

ple sufficient to maintain these possessions, they soon vanished. It is true, the Dutch, an amphibious man-animal, though a small people, maintain their ground in their colonies: but we may observe, they never run their settlements far from their natural and trading element, the water.

Formerly priority of discovery, was reckoned a proper claim. The Cabots coasted North-America (they were in Canada river) in the end of the fifteenth century. Secretary Walsingham, being informed of an opening westerly, north of North-Virginia (Nova Scotia and New England were soon after called North-Virginia) anno 1583 sent out vessels upon the discovery, they sail'd up the river of St. Laurence, took possession of Canada and settled some trade there. In Queen Anne's manifesto, dispersed in Canada, anno 1711, when the expedition for the reduction of it, was on foot, it is said, "that Canada belong'd to the English by priority of discovery, and what the French possessed there was by grants from the English, and consequently held it only as a fief, therefore where the possessors turn enemy, it reverts." Quebec was taken by some private English adventurers, anno 1629. It was given up by treaty to the French, 1632.

Afterwards in place of prior discovery, pre-emption of the Indian natives, and occupancy, was deem'd a more just and equitable title. In case of a war, if any conquest happened, upon a peace, an *uti possidetis* (as is the practice with the Turks and other Asiatics) was the right: but at present in Europe, amongst the civilized and polite nations, at the conclusion of a war, the basis of the treaty, is former treaties (reckoned solemn bargains, indentures, or *jus gentium*) equivalents in money, absolute cession, or exchange of territories, for damages received, or supposed to be received, articles of former treaties, explained and rectified, as in our present case the treaty of Utrecht 1713, seems to require.