

within three years after, viz. in 1496, granted John Cabot and his three sons, with their associates, a commission to navigate all parts of the ocean, in five ships, under the banners of England, for the purpose of discovering ("ad inveniendum suis eorum propriis sumptibus et expensis," &c.) such *heathen or infidel* ("gentilium et infidelium," &c.) regions, countries or islands, *wherever situated*, as were unknown to Christian states; with power to set up the king's standard in any lands, islands, &c. which they might discover, *not previously occupied by Christians*, and to seize, conquer, and possess all such lands, islands, &c. and as his liege vassals, governors, locumtenentes or deputies, to hold dominion over, and have exclusive property in the same.

Under this commission (which could convey no territorial property, as none had been then acquired) the Cabots discovered Newfoundland, with some other parts of the coast of North America, and thereby gave the crown of England all the rights which could result from the discovery of countries, then inhabited and shared by large nations or tribes of mankind; which however could at most be no other than the privilege of forming establishments in these countries, with the consent of the native proprietors, in preference to the subjects of any other state; for, "No man" says
Sidney,

vice of the Spanish civilians and canon lawyers; and we find Bartholemew Delas Cases, Bishop of Chiapa, in a Treatise written and dedicated to the Emperor Charles the Fifth, represented, "That the natives (of America) having their own lawful kings and princes, and a right to make laws for the good government of their respective dominions, could not be expelled out of them, or deprived of what they possess, without doing violence to the laws of God, as well as the law of nations." State Facts, &c. 3.
"An empire" says the illustrious Sidney, "founded upon the donation of the Pope, which, amongst those of the Romish religion, is of great importance, and the entire conquest of a people; with whom there had been no former contract, do degenerate into a most unjust and detestable tyranny. What then shall we say of those, who pretend to a right of dominion over free nations?"