

in the autumn; the greater portion remains in store all winter, and is distributed throughout the whole of the districts in the following summer. Boats are used in the transport service of every district, except Abitibi and Temiscamingue; those are the only places I know where canoes are in use for conveying goods and furs.

The river navigation from York Factory to Lake Winnipeg is much interrupted by shallows, rapids, and falls; some are dangerous when the water is high; portages are not very long, and the whole route has been much improved since 1821; from Moose Factory to Lake Superior, the water communications have been improved in a similar manner.

The Indians would, in my opinion, be benefited by a free, open trade, provided spirituous liquors could be excluded; provisions, clothing, and other articles, which are to them the necessities of life, they would be able to obtain with greater facility, and in more abundance than they now do; the chances of suffering and privation, from not having adequate supplies, would be lessened; and, no longer obliged to roam over the country in search of a livelihood, families would congregate together, become tillers of land, and their condition be thus greatly improved.

There is a fixed tariff for sales of goods to the Company's servants, in all parts of the country 50 per cent. on prime cost; commissioned officers pay 33 per cent., which is allowed to cover freight, and charges to the depôts; there is no fixed or regular tariff for dealings with the Indians; the custom of the post regulates prices, both for goods and furs. When I was in the service, the Indian tariff prices, or custom prices, had not been changed at some of the districts for many years; goods are dearer at the distant posts, and prices vary at each, more or less; great latitude in this respect is allowed to officers in charge of districts; the success of the trade and welfare of the Indians depend chiefly, almost entirely, on their judgment and management, not on the Directors in London or on the Governor of Rupert's Land; general arrangements for conducting the trade are made by the councils of officers held once a year in the country. The Governor presides; councils determine the outfits of goods; number of men to be employed; stations to be occupied; boats to be sent in or out; minor details left to the discretion of the officers appointed to the charge of districts and posts; officers amenable to the council; each officer makes an order for the goods he considers needful for the trade of his district, restricted according to the number of boats ordered; supplies are sometimes insufficient for the wants of the Indians; they do not infrequently suffer from this cause. Orders for goods sometimes curtailed and diminished by the officer in charge of the depôt; sometimes in England by the Governor; depôt officer responsible to council in such case; the treatment of the Indians, whether humane, or otherwise, depends entirely on the officers in charge of posts; his liberality governed by his outfit. A general order was made in 1821, that the Indians be treated with kindness and humanity; that order has never been rescinded; gunpowder, shot, and ball, fishing twines, blankets, cloths and axes, are the chief necessities; without these the Indians may perish. In all parts of the country where I have been, the Indians were peaceable and inoffensive; troublesome when intoxicated, sometimes dangerous; they have been reduced in number by diseases, as small-pox, influenza, hooping-cough, scarlet fever, &c.; never knew of any hospital on the east side of the Rocky Mountains; the Company's posts are so few and far between, that the Indians cannot readily obtain relief or assistance in a time of sickness; each post supplied with such medicines as the officer in charge may order; one medical man at each depôt only; no schools or schoolmasters at the posts, excepting Red River; none that I know of, from 1814 to 1845; there may be, since I left the service.

Goods in the original package from England may be laid down at Lake Superior in the month of May, or by the first week in June; the Company cannot be unaware of this fact; their goods are only leaving England at that date; the Company's posts at Lake Nipissing, Lake Huron, Sault St. Marie, and Lake Superior, are all supplied with goods from their depôt at Moose Factory; these goods only arrive at their several destinations 15 months after shipment from London. Goods from Canada might be conveyed to the shores of Hudson's Bay or to Lake Winnipeg in July, or three months only after shipment; the furs traded from the Indians within the same limits are collected at Michipicottin, and conveyed to Moose Factory, where they are shipped to London, might certainly be in London (by conveying them through Canada), in the month of September, or date of shipment from Moose Factory; when the ships wintered in Hudson's Bay, the furs did not of course reach London until the following year. Was four years at the King's posts and sequencities on the St. Lawrence, in the Company's service; the furs from those posts and from the Ottawa, were sent to Quebec for shipment to London; the furs of Temiscamingue, Abitibi, Grand Sac, Trout Lake, Waswanopy and Mistassiny, are all sent to Moose; receive their supplies of goods from the same place; the Company's private rights are not much respected on the St. Lawrence.

Have not been at the Oregon, or crossed the Rocky Mountains, neither have I been at any of the districts north or west of Cumberland House; my position at the depôt enabled me to gain information, and know what was doing in those parts of the country. Potatoes were raised at the Saskatchewan, Lesser Slave Lake, English River, Athabasca, and other posts in the southern part of the Mackenzie River, although sometimes cut off by frosts.

Churchill and Severn, posts on the coast of Hudson's Bay, are supplied from York
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Factory by means of boats and small schooners; the proximity of bay ice renders garden crops very uncertain; in favourable years they raise vegetables; the same may be said of the whale rivers on the eastern side of the bay; at those places porpoise fishing is now carried on, but with very little, if any, pecuniary benefit to the Company. There are no salmon or other fisheries carried on in Hudson's Bay; never attempted, so far as I know; too much ice in Hudson's Bay and Straits to make a profitable speculation.

The acting partners or officers of the fur trade stationed in the country have no voice in regard to leases or charters of the Company; these matters are arranged and settled by the Board of Directors in London; and it is only from thence, or from the Imperial Government, that information is or can be derived. The commissioned officers of the Company are governed by a distinct code of regulations or "deed poll," as it is termed, and covenant entered into when they receive their commissions; and by this deed poll their interest in the trade is defined and guaranteed.

The memorandum of the Honourable Commissioner of Crown Lands, published in the "Return to an Address of the Honourable the Legislative Assembly," is so replete with valuable data on which to ground a report by this Committee, that I cannot regret my own inability to say anything of importance on the charter of the Company, their leases, or their titles. I perfectly agree with the Honourable Commissioner, that the time has arrived, when the measures he has suggested should be "most forcibly pressed upon the Imperial Government;" and I beg your permission to express my deep-felt conviction, that on the decision of this Committee, and the course of action that may be taken by the Canadian Government at this juncture, depends the future weal or woe of my countrymen in the British North-west Possessions.

Mr. William MacD. Dawson, called in, and Examined.

I AM the head of the Woods and Forests Branch of the Crown Land Department, and reside in Toronto.

I have never had any difficulty or quarrel with any one connected with the Hudson's Bay Company.

Have you particularly studied the titles under which the Hudson's Bay Company claim certain rights of soil, jurisdiction, and trade on this continent?

I have made this subject a particular object of study for many years, and have omitted no opportunity of acquiring information upon it; and although with more time than I could devote to it, and a more extended research, much additional information could be obtained, I believe that it would only tend to fill up details, and strengthen and confirm the results of the investigation I have already made.

Will you state to the Committee the result of your investigation?

The result of my investigation has been to demonstrate that in the Red River and Saskatchewan countries, the Hudson's Bay Company have no right or title whatever, except what they have in common with other British subjects. Wherever they have any possession or occupancy, then they are simply squatters, the same as they are at Fort William, Lacloche, Lake Nipissing, or any of their other posts in Canada.

The governmental attributes they claim in that country are a fiction, and their exercise a palpable infraction of law.

I am no enemy to the Hudson's Bay Company, nor to any individual connected with it; and I think that there are at the present day extenuating circumstances to justify a great degree of forbearance towards them when their position comes to be dealt with, either judicially or legislatively.

Illegal as it undoubtedly is, their present position is a sort of moral necessity with them. The first attempt of the Company, under Lord Selkirk's regime, to assume that position, was no doubt a monstrous usurpation; but it was defeated, though not till it had caused much bloodshed.

The Hudson's Bay Company and the Canadian Traders (North-west Company), afterwards amalgamated; and then, in pursuance of a policy most dexterously planned and executed, carried the trade away back into the interior, from the very shores of the lakes and rivers adjoining the settlements of Canada, and took it round by Hudson's Bay, to keep it out of view, to lessen the chances of a new opposition springing up.

They also gave out that it was their country (a fiction which the license of exclusive trade for the Indian territories helped them to maintain); and they industriously published and circulated maps of it as such, which, being copied into other maps and geographical works, the delusion became very general indeed.

When therefore, by this means, they had been left alone in those remote territories, without any intercourse with the organised tribunals or legitimate government of the country, (an intercourse which their monetary interests forbade them to seek), it became a sort of necessity for them to establish a jurisdiction of their own.

It is true that they have gone to an extreme in this matter, which it would be difficult to excuse;

excuse; but in such a case it is hard to take the first step, and be able to stop afterwards, more particularly when it consists in a total antagonism to existing law, or rather in assuming to themselves the functions of constituted authorities, where they legally possess only the rights of subjects and traders in common with the rest of the community.

But having once assumed and exercised those powers, and thereby made themselves amenable to the laws of the country, it is not to be wondered at that they have sought to justify it on the pretence that they possess the powers of government, which (doubtful at best even in those localities where they have some show of title) are without the least foundation on the banks of the Saskatchewan or Red Rivers.

In thus palliating the tenacity with which the Hudson's Bay Company cling to their fictitious title I may be accused of being their apologist, but I am so only to the extent that, at the present day, their position has become a necessity; for, in so far as they have affected the rights of others, they have rendered themselves liable to the most serious consequences, should any party aggrieved see fit to appeal to the legal tribunals of the country; and it is but natural to suppose that they will endeavour to maintain the fiction long enough to enable them to effect a compromise.

Any number of individuals might associate themselves together for mining, hunting, or agriculture, say at Lake Nipissing or on Anticosti; and finding no legal tribunals there, or within their reach, they might establish a jurisdiction of their own, and execute their judgments. Circumstances may be imagined in which such a course, if resulting from the necessity of their position, might be morally right, though legally wrong; but nothing short of an Act of Indemnity could save them from the consequences, if pursued by those whose rights they had affected.

Such is exactly the position of the Hudson's Bay Company at the Red River, and, for the judgments they have rendered there, they are undoubtedly amenable to be judged by the legally constituted tribunals of this country; and those whom they have condemned or punished, or whose rights or interests they have adjudicated upon, can certainly obtain redress.

And to this extent I would be their advocate, that, in so far as their assumption of jurisdiction has been in a manner a necessity resulting from the acts of former years, the Legislature should pass an Act of Indemnity to shield them from the consequences; the circumstances to be first investigated, however, by a commission appointed by the Government for that purpose.

It may seem presumptuous in me to put the case so strongly in opposition to the general view of their territorial rights; but it is not a matter of opinion, it is a matter of fact. I could have no hesitation to state as a fact, that the county of York and the district of Montreal are not portions of the Company's territory, but the fact that the Red River and Saskatchewan are not in their territory is just as strong and absolute; and the circumstance that the one happens to be better known than the other does not alter the fact in the one case more than the other.

But the generally received view of the subject is but of recent date, and simply the result of the circumstance, that no one in particular has taken any interest in denying it. It is only since the union of the Companies in 1821 that there has been no obstacle to the continuous imposition of the Company's views upon the public, till they ultimately became rather unopposed than accepted; and, in denying it now, I am simply in accord with the higher authorities, whose province it has been to treat the question judicially.

It must be remembered that the Company did not attempt to even enter upon these countries until 104 years after the date of their charter, viz., in 1774; and that they then did so, not as taking possession under their charter, but only to participate in a traffic then in the hands of British subjects trading from Canada in virtue of the conquest or cession of the country, through which, and not in virtue of their charter, the Company also had, of course, a right to trade as British subjects.

A rivalry having been kept up for many years in the trade, and the absurd construction of the charter now contended for having been invented, the attempt to exercise the powers claimed was made by the Company, through Lord Selkirk, first theoretically about the years 1811-12, and practically about 1814, by warning off the North-west Company, and obstructing the channel of their trade; and the result was a great deal of strife and bloodshed. In the course of this strife various appeals were made to the provincial and Imperial Governments, and to the legal tribunals, and in every instance the decisions were constructively or directly adverse to the pretensions of the Hudson's Bay Company.

In a despatch to the Governor-general from Earl Bathurst, by order of his Royal Highness the Prince Regent, under date 6th February 1817, I find the following instructions in relation to these events:

"You will also require, under similar penalties, the restitution of all forts, buildings, or trading stations, with the property which they contain, which may have been seized or taken possession of by either party, to the party who originally established or constructed the same, and who were possessed of them previous to the recent disputes between the two Companies.

"You will also require the removal of any blockade or impediment by which any party may have attempted to prevent or interrupt the free passage of traders or others of his Majesty's subjects, or the natives of the country, with their merchandise, furs, provisions, and other effects, throughout the lakes, rivers, roads, and every other usual route or commu-

nication heretofore used for the purposes of the fur trade in the interior of North America; and the full and free permission for all persons to pursue their usual and accustomed trade without hindrance or molestation."

And in conclusion, this object is again peremptorily insisted on, viz., "the mutual restoration of all property captured during these disputes, and the freedom of trade and intercourse with the Indians, until the trials now pending can be brought to a judicial decision, and the great question at issue with respect to the rights of the two Companies shall be definitely settled."

The trials then pending, to which the above allusion has reference, were those instituted by Lord Selkirk against the partners and employes of the North-west Company, who had resisted the pretensions of the Hudson's Bay Company, and in consequence of which a battle was fought on the Frog Plains, at the Red River, in which some 20 of the Hudson's Bay people were killed, including the "Governor," as they styled their chief officer. These trials were for murder (some of the parties as principals and some accessories) for arson, robbery (stealing cannon), and other high misdemeanors, and were held in this city, then the town of York, in October 1818, and resulted in the acquittal of all the parties on all the charges, though it was not denied that some of them had been in the battle, in which, however, they contended that they were in defence of their just rights.

These trials were held under the Canada Jurisdiction Act (43 Geo. 3, c. 128), under a commission from Lower Canada; but the jurisdiction under that Act being questioned on the ground that the Frog Plains were in Upper Canada, and therefore not in the territories affected by that Act, the Court was so doubtful on the question of boundary that the charge to the jury directed that, in case of finding the prisoners guilty, they should return a special verdict setting forth that "they could not see from any evidence before them what were the limits of Upper Canada."

The Attorney-general was unable to define these limits, but appealed to the Court to decide, as they were deducible from treaties, Acts of Parliament, and proclamations, &c., and the judgment of the Court was as above stated, the following passage occurring in the charge of the Chief Justice:—

"Mr. Attorney-general has put in evidence the latitude and longitude of the Frog Plains, but he does not put in evidence whether this latitude and longitude be without or within the boundaries of Upper Canada, and I do not know whether from 50° to 100° or 150° from the western limit of Upper Canada."

