

ther established, by an explanatory article of May, 1796, "that no stipulations in any treaty, *subsequently* concluded by either of the contracting parties, with any *other* state or nation, or any Indian tribe, should be understood to derogate, in any manner, from the rights of the free intercourse and commerce, secured by the third article of the treaty of 1794."

Since the surrender of the posts, the Canadian fur merchants, from their experience, superior capital, and knowledge of the business, and from some local advantages, of which they are not yet deprived, have continued to command a large portion of the fur trade, which is now carried on by them, from settlements formed on the *British side* of the boundary line; but in consequence of the acquisition of *Louisiana* by the United States, all intercourse with that part of it, extending to the west side of the *Mississippi* has recently been *prohibited* to all persons *who will not abjure their allegiance, and become citizens of the United States*, which the Canadians contend is an infraction of the treaty of 1794, as well as of the explanatory article of 1796.

The situation of the American *ports of entry* on the lakes and rivers, forming part of the boundary lines of the two countries, and the difficulty of observing rigidly those regulations with regard to the approach of shores or ports, which are applicable to their *Atlantic ports*, seem to have been fully in the contemplation of the two governments at the time of forming the treaty of 1794, and of the explanatory article of 1796; for it appears the greatest anxiety to establish the most perfect freedom of commerce and intercourse, and to avoid all vexatious impediments, was manifested on both sides; the revenue officers of the United States have, however, from time to time, attempted to *exact duties*, upon goods crossing the portages; such demands have been generally resisted by the Canadian traders, upon the ground stipulated by the *fourth paragraph* of the third article of that treaty, and these attempts have led to the establishment of portages within or upon the *British boundaries*, in order completely to avoid such causes of discontent; but, notwithstanding, it is still necessary to *secure the neutrality of the lakes and waters*, in order to prevent future seizures of vessels of any description, on pretext of their too near approach to any particular port or shore, which, from the nature of the country and the navigation, is frequently unavoidable, without the least intention of infringing the revenue laws of the United States.

\* See the importance attached to these lakes by the Americans in the tract called the British Treaty, p. 34, &c.