, a witness examined on behalf of the United States, this 20th of May, 1867, at Washington city, D. C.

TESTIMONY OF WILLIAM J. TERRY.

Int. 1.—State your name, residence, and occupation?

Ans.—My name is William J. Terry; residence, Walla-Walla, Washington Territory; general business.

Int. 2.—What do you know of Fort Walla-Walla, a post of the Hudson's Bay Company?

Ans.—My acquaintance with it began in the spring of 1857. It was then a square wall, running round, with an entrance fronting on the river, with sheds or forms of houses on the inside. Those sheds had no roofs, only the walls were standing. The walls of the houses and the outside wall were torn down in several places. The whole place was a dilapidated-looking concern.

Int. 3.—What changes have taken place in this post since?

Ans.—When I left it, in December last, only one wall that I could see was standing.

Int. 4.—What was its value when you first knew it?

Ans.—It was not worth ten dollars.

Int. 5.—What is its value now?

Ans.—Of no value, except as land.

Int. 6.—What is the character of the land round that post?

Ans.—It is sandy alkali, and bears nothing but sage-brush. It is altogether unfit for cultivation. When I first knew it, it could not have been sold at any price.

Int. 7.—What would you estimate to have been the cost of the original Fort Walla-Walla?

Ans.—Mr. Pambrun, who was in charge at Fort Walla Walla at one time, is my father-in-law, and from him I have learned much in regard to the character of the Company and

its peculiar management. I should think it did not originally cost them more than \$2,500. I have put up adobe buildings in Texas. I think that I could put up such a building as that fort was when new for \$10,000, even considering labor as worth \$50 per month. This estimate refers to the present time.

Examination-in-Chief Resumed this June 7, 1867.

Int. 8.—Please to add any thing which you desire, in addition to the above, on the subject of Walla-Walla.

Ans.—I do not wish to add any thing, except this: I would not take \$200 a month salary to live at Walla-Walla, as I first saw it, which was in the spring of 1857. I clerked for a gentleman in the western part of Texas, when I was seventeen years old, and he put up adobes, with my assistance, and this experience enables me to form an opinion as to the cost of adobes.

Int. 9.—Have you at any time visited Fort Umpqua; and, if so, when?

Ans.—Late in the fall of 1851.

Int. 10.—Please to describe what you saw of the structures of Fort Umpqua.

Ans.—There was a lot of low, flat, dirt-covered houses. There was what I call a half-breed living there.

Int. 11.—Did you observe any signs of any kind of business transacted there at that time?

Ans.—None that I could see.

Cross-Examination.

Int. 1.—When you went to old Fort Walla-Walla, in 1857, what business took you there, and how long did you remain there?

Ans.—I went to the new fort to see Colonel Steptoe, and on my return stopped at the old fort a couple of days.

Int. 2.—Who was at the old fort when you went there?

Ans.—I think C. P. Higgins.

Int. 3.—Was not Mr. Higgins at that time in possession of the fort?

Ans.—Yes, I think he was.

Int. 4.—Was not Higgins at that time acting as receiving freight-agent for the Quartermaster's Department?

Ans.—If he was there at the time, that was his business. I was there several times, and found Mr. Higgins in the position I have stated, but I am not entirely certain whether I found him there the first time.

Int. 5.—Was there not at the same time a guard of soldiers in possession of the landing there?

Ans.—I am not certain whether they were in possession of the landing, but they were camped there to protect the goods from hostile Indians.

Int. 6.—In the summer of 1857, when your visit to old Fort Walla-Walla took place, was there not an Indian war going on in that section of the country?

Ans.—I think not. There was no war at Walla-Walla, but there was an Indian war going on in the country north of there—the Spokane country.

Int. 7.—Was your first visit there before or after Steptoe's defeat?

Ans.—I think it was before.

Int. 8.—Where was your horse pastured while you were there?

Ans.—I turned him out with some Indian horses, I think.

Int. 9.—Is not your opinion of the original cost to the Company of old Fort Walla-Walla derived from your conversations with your father-in-law, Mr. Pambrun?

Ans.—From his conversations and my own knowledge of the character and style of business of the Company.

Int. 10.—What dealings have you ever had with the Hudson's Bay Company?

Ans.—I bought some wearing apparel from them at Fort Vancouver.

Int. 11.—Did you pay the hands who were engaged in building adobes in Texas?

Ans.—I was clerk in the store, and paid them for their

work. They were peons. I gave them 25 cents a day and so much a week in corn.

Int. 12.—Did you superintend the construction of these adobe buildings?

Ans.—No, I did not. I know what it cost when it was finished.

Int. 13.—Of what size was the fort at old Walla-Walla?

Ans.—I don't know.

Int. 14.—How long were you at Fort Umpqua?

Ans.—To the best of my knowledge, I spent one evening there; camped outside.

Int. 15.—Between what places were you travelling at that time, and in what manner?

Ans.—Between Yreka, in California, and Scottsburg, in Oregon. I was travelling on horseback.

W. J. TERRY.

June 7. 1867.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of JOHN F. NOBLE, witness introduced on the part of the United States, this 27th day of June, 1867, taken in the office of the Joint Commission, at Washington city, D. C.

TESTIMONY OF JOHN F. NOBLE.

Int. 1.—Please to state your name and official station.

Ans.—John F. Noble; first lieutenant in the Oregon Cavalry until the 31st day of December, 1866, but at present holding no office.

Int. 2.—Have you at any time resided in the limits of the former Territory of Oregon; and, if so, from what year to what year, and at what places?

Ans.—I have; from 1849 to 1851, then from 1854 to 1867; at Vancouver, Dalles, Wayletpu, or the Whitman Mission, and at Fort Walla-Walla, Camp Watson, Grant county.

Int. 3.—At what time did you reside at Fort Vancouver?

Ans.—From the fall of 1849 to 1851.

Int. 4.—Were you personally acquainted with any of the principal officers of the Hudson's Bay Company there; and, if so, under what particular circumstances?

Ans.—I was; from personal friendship, and from official duty as Quartermaster's Clerk to Captain, now General, Ingalls, of the United States Army. I had frequently intercourse with those gentlemen.

Int. 5.—Whether you have, at any part of that time, been acquainted with Mr. Ogden?

Ans.—I was.

Int. 6.—Have you heard him make any statements, and, if any, what, concerning the fur trade of the Company?

Ans.—Mr. Ogden told me that the depreciation of the price of beaver had ruined their trade of the country.

(The above question and answer objected to as incompetent.)

Int. 7.—State anything further which occurs to you, in answer to the general matter of the question.

Ans.—I do not remember relative to the subject in question beyond what I have already stated.

Int. 8.—What office in the Hudson's Bay Company did Mr. Ogden then hold?

Ans.—Chief factor.

Int. 9.—Were you acquainted with Mr. Graham, one of the Company's officers at Fort Vancouver?

Ans.—I was.

Int. 10.—What office did he hold?

Ans.—When I first knew him he was a clerk of the Company; afterwards he was promoted to a chief trader, as I was informed. I knew him in both capacities.

Int. 11.—Have you heard him speak of locating a claim at Fort Vancouver; and, if so, what did he say on the subject?

Ans.—I have. He stated that he had taken a claim embracing what was then known as Fort Vancouver. He said that, having taken the oath of allegiance to the United States, he took the claim, believing it to be valuable, as this property would soon revert to the United States.

(Objected to as irrelevant and as incompetent.)

Int. 12.—Have you resided at Walla-Walla any time; and, if so, when?

Ans.—I have. I commanded the United States Fort Walla-Walla from the latter part of 1865 to the latter part of 1866.

Int. 13.—Whilst in command there, had you occasion to visit or see the old Hudson's Bay post of Walla-Walla?

Ans.—Known as such, I have.

Int. 14.—Whether was the post occupied or unoccupied by officers of the Hudson's Bay Company?

Ans.—It was not occupied.

Int. 15.—What was the condition of the buildings of the former post?

Ans.—In a dilapidated condition.

Int. 16.—Had you had any previous knowledge of this post; and, if so, when?

Ans.—In 1854-5-6 and 8.

Int. 17.—State the conditions of the buildings of the old post during that period?

Ans.—Not in good condition.

Int. 18.—Were they occupied at that period by officers of the Company?

Ans.—They were in 1854-5; afterwards I do not remember.

Int. 19.—What persons did you see there in 1854?

Ans.—To the best of my belief, Mr. James Sinclair. There were other persons there, but I do not know who.

Cross-Examination.

Int. 1.—Where was Mr. Ogden when he made the statements given by you in your examination?

Ans.—He was within the pickets of Fort Vancouver.

Int. 2.—Was he in the house or in the open air?

Ans.—He was on the stoop of the house he resided in.

Int. 3.—What year was this, and what time in the year?

Ans.—It was in the year 1850, and the early part of it; the exact time I do not remember.

Int. 4.—Can you state what time in the day it was when this conversation took place?

Ans.—I cannot, from the time that has elapsed.

Int. 5.—Who was present, beside yourself and Mr. Ogden, at the time this conversation took place?

Ans.—I do not remember distinctly, but think that the now Colonel W. R. Gibson, of the Pay Department of the United States Army, was present.

Int. 6.—Did Mr. Gibson join in the conversation?

Ans.—In this particular conversation, I cannot answer, as we sat upon the stoop conversing for some time on various subjects.

Int. 7.—Could Mr. Gibson, from the position he occupied, have heard this remark when it was made?

Ans.—If he was the person, he must certainly have heard the conversation.

Int. 8.—Can you not specify with greater accuracy the time, and state whether it was before or after the usual dinner-time at that post?

Ans.—I cannot; but, to the best of my belief, think it was after dinner.

Int. 9.—Are you certain that Mr. Ogden made use of this language, “Had ruined their trade of the country?”

Ans.—To the best of my belief, (though I do not testify to the language being *verbatim*,) it was the purport of his language to me.

Int. 10.—Was Mr. Ogden in the habit of talking to you freely about the affairs of the Company?

Ans.—Not as a general thing, except in casual common conversation.

Int. 11.—Was this a casual or general remark addressed as well to the gentlemen present as to yourself?

Ans.—I presume it was.

Int. 12.—What was the occupation of Mr. Gibson at that time?

Ans.—He was a clerk in the Quartermaster’s Department.

Int. 13.—About what was the age of Mr. Gibson at that time, and yours?

Ans.—I can’t say as to Mr. Gibson’s age then. I was then about twenty-two.

Int. 14.—Where was Mr. Graham when he made the statement to you, which you have detailed?

Ans.—Not once but many times, and, to the best of my belief, in various places.

Int. 15.—Did he tell you he had taken the oath of allegiance to the United States?

Ans.—No, he did not. I wish to correct my former state-

ment by saying that he had declared his intention to become an American citizen.

• *Cross-Examination Resumed, June 28, 1867.*

Int. 16.—What time in 1851 did you leave Vancouver?

Ans.—Some time during the month of February.

Int. 17.—Did Mr. Graham make this statement to you shortly after your arrival in 1849?

Ans.—The statements were made to me in 1850.

Int. 18.—Please state what time in the year 1850?

Ans.—From the length of time I am unable to state the time of the year.

Int. 19.—Was it early in the year 1850?

Ans.—I am unable to say, from the great length of time that has elapsed.

Int. 20.—Can't you tell, with some degree of certainty, at what time of the year 1850 he first made these statements to you?

Ans.—I will say it was in the latter part of 1850.

Int. 21.—Are you able to say, with any certainty, that this statement was not made to you early or in the middle of 1850?

Ans.—I cannot.

Int. 22.—Then all you have to say is, that some time in the year 1850 this statement was made to you?

Ans.—Yes.

Int. 23.—Were you intimate enough with the officers of the Hudson's Bay Company to know that by the term *the country*, they meant all that portion of the continent of North America over which their posts extended, and in which the affairs of the Company were controlled by the factors and traders?

Ans.—I was very intimate with many of the officers, but cannot answer the question, it being so general and extensive.

Int. 24.—What did you understand by the term *country* in Mr. Ogden's conversation?

Ans.—I understood the posts occupied by the Company within the territory of the United States.

Int. 25.—Did you know the extent of their possessions, and what the officers included in the term *country*?

Ans.—I did not.

JNO. F. NOBLE.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of GEORGE GIBBS, examined May 25, 1867, at Washington city, D. C.

TESTIMONY OF GEORGE GIBBS.

Int. 1.—Are you the same George Gibbs who has testified in the matter of the claim of the Puget's Sound Agricultural Company against the United States?

Ans.—I am.

Int. 2.—Have you any pecuniary interest, direct or indirect, in the result of the claim of the Hudson's Bay Company against the United States?

Ans.—None, except as a citizen of the United States.

Int. 3.—What posts of the Hudson's Bay Company south of the 49th parallel of latitude have you ever visited?

Ans.—On my route to Oregon in the summer and fall of 1849, I visited, in passing, Fort Hall and Fort Boise, on the Snake river. After my arrival within the settled part of Oregon, in December of that year, I went to Astoria, near the mouth of the Columbia river, where I remained until the spring of 1851, visiting meanwhile frequently Fort Vancouver, and casually visiting the Hudson's Bay Company's store at Chinook beach, the place occupied by the so-called fishery at Pillar rock, and the post at the mouth of the Cowlitz. I was also ashore and spent a night on Sauvie's Island. Cape Disappointment I once visited, but later. In the spring of 1851 I visited Champeog. From January 1st to July 1st, 1853, I was at Astoria, as collector of the port. In July, 1853, I left Fort Vancouver with an expedition under Captain, since Major General, McClellan, for the exploration of the Cascade mountains and the country to the east of them, during which expedition I visited Fort Okanagan, Forts Colville, and Walla-Walla, spending four days at Fort Colville. On reaching Fort Vancouver, on my return late in the fall, I again went down

to the mouth of the Columbia river, and again visited Astoria and Chinook; returning from there I went over to Puget's Sound, where I remained, with occasional visits to Vancouver by way of the Cowlitz, and to Astoria, until the departure of the Northwestern Boundary Survey, in the summer of 1857. In the fall of 1859 and '60, I visited and wintered near Fort Colville. In 1860 I was in the Kootenay country, and passed by what had been the Kootenay post. On my return in the fall I passed by and went into old Fort Walla-Walla, and thence down to Fort Vancouver. In that winter I came to the States.

Int. 4.—Whether or not you made notes of what you saw and observed during the expedition of McClellan's?

Ans.—I did. I was employed as geologist, and incidentally as interpreter with the Indians. I was in the habit of keeping notes of daily observations, and, on the completion of the journey, prepared reports, both on the geology of the interior, and the Indian tribes of the Territory, which reports were published in the first volume of the Pacific Railroad Surveys.

Int. 5.—Whether or no your report to Captain McClellan on the Indian tribes made any reference to the Hudson's Bay Company and its posts?

Ans.—It did. I enumerated the various posts of the Company, according to my own observation, aided by the best information I could obtain from the officers of the Hudson's Bay Company and others.

Int. 6.—Will you describe the Hudson's Bay Company's post at Astoria?

Ans.—The buildings when I first went there were, I think, four in number, common log huts, and very much out of repair. The Company had abandoned them as a trading-post, though I believe they still kept a person in them to hold possession. In the spring or summer of 1850 Major Hatheway came down with a detachment of artillery. He remained there, I think, a year, and I think put these buildings in some repair, and built or hired others. The point on which the post is situated was included in the donation claim of Shively and Welch, who also had buildings there. The amount of cleared

land was but small. A portion of the hill side behind the post had once been cleared and cultivated by the Company or their predecessors, but was grown up in small firs. The site at Astoria was generally considered as the property of the United States Government, and held by the Company on its behalf, as it had been captured during the war of 1812, and at its conclusion formally restored to the United States Government. The Company never occupied the post after Major Hatheway left, and the buildings gradually rotted down, or were torn down by the claimants of the land.

Int. 7.—What do you estimate to have been the value of these buildings?

Ans.—In my report to Captain McClellan, before alluded to, I stated that “the old buildings at Astoria were of no value whatever,” and now, from distinct recollection of the value of the buildings in 1853, I corroborate that statement.

Int. 8.—Whether or no there was any Indian trade at Astoria when you first went there?

Ans.—None at all at the Company’s post. There were but few Indians living on the lower Columbia, and those few traded either at the settler’s stores or over at Chinook.

Int. 9.—What do you know of any occupation of Cape Disappointment by the Hudson’s Bay Company?

Ans.—Gov. Ogden, of the Hudson’s Bay Company, informed me that they had a tract of land occupied by an old servant at Cape Disappointment, and I so referred to it in my report. Some remarks of his left on my mind the impression that it was his own private claim. I remember the name of one Kipling or Piske as a Hudson’s Bay man, living at the Cape. There could have been but little, if any, trade with the Indians carried on there; nor was it any place for trade, as what few Indians there were frequented the Chinook beach, which was much more convenient, as there was a small store there, kept by one Duchesny, who was supplied with goods by the Company, and delivered his furs to them in return. I know that he only got a few furs, save that he obtained ten sea otter skins in one season. During the whole of my residence at Astoria, and frequent visits to the place afterwards, and on

occasion of one visit to the Cape I never had observation or knowledge of any trading-post belonging to the Company on the Cape, and if there had been any there it must have been seen or known by me.

(Statements made by others to the witness objected to.)

Int. 10.—What do you know of the use of the different channels at the entrance of the Columbia river by vessels?

Ans.—From the spring of 1850, when the south channel was first properly sounded out by Captain White, the bar-pilot, and subsequently by the United States Coast Survey schooner Ewing, all sailing vessels and all steamers, except those of heavy draft, passed through the south channel as long as I knew anything of the river, this channel being the shortest and straightest, though not so deep by half a fathom as the north channel, besides which it led immediately to a good anchorage or to the direct route to Astoria. I was agent for the pilots during the year 1850, as well as deputy collector of the port, and knew all about the entrances and exits of vessels to and from the river, and the opinions of the pilots and ship-masters.

Int. 11.—What do you know of a fishing Station at Pillar Rock occupied by the Hudson's Bay Company?

Ans.—There was a fishing station at Pillar Rock, but the Hudson's Bay Company never occupied it while I was in the country, nor to my knowledge, while in the country, did they ever use or claim one there. I was there at the height of the fishing season in the spring of 1850, when it was occupied by a citizen of Astoria named Hensill, who purchased the fish from the Indians as they seined them. He cured them on the spot, and was the only white occupant of the place. I remember nothing of any buildings there, except, I think, a drying shed, made of split boards, such as the Indians were in the habit of constructing for their own use.

Int. 12.—What do you know of any buildings occupied or used by the Company at the mouth of the Cowlitz?

Ans.—I was at the place several times, and remember the buildings, though not very particularly. There was a granary and a house in which a couple of Canadians lived, who took

care of it. They were at a place sometimes called Monticello and sometimes Caweeman. Very little business appeared to be doing there at any time that I visited the place.

Int. 13.—What do you know of any buildings used or occupied by the Company at Walla-Walla?

Ans.—I remember distinctly the post at Walla-Walla. In my official report I described it from notes taken on the spot, as follows: “There are here three or four one-story adobe buildings, with offices enclosed by a wall of the same material, some thirty-five yards on each side, having a bastion at one angle. It is almost utterly valueless, except as a station where horses can be kept for the trains. There is indeed some trade with the neighboring Indians, chiefly in cash, but not enough to warrant its maintenance, except for the above purpose. The fort is in very indifferent repair, and the country in the immediate neighborhood a desert of drifting sand. Some eighteen or twenty miles up the Walla-Walla river is a so-called farm, on which are two small buildings, a dwelling-house and dairy. There was formerly a dam for irrigation, but it is broken down. They have here some twenty acres cultivated in different spots; the principal object is grazing. The force here consists of Mr. Pambrun, chief clerk, one interpreter, two traders, and six men, Canadians and Indians. I now distinctly recollect the correctness of this description, and that it was founded on my personal observation at the time, except that the statement about the trade of the Company with the neighboring Indians was derived from some officer of the Company, I think Mr. Pambrun. I omitted stating in the description that there was some stabling and buildings of one kind and another outside of the walls, but they were of a very rude description, of little or no value. There is no vegetation on the lands around the fort capable of sustaining animals. I revisited the fort in the fall of 1860, after the abandonment by the Hudson’s Bay Company, and found it in a still more ruinous condition, chiefly from natural decay and neglect.

(Statements of Mr. Pambrun objected to.)

Examination Resumed.

Int. 14.—What do you know of the post of the Hudson's Bay Company at Colville?

Ans.—Fort Colville is situated on the left bank of the Columbia river, about a mile above the Kettle Falls, upon the second terrace, and some distance back from the water at its ordinary stages, the lower terrace being flooded during the freshets. The buildings were enclosed in 1853 with pickets only on two sides, the remainder of the stockade having rotted down or been removed. They constituted a dwelling, three or four storehouses, and some smaller buildings used as a blacksmith's shop, all of one story, and built of square logs. The stockade was originally a square of about seventy yards; one bastion remained. About thirty yards in the rear of this square were a cattle yard, hay shed, and so forth, enclosing a space of forty by sixty yards, roughly fenced in, and the sheds covered with bark. On the left of the front were seven huts, occupied by the lower employés of the Company. They were of rude construction and much decayed. On the right of the square, in the rear, at the distance of a few hundred yards, were three more buildings, used for storing produce. A line of huts for employés was also strung along the edge of the terrace below. Fort Colville had formerly been a chief factor's post, the highest office in charge of a station, and here the annual accounts of the whole country were consolidated previous to transmission across the mountains. I learned, however, from Mr. McDonald that this route was to be discontinued. Everything, in fact, denoted the evacuation of the country by the Company. I think it was during this year that the last boat expedition from Fort Vancouver to Colville bringing goods in any considerable quantity by the way of the Columbia river, and the last express across the mountains from Colville to York factory, took place. The force at Fort Colville in 1853 consisted of Mr. McDonald, then a chief clerk, assisted by a trader and about twenty Canadians and Iroquois Indians. In former years goods were sent through

this post to those north of the line, but that route had been abandoned. The amount of furs collected there, as I learned from Mr. McDonald, was not large, and came chiefly from the upper Columbia and its branches. They were principally bear, beaver, muskrat, martin, and fox skins. The beaver were not considered to be worth more in London than the cost at Colville. Behind Fort Colville, and elevated above it about a hundred feet, is a narrow valley, bordered by ranges of hills, through which runs a stream known as Mill or White Mud creek. In this valley the discharged servants of the Company were settled to the number of fifteen, mostly Canadians and half-breeds. The soil was good, but most of the bottoms marshy, and covered by the waters of the creek during its freshets. Their cabins were stretched along the valley at the foot of the hills for a considerable distance. In this valley is a cattle-post about nine miles distant from the fort, and a grist-mill of one pair of stones three miles from the fort. Here formerly the flour for the northern posts was ground, from wheat raised on the Company's farm near the fort. This farm had been once of some extent, but only a small portion was cultivated in 1853. This description of Fort Colville and its surroundings I have given from notes carefully taken on the spot at the time, part of which were embraced in my official report heretofore referred to, and as which my memory, now refreshed by the same, is clear and distinct, with the exception of certain details of measurement.

(All the statements made from reports and hearsay objected to.)

Int. 15.—Whether or no you have ever made any measurement of the buildings within the picketed square?

Ans.—I did. I made a plot of the enclosure, carefully stepping off the distances and dimensions of the buildings. That plot is now mislaid, but the measurement and description of the principal buildings I find in my note-book, as follows: "First, the principal dwelling-house about 45 by 20, of squared logs, one story, in pretty good order. Second, a building on the right of it 15 by 20, one story, new roof, used as a storehouse. Third, an old building 40 by 20, adjoining

the last, and used for the same purpose. Fourth, a detached building on the left of the dwelling 45 by 15. The above constitute the principal ones. Their attics are also lighted at the ends. The main dwelling has two rear buildings, used as a kitchen, &c. Fifth, an old building, 45 by 15 behind the last. Sixth and seventh, two small ones, used as blacksmith's shop, &c., in a line with the last, and in the rear. The pickets formerly enclosed the whole of these, forming a square about 70 yards on each side. They have, however been removed, except on the right of Nos. 1, 2, and 3, where they enclosed a narrow yard containing a shed and two small houses. One bastion twelve feet square remains on the northwest corner." The description of the post in my previous answer applies also to my visit in 1859, except that I think some repairs had been put upon the dwelling-house and one of the stores. The other buildings were more dilapidated than before.

Int. 16.—What do you know of the character of the flour ground at the Company's mill on Mill creek?

Ans.—The Northwestern Boundary Survey purchased a small quantity of flour of the Company in the fall of 1859, while waiting for the arrival of its own stores. It was so dark and inferior in quality that the employés refused to eat it, and, if I recollect aright, we borrowed some from the escort to replace it.

(Question and answer objected to as irrelevant.)

Int. 17.—Whether or not you spent a winter at the United States post, Fort Colville, some twelve or fifteen miles from the Hudson's Bay Company post known as Colville?

Ans.—I did, the winter of 1859-60 there, while that post was building.

Int. 18.—Referring to the buildings occupied by the Northwestern Boundary Survey at Fort Colville, during the winter of 1859-60, how did they compare in value with the buildings at the Hudson's Bay Company's post at Colville?

Ans.—They were greatly superior, both in comfort and stability. I think they were decidedly worth more. They contained more glass and iron work, and brick chimneys instead of stone chimneys. Comparing these buildings, at the

time of their erection in 1859, with the dilapidated condition of the Hudson's Bay Company's buildings at the same period, there could be no doubt as to the great superiority in value of the former, to say nothing of the difference in the cost of construction at the different times they were erected.

(Question and answer objected to as irrelevant.)

Int. 19.—What do you know of the Company's post at Fort Okanagan?

Ans.—Fort Okanagan is situated on the right bank of the Columbia river, a little above the mouth of the Okinakane. It consisted of three small houses enclosed by a stockade. There had been some outbuildings, but they had been suffered to decay. There was no appearance of business there and no goods on hand. One trader, a Canadian, was the only white man on the ground. A few furs only were taken, and the post clearly did not pay its expenses. The post had once been of consequence as a stopping-place, but was apparently kept up for form sake. It was in a state of perfect squalor.

Int. 20.—What do you know of Fort Kootenay, a post of the Hudson's Bay Company?

Ans.—I spent some weeks in its neighborhood in the fall of 1860. It is on the left bank of the Kootenay river, one of the upper main branches of the Columbia, and a little above the mouth of Tobacco river, a few miles south of the 49th parallel. All that there was of it was two small, worthless log cabins. There was no one at the post, Linktater, the trader in charge, not having yet returned from Fort Colville. In fact, I think he never stopped there again, but moved to a point north of the boundary line. The post was occupied only during the winter months, the trader bringing up a few goods in the fall, trading them off with the Indians during the winter, and carrying the proceeds back to Colville in the spring before the rise of the rivers rendered the trail impassable. I met him coming up with a small train of horses and two or three Indians as I went down the river on my way to Colville. I recognize the building shown in the photograph marked as being a log building at Kootenay, which was designated by the Indians of the neighborhood as the Catholic Mission.

Examination Resumed June 10, 1867.

Int. 21.—Describe Fort Vancouver, and the land embraced in the claim of the Hudson's Bay Company?

Ans.—Fort Vancouver is the principal establishment of the Hudson's Bay Company within the territories of the United States. It is situated upon the right bank of the Columbia river, about one hundred miles from its mouth, and six miles above the junction of the Willamette river. It is a few hundred yards from the bank. The post was a parallelogram, enclosed by a stockade of 200 by 175 yards, twelve feet in height, and was defended by bastions on the northwest and southeast angles, mounted with cannon. Within were the Governor's house, two smaller buildings used by clerks, a range of dwellings for families, and five large two-story warehouses, besides offices. Without, there was another large store-house, in 1853, occupied by the United States. They were nearly all built of square logs, framed together after the fashion known as the Canadian fashion. At some little distance there was also a village of fifty or sixty cabins, occupied by a mongrel crowd of Canadians, Kanakas, and Indians; and there was a house, for storing cured salmon, on the bank of the river. Of the houses in this village, the greater part were built of slabs from the Company mills; a few only were constructed of logs, and contained two or three rooms. The buildings in and outside of the fort were all old and considerably decayed, only the repairs necessary to keep them in tenantable order having been for some years expended. There were at that time two chief factors at the post, Messrs. Peter Skene Ogden and Dugald Mactavish, with a considerable number of clerks and other employés. The claim of the Company embraced, as I was informed by Governor Ogden, several tracts; first, the claim on which the fort and United States barracks were situated, with a small one behind it, making, together, a tract of about four miles square. About one thousand acres were enclosed, or under cultivation, attached to which were sheds, stabling, and a small dwelling for a farm. Adjoining this, to

the eastward, was another tract, known as the Mill Plane, two and a half by three-quarter miles, on which was a saw-mill having tolerable water-power, but subject to stoppage during freshets. Besides the above, they claimed two other small prairies behind the first mentioned, which are respectively a half and one mile square. The above were the lands which I understood from Mr. Ogden to be in their then actual occupation. They claimed, however, as I was informed by him, some 20 miles along the Columbia river, but to what distance back he did not mention. These different tracts were separated by belts of wood. Concerning what is called the Mill Plain, I have but little recollection. The so-called Fort Plain, on which were situated both the Company's fort and the United States barracks, was about 1,000 yards deep from the Columbia river to the woods behind the latter. The lower part is meadow, liable to be submerged by the annual freshet, the rear rising, by a gradual slope, to a height of 100 feet. From the Company's post to the mouth of the Cathlapootl river, extended a belt of alluvial land, intersected by ponds and sloughs, and almost entirely overflowed during the summer. This averaged from one to three miles in depth from the river back to the rising ground, but hardly anywhere did the land itself occupy more than a mile of this depth, the rest being permanently covered by water. The immediate bank of the river, as is usual with alluvial deposits, was somewhat higher than the ground directly behind it, and, where not actually overflowed, would have constituted a natural levee against the freshets. Such, however, is the porous character of the soil that the waters percolating through and under these banks overflows the land behind before it reaches their top. The rise of the river usually commences in May, and continues, with interruptions, until July, gradually subsiding during the latter part of that month and August, occasionally reaching the height of 19 or 20 feet. The temperature of the water, which is between 40 to 60 degrees Fahrenheit, during this period, is sufficient to destroy many kinds of vegetation; and the season, after the subsidence, is too short to plant the usual crops. The deposit from the water, moreover, is a sand derived from the attrition of rocks,

without chemical decomposition, and does not tend to fertilize the ground. The higher ground back of Vancouver, and thence to the foot of the mountains, is gravelly and poor, except that on the banks of the streams there are narrow skirts of rich soil. This gravelly country is speedily exhausted, two crops of wheat being as much as it will produce. The timber on the bottom lands of the Columbia is chiefly cottonwood; on the smaller streams, vine maple, and alder. The upland is covered with the usual growth of the Coast region of Oregon, the Douglas fir predominating. This forest is almost entirely of secondary growth, and has been deadened over a large tract of country by fires, which have run through it. There is, besides, a general want of moisture in the soil, every thing parching after the conclusion of the rainy season.

(The statements made from hearsay objected to.)

Int. 22.—What do you know of Sauvie's Island, and the Company's farm there?

Ans.—The island is a tract of similar country to that bordering the Columbia on the opposite side, filled with sloughs and shallow ponds, which occupy at least half of its surface. It is so much subject to overflow, that during the season of the freshet the cattle were sometimes obliged to swim to the main land. These lands, however, after the subsidence of the freshet, produced good grass. With regard to the Company's farm, I never stopped there but once. The house was on the bank of the Columbia, and I camped out of doors without going into it.

Int. 23.—What trade was carried on at Vancouver, and with whom?

Ans.—From 1849, when I first went into the country, onward, the trade was almost entirely with citizens, and was general merchandising. The Indian population had almost entirely disappeared from the lower Columbia, but three or four wretched individuals survived, who certainly did no fur trading. A few Klikatats occasionally came down from the mountains to trade horses and dressed skins. The furs gathered at Colville and the other upper posts, were of course still brought down to Vancouver for exportation but the In-

dian trade of the post itself may be considered to have ceased. A portion of their goods were shipped to San Francisco, another portion disposed of to merchants on the Willamette, or by the Company's agents there, the Indian goods being chiefly sent to Victoria.

Int. 24.—What do you know of cattle and horses at Fort Vancouver, and of their alleged destruction by settlers?

Ans.—Prior to 1849 it is impossible that many cattle could have been driven off by Americans, for even in the year 1849 the number of American settlers about there was comparatively small, and most of them had gone to the mines. I remember that when, in 1853, Captain McClellan's expedition started from Vancouver for the mountains, Governor Ogden stated, in my presence, that he would find cattle that had run wild in the woods, and authorized him to kill what he needed for the use of his party. But, although we had two experienced professional hunters with us, we never saw horn or hoof mark until we got into the Indian country, on the other side of the mountains. As to the horses, the Company could not have kept many at that place, as all their own travel from there was by water; and when we wished to purchase our outfit from them, we were obliged to wait some days for Governor Ogden to send over and purchase them from the Indians.

