

"of the Rocky Mountains, a question which the honourable member for Sheffield will have a distinct opportunity to introduce."

This statement would appear to be decisive with regard to the contention that in establishing British Columbia the Government had no intention in 1858 to encroach on the Hudson's Bay Company's right in Rupert's Land.

But, further, during the debate Mr. Labouchere expressed himself (Annexure 8, p. 1107) to the effect that, as regards colonizing, it was necessary on the present occasion to consider Hudson's Bay Company rights, since outside of Rupert's Land the Crown in its licenses reserved power to resume territory at pleasure.

Mr. Roebuck (Annexure 8, p. 1111) "abstained from introducing any topic connected with the Hudson's Bay Company into the discussion, and he had done so on the understanding that he was to have a day on which that question" (three resolutions, one being to determine the chartered rights of the company) "could be debated in the House."

Mr. Wyld (Annexure 8, p. 1112) "understood the general feeling of the House to be that the discussion should be confined to the object of the present Bill, and that they should refrain from entering on the subject of the Hudson's Bay territory." * * *

"Not only would there be emigration to these colonies" (New Caledonia and Vancouver's Island) "from California, but it would flow in from Canada, as these territories were only 47 days overland from Montreal.

"That emigration could not take that route without interfering with the territory of the Hudson's Bay Company."

Mr. Christy (Annexure 8, p. 1116) said:—"It appeared to be a matter of agreement that the discussion on the main question (*i. e.*, Hudson's Bay Company rights under charter, &c.) was to be taken on the motion of the honourable and learned gentlemen (Mr. Roebuck)."

The Bill passed through its third reading and to the House of Lords, without any expression of opinion to modify the statements quoted above: but these statements made during the debate on the second reading of the Bill render it perfectly clear that the House of Commons dealt with the subject as one which did not in any way affect Rupert's Land.

(Annexure 12)—Similarly in the House of Lords when Lord Carnarvon was moving the second reading of the Bill to establish the Colony of British Columbia, on the 26th July, 1858, he remarked (Hansard, 3rd series, vol. cli, p. 2098):—

"In the first place it must be borne in mind that the whole of this territory" (*i. e.*, the country affected by the Bill) "was at present in the main, though not actually, subject to an exclusive license to trade with the Indians, which the Hudson's Bay Company had for many years enjoyed. It was true that that license expired next year. It was also true that the Government had no intention of renewing that license." Thus showing that, also in the House of Lords, the Bill was understood not to refer to Rupert's Land.

A still more emphatic indication of the intention of Parliament with reference to their treatment of the rights claimed by the Hudson's Bay Company under their charter, is to be found in the circumstances of the debate on the 20th July, 1858 (Annexure 11, p. 1788), prior to the introduction of the British Columbia Bill into the House of Lords, and on the very day of its third reading in the House of Commons, when Mr. Roebuck submitted the three following resolutions:—

"1st—That the privileges of the Hudson's Bay Company, about to expire, ought not to be renewed.

"2nd—That the legal validity of the exclusive rights claimed by the Hudson's Bay Company under the charter ought at once to be determined by process of law.

"3rd—That so much of the territory as had hitherto been held by the Hudson's Bay Company as may be needed for the purpose of colonization, ought without delay to be resumed by the Government of the country."

And, although Mr. Roebuck held the strongest views on the impolicy and invalidity of the Company's territorial rights, he nevertheless decided to withdraw his resolution on this subject.

(Annexure 11)—Mr. Roebuck, in supporting his resolutions (Hansard, vol. cli, p. 1791), said:—"He was told that the Hudson's Bay Company had certain rights which they derived under the charter granted by Charles II. He maintained that the Company had no such rights, and it was the duty of the Government to determine whether they had or no.

"If the Company had no such rights, Parliament would know how to deal with them; and if they had, Parliament would also know how to deal with them by purchasing them out immediately.