

HUDSON'S BAY COMPANY.

COPY of the existing CHARTER or GRANT by
the Crown to the HUDSON'S BAY COMPANY;
and CORRESPONDENCE on the Renewal of the
Charter, &c.

(Mr. Lume.)

Ordered, by the House of Commons, to be Printed,
8 August 1842.

547.

Under 8 oz.

475

HUDSON'S BAY COMPANY.

RETURN to an Address of the Honourable The House of Commons,
dated 26 May 1842;—for,

COPY of the existing CHARTER or GRANT by the CROWN to the HUDSON'S
BAY COMPANY; together with Copies or Extracts of the CORRESPONDENCE
which took place at the last Renewal of the Charter between the Government
and the Company, or of Individuals on behalf of the Company; also, the
Dates of all former Charters or Grants to that Company.

Colonial Office, Downing-street, }
25 July 1842.

G. W. HOPE.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
8 August 1842.

debts 12471298

SCHEDULE.

	DATE.	SUBJECT.	PAGE.
Governor of the Hudson's Bay Company to Lord Stanley.	8 June 1842	Enclosing Copies of a Charter of the Hudson's Bay Company, and the License given to the Company by Her Majesty of the exclusive Trade with the Indians in certain parts of North America -	3

CORRESPONDENCE.

No.		DATE.	SUBJECT.	PAGE.
1.	Governor of the Hudson's Bay Company to Lord Glenelg.	10 Feb. 1837	Application for a renewal of the Grant for exclusive Trade with the Indians - - - - -	12
2.	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	28 Feb. 1837	Requesting Opinion of the Lords of the Committee of Privy Council for Trade on the above Letter	18
3.	Denis Le Marchant, Esq. to the Under-Secretary of State for the Colonies.	2 June 1837	In reply : informing Lord Glenelg that the Application of the Hudson's Bay Company should be favourably entertained by his Majesty's Government - - - - -	18
4.	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	25 July 1837	Acknowledges the above: concurrence in the Opinion expressed; and requesting information as to the Negotiations with the Company -	18
5.	J. D. Hume, Esq. to the Under-Secretary of State for the Colonies.	7 Aug. 1837	Stating that no Negotiation has been entered into with the Board of Trade by the Company for a renewal of their License - - - - -	19
6.	The Under-Secretary of State for the Colonies to J. D. Hume, Esq.	15 Aug. 1837	In reply to the above - - - - -	19
7.	Governor of the Hudson's Bay Company to Lord Glenelg.	9 Sept. 1837	Requests decision on the Letter of 10 February (No. 1.) - - - - -	20
8.	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	19 Sept. 1837	No objection to proposed renewal, with certain modifications - - - - -	20
9.	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	25 Oct. 1837	Encloses Draft of proposed Grant - - - - -	21
10.	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	8 Nov. 1837	Requests Copy of the Grant made in 1821 -	21
11.	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	10 Nov. 1837	Encloses Copy of the Grant made in 1821 - -	21
12.	Secretary of the Committee of Privy Council for Trade to the Governor of the Hudson's Bay Company.	20 Jan. 1838	Requests further information relative to their Claim for a renewal of the Grant - - - - -	23
13.	Governor of the Hudson's Bay Company to the Lords of the Committee of Privy Council for Trade.	7 Feb. 1838	Sends further information required by the Board of Trade - - - - -	23
14.	Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.	3 Feb. 1838	Approves Draft of the Royal License granting exclusive Trade with the Indians for a further period of 21 years, subject to the alteration of the final Clause respecting the erection of Colonies -	28
15.	Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.	7 Feb. 1838	Acknowledges preceding Letter: accepts terms proposed - - - - -	28
16.	The Under-Secretary of State for the Colonies to A. Y. Spearman, Esq.	3 Feb. 1838	Referring to Letter of 10 February 1837 (No. 1); including Lord Glenelg's proposed Clause relative to the erection of Colonies - - - - -	29
17.	A. Y. Spearman, Esq. to the Under-Secretary of State for the Colonies.	8 Mar. 1838	Requests Lord Glenelg's Opinion as to the amount of Rent to be paid by the Hudson's Bay Company - - - - -	30
18.	The Under-Secretary of State for the Colonies to A. Y. Spearman, Esq.	14 Mar. 1838	In reply to the above, and transmitting the following Letter - - - - -	30
19.	Denis Le Marchant, Esq. to the Under-Secretary of State for the Colonies.	6 Mar. 1838	Respecting the Settlement of the Terms of the Grant in question - - - - -	30
20.	The Under-Secretary of State for the Colonies to Denis Le Marchant, Esq.	14 Mar. 1838	Acknowledges the above - - - - -	31
21.	Assistant Secretary to the Lords of the Treasury to the Governor of the Hudson's Bay Company.	7 June 1838	Transmits the Grant of a License to trade - -	31

HUDSON'S BAY COMPANY.

Copy of a LETTER from the Governor of the Hudson's Bay Company to Lord Stanley.

My Lord,

Hudson's Bay House, London, 8 June 1842.

I HAVE the honour to acknowledge receipt of Mr. G. W. Hope's letter of the 4th instant, enclosing, by direction of your Lordship, copy of an Address of the House of Commons for certain papers relating to the Hudson's Bay Company; and requesting that you may be furnished, for presentation to the House, with a copy of the existing Charter or Grant by the Crown to the Company, together with a list of the dates of all former Charters or Grants to them.

Letter from the Governor of the Hudson's Bay Company to Lord Stanley, 8 June 1842.

