

proviso ; but of what value was it in a deed deliberately ignoring the rights of personal liberty, freedom of trade, and security for property ? This is what the Charter did, for it gave “ full power and lawful (?) authority *to seize upon the persons* of all such English, or any other our subjects which shall sail into Hudson’s Bay, or inhabit in any of the countries, islands, or territories, hereby granted to the said Governor and Company, without their leave and license in that behalf, first had and obtained, or that shall *contemn* or disobey their orders, and send them to England ;” and it directed that all persons in the employ of the Company should “ be liable unto and suffer such punishment for any offences by *them* committed, in the parts aforesaid, as the President and Council for the said Governor and Company shall think fit.” This was despotic power—not English law. The King himself possessed it not ; therefore he could not enable one portion of his subjects to exercise it over the rest, though he professed to do so of his own “ especial grace, certain knowledge, and mere motion.”

It is a remarkable fact that, until the cession of Canada to Great Britain, the Company never dreamt of putting forward the monstrous claims which it has since preferred ; and further, that it has never, in any one instance, ventured to test the validity of its Charter in an English court of law. It has had opportunities enough ; but, whenever there has been any serious infringement of its pretended rights, it has either put it down by force, bought off the opposition, or combined with the opponents. Where the strong hand availed against individual interlopers, it was resorted to without scruple ; but the Company has never dared to seek a civil remedy in an English court of justice. How could it do so, when it must have been conscious that its Charter was a violation of all law, and would not bear the slightest legal sifting ? The statute 21, James I. c. 3, declared that “ all monopolies,” and “ all charters granted to any persons” or “ bodies corporate,” “ for the sole buying, selling,” &c. “ of any commodities within this realm,” were “ altogether contrary to the laws of this realm, and so are and shall be utterly void, and of none effect.”

In Mr. Fitzgerald’s admirable work on the Hudson’s Bay