Int. 25.—What was the value of Fort Vancouver as a town site?

Ans.—According to my observation, Vancouver never would have made an important town site, for the reason that it has no back country for its support on the north side of the river, and is too far above the mouth of the Willamette for the produce of the Willamette valley to have reached it, even if the title had been clear in the Company. It possesses great attraction from its beauty of situation, and the natural lay of the land; but it was better suited for a trading or military post than a town.

Int. 26.—Where did the timber come from of which the Hudson's Bay and military posts at Vancouver were built, and what was the quality of the timber?

Ans.—Most of the timber came from the public lands in the immediate vicinity. It was fur, a species of timber which

readily decays when in contact with the ground. Most of the forest behind the post had been deadened by the fires which had swept through it, and on some occasion must have threatened the post itself.

Int. 27.—Look at the photographs here exhibited, and say whether they correctly represent the buildings at Fort Vancouver?

Ans.—They correctly represent two angles of the interior of the square, the first showing the Governor's house and an office on the north side, and the long row of buildings occupied by families on the east. The second exhibits the northwest corner, showing the Company's sale shop and part of a storehouse, with a bastion and another building, the use of which I do not remember.

Int. 28.—Do you know anything of an orchard at Fort Vancouver?

Ans.—There was a field enclosed and planted in apple trees directly back of the fort, but my recollection of them is that they were natural and not grafted trees.

Int. 29.—What salmon fisheries were there on the Columbia river, and by whom carried on?

Ans.—Salmon fisheries were carried on almost altogether by Indians. Positions for them were found almost everywhere. Owing to the diminution in the number of the Indians, however, the places where it was actually pursued were but few. In 1850 they fished at Chinook, Pillar rock, at Pretty Girl's village, at Wakanasissee, at the mouth of the Clackamas, on the Willamette, at the Cascades, and elsewhere.

Int. 30.—What was the general state of the fur trade in 1849 in Oregon, and subsequently?

Ans.—The fur trade was greatly on the decline, and the evidences of its decay were to be seen at all the Company's posts I visited. At Astoria no furs at all were taken. At Chinook, as I have elsewhere stated, but a few sea otters. Beavers were so abundant in the streams within striking distance of the settlements that their signs were everywhere to be seen. Governor Ogden told me, as early as 1850, that American Oregon never was a fur country, except for beaver; that their

skins did not then pay to transport to London, and that, not paying for transportation to London, they were not hunted much, and had become as abundant as they were in the first flush of the fur trade. Although they purchased all the furs brought on to them by Indians, as a matter of policy, they cared nothing for the beaver. Mr. McDonald, the clerk in charge of Fort Colville, also told me in 1853, and repeated the statement in 1859-60, that the fur trade did not pay its expenses, and that they retained their posts only until a settlement should be made with the United States. In fact, this was a matter of notoriety throughout the country, palpable from their reduced establishments, decayed buildings, and the unsettled feeling of their employés.

(The statements of Ogden and McDonald made to the witness objected to, and the matter of notoriety also objected to.)

Examination Resumed June 11, 1867.

Int. 31.—Do you know the amount of furs actually collected in Oregon in any one year?

Ans.—I think it was in the year 1855 that Mr. Angus McDonald, the officer in charge at Fort Colville, by way of experiment, brought over the yearly collection of furs from that place to Fort Nisqually by way of the Nahchess Pass. He had with him a brigade of 200 horses, carrying two packs apiece of 90 pounds each. That was the only occasion upon which I happened to know the amount of furs collected in the interior, or on which the train came to Puget's Sound. I saw the furs afterwards opened at Fort Nisqually, where they were shown me by Dr. Tolmie, and considered that most of the skins were of inferior value, that is of the commoner kinds.

Int. 32.—What general improvements of the country had the Company introduced in the way of roads, &c.?

Ans.—No important ones. The Company was content for the most part with following the ordinary Indian trails, expending no unnecessary labor, but merely cutting or burning out logs occasionally, where the obstructions could not be gotten over otherwise. There were a few miles of track of

about the character of ordinary wood roads at and around Fort Vancouver connecting the different prairies. They had also cut out so much of the trail from Cowlitz landing to Fort Nisqually as ran through the woods, say about one-fourth of the distance, which whole distance is between 60 and 70 miles. Some little necessary road work had also been made at Fort Nisqually and at Fort Colville, but nothing that deserves mention. The route from Colville to the Flatheads and Kootenay posts was entirely unworked; that portion of the same which followed the rivers they traversed only in spring and fall, at seasons of low water, making their way along the bank as best they might. The road party of the Northwestern Boundary Survey, varying from 8 to 18 men, employed at a time, cut out more road in either one of three seasons, making a clear track of 8 feet wide, grading up and down hill where it was necessary, and constructing bridges, some of considerable length, than the Hudson's Bay Company had done during its whole occupancy of the country, so far as any mark of axe or hoof could show it.

Int. 33.—How did the Pacific Railroad and the Northwestern Boundary Survey supply themselves with stores, by the Columbia river or otherwise?

(This question objected to as irrelevant.)

Ans.—The Pacific Railroad Survey, under Captain McClellan, in the first place, took its provisions from Fort Vancouver across the mountains by an Indian trail south of Mount St. Helens, cutting it out sufficiently for the purposes of passage. It afterwards sent over the Nahchess Pass to Fort Steilacoom for fresh supplies. The Boundary Survey transported its provisions by a route cut out by its own employés from Chiloweyuck depot, on Frazer river, to Fort Colville, and thence by the route before referred to to the Rocky Mountains. During the time that the post at Colville was maintained, goods and provisions of all kinds were brought there by land, either from Wallula or the White Bluffs, usually by the former. The Columbia river above the White Bluffs was not used by them at all, land transportation being more certain and speedy, cheaper and less laborious, than by way of the Columbia river.

(The above question and answer objected to as irrelevant.)

Int. 34.—How have the Hudson's Bay Company of late carried on their transportation to Colville?

Ans.—For several years before 1860, when I left there, they had obtained their supplies from Victoria by way of Frazer river and the pass of the mountains between Fort Hope and the Similkameen.

Int. 35.—What effect, if any, has the discovery of gold on the Columbia river and its tributaries had on the Company's business?

Ans.—Up to the time of my leaving the country, late in 1860, it had a slight and transient influence. In 1854, I think it was, gold was discovered at the junction of Clarke's fork and the Columbia, about 30 miles above Fort Colville, and some excitement was caused, quite a number of persons flocking to those diggings. It proved, however, that the gold here was limited to a small space, and the spot was soon deserted, except by a very few persons. In 1859, gold was discovered by the Boundary Survey upon the Similkameen, near its junction with the Okinakane, and subsequently upon Rock creek, a branch of the Nechoialpikure, which enters the Columbia opposite Colville. At this time, however, the establishment of the United States post at Fort Colville, and the building of a small village in this neighborhood, at which stores and miners' goods were kept, and the running of pack-trains loaded with provisions from Oregon to the mines, prevented the Company from deriving much advantage from the discovery. These places also proved of no lasting productiveness. What effect the more recent discovery of mines in what are Idaho and Montana Territories may have had, I do not know. But I think that shorter and more practicable routes would be adapted better than any by Fort Colville.

Int. 36.—What has been the policy of the Company in regard to the settlement of the country by Americans, so far as you have learned?

Ans.—I have conversed freely with officers of the Hudson's Bay Company upon the subject of its settlement, as well as with early emigrants to Oregon. The policy of the Company, as fur traders, as I learned from them, was decidedly hostile

to it. The late Dr. McLoughlin informed me that he had been severely censured at home for his supposed encouragement of immigration, and Mr. Ogden, speaking of the colonization of Vancouver Island, in its relation to the affairs of the Company, said that it was a scheme of Mr. Douglass to make himself a Governor, adding, "What have we to do with Colonies—for my own part, I am a fur-trader." The officers of the Company did not hesitate to express their disappointment at the settlement of the boundary by the 49th parallel, instead of the Columbia river, as they had expected.

(Statements of officers objected to.)

Int. 37.—Were or were not their own employés encouraged to take up lands, and was it not a matter of complaint, by American settlers, after the treaty, that they should have been admitted to this right?

Ans.—They were; and several small colonies of discharged servants were formed accordingly. One was in the valley of the Willamette, at what is known as the French prairie. There was a small settlement of them on the Nisqually Plains, about Muck, and what is called the Canadian Plain; and nearly all the land in the small valley back of Fort Colville was occupied in the same way by their people. In particular, the settlement in the Willamette Valley was complained of, as having been made south of the Columbia river.

(Question and answer objected to.)

Int. 38.—How was the war of 1847, commonly called the Cayuse War, begun, by which the Company, as is stated, suffered great interruption in its trade, and what Indians were engaged therein?

Ans.—The war was commenced by the massacre of Dr. Whitman, his wife, and other persons, and the abduction of several young women from the mission established by him near the Walla-Walla river, some miles above the fort. The Indians engaged in it were chiefly Cayuse and Walla-Wallas, with some few from the adjoining tribes. This led to an expedition from the Willamette Valley to punish the aggressors. On this occasion it was that Governor Ogden promptly interfered and ransomed the women.

(Question and answer objected to as irrelevant.)

Int. 39.—What was the Company's policy towards the Indians, so far as it fell under your observation?

Ans.—The policy of the Company was dictated by a wise consideration of its own interests. They were every where pacificators of the feuds which existed between the different tribes, and they promptly punished aggressions upon themselves, and extended their protection and assistance to the American settlers also, although they avoided identifying their interests with those of the latter. As regards the Indians, however, their system of trade was calculated to impoverish them, the amount paid for furs or other articles of trade being vastly disproportioned to their value, and in objects of a character suited to gratify their vanity, rather than to improve their actual condition. So far as any moral or religious instruction was concerned they did nothing.

Int. 40.—Do you know of any obstructions at the portages of the Columbia river by which the Company was hindered in using them?

Ans.—None whatever. The only point where an obstruction might be supposed to exist is at the Cascades, where the land is claimed under the donation act by citizens; but no obstacles have ever been offered to my knowledge to the passage of any one there. Steamboats and railroads, affording much easier means of communication than bateaux, it is not likely that they will be resorted to.

Int. 41.—Do you know anything of the Kettle Falls near Colville, and of their value for manufacturing purposes?

Ans.—The Kettle Falls constitute a mixed rapid and cascade, broken by rocks extending across the whole width of the Columbia river. Its value for manufacturing, or other purposes than as a fishery, is nothing. In the first place, almost every stream throughout the country affords one or more water-powers more easily manageable, and sufficient for all ordinary purposes. In the second place, if every foot of habitable land within available distance of these falls was inhabited and cultivated it could not produce raw material enough to make their use profitable.

Int. 42.—Did you ever hear Dr. McLoughlin speak of the indebtedness of the citizens to him?

(Objected to as irrelevant and incompetent.)

Ans.—Dr. McLoughlin complained to me of the mode in which he had been treated by the settlers; that they owed him about \$30,000 for advances made to them during early times in the country, and that the men who owed most were most abusive of him. At the same time he mentioned the censure that he had received from his own countrymen for encouraging immigration.

Int. 43.—Do you know any other matter touching the claim of the Hudson's Bay Company against the United States, or is there any explanation which you wish to make?

Ans.—I wish to make a statement touching certain of my acts as deputy collector of the district of Oregon, and the correspondence which I held with Governor Ogden of the Hudson's Bay Company, printed in the documentary evidence of the Company, and to which my attention has been necessarily drawn while reading the proofs. In my official letter written by me to Governor Ogden 1st, March, 1850, in the absence of General Adair, who was then in San Francisco, and a postscript dated March 10, 1850, I explained certain provisions in the revenue laws for the guidance of the Company in their future importations. This was done simply as a matter of courtesy to them, for it was their duty beforehand to know and follow the provisions of law in the United States. As it was, I incurred a dangerous responsibility in granting the permit, and giving credit for duties as I did. The Company, I may mention, had claimed and insisted that their goods imported from foreign countries should be admitted free of duty, and accordingly paid the duties under protest, although those bought by American citizens were charged. In no case were duties charged upon American goods imported by the Company, except in one, occurring in 1853, when goods alleged to be such were imported from England, but without certificate of origin. In that case a part of the cargo consisted of tobacco and flour, and I extracted the duties thereon, leaving it to the company to obtain the proper consular certificate,

and apply for reimbursement in usual form. And I unhesitatingly say, that no vexatious embarrassments were thrown in the way of the Company by me, either while deputy under General Adair, or subsequently when collector myself; nor, so far as I know, by General Adair. On the contrary, I went beyond the law in affording facilities, which nothing but the necessities of the country would have justified. Forfeitures which might have been exacted, and by which money could have been made, were, on more than one occasion, passed by or remitted. As regards the Prince of Wales, I have to say that, in preventing her from carrying on trade not connected with the Hudson's Bay Company or British subjects, trading with the same, I acted in accordance with the requirements of the revenue laws, and under the advice of Mr. Holbrook, the United States district attorney, who was present when the order to her master was issued. The stoppage had nothing to do with any interest that I might have had in the steamer referred to by Mr. Ogden. That interest was, in fact, contingent, that is to say, I had the refusal of a share in her for the consideration of, I think, \$1,000. I never paid for, and consequently never really owned it, though I believe it was made out in my name, and a short time afterwards, at my own instance, the agreement was cancelled. For the rest, the Hudson's Bay Company were not entitled by the treaty to the navigation of the Willamette, but solely to that of the main stream. The case of the French ships was not in point, as they were not coasters, but brought in dutiable goods consigned to Oregon City, and left France not knowing that any port of entry had been established. They were permitted by General Adair to ascend the river from the necessity of the case, there being no warehouses at Astoria, nor means of transportation thence up, except in the original vessels.

Cross-Examination taken this 14th day of June, 1867.

Int. 1.—Where was your place of residence, or where did you spend your time between the spring of 1851, after your visit to Champoeg, and the 1st of January, 1853?

Ans.—I went down to California that summer, and was employed on an expedition to treat with the Indians of Northwestern California. On my return from there, late in the fall, I went up to Oregon, and again returned to California. I spent the rest of the winter at Humboldt bay, and in the spring went into the Klamath river mines, where I worked until late in the fall. Hearing of my appointment as collector of Astoria, I went down to San Francisco, and thence back to Oregon, where I arrived late in December, and entered upon the duties of the office.

Int. 2.—What was the size of the buildings at Astoria that you have described at huts?

Ans.—I think the largest one may have possibly been 30 or 40 feet in length, the others from 20 to 25. I speak merely from recollection, and I suppose the term hut applies not so much as to size as to character.

Int. 3.—Were not these buildings shingled?

Ans.—I think they were covered with shakes.

Int. 4.—Were you ever inside the largest of these buildings?

Ans.—I think I have been several times.

Int. 5.—Of what was it built?

Ans.—Of logs chinked.

Int. 6.—Was it not built of square logs, ceiled inside, with a shingle roof?

Ans.—My impression is that the logs were roughly squared, that is to say, the sides partially flattened with the axe. As to any ceiling I have no recollection; as I have said before, I think it was covered with shakes.

Int. 7.—Was there not a person in charge, and in possession of this post at Astoria, when Major Hatheway arrived there?

Ans.—That I cannot say, but sometime during the year 1850 the Company had a man named Edward Spencer down there to receive goods.

Int. 8.—How far is the custom-house, where you were, from this post?

Ans.—The custom-house in 1850 was one mile east of the post. In January, 1853, when I was collector, I moved it down to a house in the immediate neighborhood of the post.

Int. 9.—How many times, between your first arrival at Astoria and the time of Major Hatheway's taking possession of the post, were you at the post, and inside of either the main building or the store there?

Ans.—I was backwards and forwards between the custom-house and the village of Astoria during that winter, at least once or twice a week, passing by the Hudson's Bay buildings, but I do not think there was any store opened, not any other than a merely nominal occupancy, even if there was that.

Int. 10.—How many times were you, during the period mentioned, inside any of the buildings at the Company's post?

Ans.—I have not the most remote recollection.

Int. 11.—Were you inside any of them at any time during the period mentioned? If so, state which building it was, whether shortly after your arrival there, or later, and who you found there?

Ans.—As I have said before, I cannot make any answer to that question. At this distance of time, so trivial a fact as the entering a Hudson's Bay house at Astoria would not remain in my memory. If any store was kept there, I should undoubtedly have visited it, as there was then only one other, I think, at the place.

Int. 12.—Where did Major Hatheway stop on his first arrival at Astoria?

Ans.—He may have stopped over night at General Adair's, as there was already an officer with a detachment of troops there. But I think they went immediately down to the point where the post was.

Int. 13.—Did you meet and converse with Major Hatheway at General Adair's, or Astoria, before he occupied the Company's post?

Ans.—I don't know; if I saw him, most likely.

Int. 14.—Where were you when Major Hatheway arrived at Astoria?

Ans.—I presume I was at General Adair's. I might have been up the river.

Int. 15.—State, if you can, when you first saw Major Hatheway, after his arrival at Astoria, and where you saw him?

Ans.—That would be utterly impossible.

Int. 16.—Was there not two acres of cleared land surrounding the post at Astoria?

Ans.—I should think there was about that.

Int. 17.—Were you at Astoria when Major Hatheway left?

Ans.—No; I left before he did.

Int. 18.—At what time did you revisit Astoria after you left it, as stated in your last answer?

Ans.—In speaking of leaving Astoria, I referred to my going to California, not to Champoeg. On my return, some time during the winter of 1851–52, Major Hatheway had transferred his headquarters to Vancouver. Colonel Loring, with the regiment of mounted riflemen, having been ordered home.

Int. 19.—When did Major Hatheway arrive at Astoria?

Ans.—I think in the spring or early summer of 1850.

Int. 20.—If you were in California at the time Major Hatheway left, how can you state of your own knowledge how long he remained at Astoria?

Ans.—In the first place, I don't think I have stated of my own knowledge how long he remained there. In the second place, I judge of the time he left there by seeing him there at one time and at Vancouver at another.

Int. 21.—Were you not absent six months in California?

Ans.—There, or thereabouts.

Int. 22.—How can you tell of your own personal knowledge at what time during your absence in California Major Hatheway left Astoria?

Ans.—I have not pretended to do it.

Int. 23.—Have you not stated in your examination-in-chief that Major Hatheway came down in the spring or summer of 1850, and have you not made this further statement—"he remained there, I think, a year?"

Ans.—I have made that statement.

Int. 24.—Who besides yourself, at the time you were first at Astoria, considered the site as the property of the United States Government?

Ans.—The settlers and Americans generally, who knew the circumstances of the capture of the fort during the war, and

its surrender to the United States at the conclusion thereof. It was also the impression of the officers of the Army when they made a requisition for possession on the Hudson's Bay Company, and, if I mistake not, recognized by the officers of the Company at the time.

Int. 25.—Give the name, if you can do so, of a single settler at Astoria, who, before the taking possession of this post by Major Hathaway, stated to you, as his opinion, that this site was the property of the United States Government?

Ans.—I think I can state, without hesitation, that Mr. Shiveley and Mr. Welch, who had taken that claim under the Donation Act, did so, under the belief that it was land open to occupation, and held by the Company simply as tenants at will of the United States.

Int. 26.—Did either of these men make any such statement to you personally?

Ans.—It was a matter often talked about by the settlers in that neighborhood, and I am perfectly well satisfied I have heard one or both of them assert it.

Int. 27.—Did they, or either of them, ever say to you that this fort had been captured during the war of 1812, and at its conclusion formally restored to the United States Government?

Ans.—I don't know that they said this, in so many words. The fort can hardly be said to have been captured by the British, because, before the arrival of a British man-of-war at Astoria, Mr. Astor's partners had sold the same to the Northwest Fur Company; but its flag was changed, and at the conclusion of the war it was again surrendered to the United States.

Int. 28.—Which of these statements do you now wish to be considered the correct one—the one made in answer to "Interrogatory 6," examination-in-chief, or the one made in answer to the last interrogatory?

Ans.—I don't think that they are particularly inconsistent. Perhaps, instead of saying captured by, I should say betrayed to Great Britain.

Int. 29.—Do you know anything about the matter person-

ally, and have you not, in reference to this matter, sworn to what you thought was the real history of the transaction?

Ans.—In so far as what I have stated to have been the opinion of persons living at Astoria while I was there, I have stated it upon my own knowledge. As to the rest, I have stated what I believe to be matter of historical record.

Int. 30.—Do you feel confident to swear to the truth of all the historical record which you have incorporated into your testimony?

Ans.—I don't think I have incorporated a great deal of history in my testimony, but I am perfectly well satisfied of the truth of whatever I may have cited.

Int. 31.—Are you satisfied of the truth of this fact, sworn to in your examination-in-chief on the 25th day of May, 1867, when, in speaking of the post at Astoria, you say "it had been captured during the war of 1812?"

Ans.—I think I have already qualified that. Of course I did not intend to swear that an event which took place before my birth was absolutely and unqualifiedly true. As to the rest, a British vessel, named, I think, the *Racoon*, is historically reported to have been sent there to capture Astoria, and historically reported to have arrived too late.

Int. 32.—Are you now prepared to say which of the versions you have given of the transactions at Astoria is the correct one?

Ans.—In my original statement that the fort had been captured, meaning simply to state that its flag had been changed, I supposed that I had since explained that satisfactorily.

Int. 33.—Is this statement, which you made in reference to the transaction at Astoria, in answer to the 6th interrogatory-in-chief, as accurate and correct, as the other statements made throughout your examination-in-chief, as to other matters, which you yourself did not personally see?

Ans.—Without knowing what was the purport of that interrogatory, or the answer thereto, I have not the means of drawing any comparison between the correctness of that and the answer to any other interrogatory or interrogatories which I

may have made. I have endeavored in all cases to make my answers as correct and explicit as possible.

Int. 34.—In Cross-Interrogatory 28, your attention was particularly called to your answer to Interrogatory 6, in reference to transactions at Astoria; that language is as follows: "It had been captured during the war of 1812." The question is now repeated—is this statement as accurate as statements as to other matters which you yourself did not personally see?

Ans.—I have already made a qualification to that answer, substituting the words "betrayed to" for "captured by," and with this qualification or correction my answers are, according to my belief, correct.

Int. 35.—Do you not now believe that, historically speaking, this post was sold by the officer or officers in charge of it to another set of traders?

Ans.—I do, with this qualification, that they were or became partners in the second set, to the injury of their principal.

Int. 36.—Do you not think some of the statements made by you, in this examination in reference to matters not within your own personal knowledge, will also require qualification, in the same manner as that in reference to the capture of Astoria or Fort George?

Ans.—None that I know of.

Int. 37.—You have made the statement in your examination-in-chief that at the conclusion of the war of 1812, possession of Astoria or Fort George was formally restored to the United States: to what officer of the United States, civil, military, or naval was it formally restored, and by what officer of the Government of Great Britain was that formal restoration made?

Ans.—That is more than I at this moment recollect, such, however, is my impression, at any rate such a belief undoubtedly influenced the parties occupying that claim.

Int. 38.—Will you state distinctly that you had even an impression that it is historically true that Fort George was ever formally restored to the Government of the United States

by that of Great Britain, through any officer or agent of either power?

Ans.—I have a very strong impression, and, in fact, conviction, that such was the case.

Int. 39.—Do you believe this impression to be as correct as the other historical statements made by you in this deposition?

Ans.—I shall not pretend to draw any comparison as to correctness between historical facts to which I have incidentally referred. If I had not supposed them to be correct, I should not have alluded to them.

Int. 40.—How many settlers were at Astoria or within two miles of Fort George previous to Major Hatheway's taking possession of Fort George, not including the officers and employes of the custom-house?

Ans.—There were Shiveley and Welch on the claim on which the Hudson's Bay Company's post was situated, and there were several others, I think, who occupied houses on that claim. Westward of them was Col. John McClure's claim, upon which was the village of Astoria, at that time having perhaps ten or a dozen houses.

Int. 41.—How many stores were there open in this town, during your first residence there?

Ans.—The principal store was that of Leonard and Green, originally near the custom-house, and afterwards moved down to the village. I think there were two small stores at the village also. A large one was built there, I think, in 1850, which was the one Leonard and Green afterwards moved into.

Int. 42.—Is this town on McClure's claim which you say you visited once or twice a week passing by the Company's store?

Ans.—That was about all there was of it at that time.

Int. 43.—Did these donation claimants, Shiveley and Welch, claim to own the Company's post at Astoria as part of their donation claim?

Ans.—They did.

Int. 44.—Did they allow any one to reside on their claim, except such persons as purchased lots, or obtained leave from them?

Ans.—I think not. I remember that they made great complaints about the military coming on the ground.

Cross-Examination resumed June 15th, 1867.

Int. 45.—Before Major Hatheway took possession of the post at Astoria, did you see any Indians purchasing goods at any of the stores you have mentioned as being on the McClure claim?

Ans.—I don't remember ever seeing any Indians trading at those stores, or any other stores, during the period mentioned.

Int. 46.—Were you ever at Cape Disappointment?

Ans.—I have been once.

Int. 47.—How did you go there; who accompanied you; in what year, and what time of the year was it; and how long did you remain?

Ans.—I stopped there in a steamer, and went ashore in a boat. I think it was in 1855. Capt. Dall, I think, commanded the steamer, but I don't recollect who accompanied me on shore. I do not remember the time of the year. We may have remained an hour or two.

Int. 49.—What was the name of the steamer?

Ans.—That is more than I remember; probably the Columbia.

Int. 50.—Where were you going to at the time, or coming from?

Ans.—I was going round to Victoria and the Sound.

Int. 51.—Was not the Columbia a small steamship for a sea-going steamer, and of light draught?

Ans.—The Columbia was, I think, a vessel of 600 or 800 tons, and of a draught suited to the navigation of the Columbia and Willamette rivers. She was, however, a staunch sea-boat.

Int. 52.—Did you not on this occasion pass out of the river by the north channel?

Ans.—We did; there having been some changes in the south channel, and the swash channel not being buoyed out.

Int. 53.—During the time you remained on shore at Cape

Disappointment, did you go to the Hudson's Bay Company's store at that point?

Ans.—I never heard that the Company had a store there?

Int. 54.—Did you go into any house at the time you were there?

Ans.—I don't remember.

Int. 55.—Was not the name of the person whom you speak of as a Hudson's Bay Company's man living at the Cape, Thomas Piske Kipling?

Ans.—He was sometimes called Piske and sometimes Kipling.

Int. 56.—Do you not know that while you were at Astoria there was at Cape Disappointment, in charge of the Hudson's Bay Company's establishment, a Mr. Henry Maxwell?

Ans.—I have no recollection of such a person, nor do I know of any establishment further than I have stated in my direct examination.

Int. 57.—Have you not stated, during the course of your examination, that you heard the name of Kipling or Piske living at the Cape—did you never hear of the name of a person living at the Cape of the name of Maxwell?

Ans.—Not that I remember.

Int. 58.—Were not the remarks of Mr. Ogden, in reference to a tract of land of the Hudson's Bay Company, which left on your mind an impression that this tract was his own private land claim, made in a jocose and laughing manner?

Ans.—They were. At the same time I inferred from his remarks that this claim at Cape Disappointment was one held by the Hudson's Bay Company or himself simply for speculative purposes—in the same way that he spoke of a claim that he had once taken on Tongue Point. I knew that the officers of the Company had taken Company claims in their own names, either for the purpose of covering the Company or holding the land in their own right when a settlement should be effected, or both.

Int. 59.—State any one single instance in which you ever saw the record of any paper connected with, or belonging to, a claim for land, under the laws of the United States, made

by any officer in the employment of the Hudson's Bay Company alone.

Ans.—I was not speaking of the records, which I never personally examined. Mr. James A. Graham, of the Hudson's Bay Company, chief clerk of Fort Vancouver, told me distinctly that he had taken Fort Vancouver as his claim; I presumed, at the time, to protect it.

Int. 60.—The purposes, then, for which you state these claims were taken, in your answer to "Interrogatory 58," are now to be understood as an assumption of your own?

Ans.—Of course they were to a certain extent presumptions, as I do not remember that either distinctly stated the motive he had in view. Had, however the United States purchased the claims of the Hudson's Bay Company whilst these individual claims were valid on the record, there was nothing to prevent officers of the Hudson's Bay Company from holding them for their private benefit, they being citizens of the United States, or declaring their intention to become such.

Int. 61.—Give the name of any other officer of the Company who told you he had a claim under the laws of the United States.

Ans.—I don't know that any other officer of the Company ever told me that he had such a claim.

Int. 62.—When did Mr. Graham make this statement to you as to his claim; where did he make it; who was present, if any one, at the time; and state as near as you can the exact language he made use of?

Ans.—The statement was made to me by Mr. Graham, if I recollect right, in the Hudson's Bay Company's post at Vancouver. I cannot state positively in what year. It was, however, at a time when some excitement existed about encroachments on this Hudson's Bay Company claim, and I think must have been in 1855 or '6. I have no recollection if any one was present, or who.

Int. 63.—Was Mr. Ogden's statement made to you before or after this?

Ans.—If I am correct in the date of Mr. Graham's statement, Mr. Ogden was already dead.

Int. 64.—When was this statement of Mr. Ogden's made to you?

Ans.—I think in 1853, while I was employed in the Pacific Railroad Survey.

Int. 65.—Was it in his own house?

Ans.—I presume it was. I was a great deal at his house while at Vancouver, and he was seldom out.

Int. 66.—Was it before or after dinner?

Ans.—I presume before dinner.

Int. 67.—Was this statement made to you deliberately in reply to any direct question, or at any time when you were seeking information to embody in your report, or for any other purpose of which you informed him, or was it made in general and careless conversation?

Ans.—I frequently discussed with Governor Ogden the subject of the claims of the Hudson's Bay Company against the United States, both in regard to land and other matters, and I presume it was in one of these conversations that he made the remark.

Int. 68.—What was the language that Mr. Ogden made use of, from which you inferred that the tract of land at Cape Disappointment was held for speculative purposes?

Ans.—The remark to the effect that that was his claim. I could conceive, however, of no other object which any one would have in holding it.

Int. 69.—Are we now to understand, then, that inference made by you from this statement of his was the conception of your own mind?

Ans.—I believe that an inference is usually a conception of a man's own mind arising from the words or acts of another.

Int. 70.—How far is Cape Disappointment from the place you have called Chinook beach by the usual method of travel?

Ans.—I think six or eight miles.

Int. 71.—Have you not been compelled to look upon a chart or map for the purpose of informing your mind since the last question was asked you?

Ans.—Yes; and I find the distance is greater, say about 15 miles.

Int. 72.—How far is it from Chinook beach to Astoria?

Ans.—I think eight or ten miles across the river.

Int. 73.—Is not this navigation around the mouth of the Columbia river often dangerous for canoes and boats?

Ans.—Very.

Int. 74.—Did you not, about August, 1850, about the time that you refused to allow the schooner Prince of Wales to take freight for Judge Strong up the river, meet with Mr. Maxwell, the agent of the Company at Cape Disappointment, when he came to Astoria?

Ans.—I have no recollection, as I have already stated, of any such person.

Int. 75.—He is referred to in a letter of Judge Strong's of 16th of August, 1850, dated Astoria, in this language: "When I saw your agent here this evening; he is now on the north side of the river, but is expected here." Did you see the agent thus referred to about that time?

Ans.—I have no recollection of seeing him or any other agent about that time; nor have I any recollection of ever having seen an agent by the name of Maxwell. The only knowledge I have of any such person, beyond the knowledge of the counsel, as connected with the affair of the Prince of Wales, is the following extract from Governor Ogden's letter of August 25, 1850, to Sir George Simpson, in which he says: "The enclosed documents I now forward you will explain themselves. Owing to the stupidity of Maxwell he has not forwarded to me the originals;" but who this stupid Maxwell was I do not know.

Int. 76.—Did you not receive, before Major Hatheway took possession of the Company's post, orders for money from Mr. Ogden, drawn on Edward Spencer, officer in charge of the Hudson's Bay Company's establishment at Astoria, and were not those orders collected?

Ans.—I find by my letter to Mr. Ogden of March 1, 1850, that I pointed out an error in the calculation of duties on the cargo of the bark Victory, Captain Ryan, and that Governor Ogden, in consequence, forwarded to me an order on Edward Spencer for the difference, amounting \$18.02½. This last fact

appears by his letter to me of 25th of March, 1850. Both letters are printed in the evidence for the claimants, and are, I doubt not, correct copies, and exhibit the facts. As to the collection of the money, I presume of course it was duly paid. The Company was very exact in the transaction of their business, still as to a transaction which took place 17 years ago, involving the payment of \$18.02½, I don't think that I should have remembered it had it not been for this printed correspondence.

Int. 77.—Was Edward Spencer at that time at the Company's establishment at Astoria?

Ans.—I presume he was; but I should not have remembered except for this letter of Mr. Ogden's, or the original, now in my possession.

Int. 78.—Do you now remember, from your own recollection, after having seen the letter, that Edward Spencer was there?

