

peace," *provides* "for a joint survey of the northern part of that river," *and* "agrees that if on the result of such survey it should appear that the said river would not be intersected by such a line, the parties would *regulate the boundary* in that quarter, by future amicable negotiations." Yet it is evident from the 2d article of the treaty, entered into by the late ministers with the United States, notwithstanding the imperative necessity of definitively settling, by treaty, this and other parts of the boundaries, the same were deferred for *future* discussion and negotiation! though it appears a survey made subsequently to 1794, by the British merchants established in Canada, under the name of the North West Company, had proved that a line due west from the Lake of the Woods would run north of the Mississippi, so that no further measures were needful to ascertain that point.<sup>1</sup>

Thus, some of the most important points were left open and undefined, whilst others were deferred for discussion at a future period, notwithstanding the injuries sustained by his Majesty's subjects in North America, from the want of proper regulations on these subjects; though their urgency and necessity had been at different periods most strongly represented to the British government by the inhabitants of Canada, Nova Scotia, and New Brunswick.

Nor was there greater circumspection or precaution observed by the late ministers, as to the vexatious conduct adopted by the officers of the United States towards British subjects engaged in the Fur Trade, and navigating the Mississippi and other rivers, nor were any regulations agreed upon, to relieve them from the charges and duties<sup>2</sup> which the United States had imposed upon them, though particular representations had been made, in that respect, to the British commissioners appointed in 1806 to negotiate in London with the American commissioners. The 3rd article of the treaty of 1794 gives to each party the right of *passing through the territories of the other in America*, except within the limits of the *Hudson's Bay* company, and contains the following clause. "But it is understood that this article does not extend to the admission of vessels of the United States into the *sea ports*, harbours, bays or creeks of his Majesty's said territories, as are between the mouth thereof and the highest port of entry *from the sea*, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations *as shall be established* to pre-

<sup>1</sup> Tract entitled "The British Treaty," page 19, 36, &c. see also Decius's letters.

<sup>2</sup> Decius's letters, page 57.