

Connolly
vs.
Woolrich and
Johnson et al.

this, they returned to Quebec, and offered the merchants to conduct ships to Hudson's Bay, the proximity of which to the principal Fur districts, was now ascertained. This proposal was rejected, as well as a subsequent one to the French Government at Paris; there they were persuaded by the English Ambassadors to go to London, where they were favourably received by some merchants, and persons of high rank, who commissioned a Mr. Gillam, long accustomed to the Newfoundland trade, to prosecute the discovery. Mr. Gillam sailed in the Nonsuch, in 1667, into Baffin's Bay, to the height of 75° north latitude, and thence to 51°, where he entered a river, to which he gave the name of Prince Rupert's; and finding the Indians friendly, erected a small Fort. The persons interested in this vessel, upon the return of Gillam, applied to Charles the Second for a Patent, who granted them the Hudson's Bay Charter, dated the 2nd May, 1670, and from which I make the following extracts:—

The Charter declares— "WE have given, granted, and confirmed, and by these presents, for us, our heirs, and successors, do give, grant, and confirm, unto the said Governors 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, rivers, lakes, creeks, 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 fish 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 of 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, jurisdiction, prerogatives, royalties, and appurtenances, whatsoever, to them the said Governor and Company, and their successors for ever to be holden 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 knights service; yielding and paying yearly to us our heirs, and successors the same, two elks, and two black beavers, wheresoever and so 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

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