

In August 1719 the Hudson's Bay Company acknowledged the surrender by the French of the straits and bay, in such manner that they had nothing to object or desire further on that head. But they urged the settlement of the limits between the English and French territories without delay, since the French subsequently to the conclusion of the peace (in 1715) made a settlement at the head of Albany River, upon which the Company's principal factory was settled, whereby they interrupted the Indian trade from coming to the Company's factories. It was therefore proposed and desired, "that a boundary or dividend line may be drawn so as to exclude the French from coming anywhere to the northward of the latitude of 49°, except on the coast of Labrador; unless this be done, the Company's factories at the bottom of Hudson's Bay cannot be secure, or their trade preserved."

In all the foregoing documents it will be observed, that whether upon the peace of Ryswick, when English affairs looked gloomy and those of France were in the ascendant, or after the treaty of Utrecht, when the power of France was broken, the Hudson's Bay Company sought to have the boundary between the territories they claimed and those forming part of Canada settled by some defined and positive line, which was to be the result of negotiation, not then pretending that there was anything in their charter which gave them a rule by which they could insist that the extent of their territories to the southward should be ascertained.

Even in October 1750 they entertained the same views, while at that time they were pushing their pretensions both to the northward and westward to the utmost limits. They state that the limits of the lands and countries lying round the bay, comprised as they conceived within their grant, were as follow: All the land lying on the east side or coast of the said bay eastward to the Atlantic Ocean and Davis' Straits, and the line hereafter mentioned as the east and south-eastward boundaries of the said Company's territories; and towards the north all "the lands that lie on the north end, or on the north side or coast of the said bay, and extending from the bay northwards to the utmost limits of the lands there towards the North Pole, but where or how these lands terminate is at present unknown; and towards the west, all the lands that lie on the west side or coast of the said bay, and extending from the bay westward to the utmost limits of those lands, but where or how those lands terminate to the westward is also unknown, though probably it will be found they terminate on the Great South Sea; and towards the south, all the lands that lie on the south end, or south side or coast of the said bay, the extent of which lands to the south to be limited and divided from the places appertaining to the French in those parts by a line," &c.; describing the line from Cape Perdrix to the 49th parallel, and along that parallel westward, as in their proposal of August 1719, excepting that they state the starting point to be in latitude 59½ N. They add, with regard to this boundary, that "to avoid as much as possible any just grounds for differing with the French in agreeing on those boundaries which lie nearest their settlements, it is laid down so as to leave the French in possession of as much or more land than they can make any just pretensions to, and at the same time leaves your memorialists but a very small district of land from the south end of the said bay, necessary for a frontier." It is worthy of remark, that this line would have given to France the southerly portion of the Lake of the Woods,—Rainy River and Rainy Lake, which are now claimed as within the territories of the Hudson's Bay Company.

The foregoing extracts are deemed sufficient to establish that the Company considered their territorial rights in reference to their connexion with and proximity to Hudson's Bay itself, where they had planted their factories and desired to attract the Indian trade. They certainly show that neither after the treaty of Ryswick nor that of Utrecht, when they stated the boundaries they were either willing to submit to or were desirous of obtaining, nor yet in 1750, when they set forth what they thought themselves entitled to claim under their charter, did they ever think of asserting a right to all the countries the waters of which flow into Hudson's Bay. Their claims to lands lying both northward and westward of the Bay, are entirely at variance with any such idea. Sir J. Pelly, before a Committee of the House of Commons, in March 1837, seems to have adhered to the views expressed in 1750, when he said "the power of the Company extends all the way from the boundaries of Upper and Lower Canada away to the North Pole, as far as the land goes; and from the Labrador coast all the way to the Pacific Ocean;" though he afterwards explains that the Company claimed in fee simple all the lands the waters from which ran into Hudson's Bay.

It is submitted that if this latter claim were well founded, the further grant in the charter of exclusive trade beyond the limits of the territories granted in fee simple, would give colour to the assertion of the "power" of the Company extending to the Pacific; assuming that the word "power" was used to designate the exclusive right of trade, and not the ownership of the territory. For if the charter gives the fee simple of the lands to the Rocky Mountains, the Pacific is a "Sea," and Fraser's and M'Kenzie's are "Rivers," into which "entry or passage by water or land out of the territories" actually granted may be found; though in such case the application for a license for the exclusive trade would, if the charter be in this respect valid, have been unnecessary.

The French Government it appears would not agree to the proposal which would have limited them to the 49th parallel. Colonel Bladen, one of the British Commissioners under the treaty of Utrecht, wrote from Paris in November 1719, in reference thereto, "I already foresee some difficulty in the execution of this affair, there being, at least, the difference of two degrees between the best French maps and that which the Company delivered us." No settlement of the boundary could be arrived at.

If the later claim of territorial limits had been advanced during this negotiation, there can be