

Company, from which this passage, as well as many facts epitomized in these pages, and the map prefixed to them, have been taken, several parallel cases are cited, in which English judges invariably decided against the claim to an exclusive right of trade by charter. In one of them, Lord Hale said emphatically, "Patents which tend to the engrossing of trade, merchandise, and manufactures, though of never so small a value, into one or a few hands only, have always been held unreasonable and unwarrantable." In another case,—the *Attorney General v. Allum*, in which the Russian Company claimed exclusive rights of trading, under letters patent, this was the decision of the Court:—"The act is a mere act of creation, and to regulate those of the Company who trade separately, to the prejudice of the joint stock of the Company; and if it were an act of confirmation, it would be a void act, because the letters patent themselves are void, being to appropriate a trade, which the King cannot do by law." (*Hardies' Reports*, p. 108.) In the case of *Nightingale v. Brydges*, it was admitted, without argument, that the King could not grant power to seize ships engaged in a trade prohibited by charter,—which was one of the powers granted by Charles II. to the Hudson's Bay Company. Another case quoted by Fitzgerald is that of the African Company, to which the same very liberal and very unscrupulous monarch, had granted precisely similar privileges, over all the regions, countries, &c., from Sallee inclusive to the Cape of Good Hope inclusive, for 1000 years, is exactly in point. The Company had seized a ship and cargo, for trading against its charter: both were condemned in the Court of Admiralty, there being no appearance; but the owner having brought an action at common law for recovery of his property, the Court decided unanimously in favour of the plaintiff, and, of course, against the charter. (*Vyner's Abridgement*, vol. 17, p. 213.)

That the Hudson's Bay Company was perfectly conscious, from a very early period, that its charter was not good in law, is evident from the fact that, in 1690 it sought for, and obtained, an Act of Parliament, (2 Will. and Mary,) to confirm it, a course which obviously would not have been taken had it thought the Charter valid. In the body of this act the confirmation is "for ever;"