In other words, the Court could not affirm that Upper Canada had any western limit on this side of the Pacific, and the Court was right; its westerly limit never had been assigned, and absolute evidence of the very nature which the Attorney-general (now Chief Justice) admitted would be proof upon the subject, existed so far as to prove that the province extended beyond the Lake of the Woods, without determining how far beyond; but it was not his duty to quote it, as he was prosecuting for a conviction as directed by a special commission from Lower Canada under a particular Act. An acquittal, however, rendered any special verdict unnecessary, and the question was not therefore further tried on these cases.

I must remark, however, that the question raised was solely whether the scene of the outrages at Red River was in Canada or the Indian territory, not whether it was in Canada or the Hudson's Bay Company's territory. The latter alternative was not even entertained, having been almost entirely ignored on the trials as too manifestly absurd to make any legal fight upon at all.

In short, the case for the defence was based on a justification of resistance to the assumed authority of the Company, whose preposterous pretensions on the Red River with "governors, sheriffs, &c.," were treated with ridicule, though without detracting from the individuals, "Governor" Semple, who was killed, or his predecessor, M'Dunnell, who were worthy of the highest respect, though, like many others, imposed upon in the first instance by the specious pretences of the Company and Lord Selkirk.

Other actions and trials were held in Upper Canada, all of which, so far as I have been able to trace them, were adverse to the Hudson's Bay Company.

In February 1819, in this city, William Smith, under-sheriff of the then Western District, obtained 200*l.* damages against Lord Selkirk, then at the head of a large armed force, for resisting him in the execution of a writ of restitution, founded upon a verdict obtained at Sandwich in 1816, and resistance also to a warrant for his Lordship's arrest.

At the same time, Daniel M'Kenzie obtained 1,500*l.* damages for forcible detention, &c., by Lord Selkirk.

Criminal proceedings were also instituted, and a bill of indictment found against Lord Selkirk himself and the leaders of his party, for their illegal transactions in the Western territories; but I have not yet been able to trace up the result of this case, and no doubt much valuable information could be obtained by some one having more time than I have had to hunt up the records of these proceedings.

The latter trials, I believe, were in the ordinary course of procedure of Upper Canada, and not under the special Act for the Indian territories, &c., and the proceedings taken extended to transactions far down the waters descending to Lake Winnipeg.

Having shown the views of the judicial authorities of Upper Canada, I would advert for a moment to those of Lower Canada.

In May 1818 Charles de Reinhard was tried at Quebec for murder committed in 1816 on the River Winnipeg, under the Canada Jurisdiction Act. Exception was taken to the jurisdiction of the Court, on the ground that the locality was not in the Indian territory, but within the limits of Upper Canada.

The Court over-ruled the objection, and decided that the westerly boundary of Upper Canada was a line on the meridian of 88° 50' West from London.

I hardly think that any surveyor, geographer, or delineator of boundaries of any experience or scientific attainments would concur in the decision.

The question would be too long, however, to discuss now, and I shall only say that it was based on the assumption that, of the territory previously belonging to and acquired from France in 1763, only a part was organised as the Province of Quebec, and that the two Provinces of Canada, after the division, were confined to the same limits provided for the former by the Act of 1774. The Court, the Attorney-general, and the counsel for the prisoner alike concurred in the fact that the River Winnipeg was a part of the country previously belonging to France, and ceded by the Treaty of Paris in 1763, and at no stage of the proceedings was the question of its being a part of the Hudson's Bay Company's territories for one moment entertained.

De Reinhard was found guilty, and sentenced to death; but although the Court refused to reconsider its decision, yet the reasoning of Messrs. Stuart & Valliere was so clear, that the judges deemed it expedient that the execution should be delayed till the decision of the Imperial Government could be had upon the question of jurisdiction.

The actual reasons given by the Imperial Government I have not been able to get at; but I know that when the decision was given the prisoner was released, and that the question submitted was that of jurisdiction, as above stated.

I must here remark that notwithstanding the able and convincing arguments of Messrs. Stuart and Valliere, they omitted one point, which the Court would have been obliged, by its own admissions, to have accepted as conclusive against the judgment it gave.

The decision given was based upon the construction put by the Court upon the actual wording of an Act of Parliament, but it was admitted that the country to the west only "came into the possession of the British Crown at the Treaty of Paris in 1763," and it was admitted that the King could by an act of sovereign authority, "have placed that country under the Government of Canada;" it was merely denied that he did so, not asserted that he could not do it. The counsel for the prisoner did not chance to come upon the commissions of the Governors, or they would have found that there had been such an "act of sovereign authority," distinctly describing that country to the west of the Lake of the Woods as attached to the Government of Canada, and the Court by its own admission must have been bound by it.

I may also remark, that the decision of the Court at Quebec would have made the westerly limit of Upper Canada a long way east of the United States boundary, leaving out the shores of the lake (where we are now selling mining lands) and its westerly tributaries, and has therefore nothing in common with the boundary designated for us by the Hudson's Bay Company, viz., the water-shed of the St. Lawrence, and for which there is no earthly authority except themselves.

On this head, I must advert to one other authority, which is of the highest importance at this moment, when troops are about to be sent to the Red River, and who, if they carry with them the erroneous views which, of late years, have been with some success imposed upon the public by the assiduous promulgation of the Company, may unfortunately be placed in a position of antagonism to the civil power.

There were indeed some troops there, not very many years ago, and so such evil as might be apprehended now resulted; but the circumstances are changed; the scenes of an earlier period may come back if the attempt be made, wholly unsupported by law, to repress a legal right. If such should be the case, it would be unfortunate if Her Majesty's soldiers were found on the wrong side, acting against law; for the subject is now being so well discussed, that the people will know their rights, and will appeal to the legal tribunals and the civil powers of the state to sustain them. Better that military rule prevailed entirely, for then the officers would know their duties and their responsibilities. If they go under the impression that they are to be subject to the supposed civil officers of a self-constituted government, which has no legal existence, they may find themselves called upon to enforce behests which are not law, which are infractions of law; they may be called upon to subdue resistance to illegal acts, to which resistance is a duty and a right; and if for acting on these behests they are ultimately brought before the courts of justice, they will find that they have acted under those whose powers will be treated as a nullity, whose civil officers will be held a mockery. This has been before, this may be so again, if due precaution be not observed; and I state it thus strongly now, because the more it is known, the less will be the chance of its recurrence.

If proper civil officers, magistrates, &c., were appointed by his Excellency the Governor-general for the Red River country, to whom alone the troops could look in case of emergency, as vested with authority, the difficulty and danger would be obviated; for without this there is no authority in that country by, through, or in any person connected with the Hudson's Bay Company, as such, to which any officer or soldier in Her Majesty's service would be justified in yielding obedience.

To revert to the authority upon this subject I was about to quote, it will be remembered that, during the troubles which formerly took place, upon special representations made by Lord Selkirk that he was not safe in proceeding to the Red River settlement, some troops were

sent with him, and the instructions given to them by order of his Excellency Sir Gordon Drummond are so clear and decisive, that no one can mistake their purport; they were as follows:

Sir,

Adjutant-General's Office, Quebec,

17 April 1816.

The Earl of Selkirk having represented to the Administrator-in-chief and Commanding General of the Forces, that he has reasons to apprehend that attempts may be made upon his life in the course of the journey through the Indian country which he is about to undertake, his Excellency has, in consequence, been pleased to grant his Lordship a military guard for his personal protection against assassination. This party, which is to consist of two sergeants and 12 rank and file of the regiment De Meuron, is placed under your command, and I am commanded to convey to you the positive prohibition of his Excellency the Lieutenant-general commanding the forces against the employment of this force for any other purpose than the personal protection of the Earl of Selkirk. You are particularly ordered not to engage yourself, or the party under your command, in any disputes which may occur betwixt the Earl of Selkirk and his engagés and employes and those of the North-west Company, or to take any part or share in any affray which may arise out of such disputes.

By such an interference on your part you would not only be disobeying your instructions, but acting in direct opposition to the wishes and intentions of the Government to the maintenance, support, and protection of which each party has an equal claim. The Earl of Selkirk has engaged to furnish the party under your command with provisions during the time of your absence. You are on no occasion to separate from your party, but to return with his Lordship, and on no account to suffer yourself, or any of your detachment, to be left at any settlement or post in the Indian country.

These instructions are to be clearly explained to the non-commissioned officers and men in your party.

I have, &c.

Lieutenant Graffeuried,
De Meuron's Regiment.

(signed) J. Harvey,
Lieut.-Col. D. A. G.

This is another emphatic declaration that the Government held the Hudson's Bay Company and the Canadian traders as possessed of equal rights, and that Her Majesty's troops at least were not to be used against the one to sustain the ridiculous pretensions of the other. Notwithstanding the stringency of these instructions, however, Lord Selkirk having a number of the disbanded De Meuron soldiers in his pay, it was difficult for the regulars to resist being led along with them to enter upon the North-west Company's property, &c., which involved them in legal difficulties after their return, from which it was not easy to extricate them.

I have confined myself in the foregoing remarks to the Red River and Saskatchewan countries, which were the principal scenes of the disputes which have heretofore called for action; and it will be seen that the imperial authorities, the provincial authorities, the military authorities, and the courts of justice, have all ignored the pretensions of the Hudson's Bay Company as regards these countries.

The great danger in renewing the Company's lease of the Indian territories, however, would be, that they might drop the pretence that the Red River, &c., is covered by their charter, and claim it as part of the Indian territories: a plea which, though erroneous, might be more sustained by technicalities, inasmuch as some of the remote parts of Canada, perfectly understood to be such, have nevertheless sometimes been designated the Indian countries in official documents. I have not referred to the validity of the Company's charter, either to deny or admit it; I merely deny that it has effect on the countries I have spoken of.

In support of this, I have quoted more recent authorities; but for a more particular investigation of their title, its extent and origin, I beg to refer to a report which I wrote for the Commissioner of Crown Lands some months ago, the substance of which appears in the shape of a memorandum in the Return to an Address for certain Papers connected with the Hudson's Bay question. It embodies the views I have entertained for many years, and is the result of much careful study.

Q. Have you made the early and present boundaries of Canada a particular subject of study? If so, state the result?

A. The early boundaries of Canada, or New France, included, I think, the whole of Hudson's Bay; for I find all that part of the country granted to a trading company by the King of France, in a charter somewhat similar, but 40 years earlier than the charter of the Hudson's Bay Company.

I find the country also confirmed by treaty to France, at St. Germain-en-Laye, 28 years before the last-named charter, but the investigation of this part of the subject is fully stated in the memorandum referred to.

I find that, from the Treaty of Utrecht, in 1713, to the Treaty of Paris, in 1763 the boundaries between the French possessions in Canada and the British possessions in Hudson's Bay were not defined. The lines claimed by both parties are distinctly laid down on the map lately prepared by Mr. Devine, in the Crown Lands Department.

Both, it will be seen, give the Red River and Saskatchewan to France, and the line laid down from British authorities is from those least favourable to French pretensions of that period.

All the country south of that line is, of course, what was ceded by France as Canada, in 1763, and was in her undisputed possession up to that time. There was never any westerly limit assigned to Canada either before or since the Treaty of Paris. The French claimed to the Pacific, though they never explored the whole way across; which, however, the Canadians (British and French) were the first to effect after the treaty.

Some British authorities of a more recent date claimed under the Treaty of Utrecht from Hudson's Bay to latitude 49°, as having been so determined by Commissioners, but no such decision was ever given. I have searched every book I could find upon the subject, and have communicated with those who have searched the best libraries of France and England with the same object, but no authority can be found for such a boundary.

Q. What do you know of the soil and climate of the British territories north and west of Lake Superior to the Pacific?

A. I know it in a general way as well as I can know any country that I have never been in. A great deal of it is of the finest character, both with respect to soil and climate; but in such an extent there are, of course, some sterile, rocky, and barren tracts. The immediate shores of Lake Superior are for the most part rockbound; but a conviction I have long entertained, deduced from certain premises, has been sustained by recent proof that an extensive tableland, or flat country, exists in the interior to the north. To the west, after crowning the height of land near the lake, there is a great deal of flat country. From the most westerly British point on Lake Superior to the Red River settlement, the distance in an air line is 350 miles, and there is no reason to apprehend that the average difficulties of making a road the whole way are greater than are ordinarily met with in the interior of Canada.

Both Sir George Simpson and Dr. Rae admit that, from the high lands near Lake Superior, it is a flat country to the Red River; much of the distance, however, is navigable. From the lower end of the Lake of the Woods to the forts of Rainy Lake, is navigable in one reach of 140 miles; thence through Rainy Lake, &c., there is a navigable reach of 77 miles (though some say there is a break, making 64 and 33 miles); thence there are 28 miles, making five navigable reaches, the Winnipeg River being nearly as large as the Ottawa. From the last 28 miles, the distance is about 115 miles to Lake Superior. If the road were made through this tract, the whole country would be easily accessible. There are navigable waters, however, a great part of the last-named distance, though in smaller reaches. I have only given those in which steamers could be used whenever desirable. From the Lake of the Woods to Red River in a direct line, without going round by Lake Winnipeg, is said to be a very fine country, but is not thoroughly explored.

The route above sketched is the nearest and the easiest to be made available for summer travel. It has an immense advantage in distance over the Minnesota route. Taking Detour on Lake Huron as a starting point, common to both routes, we find the direct distance to be from Detour to Pigeon Bay 300, and from Pigeon Bay to Red River, say 356 miles, in all 656 miles. By way of Minnesota, the distances are: Detour to Chicago, 350 miles; Chicago to St. Paul's, 240 miles; and from St. Paul's to Fort Garry, 380 miles; in all 1,070 miles, making a difference of 414 miles in favour of the Lake Superior route through our own territory. The above distances are given in air lines, and would, of course, be considerably increased in actual travel, but there is not the least reason to suppose that they would be more increased by the one route than by the other. Pigeon Bay on Lake Superior is equally accessible, and rather less distant from Lake Huron than Chicago is; but allowing these two points to be equally accessible from the east, when we turn to the west, Fort Garry is 326 miles distant from our own port, and 720 miles distant, *via* St. Paul's, from the American. In other words, starting from Fort Garry, it is about 30 miles further to St. Paul's than to Pigeon Bay, and when you have got to St. Paul's you are about as far from Chicago as you were from Pigeon Bay before you started from the Red River.

To make an excellent waggon road, therefore, clear through from a British port on Lake Superior to Fort Garry on Red River, allowance for curvatures, bringing the distance up to about 400 miles, would take say 93,000 *l.* Such a road, at a cost of 250 *l.* per mile, would immediately transfer the trade from St. Paul's to Lake Superior, would speedily pour in a large population into the country, and would likewise become settled throughout its entire length, with such occasional exceptions, no doubt, as usually occur on the average of road-lines in the interior of Canada. This result is worth millions of money to the people and the trade of this country, and the outlay is comparatively insignificant.