Ans.—I remember Spencer perfectly well as a man that I met frequently, but whether at that time I saw him or not, I cannot recollect, having had no occasion to fix his presence in my memory.

Int. 79.—Did you receive any other orders on Mr. Spencer from Mr. Ogden?

Ans.—Possibly yes, and possibly not. The details of ordinary business transactions occurring so long ago, in which I am interested only as a subordinate, and which have long since been settled, are not likely to be preserved fresh in the memory.

Int. 80.—Was not the steamer by which you went to Puget's Sound in 1855, a steamer called the California, with troops on board for Fort Steilacoom and the Sound?

Ans.—No.

Int. 81.—How many vessels entered at the port of Astoria during the time you were there as deputy collector?

Ans.—That I cannot answer without referring to the returns. The number, however, was considerable considering the state of the country and its very limited population. They were mostly sailing vessels of different descriptions, which brought small assorted cargoes up from San Francisco, and

took down on their return voyage cargoes of lumber, piles, and country produce. There were one or two vessels from the Sandwich Islands, one belonging to the Hudson's Bay Company. There were also one or two vessels from Victoria, Vancouver's Island. There may have been one vessel direct from England, but concerning these circumstances I cannot pretend to answer positively, as I have not looked over the papers from that day to this.

Int. 82.—Were there more than four vessels that made entry at the custom-house during the time you were acting as deputy collector?

Ans.—Of vessels bringing dutiable goods I do not think there were more than five or six between the 1st of January, 1850, and the time I left, in the spring of 1851. I have omitted to state in speaking of the vessels that arrived at the port that during the summer of 1850 the Pacific Mail Company commenced to despatch vessels from San Francisco to Astoria, and latterly to Portland.

Int. 83.—Were the duties on the goods carried in these five or six vessels paid in money?

Ans.—They were, except that time was given in some cases to the Hudson's Bay Company to collect the necessary amount in such coin as the law required, gold dust not being receivable, and the ordinary currency of the country, including coins of almost every kind and every nation.

Int. 84.—Were not these duties, or portions of them, sometimes paid by the Hudson's Bay Company in orders or drafts?

Ans.—I do not recollect any other instance than the case of the small draft made by Mr. Ogden upon Spencer. Every indulgence and facility was, however, given to the Hudson's Bay Company in the matter of paying their duties to a much greater degree than to American importers.

Int. 85.—Were not goods of the Company landed and stored at Astoria?

Ans.—None that I remember. There could not have been in any large quantity, or of any great value, for they had no place to keep them in, and no use for them there.

Int. 86.—Give the names of any single sailing vessels that

you saw or know passing out of the Columbia river by the south channel.

Ans.—The first vessel which passed out of the south channel after my arrival at Astoria was the bark Louisiana, lumber and produce loaded, for San Francisco. After that time no vessel went out or came in while I was there with a pilot on board by any other channel, unless it might have been one of the heavier draught California steamers.

Int. 87.—Was this south channel closed in 1855?

Ans.—I don't know that it was; but I think that either in 1855, or within a couple of years afterwards, the channel had changed considerably, and in particular stages of water the north channel, so long almost abandoned, was again used.

Int. 88.—How near to Pillar Rock was the fishing station you saw used by Mr. Hensill?

Ans.—Pillar Rock is an isolated column of basalt in the Columbia river, and the station on the main land, the north bank of the Columbia river, takes its name from it. It is, I suppose, a mile or two from the rock. I do not recollect exactly.

Int. 89.—Did this man, Hensill, have a donation claim as the fishing station?

Ans.—No; he went there just as a Hudson's Bay man might have done, camped there, and traded cotton shirts and pocket handkerchiefs, and other articles, with the Indians for salmon.

Cross-Examination Resumed, June 17, 1867.

Int. 90.—Was not Hensill an employé of the Hudson's Bay Company?

Ans.—He kept a small store at Astoria, and kept a small store on his own account.

Int. 91.—How many times were you at Pillar Rock fishing during your first residence at Astoria?

Ans.—I think, besides the visit there of which I have spoken, I camped there once or twice on my way up and down the river.

Int. 92.—How long did you remain there at the time of this visit you speak of?

Ans.—I don't remember; I was there long enough to watch the seineing, cleaning, and salting the fish.

Int. 93.—Did you remain on the beach or visit the trading place of Hensill while you were there?

Ans.—I think he had a tent there, and had some goods for trade. I recollect his showing me how he cured the fish. Whether I went to his tent I don't remember.

Int. 94.—Did you see Hensill pay for any fish purchased from the Indians?

Ans.—At this length of time I cannot say, though I have a vague recollection of his telling me something about prices.

Int. 95.—What was the name of the officer in charge of the Company's post at Cowlitz?

Ans.—Edward Spencer was there at one time—the same who was previously at Astoria.

Int. 96.—Was Edward Spencer an Englishman, a Scotchman, or of what nation was he?

Ans.—I think he was a quarter-breed, but of what nationality I do not know.

Int. 97.—Who else was there with him?

Ans.—I don't remember; I think there was one or two Canadians.

Int. 98.—When was Edward Spencer at Astoria?

Ans.—By a letter from Gov. Ogden to me, he appears to to have been there in 1850; otherwise, I don't think that I should have remembered the fact.

Int. 99.—Have you any recollection what Edward Spencer did at Astoria?

Ans.—Gov. Ogden wrote of him as the Company's agent, and sent me a draft for a small sum of money on him. That is all that I remember of Mr. Spencer.

Int. 100.—When were you at Walla-Walla; how long did you remain there at your first, and, if you made any other, at your subsequent visits?

Ans.—I never was there but twice—once in the fall of 1853 and once in the fall of 1860. I cannot state exactly how

long I was there on either occasion. On the first occasion I was there long enough to examine the fort, note the dimensions of the buildings, and make a ground plan of it. On the second occasion I merely went inside to see in what condition it was.

Int. 101.—How did you arrive at Walla-Walla when you first visited it, by water or by land?

Ans.—By land.

Int. 102.—How many men were in the party that arrived there with you; and how many animals?

Ans.—There were Capt. McClellan and his party, some forty or fifty men, with their riding animals, and their pack train.

Int. 103.—How near to Fort Walla-Walla did this party go into camp, and how long did they remain there?

Ans.—We camped on the Columbia, some way below there; how far I cannot now remember; remained there overnight.

Int. 104.—Where did your party go, after breaking camp next morning?

Ans.—Pushed down the road to the Dalles.

Int. 105.—Where did you camp the day before, and by what route did you come to the camp you mentioned?

Ans.—We camped on the Walla-Walla river, above the post.

Int. 106.—How far above the post?

Ans.—I don't remember the distance above.

Int. 107.—In your travel between these two camps, did your train pass by old Walla-Walla?

Ans.—Yes; I have already said that we did.

Int. 108.—Did you leave the train, and stop at the post at that time?

Ans.—I think there were several of us stopped there, while the train went on.

Int. 109.—At what time in the day did the train pass the fort?

Ans.—That I can't say; it was probably not late, as we made a short march that day.

Int. 110.—What time of that day did you arrive at the camp before the fort?

Ans.—That is utterly impossible for me to say.

Int. 111.—Do you now recollect where you camped the night before you passed the fort, or where you camped the night afterwards, from your own memory at all, and are not those statements you have made in reference to it derived from a note-book which you have consulted?

Ans.—So far certainly as regards the camping grounds, the statements are derived from my note-book, and not from memory.

Int. 112.—Did you see the farm you have mentioned in your answer to “Interrogatory 13?”

Ans.—I do not remember whether we passed it or not; I think that possibly my information in that respect was derived from Mr. Pambrun, the Company’s agent at Walla-Walla. This I could not now pretend to state positively.

Int. 113.—Did you see the dam you mentioned, for irrigating purposes, which you say was broken down?

Ans.—I think I have some vague recollection both of the farm and the dam; but on this point I am less positive than the others.

Int. 114.—Did you see twenty acres of cultivated lands in different spots about this farm, or any place near Fort Walla-Walla?

Ans.—The twenty acres spoken of were at the above-mentioned farm. The exact amount of land under cultivation there, I presume I learnt from the Company’s people.

Int. 115.—Do you make this statement in reference to the cultivated land from your recollection of having seen it, or from the examination just made of your note-book?

Ans.—I remember perfectly well seeing cultivated land on that river; the amount I did not measure of course, but probably derived it from the information of persons on the ground. That amount, however, I derived from my note-book, in which I made entries from day to day of my own observation and information gathered from others.

Int. 116.—How many horses belonging to the Company did you see around this post?

Ans.—I don’t suppose I saw any, unless it might have been a riding animal or two.

Int. 117.—How many persons in the employ of the Company, officers and others, did you see at the post at this visit?

Ans.—I recollect seeing Mr. Pambrun, whom I had known before. He is the only one I could individually recall. I have no recollection of the number I may have seen, as the men were not paraded for inspection.

Int. 118.—How long were you at Walla-Walla at the time of your second visit in 1860?

Ans.—But a short time, while waiting for the steamboat, long enough, however, for me to go into the fort and examine its condition.

Int. 119.—Was not a portion of the old fort at this time repaired and in occupation of some one?

Ans.—I saw no evidence of repair. I recollect that there was a man there who appeared to be in charge.

Int. 120.—What time of the year were you there at your first visit in 1853?

Ans.—Early part of November.

Int. 121.—Had the fall rains set in at that time?

Ans.—They had not. The whole country was in a whirlwind of blowing sand.

Int. 122.—Did you notice at the time of your first visit a horse park outside of the walls of the fort of some fifty feet square?

Ans.—I recollect that there were some outside arrangements, and very probably a corral of that size.

Int. 123.—Is your description of Fort Colville a description of it at the time you visited there with the McClellan expedition in 1853, or a description of it at the time you visited it with the Boundary Survey?

Ans.—I referred to Fort Colville in 1853 chiefly.

Int. 124.—What time of the year were you there this first visit?

Ans.—I think it was in October.

Int. 125.—What stage of water was there in the Columbia river at that time?

Ans.—A low stage.

Int. 126.—At the time of your second visit was there any freshet in the river.

Ans.—There was not. I was there in the fall of 1859 and the spring and fall of 1860; the freshets of the river occur in summer.

Int. 127.—At which of your visits was it that everything denoted the intended evacuation of the country by the Company?

Ans.—At the first. At the time of my second visit there was a temporary activity in business, caused by the arrival of the Commission, which, to a certain extent, affected the Company's post. In the interim, however, they had built a new post just south of the boundary line at a cost of \$20,000, as I was told by Mr. McDonald. This post is called Fort Shepherd; it is on the Columbia river, a little above the junction of Clarke's fork. It is on quite a large scale, and was constructed with a view to the abandonment of Fort Colville, but had not been opened for general trade.

Int. 127.—How long were you at Colville in 1853?

Ans.—We were encamped in the immediate neighborhood, or close to it, I think, four days.

Int. 128.—State where you were camped, and at what distance from Fort Colville?

Ans.—The camp was on the Columbia, about a quarter of a mile, I should think, from the post.

Int. 129.—How far, in any direction, did you ride or walk from the camp during the four days you remained there?

Ans.—On that occasion I think I went no further than the falls, and elsewhere within a radius of one or two miles until we left.

Int. 130.—Did you visit the mill at this time?

Ans.—I think not; I don't think I ever was at the mill.

Int. 131.—What is this description of Fort Colville in 1853, given by you, taken from?

Ans.—The description of Fort Colville in 1853 was given from observation on the spot, assisted by information from Mr. McDonald, the Company's officer in charge.

Int. 132.—Was not the greater portion of this description

of Colville, in answer to "Interrogatory 14," taken almost entirely from your report on the Indians of Washington Territory, made to the then Captain McClellan; and is it not, so far as taken from that report, verbatim?

Ans.—So far as the mode of expression is concerned most of my description is in the language of that report, and was taken from it. The report is, however, in consonance with my own recollection of the place, and its wording was followed for greater precision and correctness.

Int. 133.—Did you not have this report open before you, and, with that open, did you not dictate the answer to be written out?

Ans.—Substantially I did.

Int. 134.—Which is correct, the language of the report, or the language of your answer?

Ans.—I don't know that there was any discrepancy between them.

Int. 135.—Is it true that the stockade had been removed except on the north?

Ans.—I think it has been removed except on the north and a small portion on the east.

Int. 136.—Do you know which of these two statements is correct, first, that the stockade had been removed except on the north; and, second, that it had been removed except on the north and east, in your last answer?

Ans.—I shall say to that substantially the first answer was correct, for I think that but a portion of the stockade, and a small portion at that, was left standing on the east side.

Int. 138.—Is this statement a correct one?

Ans.—I think it is entirely.

Int. 139.—Which of the two statements is correct, "The buildings were enclosed in 1853 with pickets only on two sides;" or this statement, speaking of the stockade: "This had been removed, except on the north, where it encloses a narrow yard containing offices?" This last from your report.

Ans.—I mean that the pickets had been entirely removed from two sides, and, for the most part, on the third. There was a narrow yard between the buildings and the remainder

of the stockade. The pickets or stockade had been entirely removed except on two sides, and, as I recollect, almost entirely on a third side.

Int. 140.—How do you know they had been removed?

Ans.—Because they were not there. The post was said to have been once completely enclosed. I think also the marks of the original lines were upon the ground at the time I measured it.

Int. 141.—Was this statement, speaking of the stockade, true at the time you embodied it in your report: “This had been removed except on the north?”

Ans.—I presume it was substantially as stated, if not literally. It, at any rate, was so intended to be.

Int. 142.—What later knowledge have you which enables you to modify that statement, in this language, speaking of the stockade: “The remainder of the stockade having rotted down or been removed?”

Ans.—I have no later knowledge on the subject of the stockade than 1853, and now, on referring to my original notes, I find the statement that the buildings were enclosed with pickets only on two sides. My recollection is, however, very strong that they were gone on most of the third side also, and, in drawing up that report, I presume that, I disregarded that remaining fragment on the east.

Int. 143.—What caused you then to modify the statement that the stockade had been removed, by the statement that they either rotted down or had been removed?

Ans.—I presume the principal reason for removing it would have been its being rotten.

Int. 144.—Did you see a boat expedition from Vancouver to Colville, or notice the express across the mountains from Colville to York factory?

Ans.—No; I did not see the boat expedition; but when arrived at Atahnam, in the Yakama country, the Indians reported certain statements as having been made by the officer in charge of that boat party tending to excite the hostility of the Indians, and Captain McClellan reported the same to Governor Ogden, requesting an explanation. On our

arrival at Fort Colville we learned from Mr. McDonald that he had himself been in charge of that party, and that Governor Ogden had accordingly referred the matter to him. He informed us that the story was one gotten up by the Indians themselves to embarrass our progress, and that there was no truth in it. It was in that way that I knew of the boat expedition. As to the express across the Rocky Mountains, both Mr. McDonald and Governor Ogden mentioned the matter to me.

Int. 145.—Have you stated the facts about the boat expedition and the express from your note-book or from your memory?

Ans.—I speak now from memory, although I think both subjects are referred to in my note-book.

Int. 146.—Does your note-book contain any statement that that was the last boat expedition from Vancouver to Colville?

Ans.—I presume not.

Int. 147.—Have you any personal knowledge which enables you to say that this was the last boat expedition bringing goods in any considerable quantity, and that the last express from Colville across the mountains to York factory took place that year?

Ans.—The statement is, if I recollect right, qualified in my direct examination, but I know that Mr. McDonald one year brought his furs to Nisqually by horses, and I believe took his goods back on his return. The Company about this time opened the road from Fort Hope across the mountains, by which they afterwards carried their goods to Colville and the northern posts. As regards the express across the Rocky Mountains to York factory ceasing to run, I got that information from officers of the Company.

Int. 148.—How is this statement qualified in your examination-in-chief?

Ans.—On looking at the examination I do not see any further qualification than that as regards the quantity of goods sent in that way. Boats may, however, have gone up the river for a year or two later, but I do not think that the annual supply was carried by them.

Int. 149.—Do you personally know anything about the annual supply of Colville before 1859 and 1860, independently of hearsay?

Ans.—I know that I frequently conversed with the Company's officers in regard to the various routes of communication, and their efforts to open the route by way of Fraser river into the interior, and it is from them that my information on the subject, and the impressions that I formed, are in great measure derived.

Int. 150.—Name the officer of the Hudson's Bay Company who told you that this was the last boat expedition in 1853 bringing goods in considerable quantity to Fort Colville.

Ans.—There is no officer whom I could name as having stated that fact in so many words.

Int. 151.—Have you not inferred from seeing McDonald with furs at Nisqually, and hearing there was a road from Fort Hope across the mountains?

Ans.—Not alone from that, but, among other things, knowing the wish of the Company to transfer the route from the Columbia to Fraser river, the efforts they had made to find a suitable pass within British territory, and the gradual transfer of the Indian trade to Victoria.

Int. 152.—Can you say that you know now, or ever did know, from any person authorized to express them, the wish of the Hudson's Bay Company to transfer their route from the Columbia to Fraser river? Is not that an inference of your own?

Ans.—I never knew they wished to disguise it. Mr. A. C. Anderson, in the winter of 1853-4, gave me a map showing a number of routes which he had examined by orders of the Company with a view of finding a practicable pass across the Cascades to the north of the line. These routes were examined at very considerable expense and very great labor, and the examination had been continued through a series of years. Without being able to cite the name of any single officer of the Company as making the statement, I am very clear that more than one of them, in general conversation upon the subject, admitted it freely.

Int. 153.—Do you personally know of the examination or working of any road across the Cascade Mountains north of the 49th parallel by the Hudson's Bay Company before the year 1858?

Ans.—When I was at Fort Langley in 1858, Mr. Yale, the officer in charge there, told me he had attempted to cut out a route by the way of the Chiloweyuk, a branch of Fraser river, the route afterwards opened by the Boundary Survey. He told me he had also found a route from Fort Yale across, but that it had been abandoned in favor of the route from Fort Hope. I have had no ocular observation of Hudson's Bay parties on any of these routes, but I saw on the Chiloweyuk marks of cutting which I supposed to have been done by Mr. Yale's party.

Int. 154.—When did you examine the soil of Mill creek?

Ans.—I examined it more particularly in 1853, as my orders then were to collect specimens of soil in different parts of the country for analysis. While I was there, however, on my second visit, I saw a good deal of ploughing done.

Int. 155.—How far is Mill creek from your camp in 1853 at Colvile?

Ans.—The mouth of the creek is two or three miles below Colvile; but our return route from there led us up the valley of the creek to its source.

Int. 156.—Were you ever on Mill creek during the freshet?

Ans.—I have seen a considerable part of the valley of Mill creek covered with water by the melting of the snow.

Cross-Examination resumed June 18, 1867.

Int. 157.—What portion of Mill creek did you examine, and how far from its mouth did you begin its examination?

Ans.—I should think we struck Mill creek about five miles from its mouth, and followed up the valley.

Int. 158.—Did that examination consist of anything more than riding along the creek, and looking at the country as you rode?

Ans.—I observed the country carefully as I rode, and, as

was my practice, dismounted, and collected what I considered well characterized the specimens of the soil. I wish to state here in reference to the opinions I have expressed as to the agricultural value of the lands in the Territory, they were in every instance as favorable as I could honestly make them, and that I took pains in inquiries from residents and experts to ascertain its capacity wherever we went.

Int. 159.—With how many settlers or occupants of the White Mud Valley did you converse on your return journey in 1853?

Ans.—The only one I can now recall was Mr.*Angus McDonald, the chief officer of the Company at Fort Colville, under whose management whatever property the Company might have possessed in Mill Creek Valley was. He is a gentleman of great intelligence and habits of observation, and who was perfectly familiar with the valley and its productions, from him I obtained most of the specific information I obtained in relation thereto. As to any inhabitants of White Mud, which, as I understand, is merely a locality in the valley, I remember none at that time except Indians.

Int. 160.—Is not Mill creek also called White Mud?

Ans.—Not that I ever heard.

Int. 161.—Have you not yourself, in speaking of this creek, spoken of it as Mill creek or White Mud?

Ans.—I don't think I ever have, taking the creek or its valley as a whole.

Int. 162.—Did you notice any cabins on Mill creek on the return journey of the McClellan expedition?

Ans.—There were scattered along Mill creek for a number of miles the houses of discharged servants, most of which might be designated as cabins.

Int. 163.—Did you go into any of these cabins, or converse with any of the occupants? If so, name them.

Ans.—That I cannot now remember, though I probably did.

Int. 164.—Did you purchase the flour, or see it after it was purchased, which you say the employés of the Boundary Commission refused to eat?

Ans.—I did not purchase it, but I saw it.

Int. 165.—How do you know it was purchased at Colvile?

Ans.—Hearsay, of course. We did not bring it along with us, and I don't know where else it could have been obtained. I was told by our commissary it came from the Company's mill.

Int. 166.—Who told you the employés would not eat it?

Ans.—I myself heard the employés making complaint about it.

Int. 167.—Who was your Commissary?

Ans.—Mr. John N. King.

Int. 168.—Under whose charge were the buildings of the Northwestern Boundary Commission erected in 1859 and 1860?

Ans.—I am not positive about that. I think that the officers' quarters were erected by the person employed by the escort in erecting the garrison buildings, as it was intended that they should be uniform with those. The men's quarters, stables, and so forth, were, I believe, erected entirely by our own men, and I suppose under the direction of Lieutenant, since General, John G. Parke.

Int. 169.—Do you know when the Hudson's Bay buildings at Colvile were erected?

Ans.—Not of my own knowledge. I have been informed, however, that after the amalgamation of the Hudson's Bay with the Northwest Company, about the year 1822, the post founded by Astor's party, and known as the Spokane House, was abandoned and Fort Colvile erected instead of it. It was I believe a very old fort.

Int. 170.—Is this the time you speak of when you mention the cost of its construction?

Ans.—In speaking of the cost of any of Hudson's Bay Company's posts, I should refer to any time preceding 1848, the date of the discovery of gold in California.

Int. 171.—How many times were you at Fort Colvile during the winter of 1859-60?

Ans.—I don't know; several times. We used to take sleigh rides down there.

Int. 172.—At the time of these visits, was not the country covered with snow?

Ans.—After the winter fairly set in it was. I had, however, stopped there two or three times previously.

Int. 173.—How far was it from Fort Colville to the camp of the Boundary Commission?

Ans.—Twelve or fourteen miles, I think.

Int. 174.—How long did you stop at Fort Okanagan when you visited it in 1853?

Ans.—The main camp was in the neighborhood, I think, about a week, while we made reconnoissances in the surrounding country. I don't suppose I was at the post itself more than three times.

Int. 175.—How long did you remain there at those times?

Ans.—I don't remember. It was not a place attractive enough to keep any one there longer than to transact his business. I remember, however, having examined the furs collected there during the preceding season.

Int. 176.—Who was the officer in charge of the post?

Ans.—A Canadian named Lafleur.

Int. 177.—Did you not, in making your answer to "Interrogatory 14," in reference to Fort Okanagan, have before you your report on Indian tribes, and did you not dictate the answer to be written down almost entirely from that book?

Ans.—From that report and the notes I took on the spot.

Int. 178.—Did you have any conversation with the Canadian in charge, with reference to the post?

Ans.—Yes; I rode over with him from our camp to the post, I think, on both occasions, and had a good deal of talk with him about its affairs and the country around.

Int. 179.—Do you know, from your personal knowledge, anything more of Okanagan now than you did in 1853?

Ans.—Nothing.

Int. 180.—Was your report then true, to the best of your knowledge and belief?

Ans.—Of course it was.

Int. 181.—What authority have you for this statement made in your report: "The post does not probably pay its expenses?"

Ans.—Mr. McDonald's, of Fort Colville.

Int. 182.—Give, as near as you can, Mr. McDonald's language, and when it was, and who were present.

Ans.—I cannot pretend to state his exact words. He stated, however, that but few furs were taken there. The conversation was after my arrival at Fort Colville in the same fall. Whether any body was present or not, I don't remember.

Int. 183.—Did he state to you that the post probably did not pay its expenses, or was that an inference of yours from the statement which you say he did make?

Ans.—It was not an inference from that statement alone. He did state that the fort did not pay expenses, and he stated also that few furs were taken there.

Int. 184.—Did he state plainly and distinctly to you that this post did not pay expenses?

Ans.—Such is my recollection of his language, and I have no doubt of it.

Int. 185.—Did you believe at the time you wrote your report that this post did not pay its expenses from Mr. McDonald's statement?

Ans.—Certainly I did.

Int. 186.—Why, then, did you qualify Mr. McDonald's statement, and say that the post did not *probably* pay expenses?

Ans.—I did not remember that I had; my remembrance was that the statement was unqualified.

Int. 187.—Was not this statement made by you in your report on the Indian tribes, spoken of before: "A few furs only are taken, and the post probably does not pay expenses;" and have you not, in answer to "Interrogatory 181," admitted the correctness of the latter part of this quotation, and given Mr. McDonald as your authority for the statement?

Ans.—Yes.

Int. 188.—Do you now state that it is correct, as qualified?

Ans.—It is undoubtedly true, as qualified. I believe it is also true without qualification. McDonald did tell me that the posts, collectively, in the American territory did not pay their expenses, and it is possible that in speaking of Okanagan separately, he may not have used the expression absolutely

that it did not pay. I know that the trade of Okanagan was particularly referred to.

Int. 189.—Have you any knowledge of the trade in the country, other than McDonald's statement, and are not the statements just referred to by you the authority on which you have spoken of the profit, or want of profit, of the post at Okanagan?

Ans.—Not altogether; as I am tolerably well acquainted with the quantity and kinds of animals the furs of which would be brought to Okanagan for sale. I know also that the Indians trading there are not numerous. I saw what the post contained, both in the way of furs and goods; and I should form my own opinions, independent of information from others.

Int. 190.—Was it your own opinion in 1853, independent of the statement of Mr. McDonald, that "a few furs only were taken, and that the post probably did not pay expenses?"

Ans.—I presume it was. Certainly, on looking back, that would be my opinion now.

Int. 191.—Is it not your opinion now also that the post clearly did not pay expenses?

Ans.—I have already stated that I do not believe it did; otherwise, after Laffleur's death, the Company would have sent some white man to replace him, instead, as I have heard, leaving it in charge of an Indian.

Int. 192.—Is not the fact of Laffleur's death mere hearsay on your part?

Ans.—Of course; I did not see him die, but I was told, when in Oregon in 1860, that Laffleur had been drowned in crossing the Walla-Walla river. I had heard the year previous, from my Indian guide, that the post was in charge of his brother-in-law.

Int. 193.—Was there not at Fort Okanagan powder and ball?

Ans.—I presume there was.

Int. 194.—Have you not stated that the price for martin or red fox, at Okanagan, was ten charges of powder and ball, and for beaver, otter, or bear skin thirty charges?

Ans.—Yes; those were the prices given me by Lafleur.

Int. 195.—Are you acquainted with the habits of the animals last mentioned in the country within a hundred miles north and south, and fifty east and west, of Fort Okanagan—with their number and varieties?

Ans.—I have been through that country from north to south, on one expedition in 1853, and east and west in both 1853 and 1859, on the first of which occasions we had professional hunters, and, on both, naturalists engaged in collecting specimens of all the different animals to be found there; and I have also talked with the Indian guides and hunters, and I am well satisfied that animals of the description mentioned, or any other fur-bearing animals, are very scarce throughout the whole.

Int. 196.—Were not your professional hunters occupied in the search of animals for food?

Ans.—They were; and very few of them they got. But they were also instructed to collect specimens of every thing of interest.

Int. 197.—Did your hunters or your naturalists on either of these expeditions have with them, or use, traps for beaver or otter?

Ans.—The hunters had no traps, but, had they found signs of game, they had sense enough to make traps for the occasion. The naturalists, I think, had traps, but only for small animals. They also held out inducements to the Indians to bring in animals.

Int. 198.—Did you ever see or know of any small trap being set by any naturalist of your expedition; if so, state when it was, and whom?

Ans.—I recollect that Dr. Kennerly set traps in the neighborhood of Colville, and, I think, elsewhere on the route.

Int. 199.—Do you not know that traps for the taking of the fur-bearing animals, especially fox, beaver, otter, and bear, require to be made with great care and skill, and cannot be made but by a person skilled in the art?

Ans.—I know that the traps used by regular trappers are constructed with a certain degree of skill and adaptation, but

runder methods are often employed with perhaps equal success, and in the case of the larger animals particularly, the gun can be used instead of the trap, at any rate, when they are abundant.

Int. 200.—Did you ever see a trap of large size set for the purpose of catching animals on the Pacific coast or in the interior; if so, state where it was and at what time?

Ans.—I don't know that I did. I think that Dr. Kennerly had a bear or wolf trap with him, but do not remember to have seen it used.

Cross-Examination Resumed, June 19, 1867.

Int. 201.—Do you speak French sufficiently well to hold a conversation in that language?

Ans.—I can carry on ordinary conversation in French, without pretending to any grammatical accuracy or to fluency.

Int. 202.—In what language did you converse with Mr. Lafleur?

Ans.—In very bad French. I had previously picked up some of the Canadian patois, and generally made myself intelligible to him, and understood most, at any rate, of what he said.

Int. 203.—What season of the year did Mr. McDonald arrive at Nisqually with the furs?

Ans.—That I cannot exactly state. It must have been in the summer or fall, or he could not have crossed the mountains on account of the snows.

Int. 204.—Did you not learn from Mr. McDonald when he was speaking to you about the boat expedition up the river in 1853, that they had gone down the river the same season before coming up?

Ans.—No; I don't think I learned it. I took it for granted, as a matter of course, McDonald's station being at Colville he must have gone down in order to come back again.

Int. 205.—In speaking of the fur trade, which you say Mr. McDonald did in your answers, did he not tell you that the furs were taken down every season from the post to the main

depot at Vancouver by the same expedition that brought back goods and supplies?

Ans.—I knew that fact without his telling me.

Int. 206.—How then could you say that you saw at Okanagan, the last season's furs, when you could only have seen those collected since the boat expedition of that season?

Ans.—I spoke of the season preceding my visit there, which was in the latter part of the summer or beginning of the fall, and the furs which I saw I suppose were received subsequently to the departure of the boats, but collected at what time I don't know. The season of collecting and the season of trade not necessarily corresponding.

Int. 207.—You wish now to be understood then by the terms "during the preceding season" to mean the time preceding your arrival there, and after departure of the boat expedition?

Ans.—Without knowing anything about the fact, I supposed that the boat expedition took down in the spring all the furs that it then found at Okanagan; but it is to be noticed that the Okanagan post was inhabited through the year, and that therefore there was not the same necessity of the furs being collected during the winter that there was in relation to the Kootenay and Flat Head posts, which were abandoned early in the spring.

Int. 208.—How long after you left Okanagan did you arrive at Colville?

Ans.—On reference to my note-book, I find that I was mistaken in the date, and that it was much later when we reached Okanagan than I at first supposed. We reached Fort Okanagan, on the first occasion, on the 21st of September, and left there finally on the 5th of October, reaching Fort Colville on the 18th, and remaining until the 22d.

Int. 209.—What date did you leave Vancouver?

Ans.—On the 18th of July.

Int. 210.—Had the boat expedition from Okanagan reached Vancouver before you left?

Ans.—I presume it had, as we heard of it between the 8th and 10th of August while at Chequos, on the summit of the

Cascade range, at which time it had passed up the river on its return, as we were told by the Indians.

Int. 211.—Did not your party have letters from the agents of the Company, to McDonald, the officer in charge at Fort Colville?

Ans.—I presume they had.

Int. 212.—Were not your party in constant communication with the Company's officers at Fort Vancouver before you left for the interior, and were you not the chief agent in that communication?

Ans.—If I recollect right I arrived there two days before the party started. The quartermaster of the expedition, Lieutenant Hodges, who was equally well known to the Company as myself, in conjunction with Captain U. S. Grant, the quartermaster at Fort Vancouver, made most, if not all, of the arrangements.

Int. 213.—Did you not make use of this language in your examination-in-chief, speaking of the country around Colville and the creek near there, "a narrow valley bordered by ranges of hills, through which runs a stream known as Mill or White Mud creek?" From whom did you hear there were two names to this creek?

Ans.—Looking again at my note-book, I see that both names are used in relation to the same stream, but my impression is that the White Mud creek is properly the stream called the Little Pend-Oreille, which runs into it near the farm claimed by the Company.

Int. 214.—Do you now believe that the entry in your note-book made at the time was incorrect?

Ans.—In one sense it might have been, for I do not recollect, on my second visit, ever hearing it called by the latter name, and I probably applied the name of the junction to the entire stream.

Int. 215.—In what did you rely in giving your description of Colville, on your note-book or on your memory, and where they differ, on which do you prefer that reliance should be placed?

Ans.—In describing Fort Colville as it was in 1853, I re-

ferred chiefly to my note-book, the important facts, however, as I consider them, being all in my memory. The notes, serving to render that memory more distinct, especially as having traversed the ground the second time, and at a more recent period, they would prevent my confusing the condition of things at the different dates.

