

## SECOND PROPOSITION.

Having endeavored to show the character of the obligation assumed by the United States, I now proceed to the consideration of the subject matter of that obligation. What were the possessory rights which that Government bound itself should be respected? They are alleged in the Memorial of the claimants and in the second proposition of this argument to comprehend everything of appreciable value of which the Hudson's Bay Company was in the possession and enjoyment in the ceded Territory at the date of the Treaty, or in more specific terms:—

1. The undisturbed and perpetual possession and enjoyment of all the posts and establishments with the buildings, and all the land attached, or used in connection with them, and all personal property.

2. The right of trade.

3. The right of navigating the Columbia River.

As introductory to an examination of the scope and meaning of the words upon which this proposition rests, and of the correctness with which their meaning is rendered by it, reference must be had to the brief sketch already given of the nature of the rights and powers exercised by the Hudson's Bay Company, now for nearly two centuries, on the eastern side of the Rocky Mountains. These powers, as already observed, were not those of a mere trading Company, but were political and judicial, and from their amplitude conferred upon the Corporation a *quasi* sovereign character. They were exercised there by virtue of the direct grant contained in the Charter, but when the Company extended itself over the regions west of the Rocky Mountains, it carried with it, as a matter of fact, the same powers, and held and exercised them there with an authority as complete and undisputed as that conveyed by the Charter. This was of necessity, for its servants were the pioneers of commerce and colonization in a country which knew no law or restraint of civilization. The Government of Great Britain was aware of the exercise of all these powers, and not only recognized them, but became, by the interposition of Parliament and of the negotiations of its Secretary of State, a party to the arrangements under which these high functions were exercised. The suggestion by Lord Bathurst of an amalgamation of the North West and