But it is not necessary to make even this outlay to attain the end desired. I have already shown 208 miles navigable on the route, in three, or at most in four, separate reaches, the data for which I have taken from the actual survey made in 1826, under the Treaty of Ghent.

The navigable parts are not, of course, in a straight line, but they lie very closely in the general direction of the route, and from 25,000 *l.* to 30,000 *l.* expended on the 115 miles from Lake Superior to the first navigable reach referred to, might at once be said to open up the territory. Gradual access might of course be had at a still less cost, by commencing settlement with the ordinary class of free grant roads. The whole route might indeed be made accessible at once, at the cost of a few thousand pounds, by clearing out the portages (over which artillery and military stores have been taken ere now), which have fallen into disuse, and even this much would be beneficial, as it would create trade and travel enough to induce a more general knowledge of the capabilities of the country. I need only add on this head, that my views on this part of the country are derived personally from some who

Appendix, No. 8. have seen it, and from the writings of others, and have recently been confirmed by the evidence of Sir George Simpson and Dr. Rae, who, while manifesting a strong desire to condemn, have afforded the most convincing proofs of the practicability of rendering this route available.

The next point is, that from the impracticable nature of the north shore of Lake Superior, it can only be a summer route, and that it is not therefore desirable to have a British population in these countries, to which access could only be had during winter through the United States.

I admit the inconvenience; but what becomes of Canada altogether in winter! The entire intercourse between it and England is through the States at that season. But it may be said there is another route possible from Halifax to Quebec. Is there, then, no other route possible to Red River?

Fortunately, Dr. Rae has recently thrown some very valuable light upon the subject: He says, that in the interior, behind the rock-bound shores of Lake Superior, the country is low and swampy, having found it rough and hecken whenever he got nearer the lake. "Swampy," it must be observed, as used in Canada, conveys an erroneous impression to English readers, who do not know that what is called a "swamp" in Canada is a level tract, with a thicket growing upon it, which keeps the ground damp by keeping out the sun's rays; that there is generally from 6 to 18 inches of rich vegetable mould on the surface, with a pretty stiff clay bottom; that, in short, a Canadian swamp is about the best ground that nature ever made for a railway track. Dr. Rae has not been far enough back at the lower end of Lake Superior to reach such a country, but we have the explorations of gentlemen connected with the lumber trade, a considerable distance into the interior, westward from Lake Temiskamingue, where a very fine level hardwood country is found. I shall not assert anything positive of a route which has not been sufficiently explored or reported upon; but, from all that is known, there is no rational ground for supposing that the route would be in the least more difficult in its natural features, than between Quebec and the Lower Provinces. Such a route is of no immediate necessity, however, until a considerable population shall have grown up to the west.

Having dealt thus fully with the question of the accessibility of the country, I shall be brief in relation to its soil and climate, which are so generally known as to render a refutation of the erroneous statements still sometimes made by interested parties, or those who are swayed by them, a superfluity.

I have had some communication with parties in England, who take a deep interest in the subject, and have seen a great part of the evidence taken by the Committee of the House of Commons before which it has been lately undergoing investigation.

The evidence given on that occasion on behalf of the Hudson's Bay Company, must ultimately become a subject of deep regret to those whose names are associated with it. But it must soon, I presume, become public, and I need not now anticipate the reception it must then meet with.

I will only advert to a few points to elucidate my remarks upon the soil and climate of the country. Sir George Simpson admits what everybody knows, that the climate on the same parallel of latitude improves to the west.

I am aware that wheat grown in Eastern Canada, north of the 48th parallel of latitude, obtained honourable mention as ranking next after the prize wheat at the World's Exhibition in Paris. The Rainy Lake River is also between the 48th and 49th parallels of latitude; but there, Sir George tells the Committee that the ground behind the immediate bank of the river is permanently frozen. Thus between the same parallels of latitude we find one point, on the east, at which we know that the best of wheat can be grown, and another point, 1,300 miles due west of it, where, while he says that the climate improves by westing, Sir George informs the Committee that we have reached the regions of perpetual frost.

Colonel Lefroy also says that the climate ameliorates to the westward, but yet that in the country from Lake Superior west to the Rocky Mountains both soil and climate are adverse to settlement. His proofs are curious, however. He says wheat has been raised with success at Fort Cumberland. Now Fort Cumberland is upwards of 300 miles due north of the boundary.

Following the same meridian due south, therefore, there must be one of the finest wheat-growing countries imaginable; at least a due north and south line of upwards of 300 miles in this part of the world would reach from a very fine to a very indifferent wheat-growing country; he says also that horses live out and find their own food all winter on the north branch of the Saskatchewan, and that the buffalo gets very fat in winter.

He says that barley is the only cereal that can be grown with success at Fort Simpson; but this being about 62° north latitude (he mistakes in calling it 58°), the climate on the same meridian at 49° must be magnificent. The fact is that those who have given evidence for the Company speak of the territories from Lake Superior to the Rocky Mountains, and from latitude 49° to the Polar Regions, as a whole; and thus it is that Fort Simpson is dragged in to prove the unfitness of the country generally for agriculture; whereas the fact that nothing better than barley can be grown at Archangel might as well be adduced to prove that wheat would not succeed in Poland, or the fairest portions of Germany, or the inhospitable climate of Lapland, made an argument against the cultivation of the British Islands. Colonel Lefroy, indeed, condemns both soil and climate, and attributes the success of agriculture at Fort Simpson to the fact of the farm being on an island formed by alluvial deposit. If, then, the accident of an island of alluvial soil, in latitude 62°, found a climate genial enough to make "farming unusually successful," with "very fine timber," though

the "largest trees seldom exceed three feet in diameter," no language of mine could convey a stronger disproof of the evidence given by the same gentleman against the climate as a whole, including 13 degrees further south, and the same proximity to the Pacific as Fort Simpson.

Respecting my own opinions upon the subject, from having read what has been written by indifferent parties upon it, I think the nature of the climate is just as well established as that of the climate of Europe and Asia is; it is affected by the same causes precisely, varied in a greater or less degree, in different localities, by circumstances peculiar to each.

The west side of the continent of Europe and Asia is warmer on the same parallel of latitude than the east side, because the west has an ocean to the windward of it, the prevailing winds being westerly.

The cause and effect are precisely the same on the continent of America, only in a somewhat greater degree, from having a larger and a warmer ocean to the windward of it, and a colder sea to chill its eastern shores.

The greater coldness of the North Atlantic, on the eastern shores of America, is caused by the mass of ice that annually drives southward through Davis's Straits. I believe there are no such icebergs reach the same latitudes in the Pacific.

The isothermal lines of equal temperature run further north, therefore, on the west coast of America on the Pacific than on the west coast of Europe on the Atlantic.

The observations upon which the fact is based are concurred in by all disinterested authorities; against such testimony the evidence of the few interested in the Hudson's Bay Company, or their friends, is entirely valueless.

Assuming, however, that equal latitude gives only the same mean temperature on the west coast of America as on the west coast of Europe, we find that some of the finest countries in the world lie between the 49th and 60th parallels, including the whole of the British Islands.

The 60th parallel of north latitude passes through Christiansa, in Norway, a little north of Stockholm, the capital of Sweden, and through St. Petersburg, but in following the same parallel through Europe and Asia, we come out in the most northerly parts of Kamtschatka, which cannot be said to be habitable in the ordinary sense.

There is no barrier in climate, therefore, to a St. Petersburg being at latitude 60° north on the west coast of America, any more than on the west coast of Europe; although on following the same parallel eastward across the continent to the shores of Hudson's Bay, or the confluence of Hudson's and Davis's Straits, we come to countries whose sterile shores and wintry skies forbid the hope of their ever becoming the homes of civilised men, except as hunters and fishers.

The 49th parallel of north latitude passes nearly a degree south of the southernmost point of England, through the environs of Paris, through the southern provinces of Germany, and less than a degree north of Vienna.

There is no reason, therefore, as regards climate, why the lower course of the Fraser, or the upper course of the Columbia, in British territory and in the same latitudes, should not rival the banks of the Rhine, the Meuse, or the Moselle; there is no such reason why the valleys of the Unjiga, the Elk, the Saskatchewan, the Red River, and the Assiniboine, should not yield their golden harvests as rich as those of the Weser, the Elbe, the Oder, or the Vistula.

The geographical affinities between these localities in relation to those influences by which climate is affected are indeed such that it would require some very strong facts, sustained by a concurrence of all the most credible testimony, to prove that the above comparison was too favourable to the places I have named on this continent; the facts established, however, by all disinterested authorities prove the reverse.

What, then, is this immense region, equal in area and in climate to many of the most powerful kingdoms of the Old World, composed of? Bare rock, snow-clad mountains, and sandy plains, or swamps and morasses, are what the friends of the Hudson's Bay Company would have us believe. We find, however, that the construction of this part of the globe is very much like the rest of the world, varying from the primitive to the secondary and tertiary formations, with limestone, coal, &c., in abundance; and to assert that a country of such formation, and with such a climate, is unfit for the abode of man, is simply to assert that the laws of nature are reversed in regard to it.

The Company and their friends, however, try to prove too much. According to Sir George Simpson, immediately to the south of the 49th parallel on the Pacific coast, there is a beautiful country (that being United States' territory), and immediately to the north of that parallel the country is all rock and mountain, "quite unfit for colonisation," that being British territory; indeed, according to him, the 49th parallel forms a sort of natural wall across the continent, that is, not quite across it; for a peculiar feature in his evidence is, that the regions of permanent frost get down south of it at one point, and not the least strange part of this phenomenon is that it just occurs at that point where the parallel of 49° ceases to be the boundary, and the British territory also gets to the south of it, viz., at Rainy River.

Animal life, however, abounds in the country, the buffaloes literally "swarm," even according to the evidence submitted by the Company.

The Rocky Mountains have also been referred to, as affecting the climate injuriously by the influence of the perpetual snow upon their summits; but the fact that the snow-clad mountains of other countries do not prevent the valleys from being habitable is a sufficient argument against this; indeed, it is questionable whether the increased reflection of the sun's rays concentrating in the valleys below does not more than compensate for the cold communicated from the snow upon their summits.

Appendix, No. 8.

I may remark, in conclusion, that the Lake Superior route to the Red River was not always such a solitude as it is now. The strife between the companies was deplorable in many respects, but the disorder and anarchy could easily have been subdued, indeed was subdued; and could have been so still more readily, had the facilities for access been as great then as now. But it must be remembered that canoe navigation at that time commenced at LaCrosse, and yet even then there was a great highway, for there was money to be made, and a land worth fighting for lay in the distance.

The following extract from a work published by a gentleman, who had come across from the Pacific, represents the scene on his arrival at Fort William, on August 16, 1817:—"On inquiry, I ascertained that the aggregate number of those persons in and about the establishment was composed of natives of the following countries, viz.: England, Ireland, Scotland, France, Germany, Italy, Denmark, Sweden, Holland, Switzerland, United States of America, the Gold Coast of Africa, the Sandwich Islands, Bengal, Canada, with various tribes of Indians, and a mixed progeny of Croods or half-breeds. What a strange medley! There were assembled, on the shores of this inland sea, Episcopalians, Presbyterians, Methodists, sun-worshippers, men from all parts of the world, and whose croods were 'wide as the poles asunder,' united in one common object, and bowing down before the same idol."—*Road Cow, London, 1831.*

These were the features of an embryo city, in strange contrast with the desolate and decaying loveliness which the blight of an illegal monopoly has thrown over it to-day. The entrepôt of the trade of half a continent, which but for that blight would at this day have helped to enrich the Canadian people, to fill their canals, and to swell the traffic on their railroads; and it depends upon the action to be taken now how long the incubus is to last.

If I have said anything which may seem harsh or uncalled-for of any one connected with the Hudson's Bay Company, I regret it. I have made my answers hurriedly, and may have used expressions I would recal, as I have had no motive but to show the truth, though I have desired to speak it strongly, for the good of my country, and in the interest of humanity.

Appendix, No. 9.

Appendix, No. 9.

LETTER from H. Merivale, Esq., to the Attorney-General and Solicitor-General, with Enclosure.

Sir,

Downing-street, 9 June 1857.

I AM directed by Mr. Secretary Labouchere to transmit to you, jointly with the (Solicitor-General—Attorney-General,) copies of two despatches from the Governor of Canada, enclosing the copy of a minute of his Executive Council, and extract from another minute of the same, in reference to the questions respecting the affairs of the Hudson's Bay Company, now under investigation by a Committee of the House of Commons.

You will observe from the former of these minutes that the Executive Council suggest, on the part of Canada, a territorial claim over a considerable extent of country, which is also claimed by the Hudson's Bay Company, as owners of the soil, and with rights of government and exclusive trade under their charter.

You will observe by the annexed Parliamentary Papers of 12th July, 1856, that the "Statement" of the Hudson's Bay Company's rights as to territory, trade, taxation, and government, made by them to Earl Grey, as Secretary for the Colonies, on the 13th September 1849, was submitted to the then law officers of the Crown, who reported that they were of opinion that the rights so claimed by the Company properly belonged to them; but suggested, at the same time, a mode of testing those claims by petition to Her Majesty, which might be referred to the Judicial Committee.

I am further to annex a Parliamentary Return made in 1842, containing the charter of the Company, and documents relating thereto; and another of 23d April 1849, containing amongst other papers an Act of 2d William and Mary, "for confirming to the Governor and Company trading to Hudson's Bay their privileges and trade."

The rights so claimed by the Company have been repeatedly questioned since 1850, by private persons in correspondence with the Secretary of State, and are now questioned to a certain extent, as appears by these despatches, by the present local government of Canada.

I am to request that you will, jointly with (Solicitor-general—Attorney-general,) take these papers into your consideration, and report,—

Whether you think that the Crown can lawfully and constitutionally raise, for legal decision, all or either of the following questions:—

The validity at the present day of the charter itself.

The validity of the several claims of territorial right, of government, exclusive trade, and taxation, insisted on by the Company.

The geographical extent of this territorial claim (supposing it to be well founded, to any extent).

If you are of opinion that the Crown can do so, you are requested further to state the proper steps to be taken, in your opinion, by the Crown, and the proper tribunal to be resorted to; and whether the Crown should act on behalf of the local government of Canada, as exercising a delegated share of the Royal authority, or in any other way.

And,

No. 9, 17 Jan. 1857.
No. 12, 17 Feb. 1857.

