

into consideration the great expense of that establishment, and allow an adequate toll on all property that shall be carried through the said canal, sufficient to indemnify your memorialists for a just proportion of the said expense and also proportionate to the benefit to be derived from the ease and security of the said navigation, until which period your memorialists must consider the said canal (but not the other channels, or the road on the British side) as private property, and will prevent all others benefiting by it " (C. 363, p. 10).

In a counter memorial signed by Messrs. Forsyth, Richardson & Co., and by Messrs. Parker, Gerrard, Ogilvy & Co., at Montreal, on the 15th April, 1802, and at Quebec, by Mr. John Mure, on the 17th they speak of the canal constructed by the N. W. Co. as " a species of canal or dam, on the lower end of which they (the N. W. Co.) have erected a saw mill and which canal or dam facilitates the conveyance of merchandise and furs between the said lakes " (p. 11); insist on their right to make use of it, on payment of a reasonable compensation, and ask that a competent officer be sent to make a survey and report on the said canal or dam (p. 12).

On the 18th of April, 1803, Messrs. Forsyth, Richardson & Co., acknowledged receipt from Colonel Mann, through Capt. Bruyères, of a letter informing them that they were to have temporary occupation of lots 3 and 4 below the creek, and enclosing copy of the plan of St. Mary's. They complained also, that their opponents had been allowed to retain all they originally asked for (p. 29).

To make intelligible the plan accompanying the following letter, which shows the creek but not lots 3 and 4 below, it is necessary to publish nearly the whole of the letter from the same firm dated 23rd December, 1803. After explaining why they had delayed writing immediately on the return of Sir Alexander Mackenzie from the Grand Portage, and stating that he and Mr. Forsyth had sailed for London, by the "Euretta," the letter continues:

"On their (Sir Alexander and Mr. Forsyth's) arrival at St. Mary's last spring, the ground intended by Capt. Bruyères' report, for the accommodation of ourselves and associates in the North-West trade was again examined, from a desire to avoid further trouble to His Excellency; but Nos. 3 and 4 were still found too distant and unsuitable to our purposes except for pasture. To have built stores there would have subjected us to a considerable additional length of road, through much worse ground, and a heavy expense in making it, beyond what the line of road marked out by Lieut. Brice and Mr. DePincier, the surveyor required. In consequence, it was indispensably necessary to decide upon the situation for buildings, to be out of the power of the Americans, and time did not admit of previous communication thereon with His Excellency; a road was immediately begun as nearly in the line of that so marked out as the pickets of our opponents planted across it would permit. That road, by exertion and considerable expense, was rendered practicable before the close of the season, and next summer will be further improved.

"A situation upon a dry spot was marked out, contiguous to that road, for a house, and a temporary one erected, also for a temporary store, which will be replaced by more permanent ones, and next year a store immediately upon the waterside will be required to shelter goods as they are disembarked.

"We, therefore, on behalf of ourselves and associates in the North-West trade, to avoid further dispute with the other company, pray that His Excellency will be pleased to give us, by such instruments of writing as he shall see fit, the tem-