

The conventions were in effect an admission of joint occupancy.* There was in them nothing to prevent the settlement of British subjects or of American citizens in the country. All that was wanted to legalize these settlements of the one class or of the other in relation to its own Government, was the recognition and consent of such Government. Of course, in finally adopting a boundary, each Government would take care to protect its own subjects in the rights derived from itself. This, Great Britain did by the Treaty; but even if it had failed to do so, the right of property of the Hudson's Bay Company would not have been extinguished. It would have been protected, if not by strict rules of International Law, at least by principles of equity so broad and manifest that they could not have been disregarded; for under the terms of these conventions and of the Oregon Boundary Treaty, as already shewn, the claimants could by no possible construction, have been considered as trespassers or usurpers upon the soil. They might not have been permitted to continue their trade as a foreign corporation without a special convention, but they would have been entitled to a fair indemnity, on the United States taking possession of their property. Such must have been the view of the statesmen engaged in making the Treaty. It is a necessary consequence of recognized principles, sustained by the authoritative opinion of the best publicists.† A reference to cases is given below. They are confined to cases in the Supreme Court of the United States, as questions of this class have more frequently arisen there than elsewhere, and have been treated with signal ability and learning. The doctrine is well laid down in the case of *Strother vs. Lucas* cited below.‡

* *Greenhow App. K. No. 2*, p. 467: *No. 6*, p. 471.

† *Vattel*, B. 3, c. 13, sec. 200.

‡ *Strother vs. Lucas*, 12 *Peters*, 435, 439, 446, 447.

Society for Propagating the Gospel vs. New Haven, 8 *Wh.* 481 et seq.

Mitchell vs. United States, 9 *Peters*, 711, 733 et seq.

United States vs. Wiggins, 14 *Peters*, 349, 350.

United States vs. Arredondo, 13 *Peters*, 133.

United States vs. Kingsley, 12 *Peters*, 484.

Mutual Assurance Society vs. Watts, 1 *Wh.* 282.

Smith vs. United States, 4 *Peters*, 511, 512.

Delassus vs. United States, 9 *Peters*, 133.