And, lastly, if you should be of opinion that the Crown cannot properly so act, whether you see any objection to the questions being raised by the local government of Canada acting independently of the Crown; or whether they can be raised by some private party in the manner suggested by the law advisers in 1850, the Crown undertaking to bear the expense of the proceedings.

The Attorney-General,
The Solicitor-General.

I am, &c.
(signed) H. Merivale.

Sir,

Lincoln's Inn, July 1857.

We are favoured with Mr. Merivale's letter of the 9th of June ultimo, in which he stated that he was directed by you to transmit to us copies of two despatches from the Governor of Canada, enclosing the copy of a minute of his Executive Council, and extract from another minute of the same, in reference to the questions respecting the affairs of the Hudson's Bay Company, then under investigation by a Committee of the House of Commons.

We were also requested to observe from the former of those minutes that the Executive Council suggest, on the part of Canada, a territorial claim over a considerable extent of country, which is also claimed by the Hudson's Bay Company, as owners of the soil, and with rights of government and exclusive trade under their charter.

We were also requested to observe, by the annexed Parliamentary Papers of 12th July 1850, that the "Statement" of the Hudson's Bay Company's rights as to territory, trade, taxation, and government, made by them to Earl Grey, as Secretary for the Colonies, on the 13th September 1849, was submitted to the then law officers of the Crown, who reported that they were of opinion that the rights so claimed by the Company, properly belonged to them; but suggested, at the same time, a mode of testing those claims by petition to Her Majesty, which might be referred to the Judicial Committee.

Mr. Merivale was further to annex a Parliamentary Return made in 1842, containing the charter of the Company, and documents relating thereto; and another of 23d April 1849, containing, amongst other papers, an Act of 2d William and Mary, "for confining to the Governor and Company trading to Hudson's Bay their privileges and trade."

The rights so claimed by the Company had been repeatedly questioned since 1850, by private persons in correspondence with the Secretary of State, and were then questioned to a certain extent, as appears by those despatches, by the present local government of Canada.

Mr. Merivale was also to request that we would take those papers into our consideration, and report,—

Whether we thought the Crown could lawfully and constitutionally raise, for legal decision, all or either of the following questions:

The validity, at the present day, of the charter itself.

The validity of the several claims of territorial right of government, exclusive trade, and taxation insisted on by the Company.

The geographical extent of this territorial claim (supposing it to be well founded, to any extent).

And if we were of opinion that the Crown could do so, we were requested further to state the proper steps to be taken, in our opinion, by the Crown, and the proper tribunal to be resorted to; and whether the Crown should act on behalf of the local government of Canada, as exercising a delegated share of the Royal authority, or in any other way.

And, lastly, if we should be of opinion that the Crown could not properly so act, whether we saw any objection to the questions being raised by the local government of Canada, acting independently of the Crown, or whether they could be raised by some private party in the manner suggested by the law advisers in 1850, the Crown undertaking to bear the expense of the proceedings.

In obedience to your request we have taken the papers into our consideration, and have the honour to report,—

That the questions of the validity and construction of the Hudson's Bay Company's charter cannot be considered apart from the enjoyment that has been had under it during nearly two centuries, and the recognition made of the rights of the Company in various acts, both of the Government and the Legislature.

Nothing could be more unjust, or more opposed to the spirit of our law, than to try this charter as a thing of yesterday, upon principles which might be deemed applicable to it, if it had been granted within the last 10 or 20 years.

These observations, however, must be considered as limited in their application to the territorial rights of the Company under the charter, and to the necessary incidents or consequences of that territorial ownership. They do not extend to the monopoly of trade (save as territorial ownership justifies the exclusion of intruders), or to the right of an exclusive administration of justice.

But we do not understand the Hudson's Bay Company as claiming anything beyond the territorial ownership of the country they are in possession of, and the right, as incident to such ownership, of excluding persons who would compete with them in the fur trade carried on with the Indians resorting to their districts.

With these preliminary remarks we beg leave to state, in answer to the questions submitted to us, that in our opinion the Crown could not now with justice raise the question of the

Appendix, No. 9.

general validity of the charter; but that on every legal principle the Company's territorial ownership of the lands granted and the rights necessarily incidental thereto (as, for example, the right of excluding from their territory persons acting in violation of their regulations), ought to be deemed to be valid.

But with respect to any rights of government, taxation, exclusive administration of justice, or exclusive trade, otherwise than as a consequence of the right of ownership of the land, such rights could not be legally insisted on by the Hudson's Bay Company as having been legally granted to them by the Crown.

This remark, however, requires some explanation.

The Company has, under the charter, power to make ordinances (which would be in the nature of bye-laws) for the government of the persons employed by them, and also power to exercise jurisdiction in all matters, civil and criminal; but no ordinance would be valid that was contrary to the common law, nor could the Company insist on its right to administer justice as against the Crown's prerogative right to establish courts of civil and criminal justice within the territory.

We do not think, therefore, that the charter should be treated as invalid, because it professes to confer these powers upon the Company; for to a certain extent they may be lawfully used, and for an abuse of them the Company would be amenable to law.

The remaining subject of consideration is the question of the geographical extent of the territory granted by the charter, and whether its boundaries can in any and what manner be ascertained. In the case of grants of considerable age, such as this charter, when the words, as is often the case, are indefinite or ambiguous, the rule is, that they are construed by usage and enjoyment, including in these latter terms the assertion of ownership by the Company on important public occasions, such as the Treaties of Ryswick and Utrecht, and again in 1750.

To these elements of consideration upon this question must be added the inquiry (as suggested by the following words of the charter, viz. "not possessed by the subjects of any other Christian prince or state"), whether, at the time of the charter, any part of the territory now claimed by the Hudson's Bay Company could have been rightfully claimed by the French, as falling within the boundaries of Canada, or Nouvelle France, and also the effect of the Acts of Parliament passed in 1774 and 1791.

Under these circumstances, we cannot but feel that the important question of the boundaries of the territory of the Hudson's Bay Company, might with great utility, as between the Company and Canada, be made the subject of a quasi-judicial inquiry.

But this cannot be done except by the consent of both parties, namely, Canada and the Hudson's Bay Company, nor would the decision of a Committee of the Privy Council have any effect as a binding judicial determination.

But if the Hudson's Bay Company agreed to the proposal of the Chief Justice of Canada, that the question of boundaries should be referred to the Privy Council, it being further understood by both parties, that the determination of the Council shall be carried into effect by a declaratory Act of Parliament, we think the proceeding would be the best mode of determining that which is, or ought to be, the only real subject of controversy.

The form of procedure might be a petition to the Queen by Chief Justice Draper, describing himself as acting under the direction of the Executive Council of Canada; unless, which would be the more solemn mode, an address were presented to Her Majesty by the Canadian Parliament.

Counsel would be heard on behalf of Canada and of the Company.

We are, &c.

(signed) *Richard Bethell,*
Henry S. Keating.

The Right Honourable
H. Labouchere, M. P., &c. &c.

Appendix, No. 10.

Appendix, No. 10.

LETTER from the Right Honourable H. Labouchere, M. P., to the Chairman of the Hudson's Bay Company.

Sir,

Colonial Office, 15 July 1857.

In a statement which I have received from the law officers of the Crown there is the following passage:

"The remaining subject of consideration is the question of the geographical extent of the territory granted by the charter, and whether its boundaries can in any and what manner be ascertained. In the case of grants of considerable age, such as this charter, when the words, as is often the case, are indefinite and ambiguous, the rule is that they are construed by usage and enjoyment, including in these latter terms the assertion of ownership by the Company on important public occasions, such as the Treaties of Ryswick and Utrecht, and again in 1750.

"To

" To these elements of consideration upon this question, must be added the inquiry (as suggested by the following words of the charter, viz. 'not possessed by the subjects of any other Christian prince or state'), whether, at the time of the charter, any part of the territory now claimed by the Hudson's Bay Company could have been rightfully claimed by the French, as falling within the boundaries of Canada, or Nouvelle France, and also the effect of the Acts of Parliament passed in 1774 and 1791.

" Under these circumstances, we cannot but feel that the important question of the boundaries of the territory of the Hudson's Bay Company might, with great utility, as between the Company and Canada, be made the subject of a quasi-judicial inquiry.

" But this cannot be done except by the consent of both parties, namely, Canada and the Hudson's Bay Company, nor would the decision of a Committee of the Privy Council have any effect as a binding judicial determination.

" But if the Hudson's Bay Company agreed to the proposal of the Chief Justice of Canada, that the question of boundaries should be referred to the Privy Council, it being further understood by both parties, that the determination of the Council shall be carried into effect by a declaratory Act of Parliament, we think the proceeding would be the best mode of determining that which is, or ought to be, the only real subject of controversy.

" The form of procedure might be a petition to the Queen by Chief Justice Draper, describing himself as acting under the direction of the Executive Council of Canada; unless, which would be the more solemn mode, an address were presented to Her Majesty by the Canadian Parliament.

" Counsel would be heard on behalf of Canada and of the Company."

I should be glad to hear whether you think it probable that the Hudson's Bay Company would consent to appear before the Judicial Committee of the Privy Council in the manner and for the purpose here suggested, as it may be for the convenience of the Committee of the House of Commons now sitting that this point should be ascertained.

I am, &c.
(signed) *H. Labouchere.*

LETTER from the Chairman of the Hudson's Bay Company to the Right Honourable *H. Labouchere, M. P.*

Sir,

Hudson's Bay House, 18 July 1857.

I HAVE the honour to acknowledge the receipt of your letter of the 15th instant, commencing a passage from the statement you have received from the law officers of the Crown, in reference to the question of the geographical extent of the territory granted by the charter of the Hudson's Bay Company, and suggesting that such question might with great utility, as between the Company and Canada, be made the subject of a quasi-judicial inquiry, and desiring to be informed whether I think it probable that the Hudson's Bay Company would consent to appear before the Judicial Committee of the Privy Council, in the manner and for the purpose suggested.

I have submitted this communication to my colleagues, the Directors of the Hudson's Bay Company, and as we are desirous to throw no obstacle in the way of settlement of the doubts that have been raised by the people of Canada as to the extent of the territory to which the Company are entitled under their charter, we shall be prepared to recommend to our shareholders to concur in the course suggested. At the same time you will not fail to see that other interests than those of the Company may be involved in the inquiry, as there are many persons not now members of the Company, who have acquired, by grants from the Company or otherwise, a title to large portions of the land in question.

Assuming, however, that the object of the proposed inquiry is to obtain for Canada land fit for cultivation and the establishment of agricultural settlers, I would observe that the Directors are already prepared to recommend to the shareholders of the Company to cede any lands which may be required for that purpose. The terms of such cessions would be a matter of no difficulty between Her Majesty's Government and the Company.

The Board having in view the present condition of the inquiry before the Committee of the House of Commons, and the agitation which prevails on the question in Canada, are desirous of availing themselves of the opportunity your letter affords to state clearly for your information the principles which will guide them in their future proceedings.

The Board will be ready to bow to any decision which Her Majesty's Government may consider it for the public interests to take with regard to the maintenance or abolition of the exceptional rights and trade of the Hudson's Bay Company, relying confidently on the justice of Her Majesty's Government and of Parliament for just compensation to the present stockholders, and a due consideration of the claims of their factors, traders, and servants in the Indian country, if the time shall have arrived, in the opinion of Her Majesty's Government, for the abolition of the monopoly.

The present holders of the capital of the Company, 274 in number, are of the usual class of persons holding stock in other chartered companies, who have invested their money on the faith of the Company's charter, and in confidence of the permanent character of their rights and property, and are in general indifferent to any other question in the present discussion than the security of their capital and dividends.

The situation of the factors, traders, and servants of the Company is described in the evidence taken before the Committee. As no change in the condition or settlement of

Appendix, No. 10. the country could well be carried into effect without their willing co-operation and assistance, their just claims must be considered in any new arrangements to be submitted to Parliament.

As respects the Board of Directors, of which I have the honour to be chairman, their situation is peculiar, and their future conduct must be guided by the disposition of Her Majesty's Government to support them in the future administration of their affairs. They have been rewarded so far since the union of the Hudson's Bay and North West Companies, by the success of their administration, as proved not alone by the results of their trade, but by the condition in which they will leave, if they now retire, the government of the whole Indian territories entrusted to their care, as well as by the expressed approbation of every succeeding Secretary of State for the Colonies for the last 37 years.

Looking to the future, they will only consent to undertake the further charge of the Indian territories, which would devolve upon them on the renewal of the licence, on the faith of being firmly supported by Her Majesty's Government in maintaining their present establishments in full efficiency. It would be inexpedient, in their opinion, to enter upon a new and further term of their administration, without the fullest and most explicit assurance of that support. The Directors have always considered that the settlement of 1821 was sanctioned by the Government and the Legislature, and the monopoly of the Hudson's Bay Company then re-established and extended, quite as much, if not more, as the best instrument the Government could employ for the administration, security, and peace of the Indian country, as for the advantage of the parties whose interests were united by that settlement. These parties and these interests have been long since replaced by others, and are now represented by the present holders of the stock of the Company.

We do not consider any further legislative measures necessary at present for the Government of the Indian territories. The powers under the charter have hitherto proved sufficient for the ordinary purposes of administration, and the Government have full powers, under the Act of 1821, to appoint justices and establish courts, independent of the Company, when and where they shall think it expedient. All new establishments of this description will create expense, which must be paid by this country or by Canada, as neither the Red River Settlement nor the Indian country have taxable means for the purpose.

We beg to be allowed to add the expression of our opinion, that in whatever arrangements which may be now made for the future government of the country, any mixed authority or confusion of agents appointed to act with those of the Company will only weaken an administration which it is essential to strengthen in the present state of affairs.

No competent persons would be found to abandon civilised life to accept such situations, with such salary as will be found reasonable; and if they could be found, the probability is that the want of sufficient occupation will soon engage them in antagonistic discussions with one another, not conducive to the general order or cordiality of the small community whose affairs they will be sent to direct.

The Board is willing to remain in the exercise of its present functions; to concur in any arrangements proposed by Government or Parliament, which will not interfere with or obstruct their power of independent management of the concerns of the Company; and to give assistance and support to any magistrates appointed by the Government in endeavouring to maintain the present undisturbed state of the Indian territories; but they will decline to undertake a divided administration, or accept the responsibility of carrying on the Government of the country, under the exceptional circumstances of the case, unless assured of the same cordial and unhesitating support from Her Majesty's Government which they have hitherto enjoyed.

I have, &c.
(signed) John Shepherd,
Governor.

Appendix, No. 11.

HUDSON'S BAY COMPANY.

COPY of the existing CHARTER or GRANT by the CROWN to the HUDSON'S BAY COMPANY; together with Copies or Extracts of the CORRESPONDENCE which took place at the last Renewal of the Charter between the Government and the Company, or of Individuals on behalf of the Company; also, the Dates of all former Charters or Grants to that Company.

