

MEMORANDA.

With a population equal to that of Scotland when as an independent nation, she defied England in her might; equal to that of the United States of America when they spurned the tyrannical acts of a despotic power, proclaimed their independence, and took their stand among the nations of the world; equal to that of Belgium, when she became a kingdom;—Canada is subjected to the insults of a Colonial Secretary, whose dispatches recently laid before the Legislature of this country, openly and distinctly avow that the profits of some two hundred fur-traders of the city of London are deemed of more importance than those principles of commercial freedom which they violate—than those rights, liberties and privileges of a British people which they outrage; and worthy of more consideration than the progress and welfare of this Province. Mr. Labouchere seeks to perpetuate upon this continent an odious monopoly, the entire fabric of which has been built upon utterly false and fictitious grounds, without one shadow of reality in law or in justice for the exercise of those acts of control heretofore indulged in, and which are now claimed to be continued as “rights.”

It is this conviction that urges us to submit the following arguments and statements to the Canadian public, in order to show that the Hudson's Bay Company, while claiming authority under an old charter invalid in law, have only exercised a monopoly in trade since the year 1621, and that this trade so monopolized was first opened out and successfully carried on by Canadian Traders, long before the Hudson's Bay Company had entered into that country now claimed by them either under charter or license of exclusive trade.

“I do not propose to discuss the question of the validity of the claims of the Company in virtue of their charter over the whole territory known as Rupert's Land.”—(Dispatch of Mr. Labouchere to Sir E. W. Head, dated 22nd Jan. 1858.)

The under-Secretary, Mr. Merivale, in his letter to Mr. Shepherd, the Governor of the Hudson's Bay Company, dated 20th Jan. 1858, says that Mr. Labouchere is disposed to “advise Her Majesty to renew the existing license of exclusive trade for a further period of 21 years, and adds that Mr. Labouchere is prepared to propose to Canada and to the Hudson's Bay Company as a further condition for the renewal

of the license, “That the Company shall surrender to the Crown such portions of the territory now claimed by it under the Charter as may be available to and required by Canada for purposes of settlement.”

Thus although Mr. Labouchere does not propose to discuss the validity of the charter, nevertheless he has decided that it is valid. Unless it is so, the Hudson's Bay Company own no territories, and they cannot be called upon to surrender that which they do not possess.

Should Canada prove so false to herself, so blind to her interests as to yield assent to this artful and designing proposition of the Hudson's Bay Company, she will have placed that Company in a position which it has never yet acquired; Canada would thereby recognize claims and rights in the Hudson's Bay Company which have never existed, and which her traders, during half a century after the year 1763, had not heard of.

Should Canada yield assent to the proposition, she would make that legal which is illegal now, and she would deprive herself of rights which cannot be controverted, but which if carelessly surrendered or flung away, will enable the Hudson's Bay Company to ask compensation from Canada for yielding up to her lands and territories which, in fact, are portions of that Canada which was purchased by British blood for Britain's Crown, not for the Hudson's Bay Company.

The Attorney General and the Solicitor General of England, in a letter dated Lincoln's Inn, July, 1857, give their opinion to Mr. Labouchere, and say: “That the question of the validity and construction of the Hudson's Bay Company's Charter cannot be considered apart from the enjoyment that has been had under it during nearly two centuries, and the recognition made of the rights of the Company in various acts, both of the Government and the Legislature.”

This opinion involves the admission that of itself the charter is invalid, and it assumes that a recognition by acts of the Legislature has cured its illegality. The acts referred to are 6th Ann, ch. 37; 14th Geo. III, ch. 83; 1st & 2nd Geo. IV., ch. 66. The last one created the license of exclusive trade. In each of them allusion is incidentally made to the lands granted to adventurers trading at Hudson's Bay. No one of the acts gives validity to the Charter, which is left as it stood previous to these acts, and entirely unaffected by any or all of them.