

possessions in the country, and its power there at the time of the Treaty.

Without pursuing further this general statement of facts, I return to the proposition which I believe to be sustained :

1st. By documentary evidence of a date anterior to the Treaty of 1846, and the legal inferences based upon it ;

2nd. By admissions and confirmations contained in the treaty itself ; and

3rd. By the testimonial proof, and the agreements, correspondence, and other writings posterior to the date of the Treaty.

The rights specified in the proposition are "possessory rights." It is submitted that this term includes all the rights of appreciable value of which the company was in possession at the date of the Treaty. In itself it imports no limitation of duration or extent, but in its unqualified and largest comprehensiveness covers all rights of which the claimants were in possession, whether such possession rested on a perpetual or precarious title, or was altogether without title, and whether it were possession of corporate capacity, of lands and realty, of trade, of free navigation, or of any other interest whatever.

The true meaning and application of the words which are in themselves so large, are to be sought in the nature and extent of the possession and title which the claimants actually held at the time of the Treaty, and in the admissions and confirmations of such possession and title by the Treaty itself. And it is here to be remarked, that as the Hudson's Bay Company was not and could not be a party to the treaty, and therefore was not in a position to protect its rights, it is entitled to the most liberal construction in its favour, of the stipulations by which those rights are disposed of or in any way affected.

The proposition relates both to the things to be possessed and enjoyed, and to the character and duration of the possession and enjoyment.

Taking up first the consideration of the character and duration of the possession and enjoyment, it is affirmed that they were to be (1st) undisturbed, and (2nd) perpetual.

The legal meaning and effect of the expression, that the possession and enjoyment were to be undisturbed, is sufficiently explained