In compliance with your Lordship's request, I herewith hand a printed copy of the first and only Charter for incorporating the Hudson's Bay Company, granted by his Majesty King Charles the Second in the year 1670; together with copy of the License given to the Company by Her Majesty, on the 30th May 1838 (under the provisions of the Act 1 & 2 Geo. 4, c. 66), of the exclusive trade with the Indians in such parts of North America as are not part of the lands or territories granted to the Company by their Charter, and not forming any of Her Majesty's provinces in North America, or of any lands or territories belonging to the United States of America or other foreign power.

(A.)

(B.)

The Grant of exclusive trade was first made, on the 6th December 1821, to "The Governor and Company of Adventurers of England trading to Hudson's Bay," in conjunction with "William M'Gillivray, of Montreal, in the province of Lower Canada, esquire, Simon M'Gillivray, of Suffolk-lane, in the city of London, merchant, and Edward Ellice, of Spring-gardens, in the county of Middlesex, esquire."

These gentlemen subsequently surrendered their interest to the Hudson's Bay Company, to whom Her Majesty was pleased to make the Grant of 1838.

I have, &c.

(signed) J. H. Pelly, Governor.

Enclosure (A.)

THE ROYAL CHARTER for incorporating the HUDSON'S BAY COMPANY, granted by his Majesty King CHARLES the Second, in the 22d year of his reign, A. D. 1670.

CHARLES THE SECOND, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c., To ALL to whom these presents shall come, greeting: WHEREAS our dear and entirely beloved Cousin, Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cumberland, &c.; Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, and Sir Robert Vyner, Knights and Baronets; Sir Peter Colleton, Baronet; Sir Edward Hungerford, Knight of the Bath; Sir Paul Neele, Knight; Sir John Griffith and Sir Philip Carteret, Knights; James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn, Esquires; and John Portman, Citizen and Goldsmith of London; have, at their own great cost and charges, undertaken an expedition for Hudson's Bay, in the north-west part of America, for the discovery of a new passage into the South Sea, and for the finding some trade for furs, minerals and other considerable commodities, and by such their undertaking have already made such discoveries as do encourage them to proceed further in pursuance of their said design, by means whereof there may probably arise very great advantage to us and our kingdom: AND WHEREAS the said Undertakers, for their further encouragement in the said design, have humbly besought us to incorporate them, and grant unto them and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands, countries and territories upon the coasts and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian Prince or State: Now KNOW YE, that we, being desirous to promote all endeavours tending to the public good of our people, and to encourage the said undertaking, HAVE, of our especial grace, certain knowledge and mere motion, given, granted, ratified and confirmed, and by these presents, for us, our heirs and successors, do give, grant, ratify and confirm, unto our said Cousin, Prince Rupert, Christopher Duke of Albemarle, William Earl

Grant of incorporation.

Names of original grantees.

of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, Sir Edward Hungerford, Sir Paul Neele, Sir John Griffith and Sir Philip Carteret, James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn and John Portman, that they, and such others as shall be admitted into the said society as is hereafter expressed, shall be one body corporate and politic, in deed and in name, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and them by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," one body corporate and politic, in deed and in name, really and fully for ever, for us, our heirs and successors, we do make, ordain, constitute, establish, confirm and declare by these presents, and that by the same name of Governor and Company of Adventurers of England trading into Hudson's Bay, they shall have perpetual succession, and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," be, and at all times hereafter shall be, personable and capable in law to have, purchase, receive, possess, enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises and hereditaments, of what kind, nature or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments, and to do and execute all and singular other things by the same name that to them shall or may appertain to do; and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," may plead and be impleaded, answer and be answered, defend and be defended, in whatsoever courts and places, before whatsoever judges and justices, and other persons and officers, in all and singular actions, pleas, suits, quarrels, causes and demands whatsoever, of whatsoever kind, nature or sort, in such manner and form as any other our liege people of this our realm of England, being persons able and capable in law, may or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, do, permit and execute; and that the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, may have a common seal to serve for all the causes and businesses of them and their successors, and that it shall and may be lawful to the said Governor and Company, and their successors, the same seal, from time to time, at their will and pleasure, to break, change, and to make anew or alter, as to them shall seem expedient: **AND FURTHER WE WILL**, and by these presents, for us, our heirs and successors, we do ordain, that there shall be from henceforth one of the same Company to be elected and appointed in such form as hereafter in these presents is expressed, which shall be called the Governor of the said Company; and that the said Governor and Company shall or may elect seven of their number, in such form as hereafter in these presents is expressed, which shall be called the Committee of the said Company, which Committee of seven, or any three of them, together with the Governor or Deputy Governor of the said Company for the time being, shall have the direction of the voyages of and for the said Company, and the provision of the shipping and merchandizes thereunto belonging, and also the sale of all merchandizes, goods and other things returned, in all or any the voyages or ships of or for the said Company, and the managing and handling of all other business, affairs and things belonging to the said Company: **AND WE WILL**, ordain and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that they the said Governor and Company, and their successors, shall from henceforth for ever be ruled, ordered and governed according to such manner and form as is hereafter in these presents expressed, and not otherwise; and that they shall have, hold, retain and enjoy the grants, liberties, privileges, jurisdictions and immunities only hereafter in these presents granted and expressed, and no other: And for the better execution of our will and grant in this behalf, we have assigned, nominated, constituted and made, and by these presents, for us, our heirs and successors, we do assign, nominate, constitute and make our said Cousin, **PRINCE RUPERT**, to be the first and present Governor of the said Company, and to continue in the said office from the date of these presents until the 10th November then next following, if he, the said Prince Rupert, shall so long live, and so until a new Governor be chosen by the said Company in form hereafter expressed: **AND ALSO WE HAVE** assigned, nominated and appointed, and by these presents, for us, our heirs and successors, we do assign, nominate and constitute, the said Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, James Hayes, John Kirke, Francis Millington and John Portman to be the seven first and present Committees of the said Company, from the date of these presents until the said 10th day of November then also next following, and so until new Committees shall be chosen in form hereafter expressed: **AND FURTHER WE WILL** and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that it shall and may be lawful to and for the said Governor and Company for the time being, or the greater part of them present at any public assembly, commonly called the Court General, to be holden for the said Company, the Governor of the said Company being always one, from time to time to elect, nominate and appoint one of the said Company to be Deputy to the said Governor, which Deputy shall take a corporal oath, before the Governor and three or more of the Committee of the said Company for the time being, well, truly and faithfully to execute his said office of Deputy to the Governor of the said Company, and after his oath so taken shall and may from time to time, in the absence of the said Governor, exercise and execute the office of Governor of the said Company, in such sort as the said Governor ought to do: **AND FURTHER WE WILL** and grant by these presents, for us, our heirs and successors, unto the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, that they, or the greater part of them, whereof the Governor for