Int. 216.—When you answered “Interrogatory 14,” did you then know that Mill creek was known as White Mud creek?

Ans.—In giving the name of White Mud creek as another name for Mill creek I undoubtedly simply read from the notes without the phrase making any impression on my mind. I knew, of course, just as much about it as now. The name given to the creek in my published report is Slawntéhus, by which name it was inserted on our map, and I believe that also was simply the name of a locality on the creek, like that of White Mud. The importance of the question never occurred to me for a moment.

Int. 217.—What authority did you have for this statement, speaking of Fort Okanagan, in answer to “Interrogatory 19:” “The post clearly did not pay its expenses?”

Ans.—I have already answered that question in reply to previous cross-questions.

Int. 218.—What new light had you on the subject that led you to say at the date of your report that the post probably did not pay expenses, and some fourteen years afterwards to swear that it clearly did not pay its expenses?

Ans.—In answer to this I refer to my answer to interrogatories numbered from 181 to 188 inclusive.

Int. 219.—How do you know that the buildings you have described as the Kootenay post were so in reality?

Ans.—If they were not, there was no Kootenay post south of the line, as this was the only place where any buildings were to be seen on the Kootenay river between the 49th parallel and the great bend of the Kootenay; because they are so located on British and American official maps; and because I was so informed by the Indian guides.

Int. 220.—Were these buildings you saw made of squared timber?

Ans.—They were not. The logs might have been flattened somewhat where they rested on one another, but even this I doubt.

Int. 221.—Did you have any conversation with this man Linklater when you met him coming up?

Ans.—I stopped and spoke to him, and asked him some thing about the route.

Int. 222.—Were you at this place at any other time than at the time you spent some weeks in its neighborhood in the fall of 1860?

Ans.—No.

Int. 223.—How long were you at this place?

Ans.—If you mean by this place the Kootenay post, I was there only long enough to look around at it in passing.

Int. 224.—Is the photograph mentioned in your answer a photograph of either of the two buildings which you say constituted the Company's post at Kootenay?

Ans.—It is not. It is a log house, constructed, as I was informed, by the Indians for a church, in which the Catholic priests who occasionally visited the Kootenays held service, but it is in the immediate neighborhood of the post.

Int. 225.—Have you not described in your Indian report the Company's post at Vancouver?

Ans.—I have.

Int. 226.—Have you not embodied in your answer to Interrogatory 21 an extract from that report verbatim, with the necessary change in the grammar, beginning with the words, "The post was a parallelogram," and ending with the sentence, "clerks and other employés;" and also another extract, beginning with the words, "On which the fort and United States barracks are situated," and ending with the words, "respectively half and one mile square?"

Ans.—I have embodied in my answer substantially extracts from that report, the extent of which a comparison of the two would show.

Int. 227.—Does this description which you have given of Fort Vancouver describe it as it was in the summer of 1853?

Ans.—It was so intended to do, and I think does.

Int. 228.—Did you make this statement from information from Governor Ogden or from your own knowledge: “The plain on which the fort and the United States barracks are situated, with a small one behind it, making together a tract of about four miles square?”

Ans.—That description embraced the original United States reservation made by Colonel Loring in 1850, with the approbation of Governor Ogden, and for the protection of the Company, as well as of the post, from intrusion by settlers. During my conversation with Governor Ogden, in reference to the Company’s claims, I think that tract was specially referred to as being one known and designated.

Int. 229.—Did he tell you how many acres were under cultivation?

Ans.—According to my recollection, the amount mentioned in the report was given to me by him.

Int. 230.—How much did he say was in cultivation?

Ans.—I think the amount there mentioned was a thousand acres.

Int. 231.—Did he tell you at that time that there was a thousand acres in cultivation?

Ans.—I don’t know that he did. I think it was enclosed or under cultivation; but I do not pretend to quote the words of the report without having it before me.

Int. 232.—Do you now distinctly recollect, without the report or your note-book, what Mr. Ogden did tell you about the Company’s land claim at Vancouver?

Ans.—I recollect distinctly having conversations with Mr. Ogden on the subject, whose information I embrace in the report, and from it into the testimony. I refer to the direct interrogatory for my reply, not choosing to quote literally by memory from the written statement.

Cross-Examination Resumed, June 25, 1867.

Int. 234.—How long were you at Vancouver before the departure of General McClellan's expedition?

Ans.—I am not positive. It was but a few days, however.

Int. 235.—Have you not already stated in the course of this examination that you arrived at Vancouver two days before the party started?

Ans.—I do not recollect that I have, as this examination commenced some time ago. I do not pretend to recollect all the details, concerning many of which I refreshed my mind by reference to my notes.

Int. 236.—Were you not fully occupied while at Vancouver in preparations for your departure?

Ans.—I presume I was, most of the time.

Int. 237.—What time did you return to Vancouver, and how many days did you remain there?

Ans.—I returned late in the fall. The number of days I do not remember, but it was only a few.

Int. 238.—Where did you go from Vancouver?

Ans.—I went down to Astoria, thence to Chinook and Shoal-Water Bay, and attempted to pass through by way of the Willopah to the Boisfort prairie and to Olympia. I failed in consequence of the weather, returned to Chinook and Astoria, thence went to Monticello and the Cowlitz Farm and to Olympia. On reconsideration, I think I was at Vancouver about a week before going down the river.

Int. 239.—What was the stage of the river at Vancouver when you were there before starting on McClellan's expedition?

Ans.—The river was well up.

Int. 240.—How far below Vancouver, going down the river by land, were you at this time?

Ans.—I did not go down the river by land.

Int. 241.—How far were you in any direction by land from Fort Vancouver, at the time you were there, before the start-

ing of McClellan's expedition in 1853, on the north side of the river?

Ans.—I don't know, though I very probably took short rides in the vicinity.

Int. 242.—State where, in what direction, and with whom, or by yourself, you took any single ride at the time just spoken of?

Ans.—In the first place, I have not stated that I took any ride, though I was in the habit of riding, as everybody in that country is. In the second place, I don't charge my memory with matters of that sort.

Int. 243.—Can you state that you were at a distance of two miles in any direction from Fort Vancouver, either on foot or horseback, at the time you were there, before the starting of McClellan's expedition?

Ans.—No, I don't recollect about it.

Int. 244.—After your return from the McClellan expedition did you at that time go more than two miles in any direction on the north side of the river?

Ans.—I think not.

Int. 245.—Were you at Vancouver at any other times during the year 1853 than the time already mentioned?

Ans.—I was, on several occasions.

Int. 246.—State when those occasions were, and, as near as you can, the dates, and how long you remained there?

Ans.—I cannot give the dates. I was backwards and forwards on the business of the custom-house, or for pleasure, between the time of my return to Oregon, in January, and the departure of that expedition.

Int. 247.—If you were there more than a day at any one time, state at which of these visits that was.

Ans.—I did not keep a record of daily transactions, except during the various expeditions on which I was employed by the Government, although I certainly made minutes of matters which were brought to my attention, or excited my interest, but not always with dates. I remember that I was there on the discharge of the cargoes of the two vessels consigned to the Company, which arrived during my collectorship; but how

long I staid on either of those occasions, or any other, I will not pretend to state now.

Int. 248.—Can you now state that at any of these times you went, either on foot or on horseback, more than two miles from Fort Vancouver in any direction on the north bank of the river?

Ans.—No, I cannot state whether upon any particular occasion I did.

Int. 249.—Can you state whether on any of those occasions you did?

Ans.—I have been frequently more than two miles in different directions from Fort Vancouver, and on that side of the river, but when I do not precisely remember.

Int. 250.—You have stated that in the year 1853, and before the visit you made to Vancouver when you started on the McClellan expedition, that you were at Fort Vancouver on several occasions for business or pleasure, will you now state whether upon any of these visits you went in any direction from Fort Vancouver more than two miles on the north side of the river?

Ans.—I think I did.

Int. 251.—State in what direction you rode or walked, how far you went, and in what month it was.

Ans.—I have already informed you that as to details of this kind I could give no precise answer. I used to go out to the Fourth Plain, which is in a northeasterly direction from the post, and up or down the river, as the notion took me, when riding for pleasure.

Int. 252.—Did you go to the Fourth Plain in 1853, before you started on the McClellan expedition?

Ans.—More than probably.

Int. 253.—Do you distinctly recollect this visit to the Fourth Plain, and can you state where you stopped when you got there, or who was with you?

Ans.—No, I can't distinctly recollect anything about it, any more than I can the thousand and one rides that I have taken without particular purpose in the course of my life. When I went out there I usually called at Mr. Covington's.

Int. 254.—How far did you go down the river on the north side before you left on the McClellan expedition in 1853?

Ans.—Really I don't remember, nor whether I went down or up in that year, although I presume I did; how far I can't say.

Int. 255.—State how far you ever went down the river at any time before the McClellan expedition, on the north side?

Ans.—I won't pretend to state.

Int. 256.—Were you ever down the river as far as the Cathlapootl river, by land, before the McClellan expedition in 1853?

Ans.—No, I never was.

Int. 257.—Look on this map now shown to you, in evidence in this cause, and say whether you were ever down the river below Vancouver to the Shallapoo lake before the McClellan expedition in 1853?

Ans.—I really can't say, though I think it more than probable.

Int. 258.—At what date did you visit the Cathlapootl river by land, and what time of the year?

Ans.—I cannot lay my hand on the memorandum-book in which I kept the filed notes of that exploration to ascertain the exact date; it was, however, some time in the latter part of the summer or early in the fall of 1855.

Int. 259.—Were you ever at the Mill Plain before the McClellan expedition?

Ans.—I have already stated that my recollection of the Mill Plain is indistinct. I have been there, and once camped near the mouth of the creek on which the mill is, but I don't recollect much about it, nor when I was there.

Int. 260.—When was this report of the Indian tribes written from which you have made extracts in your deposition?

Ans.—In the winter of 1853-4.

Int. 261.—Did Gov. Ogden make these statements to you at your visit after your return from the McClellan expedition, while you stopped at Vancouver?

Ans.—I frequently conversed with Governor Ogden on the subject of the Company and its claims, from the time I first

became acquainted with him in 1849-50 down to his death. With regard to the statement of those claims as worded in this report, I think it was made at the time of my return from the McClellan expedition. This, however, may not be absolutely so. I will now state this, that although that report has been published for many years, and has been read by leading officers of the Hudson's Bay Company, no one of them has ever yet controverted, in my presence, the statements I have made there.

Int. 262.—You wish to state, then, that your communications from Mr. Ogden, to the best of your knowledge, were made after your return from the McClellan expedition?

Ans.—No; I don't say so positively, though I am positive I had communication with Governor Ogden after my return from the McClellan expedition, and before the publication of my report.

Int. 263.—How many times were you on Sauvie's island?

Ans.—Only once that I recollect.

Int. 264.—Was it at this visit that you observed the fact that the cattle were obliged to swim to the main land on account of the freshet?

Ans.—No; that was not a matter of personal observation. That the island was very low, and subject to freshet, at least in part, any one could see from the deck of a steamer in passing; that the cattle had been obliged to swim to the main land, I was informed by others.

Int. 265.—Were you ever at Vancouver during the period of high water before the fall of 1853?

Ans.—Yes; I was there in 1850.

Int. 266.—How long did you stay there at that time?

Ans.—I really don't recollect; I was there probably more than once.

Int. 267.—Was it at this time you made those scientific observations which you detailed in your description of Vancouver with reference to the freshets in the river?

Ans.—With regard to the freshets of the Columbia river, I noticed, I presume, many of the facts at that time, others I probably learned from other persons. In reference to the

periods of its rise and fall, and temperature of the water, I obtained particular data in the summer of 1854 from a person whom I employed to make observations, and whose register I transmitted to Washington, which register was published in the reports of the Pacific Railroad Survey.

Int. 268.—What did you hear was the temperature of the water in the river?

Ans.—The exact temperature you will find in the report as printed. According to my recollection, however, it stood during the rise of the river at a very low point, gradually increasing in elevation with the subsidence. It was so near the freezing point, at any rate, that, according to the farmers, wheat would not survive it.

Int. 269.—What have you already before stated was the temperature of this river?

Ans.—I think I stated, from my notes, it varied from 40° to 60°.

Int. 270.—Was that the statement made to you by your observer?

Ans.—I believe it was; but without reference anew to his report, I will not be absolutely certain.

Int. 271.—Can you not be certain of this statement without referring to his notes?

Ans.—I have already answered that question according to my recollection.

Int. 272.—Who was the author of the statement that the deposit from the river does not tend to fertilize the ground?

Ans.—I was myself. It was the result of my observation.

Int. 273.—In what year did you notice this deposit, and arrive at the conclusion you have just given?

Ans.—I really don't know when I first noticed it. I mentioned it as early as 1850-51, in a report which I drew up upon Oregon Territory. The same person who made the observations in 1854 collected, under my instructions, specimens of the deposit from time to time during the freshet, and an examination of these confirmed me in that opinion.

Int. 274.—Have you ever observed the hay crop upon the land, immediately around Fort Vancouver, subject to overflow?

Ans.—I have.

Int. 275.—State whether it is a large or a small crop.

Ans.—It is excellent. The moisture remaining in the soil after the subsidence of the freshet tends to produce a good crop of any plant hardy enough to withstand the previous temperature.

Int. 276.—Has your knowledge or observation, either as geologist or farmer, enabled you to explain the phenomenon of a large crop of grass upon a moistened deposit of sand?

Ans.—Moisture will sustain vegetation, as observation has shown, in the desert of Sahara itself. Of course the decay of a portion of the grass adds something to the fertility of the ground.

Int. 277.—Is it your scientific opinion, derived from your own observations and that of the other scientific observer, that the deposits on the banks of the Columbia river, extending inland a mile or so, are deposits of sand?

Ans.—Yes; and it is, moreover, my opinion that three feet in depth of it, without more moisture than is to be found on the uplands, would be equally wanting in fertility.

Int. 278.—What streams are there back of Vancouver, between that place and the mountains?

Ans.—There is a stream called Salmon creek. There are also the two forks of Cathlapootl and their tributaries. There are, I think, other small streams; though I do not now recollect them.

Int. 279.—Into what river does the Salmon creek flow, and when did you see it?

Ans.—It is a number of years since I have seen it. My impression is, it runs into one of the sloughs or ponds below Fort Vancouver.

Int. 280.—Were you ever more than a mile back of Fort Vancouver, except on the road leading from there to the prairie, on which Mr. Covington's claim was situated?

Ans.—I do not now remember. I do not think that I ever went off the roads, back, any distance into the woods.

Int. 281.—What road did you ever ride over, leading back of Vancouver, except the one above mentioned?

Ans.—I don't remember any; though there may have been other roads, which I do not now recall.

Int. 282.—How far up the bank of the stream called Salmon creek, from its mouth, have you ever been?

Ans.—Really I don't remember; I must have have crossed it or its outlet on my way down the Columbia, and I think that is one of the streams crossed by the road we took to the mountains.

Int. 283.—Were you ever on any part of the banks of Salmon creek, except at its outlet?

Ans.—I think, as I before stated, it is one of the streams crossed by the trail we took on our route.

Int. 284.—Do you know anything about the stream, except at its outlet, and where you crossed it on your road to the mountains?

Ans.—Only by general observation of the country, or, as was probably the case at the date of my report, from such information as I could obtain from others.

Int. 285.—Have you mentioned in your report anything about the streams or country back of Vancouver, except what you have stated on confirmation from Governor Ogden?

Ans.—I think that in my report I described the character of the country behind Fort Vancouver as sterile, with the exception of the bottoms bordering on the streams. How far Gov. Ogden may have corroborated this statement I do not remember. In passing through it, I certainly observed it with attention myself.

Int. 286.—Did Gov. Ogden ever say anything to you with reference to the country back of Vancouver?

Ans.—I don't remember whether he did or not.

Cross-Examination Resumed June 26, 1867.

Int. 287.—Was not your personal observation of the country back of Vancouver confined to such observation as you could make of it in passing along the road leading from there by the Third and Fourth Plain and Mr. Covington's house to the mountains?

Ans.—Yes, it was, excepting that I had visited Mr. Covington, on the Fourth Plain, several times, and perhaps ridden out on some other trail through the woods.

Int. 288.—Is there any other trail or road that you can designate going into the country back of Vancouver from that place?

Ans.—I have a vague impression that there is another road or trail to the westward of that, but of this I am not certain.

Int. 289.—Have you embodied in your description of Vancouver, in your report, or in your deposition in answer to Interrogatory 21, statements made to you by other persons than Gov. Ogden?

Ans.—In my reply to that interrogatory, I will say that I have doubtless embodied to a certain extent my own observations and impressions, but the substance was, so far as I was able to give it, founded upon or corroborated by Mr. Ogden. It is utterly impossible for any one to divest himself altogether of the coloring given to any statement of facts by his personal observation, but I think that substantially I have represented Mr. Ogden's remarks with correctness.

Cross-Examination Resumed, June 27, 1867.

Int. 289.—Is there not a portion of this answer to Interrogatory 21 derived from your own observation alone, uncorroborated by any statement of Mr. Ogden?

Ans.—Portions of the answer undoubtedly were derived from my own observation alone. There were other parts concerning which my information was derived from Mr. Ogden.

Int. 290.—Did Mr. Ogden tell you that the village, which you say was of cabins, was occupied by servants, Kanakas, and Indians?

Ans.—That the chief population of the village consisted of such was obvious enough without applying to him for information on the point.

Int. 291.—Why did you change the language in your report, in speaking of the inhabitants of these buildings, "were," you say, "occupied by servants, Kanakas, and Indians," to

“occupied by a mongrel crowd of Canadians, Kanakas, and Indians?”

Ans.—I really do not know that I had any particular motive, unless it was for a clearer description.

Int. 292.—Were all the servants of the Company Canadians?

Ans.—No; nor have I said that they were.

Int. 293.—State now who occupied this village you have spoken of?

Ans.—Chiefly the servants of the Company.

Int. 294.—Do you wish your description of the village now to be in this form, a village of fifty or sixty cabins occupied by the servants of the Company?

Ans.—Were I to make any correction in the statement it would be that, if anything, I have overstated the number of cabins.

Int. 295.—Did any Canadians occupy this village in 1853?

Ans.—I think they did. That is my recollection.

Int. 296.—Why did you not mention this fact in your report made about that time?

Ans.—I do not suppose I considered it a matter of any consequence.

Int. 297.—Is it not a matter of as much consequence if Canadians lived there as if Kanakas and Indians lived there?

Ans.—Chiefly to the Canadians I should think.

Int. 298.—Why did you make that change in your description of the inhabitants of the village?

Ans.—I do not remember any particular motive in making the change, nor do I now consider it of any importance.

Int. 299.—Do you now recollect a single Canadian living in one of the houses of that village; if so, state what part of the village it was in, the kind of house he lived in, and the time at which you saw him there?

Ans.—I have described generally the character of the population of that village. As to any acquaintance with them, whether Kanakas, Canadians, or Indians, I have none individually.

Int. 300.—Do you not think your memory was better of this village in 1853 and '54 than it is now in 1867?

Ans.—Undoubtedly, as to matters of detail.

Int. 301.—Of what were the buildings inside the stockade, and the large store-house hired by the United States in 1853, outside the stockade, built?

Ans.—All the buildings inside and outside the stockade were built of wood, though their construction was not altogether the same.

Int. 302.—Enumerate the buildings inside the stockade that were built of square logs?

Ans.—Nearly all the buildings, according to my recollection, were built of square logs, or at least had that appearance. There were, however, I think, one or two that were framed and boarded.

Int. 303.—Of what was the Governor's house built?

Ans.—Of that I am not positive. I think the front alone was clap-boarded.

Int. 304.—Have you not once stated in the report from which you have quoted in your deposition, including this house with others in a description, made use of this language: "They are all built of square logs."

Ans.—I have used the words, but in reference particularly to the warehouses, though most of the other buildings were constructed in the same way.

Int. 305.—Was the Governor's house built of square logs framed together?

Ans.—I have already said I would not be positive as to the construction of the Governor's house, but I think that it was so built, and in front covered with clap-boards.

Int. 306.—Were the smaller buildings used by clerks built of square logs framed together?

Ans.—That I cannot say.

Int. 307.—Was the range of dwellings for families built of square logs framed together?

Ans.—I think it was.

Int. 308.—Is this statement true, made by you in your report, or not: "Within are the Governor's house, two smaller buildings used by clerks, a range of dwellings for families, and five large two-story warehouses, besides offices. Without there

is another large storehouse, at present hired by the United States. These are all built of square logs framed together?"

Ans.—I have once told you that the words "they are all square logs so framed," referred, as I think, more particularly to the large warehouses. Substantially the statement was true, as it was intended to be.

Int. 309.—If that statement was substantially true, why did you change the language of the report to this form, in your answer to Interrogatory 21: "Within were the Governor's house, two smaller buildings used by clerks, a range of dwellings for families, and five large two-story warehouses, besides offices. Without there was another large storehouse, then occupied by the United States. They were nearly all built of square logs, framed together after the fashion known as the Canadian fashion?"

Ans.—I do not notice any difference between the two statements, except the introduction of the word "nearly," a qualification which might have been suggested to my mind by some passing doubt.

Int. 310.—When did you first learn that the framed buildings, in the form these were framed, was called the Canadian fashion?

Ans.—Really I don't remember. The mode of framing was peculiar, so far as I recollect, to the Hudson's Bay Company.

Int. 311.—Did you ever hear the form of building mentioned as Canadian until you noticed it so described in the testimony which you had printed in the case?

Ans.—I presume it was as familiar to me as it was to other witnesses. The peculiarity of the buildings was a matter of common remark.

Int. 312.—Are you now prepared to say from your recollection that these buildings were built of square logs at all?

Ans.—I have nothing further to state on that subject.

Int. 313.—Did you notice them particularly?

Ans.—I presume I did at the time.

Int. 314.—Can you tell the difference between squared logs and sawed plank?

Ans.—I presume so, if I had been looking at them.

Int. 315.—Were these warehouses built of square logs or of thick sawn plank?

Ans.—I have stated already on that point all I have to say, and have nothing further to add.

Int. 316.—Describe, if you please, what you mean by the term “square logs,” of which you say these buildings were erected, the thickness of the log, and whether squared by the axe or by the saw.

Ans.—These are details which I do not recollect. By square logs I mean logs reduced on all four sides.

Int. 317.—What do you understand to be meant by the term plank, as distinct from that of square log?

Ans.—I presume the distinction is simply one of thickness.

Int. 318.—If these buildings were erected chiefly of lumber, and prepared at a saw-mill with the saw, would you not now consider your description of that as built of square logs as inaccurate?

Ans.—Not necessarily, for logs may be squared at the saw-mill.

Int. 319.—Of what were two smaller buildings, used by clerks inside the stockade, built?

Ans.—I do not remember further than I have already stated.

Int. 320.—Have you stated anything in reference to what they were built of in this deposition?

Ans.—I think not with particularity.

Int. 321.—Can you now state of what they were built?

Ans.—Not with absolute confidence.

Int. 322.—Is there any difference between houses built in the Canadian fashion and those that are called rabbit-built houses?

Ans.—I do not know to what style of house you refer by rabbit-built houses; nor do I remember any others built after this Canadian fashion.

Int. 323.—How many years do you refer to in this expression, in speaking of repairs, when you say “Only the repairs necessary to keep them in tenantable order, having been for some years expended?”

Ans.—From the date of the treaty.

Int. 324.—Up to what time?

Ans.—Up to the time of the report.

Int. 325.—Was it so intended in the answer to Interrogatory 21?

Ans.—In the answer to that interrogatory the date of the report seems to have been in view.

Int. 326.—Is that statement the result of your own personal observation, or is it derived from others?

Ans.—I presume that both sources of information were used.

Int. 327.—Who told you that from the date of the treaty that only such repairs had been expended?

Ans.—I don't remember any one in particular. I don't know that any one made the statement in so many words. It is, however, a conviction that I had formed.

Int. 328.—How long did you remain at Vancouver after your arrival there in 1849 before you went to Astoria?

Ans.—I don't know; not long. It was a mere cursory visit.

Int. 329.—Up to what date do you wish to be understood as stating that your knowledge of the trade of the Company at Vancouver extended, you having spoken of it from 1849 onward?

Ans.—In reply to that question, my knowledge, from personal observation, extended of course only through the period of my visits to the place, which were scattered over several years, and were more frequent while I was connected with the custom-house. In a small community, such as Oregon was at that time, the affairs of the Company were necessarily, to a certain extent, known by every one.

Int. 330.—What period of time, then, do you wish to include in the language "from 1849 onward" in your answer to Interrogatory 23?

Ans.—To the time of my leaving the country in 1860-61.

Int. 331.—Will you say you were acquainted with the trade of the Company at Vancouver after the time you joined the Boundary Commission in 1857?

Ans.—After I joined the Boundary Commission I was at the post at Victoria, those on Fraser river, and the Upper Columbia. I saw what was transacted there, and by impressions

derived at those places, as also from conversation with those who visited Vancouver, came to the conclusion I have above stated.

Int. 332.—After you went to Puget's Sound in the winter of 1853, how many times did you visit Vancouver before joining the Boundary Commission?

Ans.—Several times.

Int. 333.—State the number of times and the months in the year you visited there.

Ans.—The longest time that I was there was in the fall and winter of 1855. As to the dates of other visits that I made there, I could not give them without reference to note-books. At the time I speak of I was engaged in surveying and making a map of the route from Vancouver to Steilacoom.

Int. 334.—Do you personally know, other than from general reputation and hearsay, what trade was carried on at Vancouver?

Ans.—To a great extent I do, just as one knows the character of trade carried on by a merchant elsewhere.

Int. 335.—In this answer as to the character of the trade, do you mean the character of the goods that he sells, or the class of customers who purchase from him?

Ans.—Both; the number of Indians in the country having diminished to so great an extent as no longer to afford scope for an extensive trade with them.

Int. 336.—Were you often in the sale room inside the stockade?

Ans.—Yes; I have frequently made purchases there.

Int. 337.—Were you often enough inside of the store from 1849 to 1861, and so observed the people trading there, as to enable you to say, from personal observation, with whom the trade of the Company at Vancouver during all that length of time was carried on?

Ans.—My knowledge of the trade of the Company was in part derived also from its agents elsewhere, as in Portland and Oregon City, from the merchants and others with whom they traded, and from invoices of the goods they imported?

Int. 338.—What officer of the Company was ever stationed at Portland?

Ans.—I don't know that any officer of the Company was ever stationed at Portland. Mr. William S. Ogden at one time acted as their agent there, or sold goods for them.

Int. 339.—Did Mr. Ogden tell you so, or is that an impression of your mind?

Ans.—I am convinced from the goods that he had for sale there, as well as from my recollection of conversations with him, that such was the case.

Int. 340.—Where did you stay when at your first visit to Vancouver in 1849?

Ans.—I don't know. I don't remember more about the visit than the fact of going there and calling upon Mr. Ogden.

Int. 341.—State the time, if any, during your visits to Vancouver, that you resided inside the stockade?

Ans.—I never did reside there.

Int. 342.—Did you not, at all your visits to Vancouver, occupy quarters at the military post?

Ans.—Always there, or in its neighborhood.

Cross-Examination Resumed, June 28, 1867.

Int. 343.—State how many times you were at Vancouver in the year 1850?

Ans.—That I am unable to state. I went up and down the river several times, usually stopping at Vancouver on these occasions.

Int. 344.—What was the longest time you were at Vancouver on any one of these occasions?

Ans.—I don't know. I suppose a week or two.

Int. 345.—Were you not this year deputy collector at Astoria and agent for the pilots?

Ans.—I was.

Int. 346.—State in what month of the year 1850 you spent a week at Vancouver, what business took you there, if any, and where you stopped while there?

Ans.—I cannot state specifically any of those details, ex-

cept that when at Vancouver I stopped at the quarters of some one or other officer, and that I sometimes went there on the custom-house business and sometimes for my own amusement. I had no reason to keep a record of excursions up and down the river, except so far as the business of the office required. It would now be a difficult thing, even if practicable, for me to furnish such details.

Int. 347.—Can you now recollect any particular visit to Vancouver during the year 1850, which is brought to your recollection by any particular incident that occurred during it?

Ans.—I recollect going up on the first trip of the little steamer Columbia.

Int. 348.—What month of the year 1850 was that, and how long did you remain there?

Ans.—I do not recollect what month it was, or how long I remained. An inquiry into details of that description is perfectly idle. Those things, which are matters of frequent occurrence, are rarely fixed in my memory even for shorter periods, although the general impressions produced may be lasting.

Int. 349.—Was the first trip of the first steamer that was to run from Astoria up the river of so little importance that you cannot recollect in what month it took place?

Ans.—The event itself was of sufficient importance to remember. The particular month was not of sufficient consequence.

Int. 350.—Does not your name appear on the register as one of the owners or stockholders of that steamer?

Ans.—I have explained that matter fully, in writing at the end of my direct examination. I do not remember whether my name was on the register or not, nor do I now remember whether the vessel was registered or merely licensed.

Int. 351.—Was not this the only steamer which plied on the Columbia river during your term of service as deputy collector, or which had either license or register from the custom-house at Astoria?

Ans.—I think that the Lot Whitecomb was likewise built and registered, or licensed during that period.

Int. 352.—Who had charge of the books at the custom-house?

Ans.—I had; of course, under the supervision of the Collector.

Int. 353.—Can you not now recollect whether these two steamers sailed under a register or a license?

Ans.—It is so long since I have had anything to do with custom-house business, or the revenue laws, that I cannot answer with any certainty. My impression is that registration is necessary in the first place, and that where the trade is confined to home navigation a license is taken instead, for the purpose of saving forms and the expense.

Int. 354.—How long after you took office as deputy collector was it before the steamer Columbia made her first trip on the river?

Ans.—It must have been some months, as Mr. Frost, her principal projector, had to go down to San Francisco to bring up the machinery and the mechanics who built her.

Int. 355.—Did you go to Vancouver, in the year 1850, before the first trip of this steamer; and, if so, how did you go?

Ans.—I think I went up once, if not twice, in a canoe, and I believe also in a whale-boat, for I remember bringing down army officers, who had business at the mouth of the river.

Int. 356.—How many times afterwards, in the year 1850, did you go to Vancouver?

Ans.—It is more than I can say. I think I went up on a subsequent trip with General Persifer S. Smith and the officers of his staff, and I believe on other occasions.

Int. 357.—On which of these occasions did you stay one week at Vancouver?

Ans.—Very likely on more than one trip.

Int. 358.—Were you in the store of the Hudson's Bay Company at Vancouver on all these visits you made there?

Ans.—It is utterly impossible for me to say more than that I was in the habit of going there.

Int. 359.—Can you recollect distinctly any time, during these visits at Vancouver, when you were inside the sales-store

of the Hudson's Bay Company, and can state who you saw within the store, either as purchasers or visitors?

Ans.—I cannot. I presume I was in there both with officers of the army and with citizens, but, after such a lapse of time, I would not pretend to recollect a matter of no moment in itself.

Int. 360.—Can you designate any time, at your visits to Vancouver, prior to your going to Puget's Sound, in which you can say who was inside the sales-store at Fort Vancouver with you, either as visitors or purchasers?

Ans.—I remember purchasing some goods for Capt. McClellan, in 1853, at which time Archibald McKinlay, the son-in-law of Mr. Ogden, and Robert Newell, of Champoeg, assisted me in their selection.

Int. 361.—On this or any other occasion, prior to the time mentioned, can you remember that you saw any one, besides yourself and those assisting you, purchasing goods at this sales-store?

Ans.—No one in particular.

Int. 362.—What goods, and at what date, and by what vessel of the Company did you see shipped to San Francisco?

Ans.—Without referring to the custom-house records, to which I have not access at present, I could not answer that question definitively, and of my own personal observation, but I remember a purchase reported to have been made of a large lot of coffee, from Gov. Ogden, by a merchant, who rode over from Portland before the news of the steamer's arrival was received at Vancouver, at several cents a pound less than it was worth at San Francisco.

(The whole of that portion of the answer founded on report objected to as irrelevant and incompetent.)

Int. 363.—How many Indian goods of the Company did you see sent to Victoria?

Ans.—All those matters will appear by the records of the custom-house. I only remember they were sent in quantities to Victoria, and also to Nisqually. My recollection of the goods being sent to Nisqually is the more distinct, as a vessel carrying some of them was seized for smuggling by the Col-

lector's orders, and subsequently released on an arrangement with Gov. Douglas to make regular returns and pay the duties on goods shipped to the Sound. This was before the establishment of a port of entry there.

Int. 364.—Were these goods shipped, that you refer to, during your term of service as deputy collector or during your term as collector?

Ans.—During the term of my service as deputy collector.

Int. 365.—State the names of vessels by which they were shipped, and, if you can, the quantities of goods.

Ans.—I do not remember the name of the vessel. My recollection of the occurrence is this, that she was the annual ship from London, that she discharged only a part of her cargo at Fort Vancouver, and took the rest round to Victoria, from whence a portion of them were sent to Nisqually.