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SCHEDULE.

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	Governor of the Hudson's Bay Company to Lord Stanley.	8 June 1842	Enclosing Copies of a Charter of the Hudson's Bay Company, and the License given to the Company by Her Majesty of the exclusive Trade with the Indians in certain parts of North America	408
CORRESPONDENCE:				
1	Governor of the Hudson's Bay Company to Lord Glenelg.	10 Feb. 1837	Application for a renewal of the Grant for exclusive Trade with the Indians	417
2	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	28 Feb. 1837	Requesting Opinion of the Lords of the Committee of Privy Council for Trade on the above Letter	421
2	Denis Le Marchant, Esq. to the Under-Secretary of State for the Colonies.	2 June 1837	In reply: informing Lord Glenelg that the Application of the Hudson's Bay Company should be favourably entertained by His Majesty's Government	422
4	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	25 July 1837	Acknowledges the above: concurs in the Opinion expressed; and requesting information as to the Negotiations with the Company	423
5	J. D. Hume, Esq. to the Under Secretary of State for the Colonies.	7 Aug. 1837	Stating that no Negotiation has been entered into with the Board of Trade by the Company for a renewal of their License	423
6	The Under-Secretary of State for the Colonies to J. D. Hume, Esq.	13 Aug. 1837	In reply to the above	423
7	Governor of the Hudson's Bay Company to Lord Glenelg.	9 Sept. 1837	Requests decision on the Letter of 10 Feb. (No. 1)	424
8	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	19 Sept. 1837	No objection to proposed renewal, with certain modifications	424
9	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	25 Oct. 1837	Encloses Draft of proposed Grant	425
10	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	8 Nov. 1837	Requests Copy of the Grant made in 1821	425
11	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	10 Nov. 1837	Encloses Copy of the Grant made in 1821	425
12	Secretary of the Committee of Privy Council for Trade to the Governor of the Hudson's Bay Company.	20 Jan. 1838	Requests further information relative to their Claims for a renewal of the Grant	427
13	Governor of the Hudson's Bay Company to the Lords of the Committee of Privy Council for Trade.	7 Feb. 1838	Sends further information required by the Board of Trade	427
14	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	3 Feb. 1838	Approves Draft of the Royal License granting exclusive Trade with the Indians for a further period of 21 years, subject to the alteration of the final Clause respecting the erection of Colonies	430
15	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	7 Feb. 1838	Acknowledges preceding Letter: accepts terms proposed	431
16	The Under-Secretary of State for the Colonies to A. Y. Sparrow, Esq.	2 Feb. 1838	Referring to Letter of 10 February 1837 (No. 1), including Lord Glenelg's proposed Clause relative to the erection of Colonies	431
17	A. Y. Sparrow, Esq. to the Under-Secretary of State for the Colonies.	8 Mar. 1838	Requests Lord Glenelg's Opinion as to the amount of Rent to be paid by the Hudson's Bay Company	432
18	The Under-Secretary of State for the Colonies to A. Y. Sparrow, Esq.	14 Mar. 1838	In reply to the above, and transmitting the following Letter	433
19	Denis Le Marchant, Esq. to the Under-Secretary of State for the Colonies.	6 Mar. 1838	Requesting the Settlement of the Terms of the Grant in question	433
20	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	14 Mar. 1838	Acknowledges the above	433
21	Assistant Secretary to the Lords of the Treasury to the Governor of the Hudson's Bay Company.	7 June 1838	Transmits the Grant of a License to trade	434

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HUDSON'S BAY COMPANY.

Copy of a LETTER from the Governor of the Hudson's Bay Company to Lord Stanley.

My Lord,

Hudson's Bay House, London, 8 June 1842.

Letter from the Governor of the Hudson's Bay Company to Lord Stanley, 8 June 1842.

I HAVE the honour to acknowledge receipt of Mr. G. W. Hope's letter of the 4th instant, enclosing, by direction of your Lordship, copy of an Address of the House of Commons for certain papers relating to the Hudson's Bay Company; and requesting that you may be furnished, for presentation to the House, with a copy of the existing Charter or Grant by the Crown to the Company, together with a list of the dates of all former Charters or Grants to them.

In compliance with your Lordship's request, I herewith hand a printed copy of the first and only Charter for incorporating the Hudson's Bay Company, granted by his Majesty King Charles the Second in the year 1670; together with copy of the License given to the Company by Her Majesty, on the 30th May 1828 (under the provisions of the Act 1 & 2 Geo. 4, c. 66), of the exclusive trade with the Indians in such parts of North America as are not part of the lands or territories granted to the Company by their Charter, and not forming any of Her Majesty's provinces in North America, or of any lands or territories belonging to the United States of America or other foreign power.

The Grant of exclusive trade was first made, on the 6th December 1821, to "The Governor and Company of Adventurers of England trading to Hudson's Bay," in conjunction with "William McGillivray, of Montreal, in the province of Lower Canada, esquire, Simon McGillivray, of Suffolk-lane, in the city of London, merchant, and Edward Ellice, of Spring-gardens, in the county of Middlesex, esquire."

These gentlemen subsequently surrendered their interest to the Hudson's Bay Company, to whom her Majesty was pleased to make the Grant of 1828.

I have, &c.

(signed) J. H. Pelly, Governor.

Enclosure (A.)

THE ROYAL CHARTER for incorporating the HUDSON'S BAY COMPANY, granted by his Majesty King CHARLES the Second, in the 22d year of his reign, A. D. 1670.

Preamble.

CHARLES THE SECOND, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. TO ALL to whom these presents shall come, greeting: WHEREAS our dear and entirely beloved Cousin, Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cumberland, &c.; Christopher Duke of Alenmarke, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, and Sir Robert Vyner, Knights and Barons; Sir Peter Colleton, Baronet; Sir Edward Hungerford, Knight of the Bath; Sir Paul Neale, Knight; Sir John Griffith and Sir Philip Carteret, Knights; James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn, Esquires; and John Postman, Citizen and Goldsmith of London; have, at their own great cost and charges, undertaken an expedition for Hudson's Bay, in the north-west part of America, for the discovery of a new passage into the South Sea, and for the finding some trade for furs, minerals and other considerable commodities, and by such their undertaking have already made such discoveries as do encourage them to proceed further in pursuance of their said design, by means whereof there may probably arise very great advantage to us and our kingdom: AND WHEREAS the said Undertakers, for their further encouragement in the said design, have humbly besought us to incorporate them, and grant unto them and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whats ever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands, countries and territories upon the coasts and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian Prince or State: NOW KNOW YE, that we, being desirous to promote all endeavours tending to the public good of our people, and to encourage the said undertaking, HAVE, of our especial grace, certain knowledge and mere motion, given, granted, ratified and confirmed, and by these presents, for us, our heirs and successours, do give, grant, ratify and confirm, unto our said Cousin, Prince Rupert, Christopher Duke of Alenmarke, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, Sir Edward Hungerford, Sir Paul Neale, Sir John Griffith and Sir Philip Carteret, James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn and John Postman, that they, and such others as shall be admitted into the said society as is hereafter expressed, shall be our body corporate and politic, in deed and in name,

Grant of incorporation.

Names of original grantees.

name, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and them by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," one body corporate and politic, in deed and in name, really and fully for ever, for us, our heirs and successors, we do make, ordain, constitute, establish, confirm and declare by these presents, and that by the same name of Governor and Company of Adventurers of England trading into Hudson's Bay, they shall have perpetual succession, and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," be, and at all times hereafter shall be, personable and capable in law to have, purchase, receive, possess, enjoy and retain lands, tenements, privileges, liberties, jurisdictions, franchises and hereditaments, of what kind, nature or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments, and to do and execute all and singular other things by the same name that to them shall or may appertain to do; and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," may plead and be impleaded, answer and be answered, defend and be defended, in whatsoever courts and places, before whatsoever judges and justices, and other persons and officers, in all and singular actions, pleas, suits, quarrels, causes and demands whatsoever, of whatsoever kind, nature or sort, in such manner and form as any other our liege people of this our realm of England, being persons able and capable in law, may or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, do, permit and execute; and that the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, may have a common seal to serve for all the causes and businesses of them and their successors, and that it shall and may be lawful to the said Governor and Company, and their successors, the same seal, from time to time, at their will and pleasure, to break, change, and to make anew or alter, as to them shall seem expedient: AND FURTHER WE WILL, and by these presents, for us, our heirs and successors, we do ordain, that there shall be from henceforth one of the same Company to be elected and appointed in such form as hereafter in these presents is expressed, which shall be called the Governor of the said Company; and that the said Governor and Company shall or may elect seven of their number, in such form as hereafter in these presents is expressed, which shall be called the Committee of the said Company, which Committee of seven, or any three of them, together with the Governor or Deputy Governor of the said Company for the time being, shall have the direction of the voyages of and for the said Company, and the provision of the shipping and merchandizes thereunto belonging, and also the sale of all merchandises, goods and other things returned, in all or any the voyages or ships of or for the said Company, and the managing and handling of all other business, affairs and things belonging to the said Company: AND WE WILL, ordain and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that they the said Governor and Company, and their successors, shall from henceforth for ever be ruled, ordered and governed according to such manner and form as is hereafter in these presents expressed, and not otherwise; and that they shall have, hold, retain and enjoy the grants, liberties, privileges, jurisdictions and immunities only hereafter in these presents granted and expressed, and no other: And for the better execution of our will and grant in this behalf, WE HAVE ASSIGNED, nominated, constituted and made, and by these presents, for us, our heirs and successors, WE DO ASSIGN, nominate, constitute and make our said Cousin, PRINCE RUPERT, to be the first and present Governor of the said Company, and to continue in the said office from the date of these presents until the 10th November then next following, if he, the said Prince Rupert, shall so long live, and so until a new Governor be chosen by the said Company in form hereafter expressed: AND ALSO WE HAVE assigned, nominated and appointed, and by these presents, for us, our heirs and successors, we do assign, nominate and constitute, the said Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, James Hayes, John Kirke, Francis Millington and John Pootman to be the seven first and present Committees of the said Company, from the date of these presents until the said 10th day of November then also next following, and so until new Committees shall be chosen in form hereafter expressed: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that it shall and may be lawful to and for the said Governor and Company for the time being, or the greater part of them present at any public assembly, commonly called the Court General, to be holden for the said Company, the Governor of the said Company being always one, from time to time to elect, nominate and appoint one of the said Company to be Deputy to the said Governor, which Deputy shall take a corporal oath, before the Governor and three or more of the Committee of the said Company for the time being, well, truly and faithfully to execute his said office of Deputy to the Governor of the said Company, and after his oath so taken shall and may from time to time, in the absence of the said Governor, exercise and execute the office of Governor of the said Company, in such sort as the said Governor ought to do: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors that they, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, from time to time, and at all times hereafter, shall and may have authority and power, yearly and every year, between the first and last day of November, to assemble and meet together in some convenient place, to be appointed from time to time by the Governor, or in his absence by the Deputy of the said Governor for the time being, and that they being so assembled, it shall and may be lawful to and for the said Governor

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Body corporate to be styled - The Governor and Company of Adventurers of England trading into Hudson's Bay."

Rights and privileges, &c. of the Governor and Company.

Grant of a common seal.

A Governor and Committee to be chosen.

Prince Rupert to be the first Governor.

Names of the first Committee.

Power to elect a Deputy Governor.

Oath to be administered to him.

Future Governors, how elected.

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Oath to be administered to them,

and to each member of the Company.

Annual election of a new Committee.

Oath to be administered to the Committee.

Vacancies in the office of Governor and Deputy Governor, how filled up.

Governor or Deputy Governor may be removed,

and others elected.

Members of the Committee may be removed,

and others elected.

Governor or Deputy of the said Governor, and the said Company for the time being, or the greater part of them which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate one of the said Company, which shall be Governor of the said Company for one whole year then next following, which person being so elected and nominated to be Governor of the said Company as is aforesaid, before he is admitted to the execution of the said office, shall take a corporal oath before the last Governor, being his predecessor or his Deputy, and any three or more of the Committee of the said Company for the time being, that he shall from time to time well and truly execute the office of Governor of the said Company in all things concerning the same; and that immediately after the same oath so taken, he shall and may exercise and use the said office of Governor of the said Company for one whole year from thence next following: And in like sort we will and grant, that as well every one of the above-named to be of the said Company or Fellowship, as all others hereafter to be admitted or free of the said Company, shall take a corporal oath before the Governor of the said Company or his Deputy for the time being to such effect as by the said Governor and Company, or the greater part of them, in any public resort to be held for the said Company, shall be in reasonable and legal manner set down and devised, before they shall be allowed or admitted to trade or traffic as a freeman of the said Company: **AND FURTHER WE WILL and grant** by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that the said Governor or Deputy Governor, and the rest of the said Company, and their successors for the time being, or the greater part of them, whereof the Governor or Deputy Governor from time to time to be one, shall and may from time to time, and at all times hereafter, have power and authority, yearly and every year, between the first and last day of November, to assemble and meet together in some convenient place, from time to time to be appointed by the said Governor of the said Company, or in his absence by his Deputy; and that they being so assembled, it shall and may be lawful to and for the said Governor or his Deputy, and the Company for the time being, or the greater part of them, which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate seven of the said Company, which shall be a Committee of the said Company for one whole year from then next ensuing, which persons being so elected and nominated to be a Committee of the said Company as aforesaid, before they be admitted to the execution of their office, shall take a corporal oath before the Governor or his Deputy, and any three or more of the said Committee of the said Company, being their last predecessors, that they and every of them shall well and faithfully perform their said office of Committees in all things concerning the same, and that immediately after the said oath so taken, they shall and may execute and use their said office of Committees of the said Company for one whole year from thence next following: **AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, we DO GRANT** unto the said Governor and Company, and their successors, that when and as often as it shall happen, the Governor or Deputy Governor of the said Company for the time being, at any time within one year after that he shall be nominated, elected and sworn to the office of the Governor of the said Company, as is aforesaid, to die or to be removed from the said office, which Governor or Deputy Governor not demeaning himself well in his said office, we will to be removable at the pleasure of the rest of the said Company, or the greater part of them which shall be present at their public assemblies, commonly called their General Courts, holden for the said Company, that then and so often it shall and may be lawful to and for the residue of the said Company for the time being, or the greater part of them, within a convenient time after the death or removing of any such Governor or Deputy Governor, to assemble themselves in such convenient place as they shall think fit, for the election of the Governor or Deputy Governor of the said Company; and that the said Company, or the greater part of them, being then and there present, shall and may, then and there, before their departure from the said place, elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company, in the place and stead of him that so died or was removed; which person being so elected and nominated to the office of Governor or Deputy Governor of the said Company, shall have and exercise the said office for and during the residue of the said year, taking first a corporal oath, as is aforesaid, for the due execution thereof; and this to be done from time to time so often as the case shall so require: **AND ALSO, our will and pleasure is, and by these presents, for us, our heirs and successors, we DO GRANT** unto the said Governor and Company, that when and as often as it shall happen any person or persons of the Committee of the said Company for the time being, at any time within one year next after that they or any of them shall be nominated, elected and sworn to the office of Committee of the said Company as is aforesaid, to die or to be removed from the said office, which Committees not demeaning themselves well in their said office, we will to be removable at the pleasure of the said Governor and Company, or the greater part of them, whereof the Governor of the said Company for the time being or his Deputy to be one, that then and so often, it shall and may be lawful to and for the said Governor, and the rest of the Company for the time being, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, within convenient time after the death or removing of any of the said Committee, to assemble themselves in such convenient place as is or shall be usual and accustomed for the election of the Governor of the said Company, or where else the Governor of the said Company for the time being or his Deputy shall appoint: And that the said Governor and Company, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, being then and