Body corporate to be styled "The Governor and Company of Adventurers of England trading into Hudson's Bay."

Rights and privileges, &c. of the Governor and Company.

Grant of a common seal.

A Governor and Committee to be chosen.

Prince Rupert to be the first Governor.

Names of the first Committee.

Power to elect a Deputy Governor.

Oath to be administered to him.

Future Governors how elected.

the time being or his Deputy to be one, from time to time, and at all times hereafter, shall and may have authority and power, yearly and every year, between the first and last day of November, to assemble and meet together in some convenient place, to be appointed from time to time by the Governor, or in his absence by the Deputy of the said Governor for the time being, and that they being so assembled, it shall and may be lawful to and for the said Governor or Deputy of the said Governor, and the said Company for the time being, or the greater part of them which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate one of the said Company, which shall be Governor of the said Company for one whole year then next following, which person being so elected and nominated to be Governor of the said Company as is aforesaid, before he be admitted to the execution of the said office, shall take a corporal oath before the last Governor, being his predecessor or his Deputy, and any three or more of the Committee of the said Company for the time being, that he shall from time to time well and truly execute the office of Governor of the said Company in all things concerning the same; and that immediately after the same oath so taken, he shall and may execute and use the said office of Governor of the said Company for one whole year from thence next following: And in like sort we will and grant, that as well every one of the above-named to be of the said Company or Fellowship, as all others hereafter to be admitted or free of the said Company, shall take a corporal oath before the Governor of the said Company or his Deputy for the time being to such effect as by the said Governor and Company, or the greater part of them; in any public court to be held for the said Company, shall be in reasonable and legal manner set down and devised, before they shall be allowed or admitted to trade or traffic as a freeman of the said Company: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that the said Governor or Deputy Governor, and the rest of the said Company, and their successors for the time being, or the greater part of them, whereof the Governor or Deputy Governor from time to time to be one, shall and may from time to time, and at all times hereafter, have power and authority, yearly and every year, between the first and last day of November, to assemble and meet together in some convenient place, from time to time to be appointed by the said Governor of the said Company, or in his absence by his Deputy; and that they being so assembled, it shall and may be lawful to and for the said Governor or his Deputy, and the Company for the time being, or the greater part of them, which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate seven of the said Company, which shall be a Committee of the said Company for one whole year from then next ensuing, which persons being so elected and nominated to be a Committee of the said Company as aforesaid, before they be admitted to the execution of their office, shall take a corporal oath before the Governor or his Deputy, and any three or more of the said Committee of the said Company, being their last predecessors, that they and every of them shall well and faithfully perform their said office of Committees in all things concerning the same, and that immediately after the said oath so taken, they shall and may execute and use their said office of Committees of the said Company for one whole year from thence next following: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GRANT unto the said Governor and Company, and their successors, that when and as often as it shall happen, the Governor or Deputy Governor of the said Company for the time being, at any time within one year after that he shall be nominated, elected and sworn to the office of the Governor of the said Company, as is aforesaid, to die or to be removed from the said office, which Governor or Deputy Governor not demeaning himself well in his said office, WE WILL to be removable at the pleasure of the rest of the said Company, or the greater part of them which shall be present at their public assemblies, commonly called their General Courts holden for the said Company, that then and so often it shall and may be lawful to and for the residue of the said Company for the time being, or the greater part of them, within a convenient time after the death or removing of any such Governor or Deputy Governor, to assemble themselves in such convenient place as they shall think fit, for the election of the Governor or Deputy Governor of the said Company; and that the said Company, or the greater part of them, being then and there present, shall and may, then and there, before their departure from the said place, elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company, in the place and stead of him that so died or was removed; which person being so elected and nominated to the office of Governor or Deputy Governor of the said Company, shall have and exercise the said office for and during the residue of the said year, taking first a corporal oath, as is aforesaid, for the due execution thereof; and this to be done from time to time so often as the case shall so require: AND ALSO, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GRANT unto the said Governor and Company, that when and as often as it shall happen any person or persons of the Committee of the said Company for the time being, at any time within one year next after that they or any of them shall be nominated, elected and sworn to the office of Committee of the said Company as is aforesaid, to die or to be removed from the said office, which Committees not demeaning themselves well in their said office, we will to be removable at the pleasure of the said Governor and Company, or the greater part of them, whereof the Governor of the said Company for the time being or his Deputy to be one, that then and so often, it shall and may be lawful to and for the said Governor, and the rest of the Company for the time being, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, within convenient time after

Oath to be administered to them,

and to each member of the Company

Annual election of a new Committee.

