

show the House of Commons was not prepared to ignore those claims, until a judicial decision should be given adverse to them.

Upon the Select Committee considering its report (Annexure 7), the Chairman (Mr. Labouchere) and Mr. Christy each proposed a draft, and Mr. Gladstone submitted ten resolutions.

Of Mr. Gladstone's resolutions attention is directed to the 1st, 3rd, 5th, 6th, 8th, 9th, and 10th. (Report Hudson's Bay, Parliamentary Papers, 224-260, 1857, p. xiv.)

Each of these, except the 1st and 9th, expresses more or less recognition of the interests of the Hudson's Bay Company, while the 10th directly declares that the Committee came to no decision with regard to the justice or the expediency of raising a judicial issue to ascertain the legal rights of the Company under the Charter.

The motion was then made and the question proposed—"That the draft report proposed by the Chairman be read a second time, paragraph by paragraph." To this, as an amendment, it was proposed to leave out from the word "That" to the end of the question, in order to insert the words "the Resolutions proposed by Mr. Gladstone be now read a second time," instead thereof.

Question put—"That the words proposed to be left out stand part of the question." 7 votes were given for and 7 against. Upon which the Chairman voted with the ayes.

The Committee then proceeded to consider the Chairman's draft.

Of this draft, the 7th paragraph declared that "it might be desirable to ascertain precisely what is the force of the powers claimed and exercised under it," (i.e. the Charter of Charles II.) The 8th paragraph records the Committee's hope that "without waiting for the result of proceedings of so doubtful and dilatory a character as may appertain to the complete investigation of this ancient charter," arrangements might be made for the satisfaction and benefit of those concerned; and the 9th paragraph contemplates a subsequent friendly reference to the Judicial Committee of the Privy Council, and the possible modification, by its decision, of any recommendations the Committee should make.

Paragraphs 7 and 8 were read and negatived.

Paragraph 9 was negatived by 9 votes to 4.

The final Report adopted (Annexure 7, pp. iii. and iv., para. 6) refers Parliament to the evidence and appended documents for information as to the nature of the Company's tenure.

It (paragraph 7) expresses the Committee's trust that there may be no difficulty in effecting arrangements as between Her Majesty's Government and the Hudson's Bay Company, by which these districts (Red River and the Saskatchewan) may be ceded to Canada on equitable principles; leaves it (paragraph 8) to Her Majesty's Government to consider details more maturely before the Act of Parliament is prepared which will probably be necessary to give effect to the scheme; (paragraph 13) records the Committee's inability to say, with any certainty, how far the chartered right claimed by the Company may prove an obstacle to the attainment of the objects they have urged to be desirable, and (paragraph 14) the Committee's confident hope that a spirit of conciliation and justice amongst those interested will enable the Government to present a bill which shall lay the foundation of an equitable and satisfactory arrangement in the event, which the Committee considers probable, of legislation being found necessary for the purpose.

Thus the Committee's report and the evidence in connection with it showed that in 1857 neither Parliament nor the Government desired to interfere with the claims of the Hudson's Bay Company under their charter, otherwise than as a result of amicable arrangement, or in consequence of a judicial decision adverse to the validity being obtained.

(Annexure 1)—In 1858 a Bill was introduced into the House of Commons to establish the Colony of British Columbia (at first styled New Caledonia), the predetermined action of the Government in this matter being hastened by an influx of gold miners into the country.

(Annexure 8)—Sir Bulwer Lytton, in moving the second reading of the Bill (Hansard, 3rd series, vol. cli., p. 1105), said:—"I was glad to hear the honourable and learned gentleman, the member for Sheffield (Mr. Roebuck) express his opinion that the present occasion was not a fitting opportunity for raising the question of which he had given notice." [Annexure 11, p. 1842.] (To resolve, 2nd, "that the validity of the exclusive right claimed by the Hudson's Bay Company under this charter ought at once to be determined by process of law"): "It is desirable to keep any discussion upon this Bill free from the more angry elements which may be involved in the general question as to the powers of the Hudson's Bay Company by virtue of its charter on the different districts of Rupert's Land on the eastern side