

FAITHFUL ALLIES during the whole of the American rebellion; yet, not a single stipulation was made in their favour! According to the sound maxims of the law of nations, that portion of the treaty was null and void *ab initio*; since no power possesses the right of transferring either property or territory which is not its own.

Immediately after the disgraceful treaty of 1783, the Americans commenced their system of bad faith, and shamefully evaded or infringed the stipulations respecting the Loyalists and British debts. In consequence of which fraudulent acts, we retained the upper posts, mentioned above, as pledges until the due performance of those stipulations. * Many years afterwards, when appearances indicated that these posts would be surrendered to America, the merchants of Montreal, who were at that time principally concerned in the Indian trade, preferred two representations, in December, 1791, and April, 1792, to GENERAL SIMCOE, then Governor of Upper Canada, in which they exposed the impolicy of the intended cession, and strained every nerve to induce the British Government to procure a new line of boundary, or demarcation, that should be compatible with the security of Canada and with the protection of the Indians. But these representations were ineffectual. According to Mr. JAY's treaty of 1794, it was agreed, that the posts should be delivered up, on or before the 1st of June, 1796, and the only provision obtained respecting the Indians, was a right of trade with them from Canada, upon the same footing as the Americans, which provision had been suggested in the representations made to GENERAL SIMCOE, as an alternative, desirable only in the event of the impracticability of obtaining a new line of boundary. The posts were given up, in pursuance of the treaty: and here we are furnished with another opportunity of exposing the fraudulent and encroaching character of the Americans, and, of course, with another argument against the policy of concluding any future commercial treaty with them. Notwithstanding the explicit and positive stipulation contained in the treaty of 1794, in favour of an *unrestrained trade* with the Indians, so little regard was paid by the American Government to the faith of treaties, and, in this instance, to a point on which their own faith was solemnly pledged, that they contrived to entrap the Indians into a treaty, which was concluded at Fort Greenville, on the third of August, 1795, whereby the latter consented, that no trader should reside at any Indian town or hunting camp, *without a licence for that pur-*

* Mr. Atcheson's Book, p. ii. and Mr. Justice Marshall's Life of General Washington,