

"that those rights having been enjoyed for a great number of years, and, though frequently challenged, never disproved, must be regarded, so far as authoritative decisions went, as confirmed to the Company."

Mr. Roebuck followed Mr. Labouchere, and remarked (p. 226) \* \* \* "the proper course for the Government to pursue would be to take away the powers of the Company. The Right Honourable gentleman (Mr. Labouchere) had however pursued a different course, and one that would perhaps be more satisfactory to the House."

Mr. Adderley spoke next, and said (p. 227) "It mattered little whether the Charter of the Company was valid or not; it could not be maintained in opposition to the rights and necessities of mankind. The Charter if valid could only be matter for compensation."

Mr. Ellice remarked (p. 230) "With regard to the Charter of the Company, he should observe that he did not think it would be fair to attempt to set aside its validity on the ground of any original informality in the manner or terms in which it had been granted, after it had been allowed to pass unchallenged for nearly two centuries. At the same time he believed that, if tried, its validity would be established as regarded the principal rights claimed by the Company."

Mr. Gladstone, believing that the Charter was invalid, said (p. 237) "The question of the legality of the Charter will I trust be sifted, and sifted to the bottom, by the Committee, but I also trust that it will be sifted by means into which partiality cannot enter. \* \* \* I apprehend that the proper course to pursue on such a question is that which used to be taken 200 years ago. \* \* \* Means were taken to raise the issue fairly before the judicial tribunals of the Kingdom, and if these tribunals found that the Crown had exceeded its powers the Charter was quashed, and the subject was relieved from the damage which the Crown would have inflicted on him."

Mr. Henley next spoke, and said (p. 238) "It is quite clear with regard to two portions of the Territory, that they were open to be dealt with in any way that Parliament may say fit, but as to that portion held under the Charter, I agree that the Charter, which hitherto has received no judicial confirmation whatever, ought to be submitted to a tribunal properly invested with the power to decide the question of validity."

Mr. Laing, who next addressed the House, did not allude to the points here under discussion.

Mr. Baillie (p. 240) suggested "that, in order to ascertain the validity or illegality of the Hudson's Bay Company's Charter, of which a preconceived idea appeared to exist, a Committee of the House is not the best tribunal that can be selected. I think it would have been better had the Government ascertained the opinion of the highest legal Authorities upon the point, and there can be no doubt of the competence of a Committee to deal with the other branches of the subject."

Mr. Butt then said (p. 240) "In common with many other members I am anxious that the question of the legality of the Hudson's Bay Company should be brought under the consideration of the Committee. I mean the validity of the original grant; and also whether that grant, even if originally valid, had been forfeited by an entire disregard to the consideration upon which it was made. The terms of the motion seem to assume the validity of the Charter, and I wish to point out that circumstance to the Right Honourable gentleman, in order that he may vary the reference to the Committee, if he should think it necessary, so that the whole question of the validity of the Charter may be ascertained."

Mr. Labouchere, replying (p. 241), said—"I do not think the terms of my motion are open to the construction which the Honourable and learned gentleman has placed upon them. I do not believe them to imply any opinion as to the legality or illegality of the Hudson's Bay Company's Charter, and certainly I did not intend to convey any such impression. I quite agree with the Right Honourable member for the University of Oxford (Mr. Gladstone) that the Committee itself would be a very improper tribunal to decide a legal question, but if the Committee requires a decision upon that point, it will possess the power of sending it to the Judicial Committee of the Privy Council. \* \* \* I only desire that this important and complicated question shall be fairly brought before the Committee, and I am glad to find that the course which the Government have adopted is one which has received the general approval of the House."

Motion agreed to. Select Committee appointed.

Thus, of the nine members who addressed the House on the motion, eight directly referred to the claims of the Hudson's Bay Company, with respect to Rupert's Land, in terms which