Oath to be administered to the Committee.

Vacancies in the office of Governor and Deputy Governor, how filled up.

Governor or Deputy Governor may be removed,

and others elected.

Members of the Committee may be removed,

and others elected.

Grant of the sole trade, lands, mines, minerals, fisheries, &c.

The territory to be reckoned one of his Majesty's Plantations or Colonies in America, and called Rupert's Land; and the Governor and Company to be the Lords Proprietors of the same for ever.

Governor and Company may assemble and make laws, ordinances, &c. for the good government of their territory and the advancement of their trade;

and may impose penalties and punishments, provided the same are reasonable, and not repugnant to the laws of England.

the death or removing of any of the said Committee, to assemble themselves in such convenient place as is or shall be usual and accustomed for the election of the Governor of the said Company, or where else the Governor of the said Company for the time being or his Deputy shall appoint: And that the said Governor and Company, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, being then and there present, shall and may, then and there, before their departure from the said place, elect and nominate one or more of the said Company to be of the Committee of the said Company in the place and stead of him or them that so died, or were or was so removed, which person or persons so nominated and elected to the office of Committee of the said Company shall have and exercise the said office for and during the residue of the said year, taking first a corporal oath, as is aforesaid, for the due execution thereof, and this to be done from time to time, so often as the case shall require: And to the end the said Governor and Company of Adventurers of England trading into Hudson's Bay may be encouraged to undertake and effectually to prosecute the said design, of our more especial grace, certain knowledge and mere motion, WE HAVE given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and precious stones, to be found or discovered within the territories, limits and places aforesaid, and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called "Rupert's Land." AND FURTHER, WE DO by these presents, for us, our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises, SAVING ALWAYS the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, TO HAVE, HOLD, possess and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them the said Governor and Company, and their successors for ever, TO BE HOLDEN of us, our heirs and successors, as of our manor of East Greenwich, in our county of Kent, in free and common soccage, and not in capite or by Knight's service; YIELDING AND PAYING yearly to us, our heirs and successors, for the same, two elks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, to assemble themselves, for or about any the matters, causes, affairs or businesses of the said trade, in any place or places for the same convenient, within our dominions or elsewhere, and there to hold court for the said Company, and the affairs thereof; and that, also, it shall and may be lawful to and for them, and the greater part of them, being so assembled, and that shall then and there be present, in any such place or places, whereof the Governor or his Deputy for the time being to be one, to make, ordain and constitute such and so many reasonable laws, constitutions, orders and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be employed in any of the territories and lands aforesaid, and in any of their voyages; and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders and ordinances so made, to put in, use and execute accordingly, and at their pleasure to revoke and alter the same or any of them, as the occasion shall require: And that the said Governor and Company, so often as they shall make, ordain or establish any such laws, constitutions, orders and ordinances in such form as aforesaid, shall and may lawfully impose, ordain, limit and provide such pains, penalties and punishments upon all offenders, contrary to such laws, constitutions, orders and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them, then and there being present, the said Governor or his Deputy being always one, shall seem necessary, requisite or convenient for the observation of the same laws, constitutions, orders and ordinances; and the same fines and americiaments shall and may, by their officers and servants from time to time to be appointed for that purpose, levy, take and have, to the use of the said Governor and Company, and their successors, without the impediment of us, our heirs or successors, or of any the officers or ministers of us, our heirs or successors, and without any account therefore to us, our heirs or successors, to be made: All and singular which laws, constitutions, orders and ordinances, so as aforesaid to be made, WE WILL to be duly observed and kept under the pains and penalties therein to be contained; so always as the said laws, constitutions, orders and ordinances, fines and americiaments, be reasonable, and not contrary

