

No man can fairly deny that this language imports an admission of a right of property. But the lands referred to in this article were in the same territory, and acquired and held in the same manner and under precisely the same conditions, as the lands of the Hudson's Bay Company, subject, however, to an important exception; viz., that those lands were acquired and held through the permission of that Company. If then there was a right of property in the one, there certainly was, by stronger reason, in the other. If it be asked why the same form of expression was not adopted in both articles, the answer is obvious. In the 4th article, the rights to be preserved were of a simple nature and clearly defined. The Puget Sound Agricultural Company, an unchartered Joint Stock Association, held these lands for agricultural purposes only, and it was an easy matter to ascertain and deal with their rights. They were either to receive a formal title to the property or to be bought out. But the Hudson's Bay Company was a great and powerful corporation, not only possessed of large tracts of land, but having other important interests, in its right of trade and of navigation for which the possession and use of its posts and establishments as a whole were indispensable, and added to these certain higher rights, of a political and judicial character. All these rights and interests, which neither party to the Treaty could approximately define, and which the Hudson's Bay Company, being no party to it, was not called upon to do, the United States could not safely undertake to confirm or to buy out. The comprehensive term, that the "possessory rights" should be "respected," was therefore used, and a more comprehensive term it would be difficult to find. For it includes not only things of which the Company had the ownership, but all things corporeal and incorporeal of which they then had the possession and enjoyment, and even what before might have been a precarious possession, was by these terms of the Treaty converted into an absolute and perpetual right.

Having shewn the position occupied by the claimants in the North West Territory; the nature of the authority and powers held and exercised by them there; the precise character and foundation of their possession and title; and the extent of the obligation assumed by the United States under the Treaty of 1846, I now proceed to show by the proof of record, the description and extent