there present, shall and may, then and there, before their departure from the said place, elect and nominate one or more of the said Company to be of the Committee of the said Company in the place and stead of him or them that so died, or were or was so removed, which person or persons so nominated and elected to the office of Committee of the said Company shall have and exercise the said office for and during the residue of the said year, taking first a corporal oath, as is aforesaid, for the due execution thereof, and this to be done from time to time, so often as the case shall require: And to the end the said Governor and Company of Adventurers of England trading into Hudson's Bay may be encouraged to undertake and effectually to prosecute the said design, of our more especial grace, certain knowledge and mere motion, WE HAVE GIVEN, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones, to be found or discovered within the territories, limits and places aforesaid, and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called "Rupert's Land." AND FURTHER, WE DO by these presents, for us, our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises, SAVING ALWAYS the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, TO HAVE, HOLD, POSSESS and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them the said Governor and Company, and their successors for ever, TO BE HELDEN of us, our heirs and successors, as of our manor of East Greenwich, in our county of Kent, in free and common socage, and not in capite or by Knight's service; YIELDING AND PAYING yearly to us, our heirs and successors, for the same, two silks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, to assemble themselves, for or about any the matters, causes, affairs or businesses of the said trade, in any place or places for the same convenient, within our dominions or elsewhere, and there to hold court for the said Company, and the affairs thereof; and that, also, it shall and may be lawful to and for them, and the greater part of them, being so assembled, and that shall then and there be present, in any such place or places, whereof the Governor or his Deputy for the time being to be one, to make, ordain and constitute such and so many reasonable laws, constitutions, orders and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be employed in any of the territories and lands aforesaid, and in any of their voyages; and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders and ordinances so made, to put in, use and execute accordingly, and at their pleasure to revoke and alter the same or any of them, as the occasion shall require: And that the said Governor and Company, so often as they shall seeke, ordain or establish any such laws, constitutions, orders and ordinances, in such form as aforesaid, shall and may lawfully impose, ordain, limit and provide such pains, penalties and punishments upon all offenders, contrary to such laws, constitutions, orders and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them, then and there being present, the said Governor or his Deputy being always one, shall seem necessary, requisite or convenient for the observation of the same laws, constitutions, orders and ordinances; and the same fines and amerciaments shall and may, by their officers and servants from time to time to be appointed for that purpose, levy, take and have, to the use of the said Governor and Company, and their successors, without the impediment of us, our heirs or successors, or of any the officers or ministers of us, our heirs or successors, and without any account thereof to us, our heirs or successors, to be made: All and singular which laws, constitutions, orders and ordinances, so as aforesaid to be made, WE WILL to be duly observed and kept under the pains and penalties therein to be contained; so always as the said laws, constitutions, orders and ordinances, fines and amerciaments, be reasonable, and not contrary or repugnant, but as near as may be agreeable to the laws, statutes or customs of this our realm: AND FURTHERMORE, of our ample and abundant grace, certain knowledge and mere motion, WE HAVE GRANTED, and by these presents, for us, our heirs and successors, DO grant unto the said Governor and Company, and their successors, that they and their successors, and their factors, servants and agents, for them and on their behalf, and not other-

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Grant of the sole trade, lands, mines, minerals, fisheries, &c.

The territory to be reckoned one of his Majesty's Plantations or Colonies in America, and called Rupert's Land; and the Governor and Company to be the Lords Proprietors of the same for ever.

Governor and Company may assemble and make laws, ordinances, &c. for the good government of their territory and the advancement of their trade;

and may impose penalties and punishments, provided the same are reasonable, and not repugnant to the laws of England.

Further grant of trade.

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And no subjects of his Majesty to trade within the Company's territories without leave from the Company, in writing, under their common seal.

Under penalty of forfeiting all goods, &c. brought from thence into England.

One-half to go to the King, the other to the Company.

Nor will liberty of such trade be given by his Majesty to any persons without consent of the Company.

Persons free of the Company failing to pay the sums respectively engaged to be furnished by them in the Adventure of the Company, may be removed and disfranchised.

What persons may be admitted into the Company.

wise, shall for ever hereafter have, use and enjoy, not only the whole, entire and only trade and traffic, and the whole, entire and only liberty, use and privilege of trading and trafficking to and from the territory, limits and places aforesaid; but also the whole and entire trade and traffic to and from all havens, bays, creeks, rivers, lakes and seas, into which they shall find entrance or passage by water or land out of the territories, limits or places aforesaid; and to and with all the natives and people inhabiting, or which shall inhabit within the territories, limits and places aforesaid; and to and with all other nations inhabiting any the coasts adjacent to the said territories, limits and places which are not already possessed as aforesaid, or whereof the sole liberty or privilege of trade and traffic is not granted to any other of our subjects; AND we, of our further royal favour, and of our more especial grace, certain knowledge and mere motion, HAVE granted, and by these presents, for us, our heirs and successors, do grant to the said Governor and Company, and to their successors, that neither the said territories, limits and places, hereby granted as aforesaid, nor any part thereof, nor the islands, havens, ports, cities, towns or places thereof or therein contained, shall be visited, frequented or haunted by any of the subjects of us, our heirs or successors, contrary to the true meaning of these presents, and by virtue of our prerogative royal, which we will not have in that behalf argued or brought into question: WE STRAIGHTLY charge, command and prohibit for us, our heirs and successors, all the subjects of us, our heirs and successors, of what degree or quality soever they be, that none of them, directly or indirectly, do visit, haunt, frequent or trade, traffic or adventure, by way of merchandise, into or from any of the said territories, limits or places hereby granted, or any or either of them, other than the said Governor and Company, and such particular persons as now be or hereafter shall be of that Company, their agents, factors and assigns, unless it be by the license and agreement of the said Governor and Company in writing first had and obtained, under their common seal, to be granted, upon pain that every such person or persons that shall trade or traffic into or from any of the countries, territories or limits aforesaid, other than the said Governor and Company and their successors, shall incur our indignation, and the forfeiture and the loss of the goods, merchandizes and other things whatsoever, which so shall be brought into this realm of England, or any the dominions of the same, contrary to our said prohibition, or the purport or true meaning of these presents, for which the said Governor and Company shall find, take and seize in other places out of our dominion, where the said Company, their agents, factors or ministers shall trade, traffic or inhabit by virtue of these our letters patent, as also the ship and ships, with the furniture thereof, wherein such goods, merchandizes and other things shall be brought and found: the one-half of all the said forfeitures to be to us, our heirs and successors, and the other half thereof we do by these presents clearly and wholly, for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors: And FURTHER, all and every the said offenders, for their said contempt, to suffer such other punishment as to us, our heirs and successors, for so high a contempt, shall seem meet and convenient, and not to be in anywise delivered until they and every of these shall become bound unto the said Governor for the time being in the sum of One thousand pounds at the least, at no time then after to trade or traffic into any of the said places, seas, straits, bays, ports, havens or territories aforesaid, contrary to our express commandment in that behalf set down and published: AND FURTHER, of our more especial grace, WE HAVE condoned and granted, and by these presents, for us, our heirs and successors, do grant unto the said Governor and Company, and their successors, that we, our heirs and successors, will not grant liberty, license or power to any person or persons whatsoever, contrary to the tenor of these our letters patent, to trade, traffic or inhabit, unto or upon any the territories, limits or places aforesaid specified, contrary to the true meaning of these presents, without the consent of the said Governor and Company, or the most part of them: AND, of our more abundant grace and favour to the said Governor and Company, we do hereby declare our will and pleasure to be, that if it shall so happen that any of the persons free or to be free of the said Company of Adventurers of England trading into Hudson's Bay, who shall, before the going forth of any ship or ships appointed for a VOYAGE or otherwise, promise or agree, by writing under his or their hands, to adventure any sum or sums of money towards the furnishing any provision, or maintenance of any voyage or voyages, set forth, or to be set forth, or intended or meant to be set forth, by the said Governor and Company, or the more part of them present at any public assembly, commonly called their General Court, shall not within the space of twenty days next after warning given to him or them by the said Governor or Company, or their known officer or minister, bring in and deliver to the Treasurer or Treasurers appointed for the Company, such sums of money as shall have been expressed and set down in writing by the said person or persons, subscribed with the name of said Adventurer or Adventurers, that then and at all times after it shall and may be lawful to and for the said Governor and Company, or the more part of them present, whereof the said Governor or his Deputy to be one, at any of their General Courts or General Assemblies, to remove and disfranchise him or them, and every such person and persons at their wills and pleasures, and he or they so removed and disfranchised not to be permitted to trade into the countries, territories and limits aforesaid, or any part thereof, nor to have any adventure or stock going or remaining with or amongst the said Company, without the special license of the said Governor and Company, or the more part of them present at any General Court, first had and obtained in that behalf, any thing before in these presents to the contrary thereof in anywise notwithstanding: AND OUR WILL AND PLEASURE IS, and hereby we do also ordain, that it shall and may be lawful to and for the said Governor and Company, or the greater part of them, whereof the Governor

for the time being or his Deputy to be one, to admit into and to be of the said Company all such servants or factors, of or for the said Company, and all such others as to them or the most part of them present, at any court held for the said Company, the Governor or his Deputy being one, shall be thought fit and agreeable with the orders and ordinances made and to be made for the government of the said Company: AND FURTHER, our will and pleasure is, and by these presents for us, our heirs and successors, WE DO GRANT unto the said Governor and Company, and to their successors, that it shall and may be lawful in all elections and bye-laws to be made by the General Court of the Adventurers of the said Company, that every person shall have a number of votes according to his stock, that is to say, for every hundred pounds by him subscribed or brought into the present stock, one vote, and that any of those that have subscribed less than One hundred pounds may join their respective sums to make up One hundred pounds, and have one vote jointly for the same, and not otherwise: AND FURTHER, of our especial grace, certain knowledge and mere motion, WE DO, for us, our heirs and successors, grant to and with the said Governor and Company of Adventurers of England trading into Hudson's Bay, that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any the parts or places aforesaid, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns; SAVING the faith and allegiance due to be performed to us, our heirs and successors as aforesaid; and that the said Governor and Company shall have liberty, full power and authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all cases, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; and in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade within the limits aforesaid, where judgement cannot be executed for want of a Governor and Council there, then in such case it shall and may be lawful for the chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory or fort where there shall be a Governor and Council, where justice may be executed, or into this kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GIVE and grant unto the said Governor and Company, and their successors, free liberty and license, in case they conceive it necessary, to send either ships of war, men or ammunition, unto any their plantations, forts, factories or places of trade aforesaid, for the security and defence of the same, and to choose commanders and officers over them, and to give them power and authority, by commission under their common seal, or otherwise, to continue or make peace or war with any prince or people whatsoever, that are not Christians, in any places where the said Company shall have any plantations, forts or factories, or adjacent therunto, as shall be most for the advantage and benefit of the said Governor and Company, and of their trade; and also to right and recompense themselves upon the goods, estates or people of those parts, by whom the said Governor and Company shall sustain any injury, loss or damage, or upon any other people whatsoever, that shall any way, contrary to the intent of these presents, interrupt, wrong or injure them in their said trade, within the said places, territories and limits granted by this Charter: And that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, and at all times from henceforth, to erect and build such castles, fortifications, forts, garrisons, colonies or plantations, towns or villages, in any parts or places within the limits and bounds granted before in these presents unto the said Governor and Company, as they in their discretion shall think fit and requisite, and for the supply of such as shall be needful and convenient, to keep and be in the same, to send out of this kingdom, to the said castles, forts, fortifications, garrisons, colonies, plantations, towns or villages, all kinds of clothing, provision of victuals, ammunition and implements necessary for such purpose, paying the duties and customs for the same, as also to transport and carry over such number of men, being willing therunto, or not prohibited, as they shall think fit, and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best, and to inflict punishment for misdemeanors, or impose such fines upon them for breach of their orders, as in these presents are formerly expressed: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GRANT unto the said Governor and Company, and to their successors full power and lawful authority to seize upon the persons of all such English, or any other our subjects which shall sail into Hudson's Bay, or inhabit in any of the countries, islands or territories hereby granted to the said Governor and Company, without their leave and license in that behalf first had and obtained, or that shall disobey their orders, and send them to England; and that all and every person or persons, being our subjects, any ways employed by the said Governor and Company, within any the parts, places and limits aforesaid, shall be liable unto and suffer such punishment for any offences by them committed in the parts aforesaid, as the President and Council for the said Governor and Company there shall think fit, and the merit of the offence shall require, as aforesaid; and in case any person or persons being convicted and sentenced by the President and Council of the said Governor and Company, in the countries, lands or limits aforesaid, their factors

Appendix, No. 11.

Notes to be regulated by quantity of stock.

All lands, &c. aforesaid to be under the government of said Company, who may appoint Governors and other officers to reside within their territories, and judge in all causes, civil and criminal, according to the laws of England;

or criminals may be sent to England for trial.

The Governor and Company may employ, for the protection of their trade and territory, armed forces, appoint commanders, erect forts, &c.

Authority given to the Governor and Company to seize any of his Majesty's subjects who (without leave of the Company) trade in their territory, and may send them to England.

Appendix, No. 17.

The Governor and Company may authorize their Presidents, Agents, and others to administer oaths in certain cases.