trary or repugnant, but as near as may be agreeable to the laws, statutes or customs of this our realm: AND FURTHERMORE, of our ample and abundant grace, certain knowledge and mere motion, WE HAVE granted, and by these presents, for us, our heirs and successors, do grant unto the said Governor and Company, and their successors, that they and their successors, and their factors, servants and agents, for them and on their behalf, and not otherwise, shall for ever hereafter have, use and enjoy, not only the whole, entire and only trade and traffic, and the whole, entire and only liberty, use and privilege of trading and trafficking to and from the territory, limits and places aforesaid; but also the whole and entire trade and traffic to and from all havens, bays, creeks, rivers, lakes and seas, into which they shall find entrance or passage by water or land out of the territories, limits or places aforesaid; and to and with all the natives and people inhabiting, or which shall inhabit within the territories, limits and places aforesaid; and to and with all other nations inhabiting any the coasts adjacent to the said territories, limits and places which are not already possessed as aforesaid, or whereof the sole liberty or privilege of trade and traffic is not granted to any other of our subjects: AND WE, of our further royal favour, and of our more especial grace, certain knowledge and mere motion, HAVE granted, and by these presents, for us, our heirs and successors, do grant to the said Governor and Company, and to their successors, that neither the said territories, limits and places, hereby granted as aforesaid, nor any part thereof, nor the islands, havens, ports, cities, towns or places thereof or therein contained, shall be visited, frequented or haunted by any of the subjects of us, our heirs or successors, contrary to the true meaning of these presents, and by virtue of our prerogative royal, which we will not have in that behalf argued or brought into question: WE STRAITLY charge, command and prohibit, for us, our heirs and successors, all the subjects of us, our heirs and successors, of what degree or quality soever they be, that none of them, directly or indirectly, do visit, haunt, frequent or trade, traffic or adventure, by way of merchandize, into or from any of the said territories, limits or places hereby granted, or any or either of them, other than the said Governor and Company, and such particular persons as now be or hereafter shall be of that Company, their agents, factors and assigns, unless it be by the license and agreement of the said Governor and Company in writing first had and obtained, under their common seal, to be granted, upon pain that every such person or persons that shall trade or traffic into or from any of the countries, territories or limits aforesaid, other than the said Governor and Company and their successors, shall incur our indignation, and the forfeiture and the loss of the goods, merchandizes and other things whatsoever, which so shall be brought into this realm of England, or any the dominions of the same, contrary to our said prohibition, or the purport or true meaning of these presents, for which the said Governor and Company shall find, take and seize in other places out of our dominions, where the said Company, their agents, factors or ministers shall trade, traffic or inhabit by virtue of these our letters patent, as also the ship and ships, with the furniture thereof, wherein such goods, merchandizes and other things shall be brought and found; the one-half of all the said forfeitures to be to us, our heirs and successors, and the other half thereof WE DO by these presents clearly and wholly, for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors: AND FURTHER, all and every the said offenders, for their said contempt, to suffer such other punishment as to us, our heirs and successors, for so high a contempt, shall seem meet and convenient, and not to be in anywise delivered until they and every of them shall become bound unto the said Governor for the time being in the sum of One thousand pounds at the least, at no time then after to trade or traffic into any of the said places, seas, straits, bays, ports, havens or territories aforesaid, contrary to our express commandment in that behalf set down and published: AND FURTHER, of our more especial grace, WE HAVE condescended and granted, and by these presents, for us, our heirs and successors, do grant unto the said Governor and Company, and their successors, that we, our heirs and successors, will not grant liberty, license or power to any person or persons whatsoever, contrary to the tenor of these our letters patent, to trade, traffic or inhabit, unto or upon any the territories, limits or places afore specified, contrary to the true meaning of these presents, without the consent of the said Governor and Company, or the most part of them: AND, of our more abundant grace and favour to the said Governor and Company, WE DO hereby declare our will and pleasure to be, that if it shall so happen that any of the persons free or to be free of the said Company of Adventurers of England trading into Hudson's Bay, who shall, before the going forth of any ship or ships appointed for a VOYAGE or otherwise, promise or agree, by writing under his or their hands, to adventure any sum or sums of money towards the furnishing any provision, or maintenance of any voyage or voyages, set forth, or to be set forth, or intended or meant to be set forth, by the said Governor and Company, or the more part of them present at any public assembly, commonly called their General Court, shall not within the space of twenty days next after warning given to him or them by the said Governor or Company, or their known officer or minister, bring in and deliver to the Treasurer or Treasurers appointed for the Company, such sums of money as shall have been expressed and set down in writing by the said person or persons, subscribed with the name of said Adventurer or Adventurers, that then and at all times after it shall and may be lawful to and for the said Governor and Company, or the more part of them present, whereof the said Governor or his Deputy to be one, at any of their General Courts or General Assemblies, to remove and disfranchise him or them, and every such person and persons at their wills and pleasures, and he or they so removed and disfranchised not to be permitted to trade into the countries, territories and limits aforesaid, or any part thereof, nor to have any adventure or stock going or remaining with or amongst

Further grant of trade.

And no subjects of his Majesty to trade within the Company's territories without leave from the Company, in writing, under their common seal.

Under penalty of forfeiting all goods, &c. brought from thence into England.

One-half to go to the King, the other to the Company.

Nor will liberty of such trade be given by his Majesty to any person without consent of the Company.

Persons free of the Company, failing to pay the sums respectively engaged to be furnished by them in the Adventure of the Company, may be removed and disfranchised.

What persons may be admitted into the Company.

Votes to be regulated by quantity of stock.

All lands, &c. aforesaid, to be under the government of said Company, who may appoint Governors and other officers to preside within their territories, and judge in all causes, civil and criminal, according to the laws of England; or criminals may be sent to England for trial.

The Governor and Company may employ, for the protection of their trade and territory, armed force, appoint commanders, erect forts, &c.

Authority given to the Governor and Company to seize any of his Majesty's subjects who (without leave of the Company) trade in their territory, and may send them to England.