Int. 366.—Were these goods shipped from England to Victoria or from Vancouver?

Ans.—I understood them to be goods which were not saleable in Oregon, in consequence of the falling off of the Indian trade, and they were sent, on their arrival from England, round to Victoria.

Int. 367.—Were you at Vancouver at the time or at Astoria?

Ans.—If I recollect aright, I went up to Vancouver to receive the vessel to entry there.

Int. 368.—Was the whole cargo of this vessel entered at the custom-house at Astoria?

Ans.—Of course only such portions as were landed there.

Int. 369.—Where was the entry of these goods made, at the custom-house or not?

Ans.—Owing to the condition of the country at the time, vessels were permitted to proceed up the river at once, on depositing the necessary papers with the collector, and all the formalities were afterwards completed at Vancouver or Portland, as it might be, and the returns made to the office.

Int. 370.—How do you know that the goods taken round to Victoria by the annual ship were not originally intended for that port, they not having been entered in the district of Astoria?

Ans.—That was of course a matter of information. The change in the condition of the country, owing to the discovery of gold in California and the flocking in of settlers, the diminution of the number of Indians from disease, and the consequent change in the trade, was a subject of common discussion.

Int. 371.—Were not the invoices of the cargo exhibited to you either at Astoria or Vancouver?

Ans.—I suppose the invoices of all the goods unloaded at Vancouver were of course exhibited to me.

Int. 372.—Who told you that the goods sent to Victoria were unsaleable in Oregon? If an officer of the Company, give his name, and the language he made use of in giving the statement.

Ans.—It is utterly impossible for me to do that. It was a matter of general understanding at the time.

(All statements made on general understanding objected to.)

Int. 373.—Were you in Astoria when goods you say were shipped by the annual ship were so shipped?

Ans.—I do not know.

Int. 374.—What was the name of the vessel you say was seized for violation of the revenue law and carrying goods to Nisqually?

Ans.—I think either the Prince of Wales or the Cadboro.

Int. 375.—What was the name of the officer employed in making the seizure?

Ans.—I believe Captain Bennett H. Hill, commanding at Fort Steilacoom.

Cross-Examination Resumed, July 1, 1867.

Int. 376.—State what time the Prince of Wales left the river for Puget's Sound, and whether that was not the vessel you refused to allow to take freight up the river for Judge Strong.

Ans.—The Prince of Wales was the vessel I refused to let take freight up the river for Judge Strong. As to the time when she left the river, I don't remember.

Int. 377.—Did the Prince of Wales ever, to your knowledge,

while you were connected with the custom-house, leave the river for any port or harbor?

Ans.—I think the Prince of Wales, during the time I was connected with the custom-house, was in and out of the river more than once.

Int. 378.—Did she ever clear for Victoria or Puget's Sound while you were connected with the custom-house?

Ans.—I cannot say without reference to the records of the office, which, I suppose, can be found either at Astoria or at the Department of the Treasury; but I think that she made trips from time to time outside the river.

Int. 379.—For what place did she sail at either of these times you have mentioned?

Ans.—In the first place, I have never stated positively that she was in or out of the river, but simply that my recollection is, that she from time to time made trips outside or to other places. Without reference to the records kept at the time, it would be almost impossible for me to name any vessel of the number that traded there that came from or went to any particular place.

Int. 380.—What was the tonnage of the Prince of Wales, as near as you can give it, and how was she rigged?

Ans.—She was a small vessel, her tonnage I do not remember. I should say, at a guess, probably 125 or 150 tons. As to her rig, it was indescribable.

Int. 381.—Was Captain Hill an inspector of customs at the time of the seizure you have spoken of?

Ans.—Captain Hill was an officer of the United States Army in command of the post at Steilacoom, on Puget's Sound, and as such was called upon by the Collector of the District of Oregon to enforce the laws of the United States.

Int. 382.—Is not all you know about the seizure of the vessel, and Captain Hill's connection with it, from mere report.

Ans.—I think it is from memory, and having been within my official knowledge at the time.

Int. 383.—Did Captain Hill make a written report; and, if he did, did you see it?

Ans.—That is more than I can state positively at this time.

Int. 384.—Can you not remember that the seizure of the vessel by Captain Hill was made by him upon a charge that a deserter or deserters were harbored on board?

Ans.—I have no such recollection whatever. On the contrary, according to my recollection, the vessel was seized for smuggling goods into American waters.

Int. 385.—Can you tell whether Captain Hill reported the seizure to the custom-house first, or whether the orders went from the custom-house to Captain Hill to seize the vessel?

Ans.—No, I cannot; but I think the request went from the custom-house to him.

Int. 386.—Who carried the request from the custom-house to him, and what officer of the custom-house went over at the time to take charge of the vessel?

Ans.—I do not remember who carried the request to Captain Hill. I think, however, that Captain Hill was requested by General Adair to stop the vessel in consequence of information received at Astoria that goods were brought to Nisqually for trade there which had not paid duties at Astoria, which was then the only collection district in Oregon. The custom-house could have had nothing to do with arresting a vessel for harboring deserters. I don't remember that any officer of the custom-house went over on that occasion, but I think that General Adair had commissioned a gentleman who was on the Sound to act as a temporary inspector.

Int. 387.—Who was that gentleman?

Ans.—A Mr. Dorr was commissioned on one occasion, but whether he was there at the time of this seizure I cannot say now.

Int. 388.—Was Dorr ever at Astoria while you were connected with the custom-house?

Ans.—He was.

Int. 389.—What time did he arrive there from San Francisco?

Ans.—Some time in 1850, according to my recollection. He arrived in the same vessel with the United States District Attorney, Mr. Holbrook.

Int. 390.—Was he not sent over to Puget's Sound at the

time of the seizure of a vessel called the Albion not belonging to the Hudson's Bay Company?

Ans.—He was.

Int. 391.—Did that seizure take place during the time of your connection with the custom-house?

Ans.—It did.

Int. 392.—What month of the year did this seizure take place, and what year?

Ans.—It took place in 1850, and I think in the spring or summer of that year.

Int. 393.—How long did Dorr remain on the Sound?

Ans.—That is more than I now remember.

Int. 394.—When did the annual ship arrive at Vancouver in the year 1850?

Ans.—That is more than I can tell, without reference to papers to which at present I have not access. I think it was in the summer.

Int. 395.—Were the goods that were sent round to Victoria from Vancouver by the annual ship invoiced?

Ans.—I presume they were.

Int. 396.—Have you not stated that the annual ship took round the goods from England that were not landed at Vancouver?

Ans.—My recollection is, that the annual ship brought out goods consigned to the Hudson's Bay Company, upon portion of which only duties were paid, the remainder being taken to Victoria, within the British dominions.

Int. 397.—Do you mean to say that any portion of the goods invoiced in England as shipped to the district of Astoria, are allowed to proceed to Victoria without having duties collected on them within the district to which they were invoiced as being shipped?

Ans.—Owing to the condition of the country at the time, a very large latitude was allowed to all vessels from foreign ports arriving there—the technicalities of the custom-house not being enforced as rigidly as they would have been in Atlantic ports. I will not pretend to state from memory only, and at this distance of time, that the goods taken to Victoria were

originally invoiced to Vancouver, but that such was my impression.

Int. 398.—Can you tell whether the vessel you think was seized on the Sound was the Prince of Wales, the Cadboro, or the Mary Dare?

Ans.—I really don't know.

Int. 399.—From 1849, when you first went into the country, onward, did you ever see a single package of furs brought from Colvile and the other upper posts to Vancouver for exportation? If so, state what year it was in, what month in the year, and the person in charge of the furs.

Ans.—Yes. Gov. Ogden once took me up into the packing-room at Fort Vancouver and showed me the collection of furs, so far as they were exposed. I think this must have been in the summer of the year 1850, because I recollect that it was to me at the time a curiosity. That is the only time I recollect seeing the furs at Vancouver. I have seen the furs of the Company elsewhere, at other times.

Int. 400.—Was not this Interrogatory 23 in the form it now is, "What trade was carried on at Vancouver, and with whom," and the answer written out by yourself?

Ans.—It was dictated by me.

Int. 401.—At what time was it that Gov. Ogden sent out to purchase horses from the Indians?

Ans.—Our horses were supplied in July, 1853.

Int. 402.—Was not this Interrogatory 24, "What do you know of cattle and horses at Fort Vancouver and their alleged destruction by settlers," dictated and propounded by you?

Ans.—I informed the counsel for the United States in this case, at his request, with regard to the various matters I was able to testify, and to save trouble wrote out several interrogatories relating more particularly to general matters, being the concluding interrogatories of my direct examination, of which I think this was one.

Int. 403.—Is not this question another, "What was the value of Fort Vancouver as a town site?"

Ans.—I think it was.

Int. 404.—Cannot the residents on the Columbia river save

in distance by going to Vancouver, instead of passing up the Willamette river to Portland?

Ans.—The distance from the mouth of the Willamette to Vancouver, and thence to Portland by land, is about the same as the distance from the mouth of the Willamette to Portland by the latter river.

Cross-Examination resumed July 2, 1867.

Int. 405.—How far from the edge of the woods behind the fort, in any direction, had “the forest behind been deadened by the fires which struck through it?”

Ans.—But a short distance. Entering the forest, on our way out from Fort Vancouver, my attention was called to the fact that it had been deadened by fire, and I inquired of Mr. Lewes, the interpreter furnished us by Gov. Ogden, himself a gentleman who then was, or had been, in the service of the Hudson’s Bay Company, over how great a district of country this fire had passed. He told me that there had been two fires which had run through it, one of which, if I remember right, had extended from the Cascade mountains nearly to the coast, and had endangered the fort itself.

(The latter part of the answer objected to, as not responsive to the question, and the statements of Mr. Lewes as hearsay and incompetent.)

Int. 406.—Back of what portion of the Fort Plain was this deadening of the forest on its edge; how large a space did it occupy on the edge; and at what period of time did you first notice it?

Ans.—The only answer I can give to that is, that I first noticed it during the McClellan expedition, and that we passed through a very extensive tract of deadened forest, travelling northwestward from Fort Vancouver, and subsequently, in 1855, I found Mr. Lewes’s statement corroborated by the condition of the forest between Fort Vancouver and northward towards the Cowlitz river.

Int. 407.—Is not the edge of this forest directly behind the

military post at Vancouver, where you generally stopped during your visits to Vancouver?

Ans.—Yes; it is within two or three hundred yards.

Int. 408.—Is not the road which you speak of that which you travelled on during the McClellan expedition, the one leading from the fort to the mountains?

Ans.—The one which I first spoke of, is.

Int. 409.—How far to the east side of the road could you see the forest was deadened?

Ans.—No further than one could see through dead timber.

Int. 410.—Did not the military road, in the survey of which, in 1855, you noticed timber along the Columbia, from Vancouver to Cowlitz, run along the edge of the highlands, directly back of the alluvial lands of the Columbia river bottom?

Ans.—There was no military road whatever. The survey was made for the purpose of locating a military road, and the first line travelled was entirely through the alluvial lands of the Columbia river. In consequence of the obstacles which existed, I recommended the establishment of the road upon the timbered table land.

Int. 411.—Did not the proposed route of this military road, as shown on the map to have been surveyed by Lieut. Derby, assisted by George Gibbs, C. E., run in the manner directed in the previous interrogatory?

Ans.—The line as proposed ran along the highlands, and within a short distance of the alluvial lands, but back of the same.

Int. 412.—Did not Mr. Lewes make his statement to you in this form, that the timber had been deadened by fires on a portion of the hills back from the Columbia river, and going down the river towards the Cathlapootl?

Ans.—The statement made by Mr. Lewes to me, which I wrote down at the time, was as follows, and I am now reading from my note-book: "Lewes says that there have been two great fires in these forests; one, in 1844, commenced on the Columbia river, at the Cascades, and swept down, taking in a tract as far down as the Fourth Plain—Fort Vancouver itself being saved with great difficulty; thence down to the Cowlitz,

and, turning up that river, crossed it, and ran to Shoalwater bay. The other took somewhere on Wiltkwu, (the south fork of the Cathlapootl,) from a fire left by an old Indian doctor, and, crossing, it went down to Vancouver again in one direction, down the Cathlapootl in another, and again to the Cowlitz."

Int. 413.—Standing on the Fort Plain, and looking at the forest which runs along back of it, is there a single spot visible in that line of trees which appears to have been deadened by fire?

Ans.—I can better answer that question by reference to the same note-book than I could from memory, as I really do not at this moment recollect whether the trees on the edge of the forest were deadened or not. I find on the date of July 15, 1853, the following in regard to the timber: "Timber near the fort, like that between Switzler's and the Willamette, small, indicating a recent or secondary growth; character, however, the same as elsewhere. The succession of timber, hard-wood following pine, not appearing to hold good in this country."

Int. 414.—Where did you first notice timber deadened by fire on the road followed by the McClellan expedition from Vancouver to the mountains?

Ans.—That I can't say. I presume it was between the First and Fourth Plain behind Vancouver, as it was on the day—the 21st of July—that we moved camp, a very short distance that I find the statement made by Mr. Lewes recorded.

Int. 415.—Is your recollection of there being deadened timber on the road at all derived from the fact that you find an entry in your note-book of statements made by Lewes?

Ans.—By no means; but I referred to Mr. Lewes's statement, which I then entered in my note-book, as the most reliable, direct, and circumstantial evidence which I could give. The fact of there being deadened timber over an extensive tract upon that route I perfectly remember.

Int. 416.—How far did you travel on that particular day, giving the distance in miles and parts of miles?

Ans.—The distance between the First and Fourth Plains I do not recollect; I suppose they are not more than four or five miles apart. According to my note-book, we had been encamped two days at the First Plain, and on the 21st moved to the Fourth Plain, where we waited for the arrival of the train.

Int. 417.—How far is the First Plain from the Fourth Plain?

Ans.—I really don't remember. These so-called plains are merely holes in the woods, and of no considerable extent.

Int. 418.—Did you see any deadened timber between the First and Second Plain that day?

Ans.—I won't pretend to say. Upon the subject of this timber I have given the most precise and definite information that I am able to give. The notes from which I have given it were carefully prepared, as were all the notes I kept upon the different expeditions in which I was employed, with a view to my own instruction as well as to the information I was to communicate to the Government, having no idea at the time that the question of definite limits would ever arise. As to the boundaries of this burnt district, I neither described it in my notes, or retained it in my recollection.

Int. 419.—Did you see any forest deadened by fire between the Second and Third Plains?

Ans.—I regret exceedingly that upon that point I cannot give you more satisfactory information. The amount of timber deadened by fire in the State of Oregon and the Territory of Washington is very great, and crossing the Cascade range from the Dalles of the Columbia to Oregon City, in the fall of 1849, the forest was on fire for many miles, and although the autumnal rains had commenced, our wagon train was in some places in danger of being lost. Still later in the same season, in crossing the Coast range of mountains from the upper Willamette to Yakoona bay, I crossed another tract recently burnt, some fifteen miles square. You will therefore readily imagine that the extent of a fire a hundred or two yards, more or less, in any particular direction in that country is a matter which one would not particularly note.

Int. 420.—Did you see any forest deadened by fire between the Third and Fourth Plains?

Ans.—Really I can't say; I will not pretend to locate the boundaries of the burnt district.

Int. 421.—What do you mean by small trees, when you speak of the trees in the forest near Fort Vancouver, and between Switzler's and the Willamette, as being small? Give the dimensions of an average fir tree on the road between Switzler's and the Willamette and near Fort Vancouver.

Ans.—Size, in regard to trees as in regard to men, is comparative. Timber which would be considered small on the Pacific coast might be very large timber here, and I made no such comparison. My reference to the size of the timber was solely as a comparison with what might be called the primeval or original forest. I certainly will not pretend to average the size of the trees, through there. The diameter of trees in unbroken forests in Oregon will often run from 5 to 10 feet, and their height from 200 to 250, and I am very certain that no trees in the district to which I have referred approach those dimensions.

Int. 422.—Is not the smaller timber of the secondary growth better suited for the making of lumber than the large trees, whose dimensions you have just given?

Ans.—Undoubtedly trees may be too large, as are those of 5 and 10 feet in diameter, for the ordinary purposes of sawed lumber. But, on the other hand, trees of a secondary growth are not necessarily of a better quality of wood than the first.

Int. 423.—What do you mean when you say most of the timber came from the public lands in the immediate vicinity, in speaking of the timber of which the Hudson's Bay and military posts were built?

Ans.—I mean that the land was the land of the United States, and not of the Hudson's Bay Company.

Int. 424.—Do you wish to be understood as charging that the Hudson's Bay Company were trespassers, and cut timber upon land to which they had no right?

Ans.—I so understand it. I look upon them in the light of any other squatters upon public land in the United States,

with this distinction, that having had, before the question of boundary was settled, a license from the British Government to trade with the Indians, they may be considered as having the right to remain there until the expiration of that license, but no longer.

Int. 425.—Could you not have said, with equal truth, in reply to interrogatory 26, that most of the timber came from the lands in the immediate vicinity, without making use of the term public lands, and thus saved yourself from making, inferentially, charge of trespass?

Ans.—Well, I don't know that it would have made any difference any way.

Int. 426.—Was not this interrogatory 26 dictated and propounded by yourself in this form: "Where did the timber come from of which the Hudson's Bay and military posts at Vancouver were built, and what was the quality of the timber?"

Ans.—The form of the question was drawn up by myself. The suggestion as to title came from one of the counsel for the Government.

Cross-Examination Resumed, July 5, 1867.

Int. 427.—There being no reference to title in interrogatory 26, which interrogatory is set out in cross-interrogatory 426, please to explain what you mean in your last answer when you say "the suggestion as to title came from one of the counsel for the Government."

Ans.—That the timber with which Fort Vancouver was built came from the public land of the United States, and that one of the counsel had previously suggested the inquiry which I put into the form I did.

Int. 428.—What do you mean by the language, "the suggestion as to title came from one of the counsel for the Government?"

Ans.—I mean simply that the wording of that interrogatory was my own, but that, as I understood, it called for the information the counsel desired.

Int. 429.—Do you mean to say that the counsel of the Government desired information from you as to title?

Ans.—My expression in the first place was a loose one. The counsel for the United States had requested me to give such general information as I could with regard to all matters relating to the Hudson's Bay claims not embraced in the direct interrogatories already propounded, and in doing so I spoke of the ownership of the lands being in the United States. Of course the legal point of the title of the Hudson's Bay Company was not submitted to me for an opinion, nor did I intend to convey the idea it had. I meant, however, to give my own views in relation to the matter.

Int. 430.—Do you wish now to be understood as saying that no suggestion of title was made to you by the counsel of the United States in reference to the 26th interrogatory or the answer thereto?

Ans.—I wish so far to qualify that reply as to state that no legal opinion was desired of me.

Int. 431.—Do you mean to say, then, now that while no legal opinion was required of you by the counsel of the United States, that a suggestion of title was made by counsel of the United States, in reference to the 26th interrogatory, or the answer thereto.

Ans.—I mean to say this, that the fact that this timber was cut from the land of the United States was spoken of, in conversation between counsel and myself, as an item in the cost of the construction of those buildings. On reflection, I do not desire to state that any intention existed to draw from me the reply in the form in which I made it, but that the fact was predominant in my mind at the time of that question of title.

Int. 432.—In that conversation, did you mention that item in the cost of construction, or did the counsel speak of it to you?

Ans.—I do not remember who first alluded to it.

Int. 433.—Do you wish to be understood as saying that you framed this question and made the answer thereto with a view to meet "an item in the cost of construction," which item was talked of by you and the counsel?

Ans.—Looking at the claim for cost of construction of those buildings as an excessive one, the timber being obtained from public lands, that idea undoubtedly suggested to me the form of reply which I made.

Int. 434.—Had you not that idea when you framed the question, and did you not then intend the form of reply which you made?

Ans.—I presume I had.

Int. 435.—Were you acquainted with J. F. Minter, civil engineer, and J. K. Dunnean, an officer in the army of the United States; if so, what positions did they fill in 1853, and what credit is to be attached to any reports made by them of matters which they officially reported on?

Ans.—I was acquainted with both of them. Lieut. Duncan had charge of the topography of the survey; Mr. Minter made the field notes of the route. As to the credit to be attached to their reports, all confidence, of course, is due to them in matters under their actual observation, and within the sphere of their respective professions.

Int. 436.—Do you know where Simsik is, and how far from Vancouver?

Ans.—Simsik, according to my recollection, is one of the small prairies back of Fort Vancouver; the distance I don't remember.

Int. 437.—Is the Fourth Plain known also as Kolsas; and, if so, how far is Simsik from Kolsas, and in what direction?

Ans.—My general recollection of the route through these small plains is that it was northeast. Not having recently examined the map or report upon these points, however, I can only say that I believe that Kolsas was the name of one of these plains; which, I do not now remember, nor can I give the distance, from memory, from one to the other.

Int. 438.—Have you not somewhere stated in this examination that your second camp was called Kolsas, on the Fourth Plain, and had the same made a part of one of your answers, and afterwards caused the same to be scratched out?

Ans.—On looking at the original minute of answer to Interrogatory 414, it appears that these words are scratched

out, "Moved camp to Fourth Plain, called by the Indians Kolsas," and, looking at the note-book from which I then read, I find that it was the second camp.

Int. 439.—Is your recollection of the country back of Vancouver sufficiently accurate to enable you to speak as to the accuracy of the report of the officer of the McClellan expedition whose special duty it was to report on the topography of the country?

Ans.—My recollection of details relating to the country back of Vancouver is at this period of time not perfect, and, for that reason, I have referred, in describing it, to my note-book. I should, however, have more confidence in my own opinion, then formed and recorded, than in that of another person, particularly when I do not remember what his opinion was.

Int. 440.—Do you mean to say that in the descriptions you have given in your testimony you have relied on your note-book made at the time, and not on your present recollection?

Ans.—I mean to say this, that in matters of detail I have preferred my note-book to my memory.

Int. 441.—Is this description taken from the topographical report of Lieutenant J. K. Duncan correct in its main features, when speaking of the road leading from Vancouver to the mountains, and speaking of the country, too, he says: "Two miles from Vancouver the trail crosses a brook twenty feet wide. From this stream the country along the trail breaks into small openings or plains having no timber on them. They vary from a half to several miles in extent, are very level, and are separated from each other by narrow strips of woods. Kolsas, the largest of these plains, about seven miles from Vancouver, is six or seven miles long and three or four in breadth. From Kolsas the trail bears to the northeast for six miles, to a plain called Simsik, about a mile and a half long. The country between Vancouver and Simsik is similar in character, heavily timbered with firs, spruce, and dense undergrowth of maple and hazel bushes?"

Ans.—I should think that the description generally is correct, though in several points I will not vouch for its absolute accuracy.

Int. 442.—Is this statement, taken from the itinerary of Captain McClellan's route by J. S. Minter, correct: "From Fort Vancouver to Camp Wahwaikee wagon road through firs, with dense underbrush, road good; crossed a running creek one three-quarter miles?"

Ans.—I presume it is, though I do not recollect the condition of the road.

Int. 443.—Are there not other buildings on the east side of the stockade not shown by the photographs referred to in your answer to Interrogatory 27, and which you say represents the Governor's house, &c.?

Ans.—I do not recall any on the east side, though there may have been others.

Int. 444.—How far from the back of the long building, which you say was on the east side, is it to the stockade?

Ans.—I never measured the distance.

Int. 445.—What building is it which appears in this photograph to be in the rear of the picture and back of the Governor's house and the long building?

Ans.—I don't know it.

Int. 446.—Does this photograph do anything more than represent three buildings and part of another, in the north-east angle of the enclosure, without showing the stockade, or whatever might be concealed from view behind these buildings?

Ans.—No, it does not.

Int. 447.—Was there not a building of some kind between the sales-shop and the bastion, not represented in this picture, which you say represents the northwest corner?

Ans.—I do not remember any.

Int. 448.—Can you tell how far back of the buildings represented in the photograph was the stockade?

Ans.—No.

Int. 449.—Did you dictate and propound to yourself Interrogatory 27, in reference to these photographs?

Ans.—I did.

Int. 450.—Did you ever see any fruit on the apple trees in

the field back of the fort, or ever eat any of the apples taken from the trees?

Ans.—I think I have seen fruit there. I have no recollection of eating any of it.

Int. 451.—Did you ever see any of the fruit when ripe, or nearly so?

Ans.—Not that I now recollect.

Int. 452.—What fishing stations on the Columbia river, besides those mentioned in your answer to Interrogatory 29, did you ever notice west of the Cascades?

Ans.—I think when I first went there there was one station where Rainier now is.

Int. 453.—State whether in 1849 you yourself saw signs of beaver?

Ans.—I do not remember that in 1849 I saw beaver signs.

Int. 454.—State when you first saw beaver signs, and where it was?

Ans.—The first occasions on which I can at this moment recall seeing beaver signs were on the Cowlitz and the Chihalis rivers, and I think in 1854.

Int. 455.—Do you remember seeing beaver signs again after that time until you joined the Boundary Survey?

Ans.—Yes; on the same streams and others.

Int. 456.—State when, on what river, and in whose company you next saw beaver signs after 1854.

Ans.—I remember distinctly to have seen beaver signs in abundance more than on one occasion, both on those streams and the waters running into Puget's Sound, but in whose company I do not know.

Int. 457.—State the time and the name of the stream running into Puget's Sound on which you saw beaver sign.

Ans.—I have seen beaver signs on the stream running into Puget's Sound in the neighborhood of Fort Townshend. I think that was in 1856.

Int. 458.—What authority have you for the statement that at Chinook but a few sea otters were taken in answer to Interrogatory 30, as to the general state of the fur trade?

Ans.—My authority was Duchesnay, who kept the store

there. The fact was also notorious to every one living in the neighborhood.

(The statement of Duchesnay and the matter of notoriety objected to.)

Int. 459.—Was not Duchesnay's statement simply that in one season he had obtained ten sea otter skins?

Ans.—He stated the obtaining of ten sea otter skins as a matter of congratulation.

Int. 460.—Did he say anything to you in reference to other furs?

Ans.—Nothing that I recollect.

Int. 461.—Are not sea otter skins by far the most valuable furs known to the fur trade on the northwest coast, and, even at the time Duchesnay made this statement to you, difficult to obtain?

Ans.—Yes.

Int. 462.—Who was present when Governor Ogden told you that American Oregon never was a fur-bearing country?

Ans.—I don't know.

Int. 463.—When did this conversation take place?

Ans.—It must have been within a year after my arrival in the country.

Int. 464.—Is this statement with reference to Governor Ogden made from memory or taken from your note-book?

Ans.—Both. It impressed me very strongly at the time.

Int. 465.—Can you not now, by referring to your note-book, give the date of this conversation?

Ans.—No; but it is embraced in a paper which I prepared long previous to the published report.

Int. 466.—For what purpose was that paper prepared, to whom directed, and where is it now?

Ans.—The paper was one of several which I prepared on the condition of Oregon, for whom I do not remember now; but the rough draft is, I believe, among my papers.

Cross-Examination Resumed, July 6, 1867.

Int. 467.—Did you have your note-book or the paper mentioned above before you at the time you gave this statement of Governor Ogden's to be taken down?

Ans.—Perhaps not at the moment.

Int. 468.—Which one did you examine before you made the statement, and how long before you made the statement did you examine the paper or book?

Ans.—I remember seeing the article to which I have referred recently, but how many days before making the statement I don't remember.

Int. 469.—Repeat now from memory the statement you have just referred to as made by Governor Ogden and preserved by you.

Ans.—The statement was substantially this: that American Oregon never was a fur country, except in regard to beaver; that, in consequence of the fall in the price of beaver, they had, in effect, ceased to be hunted, and had become as numerous as they were at the first flush of the trade.

Int. 470.—How long after your first answer to Interrogatory 30 did you cause the following interlineation to be made in that answer: "Not paying for transportation to London, they were not hunted much?"

Ans.—I have caused no interlineation whatever to be made in that testimony, excepting while the same was being taken, and before the conclusion of any day's examination, unless it might be in the presence of counsel and in reference to matters of verbal correction.

Int. 471.—Was this interlineation, just mentioned, made at the time you first answered Interrogatory 30, or at some other time, in the presence of counsel?

Ans.—It was part of my original answer to the question.

Int. 472.—Did you recollect, then, at the time when the answer was made, that Mr. Ogden gave as a reason for their hunting beaver their not paying for transportation to London?

Ans.—I gave as a reason for the fur trade not paying that beaver were not worth more, laid down in London, than their actual cost.

Int. 473.—The reason given, then, for not hunting the beaver is yours, and not Gov. Ogden's?

Ans.—The reason for the falling-off in the value of the fur

trade, in consequence of the fall in the price of beaver, was Gov. Ogden's, and not mine.

Int. 474.—Did Gov. Ogden make use of this language to you, in speaking of beaver, "That they did not then pay to transport to London, and that, not paying for transportation to London, they were not hunted much?"

Ans.—He certainly stated to that effect.

Int. 475.—State what he did say with reference to beaver, in connection with London.

Ans.—That I have already stated.

Int. 476.—Why did you not recollect about ten minutes since, when asked to repeat from memory the statements of Gov. Ogden, that he said anything about beaver not paying transportation to London, and that being the cause why they were not hunted?

Ans.—Because I was thinking more of the fact than the words?

Int. 477.—Can you give the exact language made use of by Gov. Ogden in reference to the fur trade?

Ans.—No; I have never pretended to.

Int. 478.—Did he ever make use, in speaking to you, of the term American Oregon in this connection, "American Oregon never was a fur country?"

Ans.—He distinguished between the portion of Oregon belonging to the United States, from the country north of it.

Int. 479.—Is not the language "American Oregon never was a fur country" your own, and taken from a report on Indian tribes, before referred to, made by you, with the exception that the words "strictly speaking" are left out?

Ans.—I presume the expression occurs in that report.

Int. 480.—Is not all the language given by you as that of Gov. Ogden, in answer to Interrogatory 30, your own?

Ans.—It is as near his as I can remember.

Int. 481.—Was not this Interrogatory 30, as to the general state of the fur trade, one of your own interrogatories?

Ans.—I believe it was.

Int. 482.—Is this Interrogatory 31 yours also: "Do you

know the amount of furs actually collected in Oregon in any one year?"

Ans.—Yes.

Int. 483.—What Indian trail did the Company follow, in making a road from Fort Vancouver to their saw-mills, near Mill Plain?

Ans.—I have not specified that as one which they did follow.

Int. 484.—Have you, in your answer to Interrogatory 32, specified any Indian trail which the Company followed in making a road?

Ans.—I do not remember now how specific I was in replying to that question. I can specify trails, if desired.

Int. 485.—Can you specify any Indian trail which you yourself saw, and knew to be an Indian trail, while you were in Oregon, that you, after thus seeing it, saw or knew to be changed into a road or followed as a road by the Hudson's Bay Company?

Ans.—I have seen Michel Ogden, in 1860, with a Company's train, on the trail from the Flat-Head Fort to Fort Colville. I have seen Linklater, in the same year, on the trail to Fort Kootenay. I have seen, in 1849, Mr. McArthur on the trail to Fort Hall. I have seen other parties on other routes or trails, at different times.

Int. 486.—How do you know that these trails between the Company's posts were not originally trails of the Company, and laid out by them, though common afterwards to Indians and whites?

Ans.—Both by common repute, and because the Indians had no other travelled trails between such points.

Int. 487.—Is not common repute and hearsay the authority for this statement: "They have also cut out so much of the trail from Cowlitz Landing to Nisqually as ran through the woods?"

Ans.—Dr. Tolmie is my authority for the statement that the Company had cut out the trail there.

Int. 488.—What was the width of this road as cut through the timber in the bottom of the Chihalis river?

Ans.—It varied in width in that part known as Saunders'

Bottom, two or three tracks sometimes straggling parallel to each other through the timber. How much the Company cut out, I don't know.

Int. 489.—To what width was the timber cut for the passage of the trail in what you call Saunders' Bottom at the time you first saw it, and state when you did first see it?

Ans.—I first saw that in December, 1853. It was with difficulty that two wagons could pass. How far, at that time, the timber was cut, I don't remember.

Int. 490.—Do you know anything about the condition, from your own observation, of the road, 60 or 70 miles in length, from Cowlitz's Landing to Fort Nisqually, before 1853?

Ans.—Having subsequently surveyed the route of the road, with a view to its improvement, I know, from personal observation, that in places it must have been a bad one.

Int. 491.—Did not all the travel from Columbia river to the Sound pass over at least 40 miles of this route during the time you personally knew it, and until the new military road was opened on the other side of the Chihalis river?

Ans.—It did, but it did not amount to much.

Int. 492.—Was there not, to your knowledge, in the summer season, a four-horse coach running from Olympia, on the Sound, over a portion of the old route to Monticello, on the Cowlitz river, below a place called Cowlitz Landing?

Ans.—I never saw it.

Int. 493.—Did not Dr. Tolmie, in some of the conversations, speaking of the Cowlitz road, tell you that the coach was running over that road, or a portion of it?

Ans.—No.

