

doubt and uncertainty, which had theretofore prevailed, respecting the Sovereignty and Government of the Territory on the North-West Coast of America, lying Westward of the Rocky Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties, upon such terms of settlement as might be agreed upon; and thereupon, by Article I. of the said Treaty, the line of boundary to be thereafter observed between the Territories of Great Britain, and those of the United States of America, then in question, was established by mutual compromise and agreement.

That, by Article III. of the said Treaty it was provided: That in the future appropriation of the Territory South of the 49th parallel of North latitude, as provided in Article I. of the said Treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who might be already in the occupation of land or other property lawfully acquired within the said Territory, should be respected: and by Article II. of the same Treaty it was further provided, that from the point at which the 49th parallel of North latitude should be found to intersect the Great Northern branch of the Columbia River, the navigation of the said branch should be free and open to the Hudson's Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described should in like manner be free and open.

That, under the settlement of the boundary line agreed upon by the said Treaty, and defined by the first Article thereof, the said territory, whereof the Hudson's Bay Company then had the actual and exclusive control, possession, use and enjoyment as aforesaid, fell within and under the Sovereignty and Government of the United States, and under a just construction of the said Treaty, and of the obligation therein assumed, that the possessory rights of the Hudson's Bay Company should be respected according to the true intent and meaning of the same, the United States became and were bound to uphold and maintain the said Company, in the free, undisturbed and continual occupancy, use and enjoyment of all the