All Admirals and officers his Majesty's officers and subjects, to be aiding and assisting in the execution of the powers, &c. granted by this Charter.

or agents there, for any offence by them done, shall appeal from the same, that then and in such case it shall and may be lawful to and for the said President and Council, factors or agents, to seize upon him or them, and to carry him or them home prisoners into England, to the said Governor and Company, there to receive such condign punishment as his cause shall require, and the law of this nation allow of; and for the better discovery of abuses and injuries to be done unto the said Governor and Company, or their successors, by any servant by them to be employed in the said voyages and plantations, it shall and may be lawful to and for the said Governor and Company, and their respective President, Chief Agent or Governor in the parts aforesaid, to examine upon oath all factors, masters, purveyors, supercargoes, commanders of castles, forts, fortifications, plantations or colonies, or other persons, touching or concerning any matter or thing in which by law or usage an oath may be administered, so as the said oath, and the matter therein contained, be not repugnant, but agreeable to the laws of this realm: AND we do hereby straightly charge and command all and singular our Admirals, Vice-Admirals, Justices, Mayors, Sheriffs, Constables, Bailiffs, and all and singular other our officers, ministers, liege men and subjects whatsoever, to be aiding, favouring, helping and assisting to the said Governor and Company, and to their successors, and to their deputies, officers, factors, servants, assigns and ministers, and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, when any of you shall thereto be required; ANY STATUTE, act, ordinance, proviso, proclamation or restraint heretofore had, made, set forth, ordained or provided, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding. IN WITNESS WHEREOF we have caused these our Letters to be made Patent. WITNESS OURSELVES at Westminster, the second day of May, in the two-and-twentieth year of our reign.

By Writ of Privy Seal.

Pigott.

Enclosure (B.)

CROWN GRANT to the HUDSON'S BAY COMPANY of the exclusive Trade with the Indians in certain parts of North America, for a further term of Twenty-one Years, and upon the Surrender of a former Grant.

VICTORIA R.

(L. S.) VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To all to whom these Presents shall come, greeting:

Enclosure (B.)

WHEREAS, by an Act passed in the Session of Parliament holden in the first and second year of the reign of his late Majesty King George the Fourth, intitled, "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America," it was amongst other things enacted, that from and after the passing of the said Act, it should be lawful for his said Majesty, his heirs or successors, to make Grants, or give his or their Royal License, under the hand and seal of one of his or their Principal Secretaries of State, to any body corporate or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any such Grants or Licenses respectively, not being part of the lands and territories theretofore granted to the Governor and Company of Adventurers of England trading to Hudson's Bay, and not being part of any of our Provinces in North America, or of any lands or territories belonging to the United States of America, and that all such Grants and Licenses should be good, valid and effectual for the purpose of securing to all such bodies corporate, or companies or persons, the sole and exclusive privilege of trading with the Indians in all such parts of North America (except as thereinafter excepted) as should be specified in such Grants or Licenses, any thing contained in any Act or Acts of Parliament, or any law to the contrary notwithstanding; and it was further enacted, that no such Grant or License made or given by his said Majesty, his heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid, should be made or given for any longer period than 21 years, and that no Grant should be required or demanded for or in respect of any such Grant or License, or any privileges given thereby under the provisions of the said Act for the first period of 21 years; and it was further enacted, that from and after the passing of the said Act, the Governor and Company of Adventurers trading to Hudson's Bay, and every body corporate and company and person to whom any such Grant or License should be made or given as aforesaid, should respectively keep accurate registers of all persons in their employ in any parts of North America, and should once in each year return to the Principal Secretaries of State accurate duplicates of such registers, and should also enter into such security as should be required for the due execution of all processes criminal and civil, as well within the territories included within any such Grant, as within those granted by Charter to the Governor and Company of Adventurers of England trading to Hudson's Bay, and for the producing or delivering into safe custody, for the purpose of trial, all persons in their employ or acting under their authority, who should be charged with any criminal offence, and also for the due and faithful observance of all such rules, regulations and stipulations as should be contained in any such Grant or License, either for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral and religious

religious improvement, or for any other object which might be deemed necessary for the remedy or prevention of any other evils which had hitherto been found to exist: And whereas it was in the said Act recited, that by a convention entered into between his said late Majesty and the United States of America, it was stipulated and agreed, that every country on the North-west coasts of America to the westward of the Stony Mountains should be free and open to the citizens and subjects of the two powers for the term of ten years from the date of the signature of that convention; and it was therefore enacted, that nothing in the said Act contained should be deemed or construed to authorise any body corporate, company or person to whom his said Majesty might, under the provisions of the said Act, make or grant or give a License of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America who might be engaged in the said trade; with a proviso, that no British subject should trade with the Indians within such limits without such Grant or License as was by the said Act required:

And whereas by an instrument under the hand and seal of the Right honourable Earl Bathurst, then one of his said late Majesty's Secretaries of State, and dated the 6th day of December 1821, after reciting therein, as or to the effect aforesaid, and also reciting that the said Governor and Company of Adventurers of England trading to Hudson's Bay, and certain associations of persons trading under the name of "The North-west Company of Montreal," had respectively extended the fur trade over many parts of North America which had not been before explored, and that the competition in the said trade had been found, for some years then past, to be productive of great inconvenience and loss, not only to the said Company and Associations, but to the said trade in general, and also of great injury to the native Indians and of other persons his said Majesty's subjects; and that the said Governor and Company of Adventurers trading to Hudson's Bay; and William McGillivray of Montreal, in the Province of Lower Canada, esquire; Simon McGillivray, of Suffolk-lane, in the city of London, merchant; and Edward Ellice, of Spring-gardens, in the county of Middlesex, esquire; had represented to his said Majesty that they had entered into an agreement, on the 26th day of March last, for putting an end to the said competition, and carrying on the said trade for 21 years, commencing with the outfit of 1821, and ending with the returns of the outfit of 1841, to be carried on in the name of the said Governor and Company exclusively, and that the said Governor and Company, and William McGillivray, Simon McGillivray and Edward Ellice had humbly besought his said late Majesty to make a Grant and give his Royal License to them jointly and for the exclusive privilege of trading with the Indians in North America, under the restrictions and upon the terms and conditions specified in the said recited Act: his said late Majesty, being desirous of encouraging the said trade, and remedying the evils which had arisen from the competition which had theretofore existed therein, did give and grant his Royal License, under the hand and seal of one of his Principal Secretaries of State, to the said Governor and Company, and William McGillivray, Simon McGillivray and Edward Ellice, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the said lands and territories belonging to the United States of America, as should not form part of any of his said Majesty's Provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power; and his said late Majesty did also give and grant and secure to the said Governor and Company, and William McGillivray, Simon McGillivray and Edward Ellice, the sole and exclusive privilege, for the full period of 21 years from the date of that Grant, of trading with the Indians in all such parts of North America as aforesaid (except as thereafter excepted), and did thereby declare that no rent should be required or demanded for or in respect of that Grant and License, or any privileges given thereby for the said period of 21 years, but that the said Governor and Company of Adventurers trading to Hudson's Bay, and the said William McGillivray, Simon McGillivray and Edward Ellice, should, during the period of that Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and should once in each year return to his said Majesty's Secretary of State accurate duplicates of such registers, and enter into and give security to his said Majesty, his heirs and successors, in the penal sum of 5,000 £ for ensuring, as far as in them might lay, or as they could by their authority over the servants and persons in their employ, the due execution of all criminal processes, and of every civil process in any suit where the matter in dispute shall exceed 200 £, by the officers and persons legally empowered to execute such processes within all the territories included in that Grant, and for the producing or delivering into custody for purposes of trial all persons in their employ or acting under their authority within the said territories, who should be charged with any criminal offence; and his said Majesty did thereby require that the said Governor and Company, and William McGillivray, Simon McGillivray and Edward Ellice, should, as soon as the same could be conveniently done, make and submit for his said Majesty's consideration and approval, such rules and regulations for the management and carrying on of the said fur trade with the Indians, and the conduct of the persons employed by them therein, as might appear to his said Majesty to be effectual for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement; and his said Majesty did thereby declare, that nothing in that Grant contained should be deemed or construed to authorize the said Governor and Company, and William McGillivray, Simon McGillivray and Edward Ellice, or any persons in their employ, to claim or exercise any trade with the Indians on the North-west coast of America to the westward of the Stony

Appendix, No. 11.

Mountains, to the prejudice or exclusion of any citizens of the United States of America who might be engaged in the said trade; and providing also by the now recited Grant, that no British subjects other than and except the said Governor and Company, and the said William McGillivray, Simon McGillivray and Edward Ellice, and the persons authorized to carry on exclusive trade by them on Grant, should trade with the Indians within such limits during the period of that Grant:

And whereas the said Governor and Company have acquired to themselves all the rights and interests of the said William McGillivray, Simon McGillivray and Edward Ellice, under the said recited Grant, and the said Governor and Company having humbly besought us to accept a surrender of the said Grant, and in consideration thereof to make a Grant to them, and give to them our Royal License and authority of and for the like exclusive privilege of trading with the Indians in North America, for the like period and upon similar terms and conditions to those specified and referred to in the said recited Grant: Now know ye, That in consideration of the surrender made to us of the said recited Grant, and being desirous of encouraging the said trade, and of preventing as much as possible a recurrence of the evils mentioned or referred to in the said recited Grant; as also in consideration of the yearly rent hereinafter reserved to us, We do hereby grant and give our License, under the hand and seal of one of our Principal Secretaries of State, to the said Governor and Company, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America, to the northward and to the westward of the lands and territories belonging to the United States of America, as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power, but subject nevertheless as hereinafter mentioned: And we do by these presents give, grant and secure to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of 21 years from the date of this our Grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned): And we do hereby declare, that no rent shall be required or demanded for or in respect of this our Grant and License, or any privileges given thereby, for the first four years of the said term of 21 years; and we do hereby reserve to ourselves, our heirs and successors, for the remainder of the said term of 21 years, the yearly rent or sum of 5s. to be paid by the said Governor and Company, or their successors, on the first day of June in every year, into our Exchequer, on the account of us, our heirs and successors; and we do hereby declare, that the said Governor and Company, and their successors, shall, during the period of this our Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and shall once in each year return to our Secretary of State accurate duplicates of such registers; and shall also enter into and give security to us, our heirs and successors, in the penal sum of 5,000 L. for ensuring, as far as in them may lie, or as they can by their authority over the servants and persons in their employ, the due execution of all criminal and civil processes by the officers and persons legally empowered to execute such processes within all the territories included in this our Grant, and for the producing or delivering into custody for the purposes of trial all persons in their employ or acting under their authority within the said territories who shall be charged with any criminal offence: And we do also hereby require, that the said Governor and Company, and their successors, shall, as soon as the same can be conveniently done, make and submit for our consideration and approval such rules and regulations for the management and carrying on the said fur trade with the Indians, and the conduct of the persons employed by them thereon, as may appear to us to be effectual for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement: But we do hereby declare, that nothing in this our Grant contained shall be deemed or construed to authorize the said Governor and Company, or their successors, or any persons in their employ, to claim or exercise any trade with the Indians on the North-west coast of America to the westward of the Stony Mountains, to the prejudice or exclusion of any of the subjects of any foreign states, who, under or by force of any convention for the time being between us and such foreign states respectively, may be entitled to and shall be engaged in the said trade: Provided nevertheless, and we do hereby declare our pleasure to be, that nothing herein contained shall extend or be construed to prevent the establishment by us, our heirs or successors, within the territories aforesaid, or any of them, of any colony or colonies, province or provinces, or for annexing any part of the aforesaid territories to any existing colony or colonies to us, in right of our Imperial Crown, belonging, or for constituting any such form of civil government as to us may seem meet, within any such colony or colonies, province or provinces:

And we do hereby reserve to us, our heirs and successors, full power and authority to revoke these presents, or any part thereof, in so far as the same may embrace or extend to any of the territories aforesaid, which may hereafter be comprised within any colony or colonies, province or provinces as aforesaid:

It being nevertheless hereby declared, that no British subjects other than and except the said Governor and Company, and their successors, and the persons authorized to carry on exclusive trade by them, shall trade with the Indians during the period of this our Grant within the limits aforesaid, or within that part thereof which shall not be comprised within any such colony or province as aforesaid.

Given at our Court at Buckingham Palace, 30th day of May 1838.

By Her Majesty's command.

(L.S.)

(signed)

Glasgow.

Copy of a LETTER from the Governor of the Hudson's Bay Company to Lord Glenelg.

My Lord,

Hudson's Bay House, London, 10 February 1827.

No. 1.

Letter from the
Governor of the
Hudson's Bay
Company to
Lord Glenelg,
10 February 1827.

THE peace, order and tranquillity which have so successfully been maintained by the Hudson's Bay Company, during the last 15 years, throughout their extensive territories and the adjoining Indian countries, since the passing of the Act 1 & 2 Geo. 4, c. 66, have hitherto made it unnecessary to trouble your Lordship, or the department over which you preside, with any applications or representations relating to the country.

The approaching termination, however, of the grant of exclusive trade to the Company within their limits and the other fur trading districts (15 years of a term of 21 having already expired), and other circumstances and changes which have occurred in the situation of these countries, make it my duty to bring the whole case under the consideration of his Majesty's Government, in order that their opinion may be ascertained with regard to the renewal of the grant, and the farther measures that have already become necessary for the administration of justice, the police and government of the increasing population and establishments of this extensive part of his Majesty's dominions.

Your Lordship is aware that the Hudson's Bay Company was incorporated under Charter of his Majesty Charles the Second, in the year 1670; and that that Charter conveyed to them the sole trade and commerce, together with the lands and territories upon the countries, coasts, &c., that were not actually possessed by or granted to any British subjects, or possessed by the subjects of any other Christian Prince or State, to be reckoned and reputed as one of the British plantations or colonies in America called "Rupert's Land."

One of the principal objects in the incorporation of this Company was the fur trade with the Indians inhabiting the territories ceded to them. For many years prior to the conquest of Canada, French subjects had penetrated by the St. Lawrence to the frontiers of Rupert's Land; but no competition had occurred between the traders of the two countries within the territories of the Hudson's Bay Company previous to the cession of Canada to Great Britain.

Subsequent to that period, the greater capital and activity of British subjects led to a competition, first on the frontier parts, then in the interior, and at last to the formation of a Company, combining all the individuals at that time engaged in the trade, to the countries bordering on and west of Lake Superior, under the firm of the North-west Company of Montreal.

It is unnecessary to say more of the eager competition into which this association entered with the Hudson's Bay Company for the trade of the Indian districts, or of the scenes of demoralization and destruction of life and property to which it led, than to refer your Lordship to the ample details on this revolting subject in the Colonial Department; to the arrangements at last entered into between the rival companies to put an end to them by the union of their interests in 1821; and to the Act of Parliament passed in the same year to give effect to that union, and to prevent the possibility of the recurrence of competition, by enabling the Crown to grant to the parties interested a License for the exclusive trade, the only means of restraining violence and crime, and of maintaining order under the peculiar circumstances of the country and the case.