Int. 494.—On this road, from Cowlitz Landing to Fort Nisqually, were there not numerous bridges built over low grounds, swamps, and some of the very small streams occurring on the road?

Ans.—There was some very rough corduroying, and a few small bridges.

Int. 495.—Did the employes of the Boundary Survey build any bridges, or corduroy, on any portion of the trail they cut?

Ans.—They did.

Int. 497.—Did the Boundary Commission travel with anything but pack animals?

Ans.—They did, from Colvile to Walla-Walla, and from Colvile to Sinyakwateen.

Int. 498.—Did the Boundary Survey use anything but pack animals in travelling over the clear tract of 8 feet wide, cut out by its employés?

Ans.—No, of course not.

Int. 499.—Were the bridges you speak of constructed by the Boundary Survey anything better or different than the common corduroy?

Ans.—Some of them were very well constructed, of split puncheons, spiked down.

Int. 500.—Were there any barges or steamers on the Columbia river, above White Bluffs, which could be hired for transportation during the time of the McClellan expedition or the Boundary Survey?

Ans.—There were no steamers. Bateaux could have been hired at Colvile, if required.

Int. 501.—What authority have you for the statement that for several years before 1860, the transportation of supplies to Colvile was from Victoria?

Ans.—Partly from officers of the Hudson's Bay Company, and in part from citizens and what I knew myself.

Int. 502.—State when your personal observation of this transportation between Colvile and Victoria first took place, giving the exact date.

Ans.—My personal observation was of a negative character, in ceasing to see their bateaux and boatmen. The exact dates I cannot pretend to give.

Int. 503.—Do you know anything of their bateaux, with boatmen, passing up and down the Columbia river, except from hearsay?

Ans.—I have seen bateaux and boatmen at Fort Vancouver in early times. I also saw them in 1853 at Colvile. Subsequently I do not recollect to have seen any, though I may have seen them at Vancouver.

Int. 504.—At what date did you first visit Colville after 1853?

Ans.—Not until 1859.

Int. 505.—Were there not bateaux at Colville at that time?

Ans.—I recollect seeing two, which had been built some time and never been used.

Int. 506.—Could not the Commission have hired them?

Ans.—I presume they could.

Int. 507.—Would these bateaux hold enough to have been of use in bringing freight from White Bluffs to Colville for the Boundary Survey party?

Ans.—Yes.

Int. 508.—Who did they belong to?

Ans.—I understood to one of the discharged men of the Company.

Cross-Examination Resumed, July 8, 1867.

Int. 509.—Do you know anything of your own personal observation of the condition and prospects of the mining region on the western slope of the Rocky Mountains since 1860?

Ans.—No; I have not been there since.

Int. 510.—Do you know anything from your own personal observation, since 1860, of mines on the Columbia river and its tributaries north of 49°?

Ans.—Nothing from personal observation.

Int. 511.—What portion of the year did you spend at the boundary survey camp, United States post, near Colville?

Ans.—I spent the winter, from some time in November, 1859, until March, 1860, and subsequently was there again for a short time in the fall of 1860.

Int. 512.—During these times you have last mentioned, did any pack-train arrive from Oregon at the post or the village near the post?

Ans.—I think the last Government train from Walla-Walla was already in when I stopped at the post in 1859, but that a sutler's train, and perhaps goods for store-keepers at the vil-

lage of Pinkneyville, arrived afterwards; as to 1860, I know nothing.

Int. 513.—Did you see that train with goods for the sutler?

Ans.—I can't say that I did, but I believe that the sutler brought up goods after my arrival there.

Int. 514.—Were you well acquainted with the late Dr. McLoughlin?

Ans.—I was.

Int. 515.—Where did he reside?

Ans.—At Oregon City.

Int. 516.—Did you visit Oregon City as frequently as you did Fort Vancouver?

Ans.—I think not.

Int. 517.—Did Dr. McLoughlin tell you that he had helped and assisted the early emigrants in their settlement of Oregon?

Ans.—He did.

Int. 518.—Did he tell you that he was at that time an officer of the Hudson's Bay Company and the head of the establishment at Vancouver?

Ans.—At the time of which he spoke, he was an officer of the Hudson's Bay Company and in charge of Fort Vancouver; that he said so in terms, I cannot say. It was as well known as the fact of one having been President of the United States at a particular period.

Int. 519.—Name the officer of the Hudson's Bay Company who told you that the policy of the Company as fur traders was decidedly hostile to settlement of Oregon by the early emigrants. State, also, the time when and the place where it occurred, and giving also the rank of the officer in the Company at the time?

Ans.—Incidentally it was apparent in conversation with the officers generally; directly, the only officers whose names I could give are Dr. McLoughlin and Governor Ogden. This information was received in the course of conversations that took place during various visits that I made to them at Oregon City and Fort Vancouver, the precise dates of which I am unable to give.

Int. 520.—At what time did Governor Ogden speak to you of the colonization of Vancouver's Island?

Ans.—I cannot give the date of conversations of which I took no note.

Int. 521.—Have you not, in reporting these conversations of Dr. McLoughlin and Governor Ogden, rather given your impressions of what they said than the actual conversations, or the substance of them?

Ans.—I think I have given the substance of them correctly.

Int. 522.—In your conversation with the officers of the Company, did you learn the fact that there were no colonists whatever on Vancouver's island at the time Mr. Douglas was made Governor?

Ans.—I cannot say that I did.

Int. 523.—Name the officer of the Company who told you that he was disappointed at the settlement of the boundary, giving time and place, and also the rank of the officer in the Company at the time.

Ans.—I cannot name any one in particular. I do not think any of them would deny it.

Int. 524.—Have you ever been on French Prairie, in the valley of the Willamette?

Ans.—Yes; I have passed through it.

Int. 525.—Did you ever converse with any of the settlers on French Prairie while passing through there? if so, state when was it, and give the name or names of the party or parties with whom you had any conversation or conversations.

Ans.—I have no recollection whether I conversed or not with parties resident on the French Prairie while in the act of passing through it.

Int. 526.—What discharged servant of the Company, knowing him to be such, did you ever see settled or residing on French Prairie?

Ans.—I have seen Canadians whose homes were on the French Prairie, who, by common report, had been servants of the Company.

Int. 527.—Is not all you know about the settlement on French Prairie embodied in your last answer, namely, that

you have seen Canadians, reported to be servants of the Company, who had settled upon the French Prairie?

Ans.—It is a matter of recollection, though I cannot specify individuals, nor swear to the fact of their having been in the service of the Company, that such was the common and undivided acceptance of the fact.

Int. 518.—Is not the statement that the employés of the Company were encouraged to take up land an inference of your own, from the fact that Canadians, by common report, former servants of the Company, had taken up land in Oregon?

Ans.—I think not.

Int. 529.—By what authority, other than common report or hearsay, did you make this statement?

Ans.—That sort of conviction that grows out of familiar acquaintance with all the surroundings, and the general tone of conversation.

Int. 530.—Were not these settlements made before your arrival in the country in 1849?

Ans.—They were for the most part.

Int. 531.—Were you ever on Muck Prairie, or the Canadian Plain, so called, on the Nisqually Plains, before 1853?

Ans.—No.

Int. 532.—State when you were first on the Muck Prairie, and how often you visited it thereafter, and, as near as you can, the dates of these visits.

Ans.—In 1855. I don't remember how often I subsequently visited them, but not often; I can't state the dates.

Int. 533.—Can you state distinctly and plainly that you have made more than one visit to Muck Plain?

Ans.—I distinctly remember but one, though I think I have been there more than once.

Int. 534.—At the house or claim of what settler on the Muck Plain did you stop at the time of the visit which you distinctly recollect?

Ans.—I cannot now be positive. I was surveying at the time, and I think stopped at two or three houses, probably Wren's or Smith's among the number.

Int. 535.—State when you first visited the Canadian Plain, and how many visits you made there.

Ans.—I certainly visited it on that occasion; don't remember any other time.

Int. 536.—Were you at the farm of any settler on the Canadian Plain?

Ans.—Most probably; but I cannot specify from memory.

Int. 537.—Is not all the statement made by you, in answer to Interrogatory 38, in reference to the Cayuse war, made from hearsay and common report?

Ans.—Of course it was. I was not in the country at the time, though I was when some of the Indians were hung for the offence; was cognizant of the testimony given, and conversed thereon with officers of the Company and with citizens.

Int. 538.—Did you hear the testimony of witnesses on the trial of these Indians?

Ans.—I don't remember whether I was present or not.

Int. 539.—Was it published and read by you afterwards?

Ans.—I think it was published in full; and I either read it or heard the substance at the time.

Int. 540.—Were not the Interrogatories 38, as to the Cayuse war; 37, as to settlement by employés of the Company; 36, as to the policy of the Company as regards settlement; 35, as to the effect of the discovery of gold on the Company's business; 34, as to transportation of the Company from Colville; 33, as to the way the Pacific Railroad and Boundary Commission supplied themselves; 32, as to the roads; and 31, as to the amount of furs collected—all questions dictated, asked, and answered by you?

Ans.—They were; most, if not all, of them.

Int. 541.—What reason had you for asking yourself the last question, "How the Cayuse war of 1847 was begun," when you knew nothing of its origin personally, and could only answer by hearsay?

Ans.—The object was to show that, with all the influence of the Company itself upon those Indians, in their immediate neighborhood, they had not been able to prevent this massacre,

and that it was not through the fault of citizens of the United States that this war and interruption to their trade occurred.

Int. 543.—In carrying out your object of showing that the influence of the Company over the Indians could not prevent this massacre, was this the only instance of the kind that you recollected?

Ans.—I think the case of the Molele war in the Willamette Valley shows also their want of influence, but I do not think that affected their trade.

Int. 544.—Do you think it important to show that the Company had not much influence over the Indian tribes in Oregon?

Ans.—I think it important to show that the loss of their trade did not originate through the fault of our people.

Int. 545.—Was the question 38, and the answer thereto, the best that you could do in carrying out this important object?

Ans.—That I really cannot say.

Int. 546.—Don't you recollect, amongst other reports, that you were told, and believed, that Dr. Whitman and his wife were American missionaries, settled in the Cayuse and Walla-Walla countries; that the other persons massacred comprised residents at this American mission and emigrants who had safely passed through the Snake country, and were then stopping at the mission; and that the young women abducted were chiefly American emigrants of the same year.

Ans.—I remember, with the exception of the date of the emigration.

Int. 547.—Did you not also hear that the attack upon this mission and its occupants arose from a belief on the part of the savages that some injury had been done, or was about to be done, to them by Dr. Whitman and those with him?

Ans.—I heard that one of the causes of the massacre was the superstition on the part of the Indians as to the origin of the measles which existed among them.

Int. 548.—Have not these superstitions as to the origin of the measles and small-pox several times been reported to you as causes which led the Indians either to drive off or obstruct both scientific parties and settlers?

Ans.—They certainly have led to such opposition.

Int. 549.—Did you not hear, as you have stated in your answer to Interrogatory 38, that Governor Ogden promptly interfered and ransomed the women, and that he at once, upon hearing the news of the massacre of these people and the captivity of others, in person, and accompanied by a large party of the employes of the Company, went to the scene of the massacre, and, by the exercise of his influence, rescued from captivity men as well as women?

Ans.—I have heard and believe those facts. Governor Ogden behaved nobly and promptly on that occasion, as I have stated in my printed report. I do not know, however, that any *men* were saved.

Int. 550.—Have you not also heard that these captives were purchased from the Indians, and that no portion of the expense of this expedition, or of the expense incurred in rescuing the captives, had ever been asked either of the Government of Oregon or of that of the United States by the Hudson's Bay Company?

Ans.—I did so hear, and believe it to be true.

Int. 551.—Do you not know that before the Indian war of 1855 and 1856 the Indian tribes east of the Cascade range were rich in horses, and that some of the tribes were possessors of cattle also?

Ans.—Some of the tribes, or rather individuals in those tribes, possessed large bands of horses. In other tribes horses were scarce. A few of them had cattle.

Int. 552.—Did not the Company, so far as your knowledge went, furnish to the Indians the blankets which they wore, their hats and shirts, and all the clothing they could afford to purchase. Were not the traps of the hunters and the guns used by them also furnished by the Company, and were not all these articles usually purchased by the Indians with their furs or with their labor?

Ans.—The Company, until the American merchants largely entered the country, certainly furnished all those articles, but of late years only a small portion for furs and very little for labor, obtaining exorbitant prices for them.

Int. 553.—How often, and at what distances of time between

your visits, have you visited the Cascade portage of the Columbia river?

Ans.—About three times. I was there in the fall of 1853; I think again in 1855, and again in 1860.

Int. 554.—Did you stop on either of these visits longer than was absolutely necessary to make the portage?

Ans.—I was on two occasions there for some hours.

Int. 555.—State when those occasions were, and what delayed you longer than was necessary to make the portage?

Ans.—In 1853 and 1860. In the first case, I was detained there by weather, and, I think, waiting for transportation. In the second, during the connection of the boats from the Dalles to the Cascades, and from the Cascades to Vancouver?

Int. 556.—Did you delay ten minutes longer than was absolutely necessary at this last visit in 1860?

Ans.—I did not hurry myself.

Int. 557.—Between the arrival of the down-boat steamer at the Cascades and the departure of the down-boat from the Cascades at the lower end of the portage, could you have found any moment of time that you were not necessarily compelled to stop at the portage?

Ans.—I could not get away before I did.

Int. 558.—At the time you were there in 1860 at the Cascades, were you on the north bank of the river, where the portage is usually made, at all?

Ans.—I was on the north bank of the river.

Int. 559.—Was there a railroad, with cars upon it, in use at that time on either bank of the river?

Ans.—There was either a railroad or tramway over which baggage was conveyed on the north bank, and some tressel work had been put up on the south side for another.

Cross-Examination Resumed, July 9, 1867.

Int. 560.—Was there anything like a railroad operated by horse or mule power or steam at the Cascades, on either side of the Columbia river, at the time you crossed the portage for the last time?

Ans.—There was something like a railroad; by what power it was managed, whether by mule or hand, I don't know.

Int. 561.—What was its length; between what points does it run; was it made with flat bar upon wood, or with the iron rail used for railroads operated by locomotives?

Ans.—That is more than I can say. My impression is that it passed the length of the portage.

Int. 562.—Did you see this road at all; if so, state at what points you did see it?

Ans.—I did see the road; at what points I cannot define.

Int. 563.—Did you see it except at the landing?

Ans.—If I recollect right, I did.

Int. 564.—State the points between the landings where you saw it, and how far you were from it at the time you saw it.

Ans.—I remember distinctly the existence of the road, and the fact of passing close by it; as to the rest, I don't remember.

Int. 565.—Is what you have last stated all you recollect of this road—"That you recollect passing by a road of some kind?"

Ans.—Pretty much all.

Int. 566.—How often were you at the Dalles?

Ans.—In 1849, 1853, and 1860.

Int. 567.—How long were you there in 1853, and how long were you there in 1860?

Ans.—I think over night in each case; certainly on the latter occasion.

Int. 568.—Do you know, of your own knowledge, where the usual landings were for steamers and batteaux before 1860?

Ans.—Only from the fact of our own landing in 1853 in boats.

Int. 569.—Did a part of the McClellan expedition go down the river, in 1853, in boats?

Ans.—It did.

Int. 570.—In 1860 were you any longer at the portage of the Dalles than the time required to land from the steamer at the landing, pass directly from the landing to the town at the Dalles, pass the night at the hotel, and go from there to the steamboat landing, and embark the next morning?

Ans.—I think not.

Int. 571.—Were you in 1860 anything more than a passenger on the travelled route by steamers down the river, going through with the utmost expedition that travellers could be carried on that route?

Ans.—Nothing.

Int. 572.—How long were you at the Cascades at the time you think you were there in 1855?

Ans.—Not over a day.

Int. 573.—Did you notice any steamboats or batteaux land at, or freight crossing the portage, at the time you were there in 1855?

Ans.—I recollect none but the boat I was in.

Int. 574.—Was there any freight passing over the portage when you were there in 1853, except that of the McClellan expedition?

Ans.—That I can't say.

Int. 575.—Was not the height of the Kettle Falls at the main fall some twenty feet?

Ans.—Perhaps so.

Int. 576.—What stream in that country, except that on which the Hudson's Bay Company's mill is located, near Colvile, affords a good water-power?

Ans.—I will instance two—the Spokane, and the Nehoiapitkwu.

Int. 577.—How far from Colvile is the water-power on the Spokane, and how far from Colvile is the water-power on the Nehoiapitkwu?

Ans.—The falls of the Spokane are fifty or sixty miles; those of the Nehoiapitkwu, twenty-five or thirty. There is also another fall on that branch of the Mill river on which the United States military post is situated, ten or twelve miles from the Hudson's Bay Company's post at Colvile, which I should judge to be equally good.

Int. 578.—In what direction from Colvile is the Nehoiapitkwu river, what was the stage of the water in the river at the time you saw the power, what was the height of the fall, and how wide was the river, and what depth of water did it carry, and into what stream did it empty?

Ans.—Directly west of Colvile; the water was at an ordinary low stage; the river fordable for animals belly deep; the fall about twenty feet, if I recollect right; the stream I judge to be fifty yards wide, though narrowed at that point. It falls into the Columbia.

Int. 579.—Is not this stream difficult to get at by common travel at the falls, and surrounded by a hilly or mountainous country?

Ans.—At the time of my visit no wagon road had been opened there. The valley was bordered by hills on either side, covered with forests, except the valley of the river, in which are prairies next in value to those at Fort Colvile.

Int. 580.—How wide is the valley for ten miles above and below the falls?

Ans.—That I could not say without looking at the survey of it.

Int. 581.—Were you ever at the falls of Spokane that you have mentioned?

Ans.—I was not.

Int. 582.—Is not the power on Mill creek, near the Government post, within a few miles of the head of that stream?

Ans.—It is, I suppose, within a few miles of the head of that branch of the stream.

Int. 583.—Is not the whole of that country on the plateau, for a long distance to the south of Fort Colvile, and north and east of it, and part of the country west, suitable for grazing purposes, and for the extensive raising of sheep?

Ans.—In the first place the plateau lies south of the Spokane river, and I consider it an inferior grazing country, and unsuitable for sheep from its climate. As to the country north and east of Colvile, I know of none suitable either for cattle or sheep, excepting the narrow valley of the Kootenay river.

Int. 584.—Is not what was called the Colvile Valley itself valuable for agricultural purposes?

Ans.—It is, but its extent is very limited.

Int. 585.—In speaking of the roads, you have stated that the Company used the Indian trails, do you not know the fact that Indians did not have much communication with each other,

and knew but small portions of the country, as a general rule, that were inhabited by the tribes to which they belonged?

Ans.—No, that is not the fact.

Int. 586.—Were you not a member of General McClellan's expedition, and is not his report carefully prepared, and the statements therein to be considered accurate and true?

Ans.—I was a member of that expedition; the report was I know, carefully prepared, and the statements therein accurate and true, so far as his knowledge went.

Int. 587.—Is this statement from General McClellan's report correct: "Guides we took from place to place, as we could find them; for even among the Indians there were none who knew more than small portions of the country we traversed?"

Ans.—Captain McClellan was under a mistake as to the motives which actuated the guides. Their jealousy of one another is such, that each tribe is unwilling that members of another should convey strangers through their lands. That, however, they do know extended tracts of country may be inferred from the fact that one of our guides, who came from the Yakama country, left us at Colvile, on his way to the Buffalo Range, east of the Rocky Mountains, whither a number of his people had already gone.

Int. 588.—Would not traversing the Indian country by large parties of a trading company, engaged in supplying the Indians with goods, cause the Indians who accompanied the trains to become better acquainted with the Company and the other tribes?

Ans.—Undoubtedly.

Int. 589.—After the treaty of 1846, would not the control and influence of the Hudson's Bay Company over the Indians south of 49th degree be materially diminished, and, to use your own language, would not "the sceptre depart from Judah?"

Ans.—In those parts of the country occupied by the Americans this would unquestionably be so.

Int. 590.—You have stated in your report that some Indians

were rich in horses; the price of the horses of what tribe were worth from \$40 to \$100?

Ans.—The horses I spoke of were, I presume, Nez Percés and Walla-Walla.

Int. 591.—Is your statement in your report correct where, in speaking of horses, you say the best are those belonging to the Cayuse and Nez Percés?

Ans.—The best that I saw did.

Int. 592.—Did you see the horses of Piu-piu-mox-mox in the fall of 1853?

Ans.—Most probably.

Int. 593.—Was not this man a chief of the Cayuse or Walla-Wallas?

Ans.—I think he was a Walla-Walla.

Int. 594.—Where was Dr. McLoughlin when he made this statement to you in reference to the indebtedness of citizens to him, and when was it?

Ans.—At his own house, and prior to the preparation of my report to McClellan, as I had there referred to it.

Int. 595.—Can you not give the time of this conversation more distinctly?

Ans.—I cannot. I called upon Dr. McLoughlin whenever I was in Oregon City. It may have taken place at one or more numerous visits.

Int. 596.—Did Dr. McLoughlin tell you that the settlers owed him personally \$30,000?

Ans.—I so distinctly understood him.

Int. 597.—Was he the author of the statement you have made concerning a Molele war?

Ans.—He may very possibly have spoken of it among others.

Int. 598.—When did this Molele war occur, and with what tribe of Indians, and how many whites were killed in it?

Ans.—It happened, I believe, a year or two before I came into the country. The Indians engaged were the Molele tribe, inhabiting the eastern side of the Willamette Valley and the Cascade range. The number of killed and wounded on both sides, I believe, was very small.

Int. 599.—Was it anything more than a short quarrel between a very small tribe of Indians and the whites?

Ans.—No; the Indians were but few, but plucky.

Int. 600.—Were not interrogatories 42, as to Dr. McLoughlin's statement of indebtedness of citizens to him; 41, as to value of Kettle Falls for manufacturing purposes; 40, as to obstruction of portages of the Columbia; and 39, as to the Company's policy in regard to the Indians, asked by yourself and dictated by you?

Ans.—They were all prepared and written out by myself, and answered by myself.

Int. 601.—Is this Interrogatory 43 also one of yours: "Do you know any other matter touching the claim of the Hudson's Bay Company against the United States, or is there any explanation which you wish to make?"

Ans.—It was.

Int. 602.—Did you not receive from the Secretary of State of the United States a statement that your action in refusing to allow the Prince of Wales to take Judge Strong's freight up the river was disapproved of?

Ans.—Instructions came from the Secretary of the Treasury in regard to that matter, directing, if I recollect right, that no interference with the rights of the Hudson's Bay Company under the treaty should take place; inferentially, I presume, disapproving of what had been done.

Cross-Examination Resumed, July 10, 1867.

Int. 603.—In what instance was it that you incurred a dangerous responsibility in granting a permit?

Ans.—In the case of the Victory, Captain Ryan.

Int. 604.—How came you to grant this permit to the Victory for the goods belonging to the Company and those belonging to other parties on board the vessel?

Ans.—From the exigency of the case, there being no warehouse at the port of entry where the goods could be stored.

Int. 605.—What became of the goods belonging to other parties on the Victory; where were they landed?

Ans.—The vessel was consigned to the Company. I presume all the goods on board belonged to them or their people.

Int. 606.—Where did the vessels from foreign ports that you say passed the bar of the Columbia river, during the year 1850, discharge their cargo?

Ans.—I do not think any vessel from foreign parts arrived during that year, except the *Mary Dare*, from the Sandwich Islands, also consigned to the Company, and she was allowed to go to Vancouver.

Int. 607.—Where did the vessels that arrived during the year 1850 from the Sandwich Islands discharge their cargo?

Ans.—I have already said that I recollect but one vessel from the Sandwich Islands.

Int. 608.—Have you not elsewhere stated that there were one or two vessels entered from the Sandwich Islands?

Ans.—I have.

Int. 609.—When did the French vessels go up the river to load above Astoria?

Ans.—Before I arrived there.

Int. 610.—During your term of service as deputy collector and collector, do you recollect that any vessel coming from foreign ports with dutiable goods on board, destined for Portland, was allowed to pass up the river and discharge her freight at that place, under the supervision of an inspector or other proper officer of the custom-house?

Ans.—None that I remember from foreign ports.

Int. 611.—Do you remember any vessel from foreign ports, during the time specified, discharging dutiable goods at Astoria?

Ans.—No.

Int. 612.—Do you now distinctly state that within your recollection, while you were discharging the duties of deputy collector and collector, there was no instance in which an inspector or other proper officer of customs accompanied a vessel to Portland, for the purpose of supervising the discharge of the goods subject to duty of her cargo?

Ans.—No, I don't; I recollect one case of an American vessel bringing bonded goods from San Francisco.

Int. 613.—Did an inspector accompany this vessel to Portland?

Ans.—I don't remember.

Int. 614.—Were those bonded goods landed at Astoria?

Ans.—They were not.

Int. 615.—Do not the regulations of the revenue service require that a proper officer of the customs should be present when dutiable goods are landed?

Ans.—I believe they do.

Int. 616.—Did these bonded goods pass up the river while you were deputy collector or collector?

Ans.—I really do not remember at which time.

Int. 617.—Where were the duties paid?

Ans.—I suppose at the custom-house.

Int. 618.—Were they paid before the vessel went up the river or afterwards?

Ans.—That is more than I can tell.

Int. 619.—Why did you incur the responsibility of giving credit for duties to the Hudson's Bay Company, as you have stated in your answer to Interrogatory 43?

Ans.—As a matter of comity, and from circumstances arising out of the condition of the country.

Int. 620.—What were those circumstances?

Ans.—The fact that population was almost entirely seated above Astoria.

Int. 621.—In 1850, was not time given to the Company only in some instances, and that for the purpose of enabling them to collect the necessary gold coin to pay the duties in, the ordinary currency of the country at that time being coin of almost every kind?

Ans.—The ordinary currency of the country at the time was gold dust, coin of every kind being scarce. I know that the Company had not coin at all times, but that was no business of the collector.

Int. 622.—Did you not, as a part of your now erased answer to Interrogatory 601, state that there was but one case in which you had any remembrance whether credit was desired or not, and that was the case in which a considerable amount of duties

was to be paid; and afterwards, in answer to an interrogatory now erased, stated that answer to refer to the Victory? Was that the one instance in which you remember credit to have been asked and given, and was that the Victory?

Ans.—I caused that portion of the answer to be erased before concluding my reply, because, upon reflection, I do not feel justified in speaking positively of the details of transactions occurring at that distance of time, in which there may have been some complication, and which I have since had no occasion to recall.

Int. 623.—Did you not also say, and cause to be erased, in answer to Interrogatory 601, that eventually but a part of the duties were paid in coin? Is it or is it not true that the duties on foreign goods on vessels entering at the custom-house in 1850 were paid in coin, or not?

Ans.—I believe all duties were paid in coin, with the exception of part of those of the Company.

Int. 624.—Do you wish now to change or modify in any respect, in view of your late answers, your answer to cross-interrogatory 83, when, in speaking of the duties on the goods carried in the five or six vessels that entered the Columbia river during your time as deputy collector, between January 1, 1850, and the spring of 1851, when you left, in answer to that Interrogatory 83—"Were the duties on the goods carried on these five or six vessels paid in money?"—you say, "They were, except that time was given in some cases to the Hudson's Bay Company to collect the necessary amount in such coin as the law required, gold dust not being receivable, and the ordinary currency of the country including coins of almost every kind and every nation?"

Ans.—I should explain that in reference to the currency, gold dust was in common use in all ordinary transactions; that that could not be taken in payment of duties; and that American gold or American coin of any sort was difficult to obtain. Most of the coin in the country was foreign, and not receivable. For the rest, I see nothing to modify.

Int. 625.—State a single instance, if you can, in which, under the revenue laws of the United States, a forfeiture might

have been exacted of the vessel, or property, or goods of the Hudson's Bay Company by which money could have been made, and which, during your term of service as custom-house officer, was passed by or omitted?

Ans.—The vessel, I think was the Cadboro, from Victoria to Nisqually. At any rate, it was one of the Company's vessels that took goods to Nisqually without previous notice or entry.

Int. 626.—How was this vessel finally released?

Ans.—As I remember, on payment of duties, and an agreement on the part of the Company to make returns in future.

Int. 627.—How early in your time of service as deputy collector was this vessel seized?

Ans.—I do not now recollect.

Int. 628.—When was the custom-house at Astoria opened?

Ans.—I think General Adair arrived there early in 1849.

Int. 629.—How long before your arrival at Astoria had vessels made entry in the custom-house?

Ans.—I believe at least as early as the preceding June.

Int. 630.—Was the collector, General Adair, at Astoria, when you forbade the master of the Prince of Wales to take Judge Strong's freight on board?

Ans.—I think he was, but am not positive.

Int. 631.—Did he direct the writing of the letter forbidding this freight to be taken, or did you act in that matter on your own responsibility?

Ans.—That I can't say. The letter is written on the part of the collector, and, I suppose, by his authority, although signed by me. If he were at Astoria I should not have written it without his approbation.

Int. 632.—Where had the United States District Attorney, Holbrook, come from at the time you wrote this letter; how long had he been at that point, and what was his business there?

Ans.—The Prince of Wales had been forbidden by me as early as the 10th of March preceding from being employed in any other than the actual service of the Company, and from navigating the Willamette river, as I informed Gov. Ogden in

a letter or postscript of that date. Mr. Holbrook was then present. It was to that date, and not to the date of the August letter that I refer. He had, I think, just arrived from San Francisco.

Int. 633.—Do you wish now to state that Mr. Holbrook was not present when the order to the master of the Prince of Wales was issued?

Ans.—I do not remember whether he was or not.

Int. 634.—Have you not once stated in your explanation of your order to her master not to take freight, that District Attorney Holbrook was present, and that you acted under his advice?

Ans.—He was present, and I acted by his advice when I issued the original order or rather notice that she could not enter upon other than the trade of the Company, which he attempted to infringe on this occasion, and that was what I intended to state.

Int. 635.—You now state, then, that Mr. Holbrook, the United States district attorney, was not present when the order for the master of the Prince of Wales was issued?

Ans.—No; I told you I did not remember anything about that.

Int. 636.—If you did not remember anything about it, why did you state, in your explanation in answer to Interrogatory 43, that “Mr. Holbrook, the United States District Attorney, was present when the order to her (referring to the Prince of Wales) master was issued?”

Ans.—The statement is incorrect as far as it expresses the order given to her master. I should have said the instructions to Mr. Ogden, though I may have given an order to her master at that time also.

Int. 637.—How did Mr. Holbrook and Mr. Dorr go up the river about the 10th of March, 1850?

Ans.—I don't remember.

Int. 638.—Was not your explanation of the Prince of Wales matter made in view of the correspondence put on file by the Company in this case, and printed as a part of their testimony, and had you, at the time you made this explanation, recollec-

tion of any other letter or correspondence other than that so printed?

Ans.—It was made in view of this correspondence, and of this only.

Int. 639.—Was not the interest of a thousand dollars in the steamer referred to in your answer, to be paid for by you out of the profits of your share, and was not the share allotted to you on account of your supposed influence as deputy collector and, practically, collector of that district?

Ans.—It was not necessarily to have been paid for out of the profits, nor was it so allotted to my knowledge.

Int. 640.—If not necessarily to have been paid for out of the profits, was it not in contemplation of parties interested that your share of one thousand [dollars] would be paid out of the profits?

Ans.—I cannot say what others may have contemplated in relation thereto. In respect to myself, I certainly expected her to be profitable, and that those profits would go at any rate in part payment.

Int. 641.—Did the steamer prove to be a profitable investment?

Ans.—I think she did, to some of the parties.

Int. 642.—Did she prove to be a profitable investment when she was running from Astoria up the river, before your connection with her ceased?

Ans.—My connection with her was a very short one. I hardly know whether it lasted more than a week or two; and as to her profits during the time I cannot say. I wish to state, in addition to a former reply, that I had acted as clerk to the Company during the time of her building, and that, doubtless, was one motive in giving me the refusal of the share.

Int. 643.—Did not your name appear on her register as one of the owners?

Ans.—I have already answered that question.

Int. 644.—What was the answer that you then made?

Ans.—That I did not remember.

Int. 645.—Would not the register for that vessel have been issued by yourself, though signed by the Collector?

Ans.—It would.

Cross-Examination Resumed, July 11, 1867.

Int. 646.—Have you not in this language of your explanation, “For the rest, the Hudson’s Bay Company were not entitled by the treaty to the navigation of the Willamette,” given your opinion as a lawyer on the construction of the treaty, and not testified to a fact derived from your own personal observation?

Ans.—I have given the opinion under which I acted.

Int. 647.—Is that your opinion?

Ans.—It is.

Int. 648.—Did the French ships which you mention in your explanation pay their duties before they went up the river?

Ans.—One did not pay, at least, all her duties. As to the other, I know nothing about it, except that there was some correction subsequently made.

Int. 649.—Were you there when the French ships arrived?

Ans.—They had both arrived before I reached the country.

