

land in the name of the Queen. He and his associates endeavored to carry out the objects of the charter. He failed; and he was not regarded as having any right of property in the Island, in consequence of this grant. The grant which was made to the Plymouth Company and to the London Company, extending from the Atlantic to the South Sea, were not supposed to convey to them more territory than they reduced to possession. New York, which was patented to the Duke of York, lay within the limits of the country formerly covered by the charter of other parties. The principle which I have stated shows that the title of those parties was not so much the patent from the Crown as their arms and their merchandize; and we must look, not to the charter, but to what they accomplished under it, to ascertain what their title was, for it is not simply the extent of territory which they claimed, but the extent of dominion which they secured for the Crown by their energy and enterprise, that we have to consider. The Hudson's Bay Company had upon the shores of Hudson's Bay at the time their charter was granted but one post, Fort Rupert, on Rupert River. The King's patent, I suppose, may have conveyed to them this post with a reasonable area of territory within its vicinity. What more they acquired down to the time that their possessions were seized by France must be determined by a careful consideration of what they did and of what was done by France. I deny altogether that the King could convey to them by this charter a title to territory which was not only at the time not in possession of the Crown, but of which the company before the Treaty of Ryswick had not reduced to possession. From 1697 to 1713 the country along the coasts was in the possession of France. It was not possible, after this period, for the Company to acquire any fresh dominion on their own behalf. All the country which they had ever held looking towards Hudson's Bay was to be restored and no more. What they had held then at any time before 1697, was ever after the extent of their possessions. Their grant was a grant within the Straits of Hudson. They claimed it as extending from Grimington Island to Lake Mistassin. Before the Treaty of Utrecht, they made no claim to the ownership of the country south of the Bay. They were content with a claim to the exclusive trade.

Mr. BANNERMAN. I would like to ask the hon. gentleman if this Treaty of Utrecht that he is talking about was not later than that?

Mr. MILLS. What I stated a moment ago was a proposition of the Hudson Bay Company. It was accordance with the