

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 rights, possessions and property, then by them possessed and held, and to protect and indemnify them from aggression and injuries, by or through any person acting, or claiming to act, under the authority or the laws of the United States.

That the rights which the United States were so held to respect, and in the enjoyment of which they were bound to uphold and maintain the Company, consisted of:—

*First*,—The free and undisturbed possession, use and enjoyment in perpetuity, as owners thereof, of all the posts, establishments, farms and lands held and occupied by them, for purposes of culture or pasturage, or for the convenience of trade, with all the buildings and other improvements thereupon.

*Secondly*,—The right of trade in furs, peltries and other articles, within and upon the whole of the said Territory, and the right of cutting timber thereupon, for sale and exportation.

*Thirdly*,—The right to the free and open navigation of the Columbia River, from the point at which the 49th parallel of North latitude intersects the Great Northern branch of the said river, down to the ocean, with a like free and open use of the portages along the said line.

That the said rights have not been respected, according to the terms of the said Treaty, and the obligation of the United States resulting therefrom : but on the contrary, by and through the aggressions and pro-