Int. 650.—Does the law of the United States authorize the collector of a newly-constituted district for the collection of customs to allow a vessel from a foreign port to unload, that took her departure from that port not knowing the existence of that port of entry, above the port, and to navigate American waters?

Ans.—I do not propose to enter into an argument upon the laws of the United States.

Int. 651.—Were the Hudson’s Bay vessels coasters?

Ans.—I did not consider them such.

Int. 652.—Did they bring in dutiable goods?

Ans.—They did.

Int. 653.—Were there any warehouses at Astoria while you were deputy collector there?

Ans.—There was one, but not suitable for storing goods.

Int. 654.—What distinction, then, can you make between the case of the French ships and the vessels of the Hudson’s Bay Company, except that the latter left France not knowing of a port of entry at Astoria?

Ans.—The statement refers simply to the Willamette river, of which Mr. Ogden complains. The Prince of Wales was not admitted to navigate it, while the French ships were—the Prince of Wales attempting thereby to establish a coasting trade between Astoria and that river.

Int. 655.—Did not General Adair incur the same dangerous responsibility, as collector, in granting the permit to the French vessels and giving a partial credit for the duties to one of them, that you say you did in reference to the Hudson's Bay vessel?

Ans.—Of course.

Int. 656.—Have you not, in the preparation and calling of witnesses, and in the defence of this case, acted in the same manner as you have stated you did in the defence of the case of the Puget's Sound Agricultural Company, except so far as your own evidence in this case is concerned, in reference to certain interrogatories?

Ans.—Certainly I have.

GEORGE GIBBS.

*Direct examination resumed this 17th day of August, 1867, of
Mr. George Gibbs.*

Int. 1.—Do you desire to make any explanation or modification of any part of your testimony; if so, please to make the same?

Ans. Yes, sir; on examination of retained copies of some custom-house papers, made while I was deputy collector in the year 1850, and which I have looked over since my cross-examination, I find that I was mistaken in saying that certain parcels of goods imported by the Hudson's Bay Company were taken first to Fort Vancouver, and thence transported to Victoria. Inspection of these papers shows that the goods were taken to Victoria in the first place in the annual ship from London, and that such portions of them as were fitted for the Oregon market were sent thence to Vancouver. I will

also state that I may have confounded the Prince of Wales with some other vessel belonging to the Company, in respect to her having left the Columbia river, as I do not find her name among the clearances and entrances.

GEORGE GIBBS.

Further interrogatories addressed to George Gibbs on behalf of the United States.

Int. 1.—In the 27th interrogatory you refer to certain photographs. Please examine the two now presented to you and say whether they are or are not the same referred to in that interrogatory.

Ans.—They are. They are marked C and D.

GEORGE GIBBS.

WASHINGTON, August 24, 1867.

Examination in chief of G. C. Gardner resumed February 15th, 1867.

Int. 1.—Look at these photographs now exhibited to you, and marked copy of "A" and copy of "B," and say whether they are correct copies of the photographs which were marked "A" and "B," and shown you at the time you gave your answers to Interrogatories 9 and 14 of your direct examination?

Ans.—They are.

G. CLINTON GARDNER.

FEBRUARY 15, 1867.

Further Interrogatories addressed to George Clinton Gardner on behalf of the United States, Washington, August 23, 1867.

Int. 1.—Please to examine the photograph exhibited to you and state whether or no you recognize it as representing any object which you have ever seen. (Annexed, marked E.)

Ans.—I recollect it as a photograph of houses which stand to the north of Fort Colville, about the same distance from the bank of the river Columbia as the Fort, and not a great distance from the Fort.

G. CLINTON GARDNER.

DISTRICT OF COLUMBIA, }
County of Washington. }

I, Nicholas Callan, a Notary Public, in and for the county and district aforesaid, do hereby certify that the foregoing depositions hereto attached, of William B. McMurtrie, William Gibson, Gordon Granger, Sylvester Mowry, William J. Terry, John F. Noble, George Gibbs, and George Clinton Gardner, witnesses produced by and on behalf of the United States, as also the cross-examination of Edward J. Allen, a witness previously examined in chief before Samuel H. Huntington, clerk of the Court of Claims, in the matter of the claims of the Hudson's Bay Company against the United States, now pending before the British and American Joint Commission for the final adjustment thereof, were taken and reduced to writing in the said city of Washington, under my direction, by a person agreed upon by Charles C. Beaman, jr., Esq., attorney for the United States, and Edward Lander, Esq., attorney for the said Company, commencing with the second day of May and ending with the twenty-third day of August, 1867, according to the dates of the several depositions when they were respectively signed.

I further certify that to each of said witnesses before his examination, I administered the following oath:

“You swear that the evidence you shall give in the matter of the claims of the Hudson’s Bay Company against the United States of America, shall be the truth, the whole truth, and nothing but the truth: so help you God.”

And, that after the same was reduced to writing the deposition of each witness was carefully read to and then signed by him in the presence of the counsel for claimants and defendants.

I further certify that the map marked “A. W. W. B.,” attached to the deposition of said William B. McMurtrie, and the photographs marked C, D, and E, attached to the several depositions of George Gibbs and G. Clinton Gardner are the ones therein respectively referred to.

In testimony whereof I have hereunto set my hand and official seal this 24th day of August, 1867.

NICHOLAS CALLAN,
Notary Public.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of *Rufus Ingalls*, Assistant Quartermaster General, Brevet Major General, U. S. Army, duly sworn according to law, and examined in the city of New York, State of New York, by virtue of an agreement between Charles C. Beaman, jr., agent and attorney for the United States of America, and Edward Lander, agent and attorney for the Hudson's Bay Company, before me, W. H. Gardner, a notary public in and for the State of New York, duly commissioned and sworn, on the part of the United States.

TESTIMONY OF BVT. MAJ. GEN. INGALLS.

Int. 1.—Will you describe Fort Vancouver, post of the Hudson's Bay Company?

Ans.—I first saw the post of the Hudson's Bay Company at Vancouver in May, 1849, at which time it was about its height of prosperity. The post itself was surrounded by a stockade of probably some eighteen hundred feet in length. The principal buildings were within the stockade, and consisted of such as were described in my former examination.

Int. 2.—Whether or no you ever built any buildings near Fort Vancouver? If so, what ones?

(Objected to as irrelevant.)

Ans.—I did. I commenced building at Fort Vancouver in the same year, (1849,) and built what is known as the military

post at Fort Vancouver in 1850; and was engaged in building and repairing buildings for several years afterwards. All the buildings at the different military posts in Oregon and Washington Territory were erected under my supervision.

Int. 3.—Give a comparative estimate of the number and capacity of the buildings at the military post of Fort Vancouver, as compared with the Hudson's Bay Company's post of the same name.

(Objected to as incompetent.)

Ans.—In 1850, the Hudson's Bay Company's establishment, as to buildings, was more extensive, probably, than at any other time. In the autumn of that year the military post at Fort Vancouver consisted of ten sets, with kitchens and out-buildings to correspond, and three or four sets of barracks. I considered that the post was worth as much, and had cost more, than the trading-post of the Hudson's Bay Company at that place.

Int. 4.—Will you please state under what circumstances the military post was erected, and what was its cost?

(Objected to as irrelevant.)

Ans.—It was the first military post established in that country. It was located at Vancouver upon the advice and with the consent of the Hudson's Bay Company, as represented in the person of Peter Skene Ogden, chief factor of the Hudson's Bay Company, in charge at that place. It was also considered the most central location for the distribution of supplies. The object of troops at that point was for general protection. In a report which I made about that time, after a detailed examination, the cost of the public buildings was fifty thousand dollars. The post, however, had been built when the cost of labor and material was highest. Mechanics, for instance, were paid eight dollars per day, and lumber from sixty to one hundred and twenty-five dollars per thousand, while the Hudson's Bay Company's post was constructed at leisure, and when labor and material were very low.

Int. 5.—Whether or no you believe that you could have built, during the years 1849 and 1850, a post like the Hudson's

Bay Company's post at Fort Vancouver, with its stockade and buildings, for fifty thousand dollars?

(Objected to as incompetent.)

Ans.—I do not say I could have done it in those years. I believe I could have done it for less three years earlier or later, with the facilities existing at those periods.

Int. 6.—How long do you estimate it would have taken one hundred workmen, of which ten were skilled and the rest ordinary workmen, to have built such a post as the Hudson's Bay Company's post at Vancouver, at that place?

Ans.—The work should, in my opinion, have mostly been done in the course of a year.

Int. 7.—Whether or no you have visited Fort Vancouver since your previous testimony in the case? If so, describe the Hudson's Bay Company's post as you then saw it.

Ans.—I visited Fort Vancouver last year, in July and September. The Hudson's Bay Company's post had disappeared almost altogether; no houses nor sheds remained; there was one little rick of rotten hay and straw, partially covered by a portion of a fallen roof, only remaining to mark the site.

Int. 8.—What would you estimate to have been the largest number of acres cultivated by the Hudson's Bay Company during any one year during your stay at the post?

Ans.—I do not know; probably the Company did not know exactly. During the earlier years the number was large, say two thousand for all purposes, except grazing.

Int. 9.—What do you know of any servants of the Hudson's Bay Company taking land around Fort Vancouver as donation claims?

Ans.—I know that, in 1850, Governor Ogden adopted the policy of placing old servants of the Company on most of the valuable portions of land included in the Company's claim, under a nominal lease, to preserve the lands from squatters, with the expectation that if the Company did not hold these lands these servants would hold under the donation law. I had this from Governor Ogden himself. (All the above answer, made from statements of Gov. Ogden, objected to as incompetent, and also as not the best testimony of the matter therein

stated.) And I know that some of these servants afterwards held their claims.

Int. 10.—What do you know of the mills owned by the Company on the creek above Fort Vancouver?

Ans.—I know they had a grist-mill and saw-mill in fair working condition, five and six miles above the fort, on small streams, and near the bank of the Columbia river. The saw-mill was a simple, plain, ordinary mill, which never should have cost much money. There had been another mill previously built, but, to my knowledge, never worked by the Company. The saw-mill, which was worked by the Company, was a single saw, and which, when worked to its greatest capacity, would cut out some three thousand feet per day, but was frequently out of repair.

Int. 11.—Do you know why the other saw-mill was not used?

Ans.—I do not know much about the other mill, which was said to have had a gang of saws.

Int. 12.—What would you estimate to have been the value of the mill with a single saw in 1851?

Ans.—At the close of that year I would not have given five thousand dollars for it; I have no other test to apply.

Int. 13.—Whether or no you had not yourself, previously to this time, run this mill?

Ans.—In 1850, in the early part of the year, the mill was run under my direction for six months; but the expense attending it was very heavy, and the mill was frequently out of repair; lumber at the time was unprecedentedly high. After this, I would not have leased and run the mill on hardly any terms.

Int. 14.—What was the character of the roads about Fort Vancouver?

Ans.—In 1849, in the open country, the roads were very fair, and a person could ride or drive almost any where. The roads leading to the mill and Fourth Plains, in the summer time, were very good dirt roads. They had been made on Indian trails through the forests. At a later time, good wide roads were made through these forests by our own people.

Int. 15.—What do you know of forests deadened by fire?

Ans.—There were very heavy fires in the fall of 1849, which deadened large tracts of timber lands in the vicinity of Fort Vancouver.

Int. 16.—Whether or no you know of any distillery used by the Hudson's Bay Company at their post?

Ans.—There was no distillery at Fort Vancouver, to my knowledge, during my period of service there, used by the Hudson's Bay Company.

Cross-Examination.

Int. 1.—Have you not been previously examined on the part of the United States in this case; and, if so, at what time?

Ans.—I have been; about fourteen months ago.

Int. 2.—At what time in 1850 did you commence to build the Government posts at Fort Vancouver?

Ans.—The first buildings I put up there, I put up in 1849, commencing in the month of June.

Int. 3.—Did you not commence the building of the military post at Fort Vancouver, which consisted of ten sets of officers' quarters, with kitchens and out-buildings to correspond, in the spring of 1850?

Ans.—I did.

Int. 4.—Was not this post, at the time you built it, built of logs squared only on two sides?

Ans.—Mainly. There were two sets, however, that were highly-finished and expensive houses for that country at that time. The one set was known as the commanding officer's quarters; the other, the office and quarters of the chief quartermaster.

Int. 5.—Did these two sets, during the year 1850, differ from the other buildings, except in being built with logs more carefully squared on the four sides, instead of being reduced only on two?

Ans.—The logs in all of the buildings were carefully selected, but were not squared, as a rule, in any case, but were notched at the ends and laid one above the other, and were made tight

by what is known as chinking and daubing. Subsequently, when it became necessary to line and finish them inside, the inner portion of the logs were squared so as to permit the lining to be done properly. The commanding officer's house was a large two-story building, and was finished, by being thoroughly lined and painted, in 1850. The quartermaster's house was a large two-story frame building, finished, by being lathed, plastered, and painted, in the same year.

Int. 6.—Was this quartermaster's house included in your estimate of the cost of the post at fifty thousand dollars?

Ans.—It was.

Int. 7.—What was the cost of that quartermaster's house, plastered and painted and in complete order? Give also its size?

Ans.—It was a house prepared in all its different parts in New England, shipped to California, purchased by Major Allen for about eleven hundred dollars, and sent to me. The bill included lath, lime, shingles, &c. All the different parts were properly marked, so as to be readily put up. It covered, on the ground, some thirty-five by forty feet, with an L of some forty or fifty feet. The latter was one story. The main house was two stories high. And, when ready for occupancy, the estimated cost was reported at four thousand five hundred dollars.

Int. 8.—In this reported cost, of what items did the thirty-four hundred dollars, the amount over and above the sum of eleven hundred dollars, consist?

Ans.—In the original plan the house was cut up into several small rooms, and did not provide for halls. The plan was considerably modified and enlarged, requiring considerable material and extra labor.

Int. 9.—Had your lime, laths, lumber, shingles, bricks, and all that went into the construction of that house, had to have been purchased and prepared for use at Vancouver in the spring of 1850, at what would you estimate the cost of that house?

Ans.—In the spring of 1850, lumber and all materials for house-building were exceedingly high. The house referred to would probably have cost, under the circumstances, ten or

twelve thousand dollars, and perhaps more. It was bought, however, in the fall of 1850, when all such materials were abundant and cheap in California.

Int. 10.—Was there a cellar and foundation to this house, or was it simply set on blocks?

Ans.—There was no cellar under the house, but a large detached deep-root house. The house rested on brick columns or blocks.

Int. 11.—Please answer Cross-Interrogatory 9, with reference to the summer and fall of 1850, at Fort Vancouver.

Ans.—The prices declined gradually and regularly from the early spring of 1850, to the fall of that year. The house referred to was the last house put up in that year, and was built in the very last part of it.

Int. 12.—So far, then, as this last named (quartermaster's) house was concerned, you do not wish to be considered as saying that it was built when labor and material was highest?

Ans.—On the contrary, it was built when labor and material was lower. The carpenters, however, were paid the same prices that they were earlier in the season.

Int. 13.—How many carpenters were employed on the quartermaster's house; and for how long a time?

Ans.—I have no data. I have no means of answering the question.

Int. 14.—Were not soldiers employed in the building of the quartermaster's house?

Ans.—It is probable that they assisted. A large number of soldiers were employed that year on extra duty, getting out timber, &c., though the carpenter's work was principally done by citizen employés.

Int. 15.—In stating the cost of that building, what portion of the sum of thirty-four hundred dollars do you suppose was made up of money paid to soldiers for labor?

Ans.—I cannot tell. I do not think that the soldiers were employed hardly any in the construction of this house.

Int. 16.—What was the amount allowed to an enlisted man put upon extra duty at Vancouver in the year 1850 per day?

Ans.—If a common laborer, he was paid twenty-five cents, if a mechanic, fifty cents; to the best of my recollection.

Int. 17.—In stating the amount of cost of buildings, was the item of the cost, made up of soldiers' labor, charged at the rates you have mentioned?

Ans.—It should have been, and I believe was.

Int. 18.—Cannot shingles be put on log houses by persons who are not skilled carpenters?

Ans.—Yes. And in building the garrisons such labor was made use of for that purpose.

Int. 19.—What was the width and length of the commandant's house at Vancouver?

Ans.—The outer dimensions on the ground, including the piazza, were at least about sixty feet by fifty. The main house was two-story, and had eight rooms; four below, and four above. Each of about regulation size, sixteen by sixteen feet, with a large broad hall through the centre of the house, on both floors. The main house without the piazza, but including the hall, was about forty feet front, by about thirty-two or thirty-four feet deep.

Int. 20.—Please repeat the statement made by you in your former cross-examination, as to the cost of the commanding officer's quarters?

Ans.—Seven thousand five hundred dollars.

Int. 21.—What was the size and height of the other buildings erected at this time, which you described as buildings not finished, as well as the commandant's quarters, and the quartermaster's?

Ans.—There were eight sets of officer's quarters, with kitchens, all of one-story each. The officer's quarters were about forty by thirty-four feet on the ground, on the outside, including the hall. Each set of quarters consisted of four rooms each, exclusive of the attics; the kitchens of two rooms each. The quarters had piazzas in front of each set, eight or ten feet deep. And in 1850 they were finished in the manner before described.

Int. 22.—What was the cost of one of these sets built of logs, carefully selected; notched at the ends and barked, and

laid one above the other, and made tight by what is known as chinking and daubing, and shingled and partitioned into rooms, with floors and rough ceiling of board overhead?

Ans.—The estimated cost of such a building was twenty-five hundred dollars.

Int. 23.—Can you tell what estimated force of enlisted men was employed on extra duty in the erection of these buildings?

Ans.—I cannot tell without a reference to the papers for that period. And then I could not tell the force employed on any particular house.

Int. 24.—Where were the logs obtained of which this post was built?

Ans.—They were obtained from the forest immediately in the rear of the present site of Fort Vancouver.

Int. 25.—Was there any trouble in finding logs sufficient for the purpose, immediately around the Fort?

Ans.—Those nearest to the edge of the forest suitable for log houses had been used before our arrival there for a variety of purposes, but by going into the forest from one to three miles, sufficient were found.

Int. 26.—Did not the difficulty in getting timber for the buildings arise from the fact that the forest trees were generally too large to be used in building log-houses; and that the small ones had been culled out?

Ans.—Yes.

Int. 27.—What number of enlisted men were there at the post of Fort Vancouver, during the fall of 1849, and the winter 1849 and 1850?

Ans.—During the fall and winter of 1849, and until May, 1850, there was but one company of artillery, numbering probably some seventy men. For the balance of the year, 1850, there were four or six companies of the Rifle Regiment. The companies were small.

Int. 28.—In estimating the cost of these buildings, did the transportation of material employed in their construction enter into the cost in any other way than in an estimate of

the amount paid to those employed as drivers of teams used in hauling material?

Ans.—The expenses of the Government, going to make up the same, were presumed to have entered into the cost.

Int. 29.—Where the teams used in transporting freight or material are owned by the Government at the time, and not hired from private individuals, is there any addition made to the cost of a building, on account of that transportation? And if so, how is the cost of transportation estimated?

Ans.—If precise cost be the aim, and not approximate, the expense of such transportation must be counted in. The main items, in arriving at the cost, is the money value to the Government of the animals, wagons, harness, forage, and drivers for the time so employed.

Int. 30.—Do you mean to say that the cost of animals and wagons, or other carriage, employed in transporting logs from the forests to the building sites at Vancouver, and the forage for those animals, (the wagons or other carriage, and the animals, remaining on hand after the construction of the buildings,) entered into or was estimated as an item in the cost of the construction of those buildings?

Ans.—I cannot swear positively. Such should have been the case. I mean by this, that a certain allowance or percentage, of say six per cent., on the prime cost of animals and wagons, should be allowed for use, and wear and tear.

Int. 31.—Could you form an estimate of the cost of the buildings of the Hudson Bay Company's post, or the military post at Vancouver; the buildings to be erected when land was in a state of nature, the forests to be levelled, the ground to be graded and grubbed free from the stumps, and the men engaged in the construction, and the subsistence to support them, were required to be brought from the Atlantic side of the continent, and protected in their labors by a sufficient force, also brought with them, and whose subsistence had to accompany them, or be transported with them?

Ans.—I have had many more difficult duties to perform; many of a similar character. I am of the opinion I could do it, if the duty devolved upon me.

Int. 32.—What would estimate, taking into consideration the number of troops requisite to protect the laborers in crossing the continent, in the years 1840 to 1843, and to protect them in the construction of the buildings?

Ans.—To form anything like a correct estimate would require very detailed specifications. I cannot now give a correct estimate.

Int. 33.—Can you form a correct estimate of the number of men required to build a certain number of buildings, and the length of time to be taken, without knowing before hand, the condition of the country at the time they were built, the means available for transportation of material, and the presence or absence of skilled labor?

Ans.—I think not.

Int. 34.—Can you tell the cost of transportation and subsistence for the “Rifle Regiment” from the Atlantic side to the Pacific?

Ans.—I had no connection with that march, and cannot tell.

Int. 35.—Have you ever had any experience in the building of houses in the Canadian or rabet fashion?

Ans.—I have never built one in that fashion, but have repaired, and had charge of several of the largest belonging to the Hudson's Bay Company at Vancouver.

Int. 36.—Have you had charge of the levelling and preparing the ground for the putting up of a stockade and the erecting of one?

Ans.—Not that I recollect.

Int. 37.—What was the cost of the improvements made in one of the smaller eight sets of buildings at Vancouver, subsequently to their erection in 1850, and when were these improvements made?

Ans.—I cannot tell exactly, as a large portion of the improvements were made by another officer. I estimate the cost at at least twenty-five hundred dollars. These improvements were made chiefly in 1855 and 1856.

Int. 38.—Have you not somewhere stated in a former examination, that the improvements subsequently made would

bring the smaller ones up to seven or eight thousand dollars apiece?

Ans.—Possibly I might. I don't remember.

Int. 39.—In giving your opinion that a hundred workmen could have done most of the work in building a post such as that of the Hudson's Bay Company at Vancouver in the course of a year, have you taken into consideration the fact, that during a considerable portion of the year work could not be done, without shelter, on account of the rain?

Ans.—I did not consider that the rain in that locality would seriously impede the work.

Int. 40.—Of what was the store-house, inside the stockade, hired to the United States, and under your control, built?

Ans.—It was a large two-story frame building, filled in, in the Canadian or rabbit style, with sawed plank and straight edged slabs, floors of three-inch plank, building not battoned. The frame was very heavy, with a shingled roof. It was built of fir timber and lumber. Perhaps the shingles were cedar.

Int. 41.—Were the other large store-houses within the stockade built in the same way?

Ans.—They were; except the main store, which was clapboarded, and more expense put upon it.

Int. 42.—Does not your estimate of a hundred workmen, building this in the course of a year, suppose the material of which the structures were to be erected, to be furnished them at the place where they were at work?

Ans.—Not exactly. I meant with the facilities of the Hudson's Bay Company in their possession at that time.

Int. 43.—Can you give the cost to the United States, of the commandant's quarters at the military post of the Dalles?

Ans.—I cannot. I do not know that it was ever known.

Int. 44.—Withdrawn.

Int. 45.—Did not the commandant's quarters at the Dalles, so far as your knowledge and belief extends, cost at least three times as much as the commandant's quarters at Vancouver?

Ans.—I believe it did.

Int. 46.—Do you personally know anything of the price of labor and material at Vancouver prior to 1849?

Ans.—No.

Int. 47.—In answering Interrogatory 6 (direct examination,) as to the length of time it would have taken to build such a post as the Hudson Bay Company's post at Vancouver; what buildings did you include in the term post?

Ans.—The chief factor's house, the bachelor's block, for officers and clerks, the office, the store-houses, and the blacksmith's shop, surrounded by the stockade.

Int. 48.—Was that what you also meant, in answer to Interrogatory 5 of the direct examination?

Ans.—Substantially.

Int. 49.—In answer to Interrogatory 9 (direct examination,) you have stated that you "know that some old servants of the Company held their claims." Give the name of any one person, whom you personally knew to be in the employ of the Company, that afterwards held a claim about Vancouver?

Ans.—I would name two Canadian Frenchmen, Proulx and LaFramboise.

Int. 50.—Do you recollect a Board of Survey at Fort Vancouver, early in 1860, to examine and report upon the value of certain improvements on the military reserve, placed there by the Hudson's Bay Company? If so, state if you can, the circumstances that led to the appointment of that Board, and what the object was, which was intended to be accomplished at the time the Board was appointed?

Ans.—I do recollect perfectly. Some land enclosed by the Hudson's Bay Company, also claimed by the "Catholic Mission," and on which were a few old buildings belong to servants of the Company was required for military uses. The object of this Board was to assess the damages, to have the land freed, and put in use for purposes of drill, &c.

Int. 51.—Was that the same land referred to in your letter to John Wark, Esq., dated March 5th, 1860, and now shown to you, and in evidence in this case, on pages 190 and 191, of the printed evidence in behalf the plaintiff?

Ans.—It was.

Int. 52.—From what point did the line of stakes, marking out the line indicated by the markers, mentioned in your letter start, and in what direction did it run, and where did it end?

Ans.—It started from a point some seventy or eighty yards easterly from the Catholic-mission building, and ran in a southerly direction; thence in a straight line to the Columbia river.

Int. 53.—Which side of the stockade of the Hudson's Bay Company's post did it run, and how far was the line from that stockade?

Ans.—The line was four hundred or more yards, I think, to the west of the Hudson's Bay Company's stockade.

Int. 54.—Do you recollect what the eight buildings were, whose value was estimated by that survey?

Ans.—I knew them at the time, but cannot recall them with certainty now.

Int. 55.—Were the "Johnson House," the "Salmon House," and the "Field House" included in the eight buildings, as estimated?

Ans.—I don't think they were.

Int. 56.—Were these three last buildings removed or taken down at the time the fences and the other buildings west of the line of the stakes were removed and the land prepared for military purposes?

Ans.—Not at the time. The "Field House" still stands where it was, and is the house that was occupied by Mrs. Stubbs.

Int. 57.—Do you recollect when the "Salmon House" was taken down and removed, and by whom?

Ans.—I recollect of having it taken down, in 1860, I think. It was not removed; it was simply taken down. This was after the place was vacated by the Hudson's Bay Company.

Int. 58.—What became of the "Johnson House?"

Ans.—I had it removed in 1860 to the western line of the reserve, not far from the river. This was the house in which I lived in 1849. The other "Johnson House" was pulled down some time in 1857.

Int. 59.—Were not all the houses and fences on the reserve west of the stakes, except those referred to in the last three

questions, taken down or removed immediately after the report of the Board of Survey, to render the ground fit for military use?

Ans.—They were all removed.

Int. 60.—What buildings were erected by the United States prior to the 24th of September, 1857, in addition to those built under your direction in 1849 and 1850, at the post of Vancouver?

Ans.—There were new stables and a blacksmith's shop, with new and additional barracks for soldiers, and the wharf was nearly completed.

Int. 61.—Can you give any estimate of the cost of these improvements you have just mentioned?

Ans.—I should say fifty thousand dollars.

Int. 62.—In what direction from Vancouver were those lands on which were deadened timber, caused by the fires of the fall of 1849?

Ans.—Northeasterly.

Int. 63.—Where did this fire commence?

Ans.—I do not know exactly; but probably ten or fifteen miles to the east of the fort, in the forests near the river.

Int. 64.—Is not the line of forests immediately back of the United States post now free from deadened timber?

Ans.—Quite so.

Int. 65.—Was not the road from the Hudson's Bay Company's post to the Mill Plain, in 1849 and 1850, corduroyed or bridged for a portion of the distance?

Ans.—It was.

Int. 66.—Was there not a road from the mills back to the Mill Plain, and roads through the woods connecting the different plains back of Vancouver with each other and with the Hudson's Bay Company's post?

Ans.—Yes.

Int. 67.—Was there not also a road running down the river for some distance?

Ans.—There was; a very good road.

Int. 68.—Do you not think you may be mistaken in the idea

that these roads running through the woods were laid out on Indian trails?

Ans.—It was told me that they were. It does not make any difference whether they were or not, as they were good enough to answer any purpose. Possibly I was misinformed.

Int. 69.—In what year did General Persifer Smith make his visit to Fort Vancouver?

Ans.—In the autumn of 1849.

Int. 70.—At the time of his visit, had any of the officers, soldiers or followers of the Rifle Regiment, that crossed the plains in that year, arrived at Vancouver?

Ans.—During his visit at Vancouver the advance of the Rifle Regiment arrived there in the month of October.

Int. 72.—When did General Smith leave; and did he again visit Vancouver in that year or the next?

Ans.—He left late in the year 1849, and did not visit the place again, so far as I can recollect.

RUFUS INGALLS,

Bvt. Maj. Gen. and Asst. Q. M. General.

NEW YORK, *July 27, 1867.*

STATE OF NEW YORK, }
City and County of New York. }

I, W. H. Gardner, a notary public, in and for the State of New York, duly commissioned and sworn, do hereby certify that the foregoing deposition of Brevet Major General Rufus Ingalls was taken and reduced to writing by me, in the presence of said witness, from his statements, at No. 17 State street, in the city of New York, in pursuance of an agreement made between Charles C. Beaman, jr., Esq., as counsel for the United States, and Edward Lander, Esq., counsel for the Hudson's Bay Company, the said deposition being commenced on the 25th day of July, continued on the 26th, and concluded on the 27th day of July, 1867.

I further certify that, to the said witness, before his examination, I administered the following oath:

“You do swear, in the presence of the ever-living God, that the answers to be given by you to the interrogatories and cross-interrogatories to be propounded to you by me in the matter of the Hudson’s Bay Company *vs.* the United States of America, shall be the truth, the whole truth, and nothing but the truth.”

I further certify that the said deposition was by me carefully read to said witness, and then signed by him in my presence.

In testimony whereof I have hereunto set my hand
 [SEAL.] and affixed my official seal this 27th day of July,
 in the year 1867.

W. H. GARDNER,
Notary Public.

*In the matter of the Claim of the Hudson’s Bay Company
 against the United States.*

Deposition of *George Suckley, M. D.*, of the city of New York, duly sworn and examined in the said city by virtue of an agreement between Chas. C. Beaman, jr., agent and attorney for the United States of America, and Edward Lander, agent and attorney for the Hudson’s Bay Company, before me, W. H. Gardner, a notary public of the State of New York, duly commissioned and sworn, on the part of the United States.

TESTIMONY OF GEORGE SUCKLEY, M. D.

Int. 1.—What is your name, residence, and occupation?

Ans.—George Suckley; I reside in New York city, and am a physician.

Int. 2.—Are you the same George Suckley who has already given testimony in the matter of the Puget’s Sound Agricultural Company against the United States?

Ans.—I am.

Int. 3.—Whether or no you have ever visited Fort Colville

post of the Hudson's Bay Company? If so, state when, and under what circumstances?

Ans.—I visited Fort Colville in 1853, while attached to the "Northern Pacific Railroad Exploration." I was there some three or four days, and was the guest of the Company.

Int. 4.—Will you describe Fort Colville as you saw it and now remember; and in your answer state how much the buildings had depreciated, if anything, from their original value as buildings; and how long, in your opinion, it would have taken twenty-five men to have built such buildings in that place?

(The opinion of the witness asked for in the above interrogatory here objected to by Mr. Lander, counsel on the part of the Hudson's Bay Company.)

Ans.—My general remembrance is pretty good. The buildings were common structures, what I might term home-made, that is, built by men who were not skilled or expert carpenters, in my judgment. The buildings were not very large, and were, I think, built partly of square timber and logs; some of them might have been built of plank or boards. Nearly all of them were what we generally call one-story buildings. I cannot be precise as to the number. The buildings were what I should term worn; they were fairly good, but not at all new. People were living in them, excepting those that were occupied as storehouses or for other purposes connected with the Company's business. There was some fenced land near the fort. I should say that with twenty-five soldiers of about the average mechanical ability of those I superintended in building army hospitals, that I could build Fort Colville in thirty days or less.

Int. 5.—What would you estimate the value of the buildings at Fort Colville to have been?

Ans.—The money value I could not give; the relative value, taken as constructions *per se*, in my mind, would place Fort Colville below Fort Nisqually, but better than "Boisé," "Walla-Walla," or "Okanagan."

Int. 6.—Have you ever visited Fort Okanagan?

Ans.—Yes, sir; in 1853.

Int. 7.—How long were you there?

Ans.—I think the good part of two days.

Int. 8.—Will you describe this post?

Ans.—It was poor enough; not, to my mind, as well built as Fort Walla-Walla, which I visited three or four days subsequent to my visiting Fort Okanagan.

Int. 9.—How long do you think it would have taken twenty-five soldiers to have built such a place as Fort Okanagan at that place?

Ans.—I should think that twenty-five men, of the class I am asked about, ought to build such a place in about two days.

Int. 10.—How long were you at Fort Walla-Walla?

Ans.—I think I was there three nights and days.

Int. 11.—Describe it as you saw and remember it.

