

"Columbia should find, on further enquiry, that some other point on the coast would supply a more convenient terminus, the Company would be ready to adopt it."

The "Heads of Proposals" (Annexure 13, p. 13, par. 3) submitted by the promoters also contemplated alternative routes.

One of the routes in contemplation is understood to have been westward through Fort Edmonton (N. lat. 53° 30', W. long. 113° 20') to Jasper House, and thence through the Yellow Head Pass. Such a route would have involved the traversing approximately 60 miles of the mountain chain between the western limits of the boundary claimed by the Hudson's Bay Company and the eastern limits of British Columbia at Cowdung Lake (N. lat. 52° 50', W. long. 118° 40').

Then, on 29th June, 1863, the Colonial Office, writing to Mr. Sandford Fleming, delegate from inhabitants of Red River on the subject, remarks (Parliamentary Paper 438, appendix page 21):—

"With the aid of those two Colonies" (Canada and British Columbia), "which have already been addressed on the subject, and by means of a concession to the promoters of the enterprise, of land in the district of country which is free from the rights of the Hudson's Bay Company, the Duke of Newcastle trusts that the execution of the project will be entered upon at no distant date."

(Parliamentary Papers 402, 1864, No. 8, p. 16).—Again, in the penultimate paragraph of the Report of a Committee of the Canadian Executive Council, (Annexure 14), on 18th February, 1864, explaining its reasons for proposing to break off connection with the telegraph and postal scheme, it refers to His Grace the Duke of Newcastle as apparently sanctioning the reassertion by the Hudson's Bay of territorial rights not included in the charter of Charles II.

It has now been shown that from the date of the continuing Act of 28th July, 1863 (Annexure 3), the Government and Parliament indicated their intention not to encroach upon Rupert's Land. It remains to be explained what was the generally and officially recognized western boundary of Rupert's Land.

The territory is defined in the charter of Charles II. (Parliamentary Papers 224-260, 1857, Hudson's Bay Company, Appendix 11, page 408, to be as follows:—

"All the lands, countries and territories upon the confines of the seas, straits, bays, lakes, rivers, creeks and sounds, in whatsoever latitude they may lie, within the entrance of the straits, commonly called Hudson's Straits."

On July 5th, 1849, Mr. Gladstone, in moving an address to determine the legality of the Hudson's Bay Company's claims (Hansard, third series, vol. cvi., p. 1356), said:—

"The original charter was only considered to apply to the territories in the immediate vicinity of Hudson's Bay, and those lands which are watered by the large rivers that run into the bay. Those waters took their source from the Rocky Mountains, and descending thence through various rivers and lakes, at length entered Athabasca Lake, on the west of Hudson's Bay. By these waters the territory over which the Company possessed power under their original charter was usually held and considered to be defined. The territory to the north and to the north-west was comprised within the waters which ran into the Pacific and the Arctic Oceans, and this territory was the subject-matter of the license of exclusive trading granted in 1838."

(Annexures 6 & 15).—A reference to maps and to the Hudson's Bay Company's claims submitted in Parliamentary Paper 542 of 1850, p. 4, will show that Mr. Gladstone's reference to Athabasca Lake is erroneous, and that probably he intended to have named Lake Winnipeg.

The Parliamentary Paper 542 (Annexure 6) was the return made to the address moved by Mr. Gladstone.

In it (p. 4) the Hudson's Bay Company refer to the charter of Charles II. as defining their rights, and submit a map showing Rupert's Land as the basin emptying into Hudson's Bay. This map shows the Saskatchewan River and its sources as included in Rupert's Land.

In the evidence taken by the Select Committee (Annexure 7) to enquire into the state of British possessions under the Hudson's Bay Company (Parliamentary Paper 224-260 of 1857), at question 26, Mr. Ross, a member of the Canadian Parliament and successively Solicitor and Attorney-General and Speaker of the Legislative Council, is asked:—

"The water-shed line is the recognized boundary (*i. e.*, of Canada) to the north and north-east, is it not?"

Answer.—"That is taken to be the boundary. There is very often a dispute as to where that is."