The several parties to whom the license was granted made an absolute surrender of their interests in it, in pursuance of further arrangements between them, to the Hudson's Bay Company, in 1824.

Encouraged by the protection given to them by this license, the Hudson's Bay Company have gradually extended their establishments and trade, and taken the further measures for the improvement and civilization of the country and its inhabitants, which I shall have the honour of detailing for your Lordship's information. The result of these measures, and the growth and increasing population of the settlements in the interior, bring yearly additional demands on the resources of the Company for the means of protection and administration. These demands will still further increase in future years; and it becomes absolutely necessary either that an arrangement should be soon made for the extension of the License to the Company, or that some other means should be taken for the expenditure and government of these establishments, in anticipation of the expiration of the present term, if a different policy shall appear advisable to his Majesty's Government.

Before the union of the rival Companies in 1821, the trade on the north-west coast of America, from the Mexican frontiers to Behring's Straits, was nearly or wholly enjoyed by American and Russian subjects. Some efforts had been made, at enormous costs and sacrifices by the North-west Company, to compete with the Americans, the history of which is recorded in a popular work lately published by Mr. Washington Irving, under the title of "Astoria;" but these efforts were both costly and unsuccessful, and the North-west Company were on the point of being compelled to abandon the trade.

The Russian establishment at Norfolk Sound, and at other places on the coast, even so far south as the coast of California, and the American expedition subsequent to the peace from Boston, New York, and other parts of the United States, had obtained a monopoly of the coast trade.

In the face of these disadvantages, the Hudson's Bay Company felt it their duty to attempt to regain the trade, and to re-establish British influence in the countries adjoining the coast, and to the mouth of the river of Columbia, within the limits of the last convention entered into with the court of Russia; and they have succeeded, after a severe and expen-

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sive competition, in establishing their settlements, and obtaining a decided superiority, if not an exclusive enjoyment of the trade, the Americans having almost withdrawn from the coast.

In the course of the last year they had occasion to appeal to his Majesty's Government for protection and indemnity for a serious act of aggression and violence on the part of an armed Russian force on the coast, which impeded their operations, and occasioned them a loss to the extent of upwards of 20,000 *l*. The Russian Government has hitherto only consented to disavow the act of its officer, and to give instructions prohibiting further obstruction to the expeditions of the Company within the trading limits agreed upon in the convention; and the Company now wait with the firmest reliance on the further efforts of the Government for an indemnity for their great loss.

Beyond the difficulties arising from an active competition with the Americans, and the violent and oppressive proceedings on the part of the Russians, the Company have had to contend with other serious obstacles, both on the coast and in the interior, from a savage and formidable native population, whose habits of intoxication and other vices, encouraged by the competition, have been to a great degree restrained by the temperate and vigorous conduct of their traders.

Great loss of property, and in some cases loss of life, have been incurred by savage and murderous attacks on their hunting-parties and establishments, and order has only been restored and peace maintained by the employment, at a great expense, of considerable force, and by the exercise, on the part of their servants, of the utmost temper, patience and perseverance.

The Company now occupy the country between the Rocky Mountains and the Pacific by six permanent establishments on the coasts, sixteen in the interior country, besides several migratory and hunting parties, and they maintain a marine of six armed vessels, one of them a steam-vessel, on the coast.

Their principal establishment and dépôt for the trade of the coast and the interior is situated on a bay on the Pacific, on the northern banks of the Columbia River, and called Vancouver, in honour of that celebrated navigator. In the neighbourhood they have large pasture and grain farms, affording most abundantly every species of agricultural produce, and maintaining large herds of stock of every description; these have been gradually established; and it is the intention of the Company still farther, not only to augment and increase them, to establish an export trade in wool, tallow, hides and other agricultural produce, but to encourage the settlement of their retired servants and other emigrants under their protection.

The soil, climate and other circumstances of the country are as much if not more adapted to agricultural pursuits than any other spot in America, and with care and protection the British dominion may not only be preserved in this country, which it has been so much the wish of Russia and America to occupy to the exclusion of British subjects, but British interest and British influence may be maintained as paramount in this interesting part of the coast of the Pacific.

Great exertions have also been made, and much expense incurred by the Company in exploring and taking possession of the interior country between the Russian maritime limits and the Frozen Ocean, although little has yet been done in forming permanent establishments, in consequence of the obstruction of the late expedition by the Russians; they also, at considerable cost, and some inconvenience, have not only afforded every assistance to the expeditions fitted out by Government for exploring the coast of the Polar Sea, but in the last season the Council in the interior, under the sanction of, and by the advice of the Board over which I preside, to anticipate the intentions of Russia and the United States, have undertaken to fit out an expedition, composed of their own officers and servants, at the sole expense of the Company, to complete the surveys left unfinished by Sir John Franklin, Captain Beechey and Captain Back.

The Company entertain the most sanguine expectations that the result of this expedition will be the complete survey of the coast of the Polar Sea not hitherto visited by European navigators, and that they will secure for England the reputation of having effected this work, and the other advantages anticipated from previous expeditions undertaken at such expense and risk of life to the nation.

With a view to the formation of a large agricultural settlement within the Company's territories, named in their Charter "Rupert's Land," the Hudson's Bay Company made a grant to the late Earl of Selkirk, in the year 1811, of a tract of country on the banks of the Red and Assiniboine Rivers, in about 50° north lat. and 97° west long., where the soil and climate are favourable to cultivation, it being intended that this settlement should be peopled by emigrants from Britain, and that native Indians should be drawn thither from all parts of their territory, with a view to their civilization and moral and religious improvement; and with the object of establishing, in time, a valuable export trade from thence to the mother country in wool, flax, tallow, and other agricultural produce.

Under that arrangement his Lordship, at a very heavy expense, conveyed several hundred families from Europe to that settlement; but the evils attendant on the competition in the fur trade extending to this settlement, occasioned serious breaches of the peace, much loss of life, and the breaking up or abandonment of the settlement by the whites on two different occasions.

In order to remedy certain inconveniences that were found to exist from a divided interest and management in the country, an arrangement was lately entered into with the present Earl of Selkirk, by which the district of country that had been granted to the late Earl has reverted to the Company, under whose management that infant colony is now conducted;

and

and, by the accompanying report of Mr. Simpson, Governor of the Company's territories in North America, it will be seen that Red River settlement has advanced rapidly in population and improvement since 1821, the population being now about 2,000 whites, and 2,000 Indians and half-breeds, who are no longer occupied in the chase, but maintain themselves by agriculture; and there is a prospect that at no very distant period a considerable export trade in the articles of wool, flax, &c., will be established from that settlement.

The right of jurisdiction within Rupert's Land was granted, together with that territory, by the Royal Charter to the Governor and Company, through their local governors and chief factors; and hitherto, whilst there has been no competition between the rival traders, under the protective powers of the Act, has been found sufficient to maintain peace and tranquillity in the settlement at Red River; but the population located there already amounts to 5,000 souls, of a mixed character and degree of civilization, and is increasing so rapidly that it will soon be necessary to have the assistance of a person of competent legal knowledge as Recorder, with other requisite officers, so as to form a more regular court of justice. It will also be necessary to provide a sufficient military or police force to support the civil power.

This rising community, if well governed, may be found useful at some future period, in the event of difficulties occurring between Great Britain and the United States of America, who have several military posts, say those of the Sault St. Mary's, Prairie du Chiens, and the River St. Peter's, established on their Indian frontiers along the line of boundary with British North America.

By the report of Mr. Simpson, your Lordship will likewise see what has been done up to the present time, in reference to the native population, in accordance with the benevolent provisions contained in the license of exclusive trade, under which the Hudson's Bay Company conduct that part of their business, situated beyond the limits of the territories they hold under their Charter; as without that license they could not have sufficiently protected even their own territory from the evils of opposition, to have justified or enabled them to carry into effect the various measures described in Mr. Simpson's report, in regard to the civilization and amelioration of the condition of the natives.

By that report it will moreover be seen that the animosities and feuds which kept the Indian country in a state of continued disturbance, extending to the loss of lives and to the destruction of property, have, since 1821, entirely ceased; that the sale or distribution of spirituous liquors to the Indians has, in most parts of the country, been entirely discontinued, and in all other parts so much reduced as to be no longer an evil; and that the moral and religious improvement of the native population has been greatly promoted.

And from what I have had the honour of being under your Lordship's notice in this communication, it will be seen what the Company has done in reference to the extension of the British trade on the north-west coast, and the exertions they are making in the causes of discovery and science.

Also the views of the Company in regard to the establishing valuable branches of trade from the country to the west of the Rocky Mountains, which they occupy under the exclusive license in question, as well as from the Red River settlement formed within their own territories.

Your Lordship will perceive that much has already been done by the Hudson's Bay Company, resulting from the privileges they enjoy; but that much more, involving great outlay of money and heavy responsibility, will soon be required to be done, in order to complete the operations they have in hand, and to give effect to the measures they have in contemplation, which may hereafter become important to Great Britain in a national point of view; and that without the extension of the term of the license the Company now hold, they could not feel justified, with a due regard to the interests of the numerous parties connected with the business, in following up several of the extensive and expensive arrangements here mentioned, which are now in progress.

I have, therefore, to request that your Lordship will be pleased to bring the subject of this communication under the consideration of his Majesty's Ministers; and as there are several important points connected with this subject that cannot so well be explained in an official despatch as by personal communication, that your Lordship will be further pleased to honour me with an audience as early as convenient, at which Mr. Simpson, who is now preparing for his departure to Hudson's Bay in Canada, may attend.

I have, &c.
(signed) *J. H. Pelly, Governor.*

Enclosure in No. 1.

COPY of a LETTER from *George Simpson, Esq.*, to *J. H. Pelly, Esq.*

Sir,

London, 1 February 1837.

Encl. in No. 1.

In obedience to your commands that I should report on the state of the Indian country and trade, both previous to the year 1821 (when an Act of Parliament was passed, under which the Hudson's Bay Company has, since that time, by virtue of exclusive license, conducted the fur trade) and subsequently to that period, I now do myself the honour of laying before you a brief outline of the then and the present state of the fur trade.

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The Indian country, which previous to the passing and granting of that Act and License, was a scene of violence and outrage, productive of injury to the native population, and of the worst consequences, amounting in very many instances to the loss of life among the whites actively engaged therein, and to a vast sacrifice of property to the parties interested, all arising from the violent competition that existed among the traders, I have the satisfaction to say, has, ever since that period, been in a state of the most perfect tranquillity, beneficial as well to the Indian population as to the parties interested and engaged in the trade.

Previous to that period, an unrestricted supply of spirituous liquor, then an important article of trade, led to the commission of crimes, to the injury of health, and to a state of demoralization among the native population truly lamentable. The measures since taken by the Council in the country, under the instructions of the Board of Direction in England, to remedy those evils have been attended with the happiest results; drunkenness is now of very rare occurrence in any part of the country, and quite unknown throughout the extended district situated to the northward of the Saskatchewan and Churchill Rivers, occupied by the Chipewyan, Beaver Indian, Cree, Yellow Knife, Hare, Dog Rib, and other tribes throughout the numerous inhabited and widely extended plain country to the southward of Saskatchewan; in the country situated between the Rocky Mountains and the shores of the Pacific, watered by the Columbia River and its tributaries; in the country known by the name of New Caledonia, situated inland, to the northward of the Columbia River; and among the Chippewa tribes on the shores and interior country of Lakes Superior and Huron; the introduction and use of spirituous and other intoxicating liquors having been strictly prohibited, except in very rare cases for medicinal purposes.

The first introduction of this measure was so unpopular among the natives as to endanger the safety of the trading establishments, rendering it necessary to maintain a large force for their protection, at a heavy expense; and it was only by compensating them for the loss of this baneful indulgence by large gratuities, consisting of presents of British manufactures, that they became reconciled to the privation. In other parts of the country, where it could not, in safety to the white population, be entirely prohibited, the use of it is now gradually diminishing, so as at this time to be no longer an evil; and in no part of the countries through which the Hudson's Bay Company's operation extend are spirituous or intoxicating liquors of any description sold to Indians, or used as a medium of barter or trade. But so inseparable is drunkenness or the abuse of spirituous liquors from opposition in the Indian trade, that on the north-west coast, where we have to contend with the Americans and Russians, and even on the banks of the St. Lawrence and Ottawa Rivers, which are exposed to competition in trade, and where the Indians are partially civilized, I am sorry to say our utmost efforts to check it have been altogether unavailing.

A confiscation of these statements is to be seen by reference to the exportations of spirituous liquors to Hudson's Bay, which, since the year 1821, do not exceed on the average 43 purchases of rum annually for the supply of the whole country situated to the eastward of the Rocky Mountains, comprised in the license of trade granted to the Company, as well as the Company's territories, the population of which, including servants, may be estimated at 120,000 souls, no spirituous liquors having up to this period been distilled in the country.

During the competition in trade previous to the year 1821 (when the exclusive management fell into the hands of the Hudson's Bay Company), it was found impossible to take any effectual measure towards the civilization or moral and religious improvement of the native population. Since that period the Company have established two Protestant missions, under the management of their chaplains, at Red River settlement, where there are likewise two Catholic missions and 13 schools.

In this settlement there are resident several thousand Indians and half-breeds, drawn together from all parts of the country, with a view to their civilization and moral and religious improvement. These people have abandoned the chase, and now devote themselves to agricultural pursuits, and it is gratifying to be enabled to say that the zealous endeavours of our missionaries have been most successful.

The Hudson's Bay Company have likewise established missions and schools at several of their principal depôts or posts on the Columbia River, west side of the Rocky Mountains, under the management of another of their chaplains; and at the Red River and Columbia schools Indian children are educated belonging to many of the distant tribes, who, after attaining the age of manhood, are allowed the option of returning to their homes, becoming agriculturists at Red River settlement, or entering into the Company's service. We are using our utmost endeavours in every other part of the country, where the climate and soil admit of it, to collect the Indians into villages, and direct their attention to agriculture, as the first step towards civilization. This operation is, however, attended with much difficulty, from their erratic habits, and the scanty and precarious subsistence afforded by the chase, which prevents their keeping together in considerable numbers, and applying themselves to husbandry and the pursuits of civilized life, and compels them to separate into small parties of single families, and to wander about in search of food, under circumstances where it is impossible for the missionary to follow them.

I can say, without fear of contradiction, from my intimate knowledge of the country and natives, and of the mode in which the business was conducted, both previous and subsequent to the period since which the exclusive trade has been in the hands of the Company, having held the situation I now have the honour of filling for many years, during which I have been