

under the Treaty of Utrecht, was not to be a line separating the dominions of England from those of France, but a line relating to the trade of each with the Indians. The English Government took, in fact, this position that the country between the settlements of Canada and those of Hudson's Bay was still an unoccupied wilderness, one which was still not so far possessed by either as to be under its dominion, and that this question of dominion was one to be settled by the energy and enterprise of Frenchmen and of Englishmen in the future. Now, with this rule before us, as to the means of acquiring and extending sovereignty, let me look at the facts dealt with by the Treaty of Utrecht. By the tenth article of that Treaty the King of France agreed to restore to the King of England, to be possessed in full right forever, the Bay and Straits of Hudson, together with all lands, sea coasts, rivers and places situate in the said Bay and Straits, and which belong thereunto. No tracts of land or of sea being excepted which are at present possessed by the subjects of France. It is agreed on both sides to determine within a year, by Commissaries to be forthwith named by each party, the limits which are to be fixed between the said Bay of Hudson and the places appertaining to the French; which limits both the British and French subjects shall be wholly forbidden to pass over, or thereby to go to each other by sea or by land. These are the provisions of the Treaty of Utrecht which relates to the surrender of the country in the vicinity of Hudson's Bay to the English. Was this to be a division relating simply to trade, or was it a division relating to the sovereignty of the country? I shall assume that the parties to the Treaty intended that the sovereignty of the country should be divided and that the surrender to the English was a surrender of the sovereignty of the shore of Hudson's Bay, and I shall undertake to show that the places retained by France, called in the treaty places appertaining to the French, were north of the watershed, and the boundary was to be a line drawn between them and the English places on the shore of the Bay. The French plenipotentiaries at first objected to this clause of the treaty, because it might receive a more comprehensive meaning than the parties intended. Mr. Prior, in writing to his Government, said:

"As to the limits of Hudson's Bay Company, and what the Ministry here seem to apprehend, at least in virtue of the general expression, *tout ce que l'Angleterre a jamais possédé de ce côté là* (which they assert to be wholly new and which I think is really so since our plenipotentiaries make no mention of it) may give us occasion to encroach at any time upon their dominions in Canada, I have answered, that since according to the *carte* which came from our plenipotentiaries marked with the extent of what was thought our dominion, and returned by the French with what they judged the extent of theirs, there was no very great difference, and that the parties who determine that difference