the said Company, without the special license of the said Governor and Company, or the more part of them present at any General Court, first had and obtained in that behalf, any thing before in these presents to the contrary thereof in anywise notwithstanding: AND OUR WILL AND PLEASURE IS, and hereby we do also ordain, that it shall and may be lawful to and for the said Governor and Company, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, to admit into and to be of the said Company all such servants or factors, of or for the said Company, and all such others as to them or the most part of them present, at any court held for the said Company, the Governor or his Deputy being one, shall be thought fit and agreeable with the orders and ordinances made and to be made for the government of the said Company: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful in all elections and bye-laws to be made by the General Court of the Adventurers of the said Company, that every person shall have a number of votes according to his stock, that is to say, for every hundred pounds by him subscribed or brought into the present stock, one vote, and that any of those that have subscribed less than One hundred pounds may join their respective sums to make up One hundred pounds, and have one vote jointly for the same, and not otherwise: AND FURTHER, of our especial grace, certain knowledge and mere motion, WE DO, for us, our heirs and successors, grant to and with the said Governor and Company of Adventurers of England trading into Hudson's Bay, that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any the ports or places afore limited, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns; SAVING the faith and allegiance due to be performed to us, our heirs and successors as aforesaid; and that the said Governor and Company shall have liberty, full power and authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; and in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade within the limits aforesaid, where judicature cannot be executed for want of a Governor and Council there, then in such case it shall and may be lawful for the chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory or fort where there shall be a Governor and Council, where justice may be executed, or into this kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GIVE and grant unto the said Governor and Company, and their successors, free liberty and license, in case they conceive it necessary, to send either ships of war, men or ammunition, unto any their plantations, forts, factories or places of trade aforesaid, for the security and defence of the same, and to choose commanders and officers over them, and to give them power and authority, by commission under their common seal, or otherwise, to continue or make peace or war with any prince or people whatsoever, that are not Christians, in any places where the said Company shall have any plantations, forts or factories, or adjacent thereunto, as shall be most for the advantage and benefit of the said Governor and Company, and of their trade; and also to right and recompense themselves upon the goods, estates or people of those parts, by whom the said Governor and Company shall sustain any injury, loss or damage, or upon any other people whatsoever that shall any way, contrary to the intent of these presents, interrupt, wrong or injure them in their said trade, within the said places, territories and limits granted by this Charter: And that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, and at all times from henceforth, to erect and build such castles, fortifications, forts, garrisons, colonies or plantations, towns or villages, in any parts or places within the limits and bounds granted before in these presents unto the said Governor and Company, as they in their discretion shall think fit and requisite, and for the supply of such as shall be needful and convenient, to keep and be in the same, to send out of this kingdom, to the said castles, forts, fortifications, garrisons, colonies, plantations, towns or villages, all kinds of clothing, provision of victuals, ammunition and implements necessary for such purpose, paying the duties and customs for the same, as also to transport and carry over such number of men, being willing thereunto, or not prohibited, as they shall think fit, and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best, and to inflict punishment for misdemeanors, or impose such fines upon them for breach of their orders, as in these presents are formerly expressed: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, full power and lawful authority to seize upon the persons of all such English, or any other our subjects which shall sail into Hudson's Bay, or inhabit in any of the countries, islands or territories hereby granted to the said Governor and Company, without their leave and license in that behalf first had and obtained, or that shall contemn or disobey their orders, and send them to England; and that all and every person or persons, being our subjects, any ways employed by the said Governor and Company, within any the parts, places and limits aforesaid, shall be liable unto and suffer such punishment for any offences by them committed

committed in the parts aforesaid, as the President and Council for the said Governor and Company there shall think fit, and the merit of the offence shall require, as aforesaid; and in case any person or persons being convicted and sentenced by the President and Council of the said Governor and Company, in the countries, lands or limits aforesaid, their factors or agents there, for any offence by them done, shall appeal from the same, that then and in such case it shall and may be lawful to and for the said President and Council, factors or agents, to seize upon him or them, and to carry him or them home prisoners into England, to the said Governor and Company, there to receive such condign punishment as his cause shall require, and the law of this nation allow of; and for the better discovery of abuses and injuries to be done unto the said Governor and Company, or their successors, by any servant by them to be employed in the said voyages and plantations, it shall and may be lawful to and for the said Governor and Company, and their respective President, Chief Agent or Governor in the parts aforesaid, to examine upon oath all factors, masters, pursers, supercargoes, commanders of castles, forts, fortifications, plantations or colonies, or other persons, touching or concerning any matter or thing in which by law or usage an oath may be administered, so as the said oath, and the matter therein contained, be not repugnant, but agreeable to the laws of this realm: AND WE DO hereby straitly charge and command all and singular our Admirals, Vice-Admirals, Justices, Mayors, Sheriffs, Constables, Bailiffs, and all and singular other our officers, ministers, liege men and subjects whatsoever, to be aiding, favouring, helping and assisting to the said Governor and Company, and to their successors, and to their deputies, officers, factors, servants, assigns and ministers, and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, when any of you shall thereunto be required; ANY STATUTE, act, ordinance, proviso, proclamation or restraint heretofore had, made, set forth, ordained or provided, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding. IN WITNESS WHEREOF we have caused these our Letters to be made Patent. WITNESS OURSELF at Westminster, the second day of May, in the two-and-twentieth year of our reign.

The Governor and Company may authorize their Presidents, Agents and others to administer oaths in certain cases.

All Admirals and others his Majesty's officers and subjects, to be aiding and assisting in the execution of the powers, &c. granted by this Charter.

By Writ of Privy Seal.

Pigott.

Enclosure (B.)

CROWN GRANT to the HUDSON'S BAY COMPANY of the exclusive Trade with the Indians in certain parts of North America, for a further term of Twenty-one Years, and upon the Surrender of a former Grant.

VICTORIA R.

(L. S.)

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To all to whom these Presents shall come, greeting.

WHEREAS, by an Act passed in the Session of Parliament holden in the first and second year of the reign of his late Majesty King George the Fourth, intituled, "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America," it was amongst other things enacted, that from and after the passing of the said Act, it should be lawful for his said Majesty, his heirs or successors, to make Grants, or give his or their Royal License, under the hand and seal of one of his or their Principal Secretaries of State, to any body corporate or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any such Grants or Licenses respectively, not being part of the lands and territories theretofore granted to the Governor and Company of Adventurers of England trading to Hudson's Bay, and not being part of any of our Provinces in North America, or of any lands or territories belonging to the United States of America, and that all such Grants and Licenses should be good, valid and effectual for the purpose of securing to all such bodies corporate, or companies or persons, the sole and exclusive privilege of trading with the Indians in all such parts of North America (except as hereinafter excepted) as should be specified in such Grants or Licenses, any thing contained in any Act or Acts of Parliament, or any law to the contrary notwithstanding; and it was further enacted, that no such Grant or License made or given by his said Majesty, his heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid, should be made or given for any longer period than 21 years, and that no rent should be required or demanded for or in respect of any such Grant or License, or any privileges given thereby under the provisions of the said Act for the first period of 21 years; and it was further enacted, that from and after the passing of the said Act, the Governor and Company of Adventurers trading to Hudson's Bay, and every body corporate and company and person to whom any such Grant or License should be made or given as aforesaid, should respectively keep accurate registers of all persons in their employ in any parts of North America, and should once in each year return to the Principal Secretaries of State accurate duplicates of such registers, and should also enter into such security as should be required for the due execution of all processes criminal and civil, as well within the territories included within any such Grant, as within those granted by Charter to the Governor and Company of Adventurers of England trading to Hudson's Bay, and for the producing or delivering into safe custody, for the purpose of trial, all persons in their employ or acting under their authority, who should be charged with any criminal offence, and also for the due and faithful observance of all such rules, regulations and stipulations as should be contained