Ans.—I would place it, in point of value and construction, midway between Fort Okanagan and Fort Colville—Fort Colville being situate near growing timber, while Fort Walla-Walla was farther distant.

Int. 12.—Have you ever visited Fort Boisé, post of the Hudson's Bay Company?

Ans.—Yes, sir; in 1854 I was in and about Fort Boisé for about three weeks.

Int. 13.—Will you describe Fort Boisé as you saw and remember it?

Ans.—As compared with Fort Okanagan, I should say it was of cheaper construction, in so far as the amount of labor was required to build it. The material of the building was principally adobe or sun-dried bricks. It would be difficult to compare the value of such a construction with those of Fort Walla-Walla or Nisqually. It is difficult to decide between the value of adobe and wood, human labor and transportation being the only guide.

Int. 14.—Have you ever had any experience in the construction of an adobe building?

Ans.—I have.

Int. 15.—How long do you think it would have taken twenty-five men to have built Fort Boisé?

Ans.—From what I saw when I helped to build an adobe house in Utah, if we allow for the time that adobe bricks are drying, the mere labor of building such fort ought to be per-

formed in five days, and perhaps less. If I remember correctly, and I think I do, the roofs of the Fort Boisé buildings were made of willow brush and mud. I think there were no glass windows, but am not sure on that point.

Int. 16.—What do you remember of the trade at, or the number and character of the servants employed by the Hudson's Bay Company at their posts "Colville," "Okanagan," "Boisé," and "Walla-Walla?"

Ans.—Colville, when I was there, was in charge of Mr. Angus McDonald, whom I took to be a superior man, and as subordinate to him there were Indians, half-breeds, and a few white men, and one Sandwich Islander, that I remember. Judging of men at the other named forts, I would place them, as to grade, with those of Angus McDonald's subordinates. The more prominent posts had the best men attached. Okanagan, Boisé, and Walla-Walla to me appeared to have a very inferior set. I judged that the trade of the three last-named posts was far inferior to that of Fort Colville. Fort Colville seemed to me to be doing a good trade, while the other three forts appeared to be doing but very little. At Fort Colville, I was told by an employé that the Company purchased beaver skins for thirty charges of powder and ball apiece, and musk-rat skins for one charge of powder and ball apiece.

Cross-Examination.

Int. 1.—How many buildings were there at Fort Colville at the time of your visit within the stockade?

Ans.—My remembrance of the stockade is bad. If there was one, it was imperfect. I think there were not more than eight or ten comfortably-inhabitable buildings at the post—distributed as usual at such posts.

Int. 2.—Have you no distinct recollection of a stockade at Fort Colville?

Ans.—My recollection was not distinct as to the stockade.

Int. 3.—Have you a distinct recollection of any particular building at Colville, so as to describe it?

Ans.—The house that Mr. McDonald lived in was larger

than the other inhabited buildings. At this late date I cannot recollect as to the exact size of the buildings there, or within a few feet of their size. And I will not be positive, but the McDonald house was greater in height of stories than the others, and covered a greater area of ground than other inhabitable buildings at the post.

Int. 4.—Did you notice with any particularity any of these buildings at the post?

Ans.—I have a very fair recollection of the place, the same as most any man would have of a place visited some thirteen or fourteen years previous; and with the exception of the existence of a stockade at the post, I think my memory clear.

Int. 5.—Can you give the size of the dwelling house?

Ans.—Only approximately—not by feet. Say a house built with a hall-way, with a fair sized comfortable room on each side. In the rear, or back part of the house there were rooms used for kitchen and the more ordinary household purposes, as I supposed.

Int. 6.—Of what was that house built, whether of logs, square timber; or was it a frame house?

Ans.—I think that building was of dressed logs. I will not say fully dressed, but comfortably square, for protection against weather.

Int. 7.—Is this your distinct recollection of the manner in which that particular house was built, or is it an impression as to the manner in which all the houses were built at that post?

Ans.—I do not remember seeing any house there but what was built of wood. I don't think an adobe was used except perhaps for chimneys. Except in size, the house that Mr. McDonald lived in did not strike me to be of much better construction than the others; and of about the same material.

Int. 8.—Was this house of McDonald's ceiled inside with tongued and grooved boards?

Ans.—I never took the boards off to see.

Int. 9.—Were the rooms, or any of them boarded on the inside with planed boards?

Ans.—I have my doubts as to there being any planed boards, my remembrance is not sufficiently clear to say positively whether they were or not.

Int. 10.—Did you see there a large store, or range of stores, sixty feet by twenty-five; two floors, and a story and half high; built of square timber in the Canadian fashion?

Ans.—I remember the store in purchasing powder there to pay an Indian. I am not an expert in the Canadian style of architecture, and cannot therefore answer the latter part of the question.

Int. 11.—Have you any recollection as to the size of that store where you purchased the powder to pay the Indian?

Ans.—It was a good, fair sized building.

Int. 12.—Do you recollect another store at Colville besides the one you visited to buy powder?

Ans.—My impression and belief is that there were two buildings there called stores by the people, but one was a store-house for the safe-keeping of furs, and the other more particularly a shop, where Indians brought their furs to barter, and where barter goods were kept.

Int. 13.—What was the relative size of these two stores you mentioned, to each other?

Ans.—The one I termed the store-house was the largest.

Int. 14.—Do you recollect also, a range of buildings occupied by officers, called officer's houses, a story and a half high, shingled, with three chimneys?

Ans.—No; not by that name.

Int. 15.—Do you recollect a range of buildings, besides those you mentioned?

Ans.—The general plan of the fort was, as I remember, in the form of a hollow square; the buildings not touching each other.

Int. 16.—Was there a bastion at Fort Colville?

Ans.—I think there was; but am not positive.

Int. 17.—Was there a barn?

Ans.—There were some buildings scattered about which might have been barns, or might have been dwellings.

Int. 18.—Was there a horse park there?

Ans.—There were fenced enclosures, which might have been used for corrals.

Int. 19.—Were you in any of these buildings, which you think you noticed there, other than the McDonald house, and the store where you bought the powder?

Ans.—I was in buildings where my men were housed; I, as well as they, being guests of the Company.

Int. 20.—How were the walls of the room you occupied furnished off?

Ans.—I slept in a room in the McDonald house, which was the principal sitting room of the officers in charge of the post. The finish of the room was plain, comporting with the entire finish of the establishment. I do not think there was any mortar used in its finish. The ceilings, walls, and floors being of boards or wood.

Int. 21.—Can you state how the roofs of these buildings were covered?

Ans.—I will not be positive, but the roofs were dark colored; and at this late day, I would say that they were covered with hand-made, rived or chopped shingles.

Int. 22.—Of what was Fort Okanagan built?

Ans.—My general impression and remembrance is, the buildings were small, squared timber edifices of rude construction.

Int. 23.—Was there a stockade at Okanagan?

Ans.—I am not positive, but think there was one, if there was one, it was not so good as that of Fort Nisqually.

Int. 24.—Of what was Fort Walla-Walla constructed?

Ans.—To the best of my recollection, it was built of adobe and logs.

Int. 25.—How far distant was the growing timber you spoke of in answer to Interrogatory 11, from Walla-Walla?

Ans.—The timber, such as you would obtain logs from nearest Fort Walla-Walla, was about fifteen miles further away from it than that which was nearest to Fort Colville.

Int. 26.—Was there a stockade at Fort Walla-Walla?

Ans.—Not in the strict sense of the word, it was more in the nature of an adobe wall.

Int. 27.—Was there any of the timber you have spoken of used in the construction of this wall?

Ans.—I am not positive as to that.

Int. 28.—How much timber was used in the construction of the fort, and in what part of it was it used?

Ans.—My recollection is that the buildings composing the establishment, were principally of the adobe or mud construction, with plates of timber for the rafters to lie upon. The fort had wooden doors, and I think had wooden window shutters.

Int. 29.—You have said in answer to interrogatory No. 13, in speaking of Fort Boisé, the “material of the building was principally adobe or sun-dried bricks.” “It would be difficult to compare the value of such a construction, with those of Forts Walla-Walla or Nisqually.” In what did the construction of Boisé differ from that of Forts Walla-Walla or Nisqually?

Ans.—Wood was principally used in the construction of Fort Nisqually, and wood and mud mixed at Fort Walla-Walla. Fort Boisé was more completely an adobe building.

Int. 30.—Was there an adobe wall enclosing the buildings at Fort Boisé?

Ans.—I think not. There was a horse-corral close to the fort, but I cannot call it a wall.

Int. 31.—At what time of the year were you at Fort Boise?

Ans.—I was there, as near as I can recollect as to date, in the latter part of August and in the month of September, 1854, with “Haller’s Expedition.”

Int. 32.—Did you make a report on these posts to the commanding officer of the North Pacific Railroad Expedition?

Ans.—Not particularly as regards the posts; but I think they were embraced in the general report, with the exception of Fort Boisé.

Int. 33.—Has not your recollection of this whole country grown indistinct and dim in the lapse of years?

Ans.—I think I remember the country as well as most anybody else would, not having been there for thirteen, fourteen, or fifteen years.

Examination-in-Chief Resumed.

Int. 1.—What experience have you had in the erection of buildings of any kind?

Ans.—I generally directed, superintended, as well as planned, the transformation of buildings at Clarysville, Md., and caused additional buildings to be built, to accommodate about four hundred men; and at "Point of Rocks," on the Appomatox river, I built very substantial buildings to accommodate nearly four thousand men, eleven of which buildings were nearly three hundred feet each in length by nearly thirty feet wide; others of them were smaller. The buildings, as well as their shingles, were made, under my direction and personal supervision, by convalescent soldiers, with a very limited assistance from the U. S. Quartermaster's Department and some detailed men, detailed by the generals commanding the army with which I was at the time serving. I was Medical Director of the Army of the James, under the command of Major Generals Butler and Ord; and it was within the limits of their command that the above-named buildings were erected.

Int. 2.—What were these buildings built of?

Ans.—Pine logs, neatly laid, with well-shingled roofs, good board floors, cross-pieces, purlins, and joists, being of sawed timber. The partitions for rooms were also of sawed timber.

Int. 3.—What experience have you had in building adobe buildings?

Ans.—I mixed the mortar to make the bricks and helped carry the dried bricks to the men who laid them.

Cross-Examination.

Int. 1.—Were these buildings anything more than open log buildings with shingle roofs?

Ans.—They were most carefully and compactly built.

Int. 2.—Were the logs squared on four sides and the buildings chinked and plastered?

Ans.—The logs were not squared, but dressed to fit well; they were chinked where necessary.

Int. 3.—What width was left between the logs before chinking?

Ans.—The logs were generally about thirty feet long, the general taper of the tree being taken into consideration in the construction, the chinking being more necessary at the small ends.

Int. 4.—Were these buildings lined inside with planed boards?

Ans.—Where there was a necessity they were. The rooms set apart for special purposes were carefully finished; some of them were also papered.

Int. 5.—Was not this work done by a large force of laborers; and had you not at your command all the men you desired?

Ans.—The force varied greatly from time to time. I was often much annoyed by not having as many men as I wanted to facilitate the operation.

GEORGE SUCKLEY.

STATE OF NEW YORK, }
City and County of New York. }

I, W. H. Gardner, a notary public, in and for the State of New York, duly commissioned and sworn, do hereby certify that the foregoing deposition of George Suckley, was taken and reduced to writing by me, in the presence of said witness, from his statements on this 23d day of July, 1867, at No. 103 St. Mark's Place, in the city of New York, in pursuance of an agreement made between Chas. C. Beaman, jr., Esq., as counsel for the United States, and Edward Lander, Esq., counsel for the Hudson's Bay Company.

I further certify that, to the said witness, before his examination, I administered the following oath:

“You do swear, in the presence of the ever-living God, that the answers to be given by you to the interrogatories and

cross-interrogatories to be propounded to you by me in the matter of the Hudson's Bay Company vs. the United States of America, shall be the truth, the whole truth, and nothing but the truth."

I further certify that the said deposition was by me carefully read to said witness, and then signed by him in my presence.

[SEAL.] In testimony whereof I have hereto set my hand and affixed my official seal this 23d day of July, in the year, 1867.

W. H. GARDNER,
Notary Public.

BRITISH AND AMERICAN JOINT COMMISSION

ON THE

HUDSON'S BAY AND PUGET'S SOUND AGRICULTURAL COMPANIES' CLAIMS.

In the matter of the Claim of the Hudson's Bay Company against the United States.

Deposition of *James M. Alden*, a witness produced on the part and behalf of the United States, at the city of Washington, this 12th day of September, 1867.—Examination by Mr. Cushing.

TESTIMONY OF JAMES M. ALDEN.

Int. 1.—What is your name, residence, and present occupation?

Ans.—James M. Alden, Vice Admiral's secretary, U. S. N., Annapolis, Maryland.

Int. 2.—Please to state whether at any time you have had personal knowledge of the river Kootenay, in North-western America; and if so, when, for how long a time, and under what circumstances?

Ans.—I was employed as artist on the North-western Boundary Commission, and spent several weeks on that river in the summer and fall of 1860.

Int. 3.—What is the general course of the river relatively to the boundary line of British Columbia and the Territory of Washington?

Ans.—It rises in British Columbia, crosses the boundary line, and runs for a certain distance in a southern direction, and then makes a great bend in the United States, curving

round to the westward, then flows in [a] northerly direction again, and empties into the Columbia river.

Int. 4.—Whilst on the Kootenay at that time did you see the buildings of the post of the Hudson's Bay Company at Kootenay?

Ans.—I did.

Int. 5.—Please to state their location relatively to the river and the boundary line?

Ans.—They were from three to four miles, as well as I could judge, to the south of the boundary line, (latitude 49°,) and the river was not in sight from them, but it was no great distance.

Int. 6.—On which side of the river were the buildings situated.

Ans.—On the left bank.

Int. 7.—What is the general course of the river at that point?

Ans.—Flowing south.

Int. 8.—Please to describe the topographical features of the locality of that post.

Ans.—The post was on a gravelly plain, covered with brush wood principally and scattered pine trees. The plain, I suppose, was two miles wide at that place, as well as I remember, and then the mountains rose abruptly from the plains. The character of the country in that vicinity, for many miles to the northward and for some distance below, was gravel plain with scattered pine trees; very poor soil as a general thing. These were narrow plains, constituting a terrace on each side of the river. The greater part of the plain was unfit for cultivation; some places afforded light herbage for pasturage, and some none at all, but generally the land was of a very miserable quality.

Int. 9.—Did you see any land there under enclosure or cultivation?

Ans.—I did not.

Int. 10.—Please to describe the buildings at the post.

Ans.—There were four or five log huts. The largest one I entered and found to be a church; it was entirely empty, ex-

cept some religious engravings; there was a picture of Pius IX and of saints. I recognized it as a church by its form, and it was so spoken of. It was not chinked so as to be suitable for a store or dwelling-house, and the light was received within through the chinks. It was constructed of logs. You could see daylight through the roof, which was apparently of bark covered with mud. It was of one story. It was a long narrow building, at least thirty feet long, but the length much greater than the breadth.

Int. 11.—Please to look at the photograph now presented to you and state whether you do or do not recognise what it represents?

Ans.—I have no doubt that is the building I entered. I recognize it by the building and the door, but the door was not then closed with logs as it now is in the photograph. In order to identify the photograph presented to me I have written my name on its face.

Int. 12.—Please to describe the other buildings relatively to this in size and construction.

Ans.—There were four other buildings according to the best of my recollection; they were on the further side of the church from the river, and all near the church; there was no one living there apparently; one of the huts was considerably larger than the others; the door was closed; it was not high enough to permit a man to enter without stooping very much. Mr. King informed me that this was Mr. Linklater's house. The building was not more than one-third of the size of the church, if that. I do not think it was that, though somewhat larger than the other huts. These huts were all alike in construction; they were built of logs and chinked up; certainly this was the case with the house in which Mr. Linklater was said to have lived; I could not say as to the others. I had particular reason for taking notice of the post at Kootenay, because I was employed to sketch the prominent points on our route. I rode round in various [directions] about those buildings, and came to the conclusion I would not take a sketch, as the place was of no importance.

[Mr. Lander objects to the statement of Mr. King as hearsay and incompetent.]

Int. 13.—Please to look again at the photograph and state whether the small building on the left of the photograph is the building you have just been describing or some other.

Ans.—It is another building, according to the best of my recollection. The building I have been describing is farther down the river, though not a great distance.

Int. 14.—Whether or not the door represented in the small building on the photograph is different from or such as you described in the building you call Linklater's?

Ans.—Precisely similar, relatively, to the size of the door.

Int. 15.—What was the general condition of these buildings in respect of repair or dilapidation?

Ans.—They looked very much dilapidated. That is the usual appearance of wooden buildings in that country even if they are not very old.

Int. 16.—Have you ever participated in or witnessed the construction of log houses of this description?

Ans.—I have. I particularly recollect the construction of Camp Kootenay, near the Kootenay post.

Int. 17.—In your judgment how much time and how many axe-men would it take to erect such a log house as that you describe as Linklater's?

Ans.—From what I have seen I should say that three axe-men could erect such a house in such a place, where proper trees were handy, in half a day.

Int. 18.—Whether or not the neighborhood of this post is a more or less wooded country?

Ans.—It was wooded universally with just the proper trees for the construction of such houses. The trees are tall and very suitable for the purpose, requiring but little labor to prepare them.

Int. 19.—What buildings, if any, other than those which you have described, did you see on the banks of the Kootenay?

Ans.—None other, except those built by our party. Of course I do not speak of Indian wigwams as buildings. We

built a good many huts similar to these, only nicer and better buildings. We were more particular in getting logs of equal size, and chinking them with pieces of wood to keep the moss in, and the ends were always trimmed off very neatly, making a nice looking job, and used canvas for the roofs of the buildings.

Int. 20.—Please to state whether the Kootenay rises at certain seasons and spreads out into lake-like spots?

Ans.—It has the same character as the Clarke's fork of the Columbia, and spreads out over the low islands, making one large channel instead of several small ones.

Int. 21.—Please to look at the map presented to you, entitled "The Provinces of British Columbia and Vancouver Island, with portions of the United States and Hudson's Bay Territories," contained in a Parliamentary Blue Book, entitled "Papers Relative to the Affairs of British Columbia," and state how more or less the river Kootenay, as there designed, corresponds to your recollection of its configuration and course.

Ans.—It appears to have a general resemblance according to my recollection of its course. I came upon it near a point marked Bad river, north of Tobacco Plains, and then came down the river on the right bank to the 49th parallel, then crossed the river at that point, after remaining there two weeks, and encamped on the left bank of the Kootenay on the 49th parallel, nearly opposite our old camp. In the fall of the same year (1860) returned to the Kootenay and came down the Kootenay on the left bank, and crossed the river at a point where the river makes a sharp bend to the westward. We continued along the right bank until the river makes a sharp bend northwardly, and so along the same bank until we came to a place called Chelemta.

(The above answer as to the travel on the Kootenay objected to as irrelevant.)

Int. 22.—Please to state whether or not, in either of those journeyings or tarryings on the Kootenay river, you saw any buildings other than those you have previously described?

Ans.—I did not.

Int. 23.—Did you see, anywhere on the south side of the

river Kootenay, three dwelling-houses and a store, all of hewn square timber?

Ans.—I did not.

Int. 24.—Were the buildings which you have described as the Hudson's Bay Company's post at Kootenay, constructed all, or any of them, of hewn square timber, or were they of notched logs?

Ans.—To the best of my recollection they were of notched logs.

Int. 25.—From your knowledge of the course of the Kootenay river, south of the 49th parallel, where must a post have been, if on the south side of the river?

Ans.—It must have been on the great bend the river makes from the eastward to the westward; and if there had been any post of the Company I should certainly have known of it. Although I did not take astronomical observations, I was very particular in noticing everything connected with the history of the country and its topography, and all matters of interest, and especially all matters connected with the Hudson's Bay Company.

Int. 26.—Had you knowledge, at that time, of any post of the Hudson's Bay Company north of the 49th parallel, and on the same river Kootenay?

Ans.—I had information from various members of our party that Mr. Linklater, agent of the Hudson's Bay Company, had moved about one mile north of the 49th parallel and established a new post there, and abandoned the old post.

Examination Resumed, September 13, 1867.

Int. 27.—In your profession as artist are you conversant with photographs, lithographs, engravings, as taken from actual drawings by the hand and eye?

Ans.—I am, to a considerable extent.

Int. 28.—Please to look at the photograph previously presented to you, and state how, in your judgment, that was taken on the spot, whether by hand-drawing or photography?

Ans.—It was photographed directly from nature on the spot.

Int. 29.—In your judgment is the building there represented according to the appearance of the photograph, constructed of square timber or of logs?

Ans.—Of logs.

Int. 30.—Suppose the Linklater building to have been constructed of square timber, how much additional time of three axe-men would the difference between logs not squared and logs squared require?

Ans.—I could not say, as I have not seen anything of that kind done; all the squaring I have seen done there was very rude work. I mean by this the Hudson's Bay Company's work in general.

Int. 31.—Was the squaring which you refer to in the work of the Hudson's Bay Company, as you saw it, the work of a saw or of an axe?

Ans.—I should judge that all I remember was done with an axe.

Int. 32.—Please to specify any one or more of the posts which you thus have in your mind?

Ans.—Fort Langley and Fort Hope, on Frazer river.

Int. 33.—Is there any saw-mill, so far as you know, in the vicinity of Fort Kootenay?

Ans.—There is not.

Int. 34.—Did you or not observe in the vicinity of Fort Kootenay any track or trail of Hudson's Bay Company?

Ans.—I observed a trail at Fort Kootenay leading along the left bank of the river, used by the Hudson's Bay Company and the Indians.

Int. 35.—How far south on the Kootenay did that trail, as seen by you, extend?

Ans.—It extended to the great bend, which was the southernmost point, where the river makes its bend to the west. It then crossed the river, and continued on the other bank to the point previously spoken of called Chelemta. It then re-crossed the Kootenay, and left the river.

Int. 36.—Have you read at any time, either heretofore or recently, Sir George Simpson's journey round the world?

Ans.—I have.

Int. 37.—Have you or not, at my request, read particularly that portion of the narrative which refers to what is there spoken of as the rendezvous for the collection of furs of Edward Berland, an agent of the Hudson's Bay Company?

Ans.—I have read that part particularly at your request. I had previously read the whole book while engaged on duty in Northwestern Boundary Survey.

(The above question and answer objected to as irrelevant and incompetent.)

Int. 38.—From your knowledge of the topography of the country on the Kootenay, are you able or not, to judge at what point was the rendezvous in question, as indicated by Sir George Simpson?

Ans.—I formed an opinion from reading the book where this point was, that it was at the great bend of the Kootenay. One reason for this opinion is the short time afterwards, when according to the narrative he reached the "Kullespelm Lake."

(The above question and answer objected to as irrelevant.)

All the questions and answers in the above examination referring to a photograph marked Roman Catholic Mission, objected to as irrelevant.

Cross-Examination by Mr. Lander.

Int. 1.—How long were you at the place which you have described as being the Hudson's Bay Company's post at Kootenay?

Ans.—I was at the fort I suppose half an hour, long enough to dismount and make a thorough examination of it. I rode round it first, then dismounted, and examined as I have before testified. I wished to get a point from which I could include all the buildings in a sketch, but I could find no such point. We made three camps in that vicinity, the last one was near it.

Int. 2.—Did not the river take its bend to the westward at or near this place you have described?

Ans.—It did not to the best of my knowledge and belief, its general course at that point was north and south, and so continued for many miles above and below that point. The

general course is north for a long distance above the boundary and below Kootenay.

Int. 3.—Look at this map shown to you by the counsel on the examination-in-chief, and state whether it does not show a fort called “Old Kootenay,” directly at the bend of the river on its south side?

Ans.—There is a point so marked on the map.

Int. 4.—Did you ride over the plain on which you were encamped in different directions, or did you confine your rides to a trail running through the brush?

Ans.—I rode and walked in many different directions all over the plain.

Int. 5.—Did you not discover good land upon portions of this plain?

Ans.—I did not. I saw no land I considered good in that part of the country. Some thirty miles north of the boundary I saw very good land, a small prairie called Joseph’s prairie. It was good land, good pasturage, and good cultivatable land; land fit for cultivation. The land of Tobacco Plains where Fort Kootenay is situated is very generally poor.

Int. 6.—Is not the most of this land on the plain where you encamped covered with brush?

Ans.—There is no brush anywhere round there, it is open round where we camped, it was perfectly bare where we last camped. There was no underbrush in the vicinity, nothing but grass and bear-berry, which is a recumbent plant.

Int. 7.—Have you not said you encamped on the same plain on which was the post designated by you as the Hudson’s Bay Company’s post called Kootenay?

Ans.—I have. The country for thirty or forty miles was a series of openings, generally devoid of brush, covered with this kind of grass, very poor grass, and uva ursi. .

(The above question objected to as attributing to the witness words he did not utter, and as referring by the word “plain” to no specific locality, and involving necessary equivocation.)

Int. 8.—Was that the character of the country around the post you have designated as Kootenay, covered with grass and uva ursi?

Ans.—It was the general character except that round the post, it may have less open with more brush. The general character was the same as the country farther north, but the plain was rather narrower. The whole country was gravelled terrace. I saw no places fit for cultivation, there were places where you get pasture; it was poor pasture, fit for Indian ponies and such as the horses of that region could subsist on.

Int. 9.—Have you not said that the post was on a plain, and have you not also said that you encamped at three places near that post?

Ans.—I said the post was on a plain; by plain I do not mean to be understood as a level plain. I mean the Tobacco Plains, a tract of country in some places level, in others rolling hills, extending for many miles along the river to a point south of the Kootenay post. They call it “the plains” there because the rest of the country is densely wooded and these are comparatively open, and comparatively level. The general character of the country is the same. I have said that our camps were but a few miles distant, our two principal camps were both at the 49th parallel. Our third camp was nearer to the post, we only occupied that a few days.

Int. 10.—Were not the excursions you have spoken of on these plains as made on foot, and on horseback, made from the two camps by the boundary line?

Ans.—They were.

Int. 11.—Did any one of these excursions, except the one you have particularly mentioned, extend to the Catholic Mission?

Ans.—They did not. I went to the vicinity of the post once, but I only examined the buildings at the post once.

Int. 12.—Who told you that the buildings near the Catholic Mission constituted the Hudson’s Bay Company’s post at Kootenay?

Ans.—Quite a number of persons attached to the Boundary Survey, some of whom had previously visited that place. Before I went to it some of them spoke of the huts there.

Int. 13.—Were not each and every one who spoke to you

about this place, persons who came with you, and not residents of the country?

Ans.—None of them were residents of that part of the country; they were all attached to the Boundary Commission.

Int. 14.—Were not three out of the four buildings you have described as constituting the post near the Catholic Mission, at least half the length of that Mission-house?

Ans.—They were not half the length, to the best of my recollection; one of them was larger than the others.

Int. 15.—What was the height of those buildings?

Ans.—I could not say the exact height; they seemed to me lower than we should ordinarily build log houses.

Int. 16.—Did you go into either of these houses?

Ans.—I did not, the doors were shut; I only entered the church?

Int. 17.—Who was Mr. King that pointed out the house and said it was Linklater's? Was he connected with the Boundary Commission?

Ans.—Mr. King was commissary and quarter-master of the Boundary Commission.

Int. 18.—Have you any idea of the size of the house you call Linklater's, its length, width, and height, or of what the roof consisted, or can you state positively whether it was built of round or hewn logs?

Ans.—It was less than half the size of the church, I should say; to the best of my recollection the roof was like the roof of the church, constructed like the roofs of that country, of bark and mud, and the timber round logs; I think if they had been squared I should have noticed it; they were very inferior log buildings, from their appearance outside; I don't know what they were inside, as I did not enter them.

Int. 19.—Was this house of Linklater's as high as the Catholic Mission?

Ans.—Not nearly so high, it was very low.

J. M. ALDEN.

DISTRICT OF COLUMBIA,
 County of Washington: } ss.

I, Nicholas Callan, a notary public, in and for the county and District aforesaid, do hereby certify that the foregoing deposition, hereto attached, of James Madison Alden, a witness produced, sworn, and examined by and on behalf of the United States, in the matter of the claims of the Hudson's Bay Company against the same, now pending before the British and American Joint Commission for the final adjustment thereof, was taken and reduced to writing in the city of Washington, under my direction, by a person agreed upon by Caleb Cushing, attorney for the United States, and Edward Lander, attorney for the said Hudson's Bay Company, commencing on the twelfth and ending on the thirteenth day of September, 1867.

I further certify that I administered the following oath to said witness before his examination :

"You swear that the evidence you shall give in the matter of the claims of the Hudson's Bay Company against the United States of America, shall be the truth, the whole truth, and nothing but the truth; so help you God."

I further certify that after the same was reduced to writing, the deposition of said witness was careful read to and then signed by him in the presence of the counsel for the United States and of the claimants.

In testimony whereof I have hereunto set my hand
 [SEAL.] and seal of office this fourteenth day of September,
 one thousand eight hundred and sixty-seven.

N. CALLAN,

Notary Public.





British and American Joint Commission.

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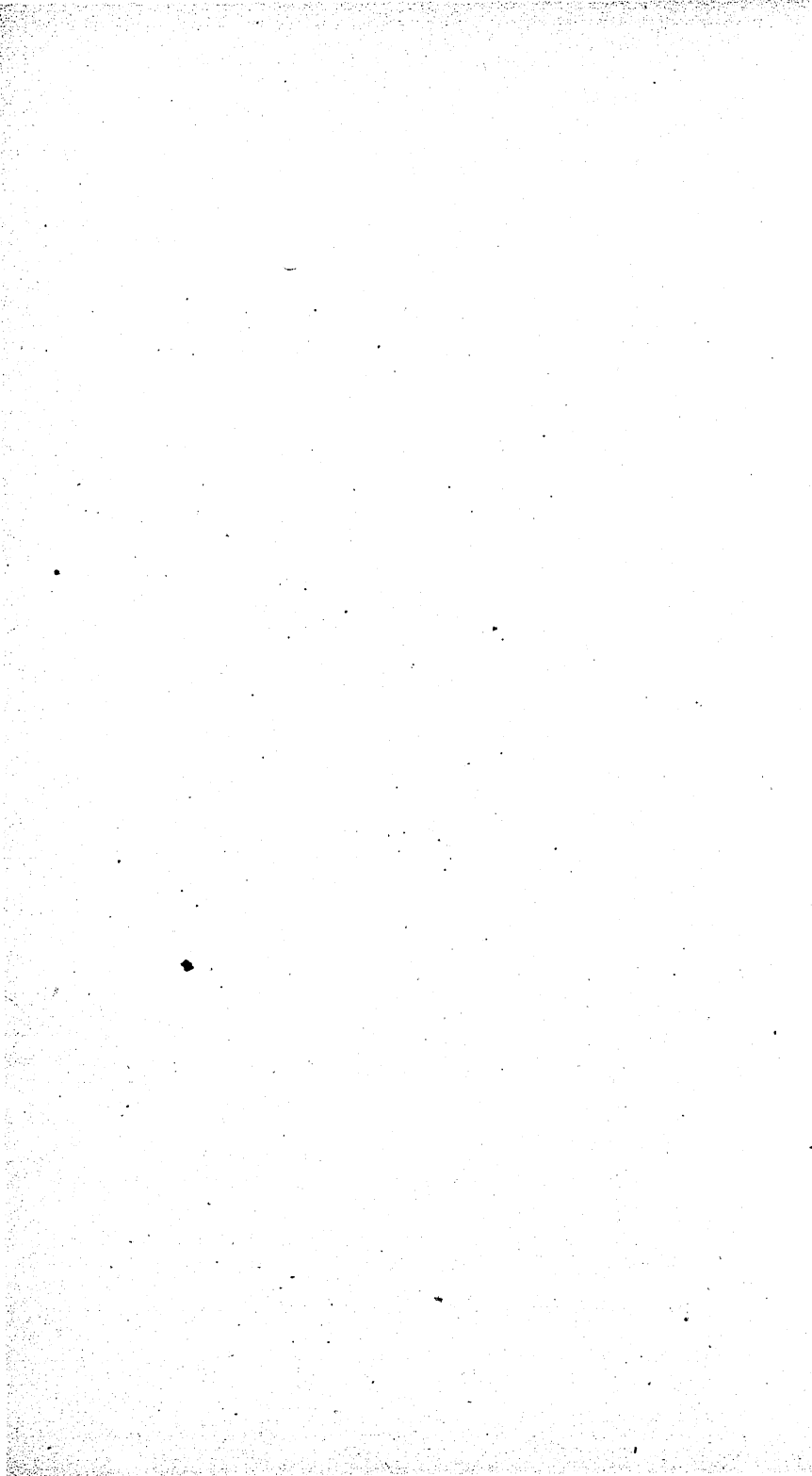
TO

TESTIMONY ON PART OF THE UNITED STATES

IN THE MATTER OF THE

CLAIM OF THE HUDSON'S BAY COMPANY.

Vol. II.—ATLANTIC.



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