

Expence the Adventurers must be at to perfect the Discovery, they having already expended above half that Sum in their late Expedition.

That the Petitioners find, that, upon a former Attempt, his Majesty's Predecessor King *Charles* the Second, as a suitable Encouragement, granted a Royal Charter to the Governor and Company of Adventurers of *England*, trading to *Hudson's Bay*, making them a Body Corporate for ever, upon their Petition, setting forth, That they had, at their own proper Costs and Charges, made an Expedition to discover a new Passage into the *South Sea*, and for finding some Trade of Furs, Mines, and other Commodities; and gave them the sole Property of all the Lands they should discover, together with an exclusive Trade, to all the Countries within *Hudson's* Streights, not in Possession of any of his Subjects, or of any other Christian Power, with the Royalties of Mines, Minerals, Gems, and Royal Fish, to enable them to find out the Passage, extend the Trade, and to plant the Countries they should discover, paying Two Eiks and Two Black Beavers whenever, and as often as, his Majesty, and his Successors, should enter their Territories; granting to them the greatest Privileges as Lords Proprietors, saving only their Faith and Allegiance to the Crown of *Great Britain*.

The Petitioners beg Leave to observe, that the said Company have not since effectually, or in earnest, searched for the said Passage; but have rather endeavoured to conceal the same, and to obstruct the Discovery thereof by others; nor have they made any new Discovery, either upon the Coast, or in the Inland Countries adjoining to *Hudson's Bay*, since the Grant of their Charter; nor have they taken Possession of, or occupied any of the Lands granted to them, or extended their Trade into the Inland Parts of the adjoining Continent; nor made any Plantations or Settlements, except Four Factories, and One small Trading-house, in all which they have maintained in time of Peace about One hundred and Twenty Persons, Servants to the Company; nor have they allowed any other of his Majesty's Subjects to plant, settle, or trade, in any of the Countries adjoining to the Bay, granted to them by their Charter; yet have connived at, or allowed the *French* to encroach, settle, and trade, within their Limits, on the South Side of the Bay, to the great Detriment and Loss of *Great Britain*.

That the Petitioners, being desirous to pursue the Discovery of the Passage to the Southern Ocean of *America* by Land, or by Water, will engage not only to prosecute the same until it be thoroughly discovered as far as practicable, but also to settle and improve the Land in all the Countries on that Northern Continent, by making Alliances with, and civilizing the Natives, and incorporating with them; and by that means lay a Foundation for their becoming Christians, and industrious Subjects of his Majesty; and also extend the *British* Trade into the Heart of that Northern Continent around the Bay, and into such Countries as they may discover beyond it in the Western Ocean, and to use their utmost Endeavours to prevent the *French* Encroachments upon the *British* Rights and Trade in that Continent.

In order therefore to enable the Petitioners to prosecute and bring to Perfection, so valuable a Discovery, and to civilize the Natives, and settle the Lands, without Loss of Time; and that the Trade and Settlement of such extensive Countries may not be longer delayed, or perhaps for ever lost to his Majesty, and his Successors, by the Encroachments of the *French*;

The Petitioners most humbly pray, That his Majesty would be graciously pleased to incorporate the Petitioners, and the other Subscribers for finding out the said Passage, or such of them, and such other Persons as they shall engage in the said Undertaking, and their Successors, for ever, and grant to them the Property of all the Lands they shall discover, settle, and plant, in a limited Time, in the Northern Continent of *America* adjoining to *Hudson's Bay* and Streights, not already occupied and settled by the present Company of Adventurers trading to *Hudson's Bay*, with the like Privileges and Royalties as were granted to the said Company: And that his Majesty would be pleased to grant unto the Petitioners (during the Infancy of their Settlements) an exclusive Trade, for such a Term of Years as may be granted to Discoverers of new Arts and Trade, to all such Countries into which they shall extend their Trade by Land or by Water, not already granted by Act of Parliament to other Companies, reserving to the present Company of Adventurers trading to *Hudson's Bay*, all the Forts, Factories, and Settlements they at present occupy and possess, with a reasonable District round each of their Possessions and Factories; or that his Majesty would be pleased to grant the Petitioners such other Relief and Encouragement as to his Majesty in his great Wisdom should seem meet.

We have taken the same into Consideration, and have been attended by Counsel both in behalf of the Petitioners, and the *Hudson's Bay* Company, who oppose the Petition, as it interferes with their Charter.

The Petitioners insisted on Two general Things: That the Company's Charter was either void in its original Creation, or became forfeited by the Company's Conduct under it.

That the Petitioners have, by their late Attempts to discover the North-west Passage and Navigation in those Parts, merited the Favour petitioned for.

As to the First, the Petitioners endeavoured to shew, That the Grant of the Country and Territories included in the Company's Charter was void, for the Uncertainty of its Extent, being bounded by no Limits of Mountains, Rivers, Seas, Latitude, or Longitude; and that the Grant of the exclusive Trade within such Limits as there were, was a Monopoly, and void on that account.

With respect to both these, considering how long the Company have enjoyed and acted under this Charter, without Interruption or Encroachment, we cannot think it advisable for his Majesty to make any express or implied Declaration against the Validity of it, till there has been some Judgment of a Court of Justice to warrant it; and the rather, because, if the Charter is void in either respect, there is nothing to hinder the Petitioners from exercising the same Trade which the Company now carries on; and the Petitioners own Grant, if obtained, will itself be liable, in a great Degree, to the same Objection.

As to the supposed Forfeiture of the Company's Charter, by Nonuser or Abuser, the Charge upon that Head is of several Sorts; viz. That they have not discovered, nor sufficiently attempted to discover, the North-west Passage into the *South Seas*, or Western Ocean:

That they have not extended their Settlements through the Limits of their Charter: