

another. Here then is a symbolic delivery and possession of a right, which operates precisely like the manual delivery of a chattel.

The Commissioners do not need to be reminded that there are innumerable rights political and civil, some created by the law alone, others derived from the will or acts of individuals, which are not attached to any substance, or in the words of the argument, "do not grow out of that which has physical being:" *quæ sensu corporeo tangi non possunt, sed quæ in jure consistunt et intellectu tantum percipiuntur*; and which, nevertheless, are held and enjoyed, sometimes by those to whom they justly belong, at others by intruders and wrong-doers: and such holding and enjoyment constitutes a well understood *possession of them*, as cognizable and appreciable, and as fully protected, by legal remedies as any possession of a physical substance. The civil law says, concerning this matter of possession, *jura non possidentur, sed quasi-possidentur*, and again, *non possidentur sed magis tenetur*; nevertheless, the distinction was so little founded in the nature of things that the words *possidere, possessio* are constantly applied to rights as well by the sages of the Justinian Code themselves, as by the civilians after them. These distinctions are characterised by a great modern legist as the rigor of judicial expression; and again, as mere pruderies of language; and it is a quibble on words to say that the exercise and enjoyment of a right is not a possession of it.

But I feel that all this discussion is unnecessary, if not absolutely idle. No educated man can for a moment acquiesce in the absurd restrictions which the Respondents strive to impose upon the meaning of the word "possessory," to the exclusion of its broader and legitimate signification. It is a simple matter of definition. Possession is defined to be "anything valuable possessed, or enjoyed." Possessory is "having such possession." This is the full and complete signification of the word.

Now, that the right of carrying on a particular trade, the right of navigating a particular river, are substantial and appreciable rights, the use and exercise or (what is the same thing) the possession and enjoyment of which may be the subject of a guarantee in any international treaty, surely no man will deny, as a general proposition. The only question is, what language in a treaty will