

Memorandum on  
Hudson's Bay  
Company.

In consequence of the rivalry existing between the Hudson's Bay and North-West Companies, which led to frequent conflicts between their respective followers, more particularly with reference to certain settlements formed in the Oregon district by Lord Selkirk, the affairs of the Companies were brought to the notice of Parliament in 1819, and their proceedings were minutely investigated. The Government finally interposed its mediation, and a compromise was effected, by which the North-West Company became merged in the Hudson's Bay Company. Subsequently, and in connection with this arrangement, an "Act for regulating the fur trade and establishing a criminal and civil jurisdiction in certain parts of North America" was passed in Parliament,\* containing every provision required to give stability to the Hudson's Bay Company, and efficiency to its operations.

By this Act, which was passed in 1821, the Courts of Judicature of Upper Canada were empowered to take cognizance of all causes, civil or criminal, arising in any of the above-mentioned territories, including those previously granted to the Hudson's Bay Company, and in "other parts of America not within the limits of either of the provinces of Upper or Lower Canada, or of any civil Government of the United States."

Shortly before the passing of this Act, the Hudson's Bay and North-West Companies were united; and, on the 6th December, 1821, a grant was made by the King to the Company "of the exclusive trade with the Indians of North America."

By this grant the officers in the service of the Company were commissioned as Justices of the Peace for those countries; and the jurisdiction of the Courts of Upper Canada was rendered effective as far as the shores of the Pacific, the only exception made in that respect being with regard to any territory embraced in the grant, situated "within the limits of any civil Government of the United States." This grant was made for twenty-one years, but before the termination of that period, a further grant was received from the Crown by the Company.

In the grant of 1821 the following reservations were made in favour of the rights of the Crown, and also of those of subjects of foreign States:—

"But we do hereby declare that nothing in this our grant contained shall be deemed or construed to authorize the said Governor and Company, or their successors, or any persons in their employ, to claim or exercise any trade with the Indians on the north-west coast of America, to the westward of the Stony Mountains, to the prejudice or exclusion of any of the subjects of any foreign States who, under or by the force of any Convention for the time being between us and such foreign States respectively, may be entitled to or shall be engaged in the same trade. Provided, nevertheless, and we do hereby declare our pleasure to be, that nothing herein contained shall extend or be construed to prevent the establishment by us, our heirs or successors, within the territories aforesaid, or any of them, of any colony or colonies, province or provinces, or from annexing any part of the aforesaid territories to any existing colony or colonies to us in right of our Imperial Crown belonging, or for constituting any such form of civil government, as to us may seem meet, within any such colony or colonies or provinces."

Such were the provisions made by the British Government for the proper government of the territories situated beyond the Rocky Mountains and on the coasts of the Pacific Ocean. The successful result of these measures for extending the trade of the Hudson's Bay Company, and for forming settlements in these territories by Great Britain, is given in the following extract from Mr. Greenhow's History of Oregon and California, in which he says (page 344):—

"The relative positions of the two parties (Great Britain and the United States) as to the occupancy and actual possession of the countries in question had been materially changed since the conclusion of the former Convention (1818) between them. The union of the rival British Companies,

\* Act 1 & 2 Geo. IV, cap. 66; July 2, 1821.