

cannot grant an exclusive right of Trade, without the concurrence or confirmation of Parliament. Differences of opinion rarely arise with respect to those rules which are entitled to the denomination of "principles;" the most frequent subjects of contest concern only their application. But on this position, dignified with the appellation of a "principle," it may be observed, that the only judicial opinion ever given by English Courts on such a subject, declared a grant of exclusive trade by the crown to be legal. This opinion, it is true, was given by Chief Justice Jefferies, and may not, therefore, be considered as entitled to such authority as opinions drawn from other sources might obtain; but it must here be remarked, and the observation will be conclusive with respect to the pretensions of the Hudson's Bay Company, even were the above mentioned judicial opinion admitted to be erroneous,—that where a grant of soil is made at the same time with a grant of exclusive trade, the right of the crown to confer the latter privilege becomes rather a question of curiosity than of utility; because by the grant of the soil alone, the proprietor becomes legally entitled to exclude all others from any entrance upon, or any establishments within it. If the King's authority should not be considered to entitle him to prohibit to any individuals the exercise of any lawful occupation upon their own domains, because such prohibition might be thought a restraint upon their liberty, incompatible with the freedom of our laws, the royal prerogative