Enclosure (B.)

in any such Grant or License, either for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral and religious improvement, or for any other object which might be deemed necessary for the remedy or prevention of any other evils which had hitherto been found to exist: And whereas it was in the said Act recited, that by a convention entered into between his said late Majesty and the United States of America, it was stipulated and agreed, that every country on the North-west coasts of America to the westward of the Stoney Mountains should be free and open to the citizens and subjects of the two powers for the term of ten years from the date of the signature of that convention; and it was therefore enacted, that nothing in the said Act contained should be deemed or construed to authorize any body corporate, company or person to whom his said Majesty might, under the provisions of the said Act, make or grant or give a License of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America who might be engaged in the said trade; with a proviso, that no British subject should trade with the Indians within such limits without such Grant or License as was by the said Act required:

And whereas by an instrument under the hand and seal of the Right honourable Earl Bathurst, then one of his said late Majesty's Secretaries of State, and dated the 6th day of December 1821, after reciting therein, as or to the effect aforesaid, and also reciting that the said Governor and Company of Adventurers of England trading to Hudson's Bay, and certain Associations of persons trading under the name of "The North-west Company of Montreal," had respectively extended the fur trade over many parts of North America which had not been before explored, and that the competition in the said trade had been found, for some years then past, to be productive of great inconvenience and loss, not only to the said Company and Associations, but to the said trade in general, and also of great injury to the native Indians and of other persons his said Majesty's subjects; and that the said Governor and Company of Adventurers trading to Hudson's Bay; and William M'Gillivray of Montreal, in the Province of Lower Canada, esquire; Simon M'Gillivray, of Suffolk-lane, in the city of London, merchant; and Edward Ellice, of Spring-gardens, in the county of Middlesex, esquire; had represented to his said Majesty that they had entered into an agreement, on the 26th day of March last, for putting an end to the said competition, and carrying on the said trade for 21 years, commencing with the outfit of 1821, and ending with the returns of the outfit of 1841, to be carried on in the name of the said Governor and Company exclusively, and that the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice had humbly besought his said late Majesty to make a Grant and give his Royal License to them jointly of and for the exclusive privilege of trading with the Indians in North America, under the restrictions and upon the terms and conditions specified in the said recited Act: his said late Majesty, being desirous of encouraging the said trade, and remedying the evils which had arisen from the competition which had theretofore existed therein, did give and grant his Royal License, under the hand and seal of one of his Principal Secretaries of State, to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the said lands and territories belonging to the United States of America, as should not form part of any of his said Majesty's Provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power; and his said late Majesty did also give and grant and secure to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, the sole and exclusive privilege, for the full period of 21 years from the date of that Grant, of trading with the Indians in all such parts of North America as aforesaid (except as thereafter excepted), and did thereby declare that no rent should be required or demanded for or in respect of that Grant and License, or any privileges given thereby for the said period of 21 years, but that the said Governor and Company of Adventurers trading to Hudson's Bay, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice, should, during the period of that Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and should once in each year return to his said Majesty's Secretary of State accurate duplicates of such registers, and enter into and give security to his said Majesty, his heirs and successors, in the penal sum of 5,000*l.* for ensuring, as far as in them might lay, or as they could by their authority over the servants and persons in their employ, the due execution of all criminal processes, and of every civil process in any suit where the matter in dispute shall exceed 200*l.*, by the officers and persons legally empowered to execute such processes within all the territories included in that Grant, and for the producing or delivering into custody for purposes of trial all persons in their employ or acting under their authority within the said territories, who should be charged with any criminal offence; and his said Majesty did thereby require that the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, should, as soon as the same could be conveniently done, make and submit for his said Majesty's consideration and approval, such rules and regulations for the management and carrying on of the said fur trade with the Indians, and the conduct of the persons employed by them therein, as might appear to his said Majesty to be effectual for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement; and his said Majesty did thereby declare, that nothing in that Grant contained should be deemed or construed to authorize the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, 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 Stoney Mountains

Mountains, to the prejudice or exclusion of any citizens of the United States of America who might be engaged in the said trade; and providing also by the now reciting Grant, that no British subjects other than and except the said Governor and Company, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice, and the persons authorized to carry on exclusive trade by them on Grant, should trade with the Indians within such limits during the period of that Grant:

