

subjects, subject to rights already acquired by another Prince and another people." But while he excepted, as he was bound to do, vested interests, his charter had no force against subsequent settlement within these limits by any foreign Government. Another Prince might give a charter of exactly the same character to his own people either before or after; and if, under that charter, his subjects did not enter upon territory in actual or virtual possession of another State, they were acting within their rights. France was as free to take possession of the North-West against the charter of the Hudson's Bay Company as she was to take possession of Louisiana within the chartered limits of Virginia. By the Law of Nations a title by discovery is an imperfect title; a title recognized by courtesy, by forbearance, and it must, within reasonable time, be supported by possession in order to make it valid and to establish the sovereignty of the discoverer. This is the doctrine of England. It was asserted in the time of Elizabeth. It was asserted by England in reference to her disputes with France relating to their possessions in North America. Mendoza, the Spanish Ambassador, when he remonstrated against the expedition of Drake, was told by Elizabeth:—

"That she did not understand why her subjects or those of any other European Prince should be deprived of the traffic in the Indies; that as she did not acknowledge the Spaniards to have any right by the donation of the Bishop of Rome, so she knew no right that they had to any places other than those they were in actual possession of. For that their having touched here and there upon a coast and given names to a few rivers and capes, were such insignificant things as could in no wise entitle them to a proprietary further than in parts where they actually settled and continued to inhabit."

The Lords of Trade deny that the mere grant of a charter, without possession, can be admitted as having any force. In a communication to the King in 1721, they say that—

"A charter without possession can never be allowed to change the property in the soil."

And they point out that the French are now seeking to extend their territory by the erection of forts instead of relying upon their charters. In the year 1719 Commissioners were appointed to settle the boundary agreed upon under the Treaty of Utrecht, and they were specially instructed:—

"In wording such articles as shall be agreed on with a Commissary of His Most Christian Majesty upon this head, that the said boundaries be understood to regard the trade of the Hudson's Bay Company only; that His Majesty does not thereby recede from the right to any lands in America not comprised within the said boundaries; and that no pretension be thereby given to the French to claim any tracts of land in America, southward or south west of the said boundaries."

This statement is as explicit as it can well be, that the boundary line which the Government proposed to draw