

"turn round on the Company and say, 'we have permitted you to occupy this territory for 200 years: we have recognised your existence in all kinds of public documents, but now we wish to get rid of you, and we will not even repay you the capital you have invested in posts and buildings for your trading operations; we will raise a question of law, and we will chieftain you out of the rights which our own charter gave you.' No authority, however high, could induce him to sanction such a step. It would be disreputable in a private individual, it would be disreputable and infamous on the part of a Government."

[Annexure 11, Hansard 20, 7, 58, p. 1832] Mr. Christy said:— \* \* \* "Even if it was decided that the charter was not valid, provision might be made to enable them" [*i.e.*, the Hudson's Bay Company] "to carry on their traffic in furs in the northern and more inhospitable portions of their territory." \* \* \*

[Page 1834] "He saw no reason why the legal rights of the Hudson's Bay Company should not be settled by a friendly suit, the Crown paying the costs of both sides."

Mr. Gilpin [Annexure 11, p. 1837] "thought that the question of the charter and its validity must be thoroughly investigated in the first instance." \* \* \*

[Page 1838] "He had endeavoured to show that the original grant was illegal, that it was opposed to sound policy and public interest, and he earnestly hoped that the House would take its stand on the ground of simple justice, would abrogate unrighteous assumptions, and by the adoption of these resolutions of his learned friend the Member for Sheffield, would declare to the world its determination to uphold against all selfish, private, and illegal claims, the interests of commerce, the extension of civilization, and, above all, the rights of humanity."

Mr. Kinnaird [Annexure 11, p. 1839] "must, however, express his concurrence in the opinion of the Hon. and learned Member for Sheffield that it was most desirable that the question as to the validity of the Company's charter should be determined."

Mr. Chichester Fortescue [Annexure 11, p. 1840] "trusted the House would not forget the facts of the case, would not sacrifice the interests of justice, and would not allow themselves to be carried away by the abstract proposition of the Hon. and learned gentleman [Mr. Roebuck], which would be committing an act of pedantry instead of an act of statesmanship."

Mr. Wyld [Annexure 11, p. 1841] "thought that the Right Hon. gentleman, the Secretary of State for the Colonies, had prepared a satisfactory solution of the question."

Mr. Fitzgerald remarked [Annexure 11, p. 1841] "that assuming that he and other Hon. members only desired that the Hudson's Bay Company should be treated with justice and liberality, he could not, for his own part, see how it was possible to proceed to deal with them in that spirit until their rights had been ascertained."

Mr. Roebuck [Hansard 20, 7, 84, Annexure 11, pp. 1842-3]—"But the second proposition he believed the Right Hon. gentleman [Sir E. B. Lytton] did not quite agree with which was that the rights of the Company ought to be at once ascertained by legal process. The Right Hon. Baronet said that he thought the rights ought to be determined, and that he would apply his mind to the consideration of the best mode of determining them; but he did not say that he would do so by means of a legal process. He came, however, so near to his proposition that he [Mr. Roebuck] felt that he had better leave the matter in the hands of the Right Hon. Baronet, to be dealt with as he might deem best." \* \* \*

[Annexure 11, p. 1844] "Having made these observations he should, with the permission of the House, withdraw his motion."

"Motion by leave withdrawn."

These extracts from the debate on Mr. Roebuck's Resolutions on the 20th July, 1858, indicate that all the speakers, with one exception [Mr. Fitzwilliam not having expressed an opinion on the subject], consider it proper to recognise the undisproved charter claims of the Hudson's Bay Company at any rate until a judicial decision against their validity should be delivered, or until the Company voluntarily agreed to their modification.

[Annexure 3]—The Government in 1863, when the continuation Act was passed, still held the view that Rupert's Land could not be interfered with. On 5th July, 1862, Messrs. Baring and Glyn made a proposal to the Government [Annexure 13, Parliamentary papers 438 of 1863, No. 2, p. 5] towards the establishment of telegraphic and road service to the Pacific through British territory, and asked would the Government be ready to grant land in aid.

In replying, the Secretary of State for the Colonies, His Grace the Duke of Newcastle, (Annexure 13, No. 3, p. 6) "regretted that Her Majesty's Government could not afford any