And whereas the said Governor and Company have acquired to themselves all the rights and interests of the said William M'Gillivray, Simon M'Gillivray and Edward Ellice, under the said recited Grant, and the said Governor and Company having humbly besought us to accept a surrender of the said Grant, and in consideration thereof to make a Grant to them, and give to them our Royal License and authority of and for the like exclusive privilege of trading with the Indians in North America, for the like period and upon similar terms and conditions to those specified and referred to in the said recited Grant: NOW KNOW YE, That in consideration of the surrender made to us of the said recited Grant, and being desirous of encouraging the said trade, and of preventing as much as possible a recurrence of the evils mentioned or referred to in the said recited Grant; as also in consideration of the yearly rent hereinafter reserved to us, We do hereby grant and give our License, under the hand and seal of one of our Principal Secretaries of State, to the said Governor and Company, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America, to the northward and to the westward of the lands and territories belonging to the United States of America, as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power, but subject nevertheless as hereinafter mentioned: And we do by these presents give, grant and secure to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of 21 years from the date of this our Grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned): And we do hereby declare, that no rent shall be required or demanded for or in respect of this our Grant and License, or any privileges given thereby, for the first four years of the said term of 21 years; and we do hereby reserve to ourselves, our heirs and successors, for the remainder of the said term of 21 years, the yearly rent or sum of 5s. to be paid by the said Governor and Company, or their successors, on the first day of June in every year, into our Exchequer, on the account of us, our heirs and successors; and we do hereby declare, that the said Governor and Company, and their successors, shall, during the period of this our Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and shall once in each year return to our Secretary of State accurate duplicates of such registers; and shall also enter into and give security to us, our heirs and successors, in the penal sum of 5,000*L.*, for ensuring, as far as in them may lie, or as they can by their authority over the servants and persons in their employ, the due execution of all criminal and civil processes by the officers and persons legally empowered to execute such processes within all the territories included in this our Grant, and for the producing or delivering into custody for the purposes of trial all persons in their employ or acting under their authority within the said territories who shall be charged with any criminal offence: And we do also hereby require, that the said Governor and Company, and their successors, shall, as soon as the same can be conveniently done, make and submit for our consideration and approval such rules and regulations for the management and carrying on the said fur trade with the Indians, and the conduct of the persons employed by them therein, as may appear to us to be effectual for diminishing or preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement: 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 Stoney Mountains, to the prejudice or exclusion of any of the subjects of any foreign states, who, under or by force of any convention for the time being between us and such foreign states respectively, may be entitled to and shall be engaged in the said 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 for 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, province or provinces:

And we do hereby reserve to us, our heirs and successors, full power and authority to revoke these presents, or any part thereof, in so far as the same may embrace or extend to any of the territories aforesaid, which may hereafter be comprised within any colony or colonies, province or provinces as aforesaid:

It being nevertheless hereby declared, that no British subjects other than and except the said Governor and Company, and their successors, and the persons authorized to carry on exclusive trade by them, shall trade with the Indians during the period of this our Grant within the limits aforesaid, or within that part thereof which shall not be comprised within any such colony or province as aforesaid.

Given at our Court at Buckingham Palace, 30th day of May 1838.

By Her Majesty's command.

(L. s.) (signed) *Glenelg.*

—No. 1.—

Copy of a LETTER from the Governor of the Hudson's Bay Company to
Lord *Glenelg*.

Hudson's Bay House,
London, 10 February 1837.

No. 1.

Letter from the
Governor of the
Hudson's Bay
Company to
Lord *Glenelg*,
10 February 1837.

My Lord,

THE peace, order and tranquillity which have so successfully been maintained by the Hudson's Bay Company, during the last 15 years, throughout their extensive territories and the adjoining Indian countries, since the passing of the Act 1st & 2d Geo. 4, c. 66, have hitherto made it unnecessary to trouble your Lordship, or the department over which you preside, with any applications or representations relating to the country.

The approaching termination, however, of the grant of exclusive trade to the Company within their limits and the other fur trading districts (15 years of a term of 21 having already expired), and other circumstances and changes which have occurred in the situation of these countries, make it my duty to bring the whole case under the consideration of his Majesty's Government, in order that their opinion may be ascertained with regard to the renewal of the grant, and the further measures that have already become necessary for the administration of justice, the police and government of the increasing population and establishments of this extensive part of his Majesty's dominions.

Your Lordship is aware that the Hudson's Bay Company was incorporated under Charter of his Majesty Charles the Second, in the year 1670; and that that Charter conveyed to them the sole trade and commerce, together with the lands and territories upon the countries, coasts, &c., that were not actually possessed by or granted to any British subjects, or possessed by the subjects of any other Christian Prince or State, to be reckoned and reputed as one of the British plantations or colonies in America called "Rupert's Land."

One of the principal objects in the incorporation of this Company was the fur trade with the Indians inhabiting the territories ceded to them. For many years prior to the conquest of Canada, French subjects had penetrated by the St. Lawrence to the frontiers of Rupert's Land; but no competition had occurred between the traders of the two countries within the territories of the Hudson's Bay Company previous to the cession of Canada to Great Britain.

Subsequent to that period, the greater capital and activity of British subjects led to a competition, first on the frontier parts, then in the interior, and at last to the formation of a Company, combining all the individuals at that time engaged in the trade, to the countries bordering on and west of Lake Superior, under the firm of the North-west Company of Montreal.

It is unnecessary to say more of the eager competition into which this association entered with the Hudson's Bay Company for the trade of the Indian districts, or of the scenes of demoralization and destruction of life and property to which it led, than to refer your Lordship to the ample details on this revolting subject in the Colonial Department; to the agreements at last entered into between the rival companies to put an end to them by the union of their interests in 1821; and to the Act of Parliament passed in the same year to give effect to that union, and to prevent the possibility of the recurrence of competition, by enabling the Crown to grant to the parties interested a License for the exclusive trade, the only means of restraining violence and crime, and of maintaining order under the peculiar circumstances of the country and the case.

The several parties to whom the license was granted made an absolute surrender of their interests in it, in pursuance of further arrangements between them, to the Hudson's Bay Company, in 1824.

Encouraged by the protection given to them by this license, the Hudson's Bay Company have gradually extended their establishments and trade, and taken the further measures for the improvement and civilization of the country and its inhabitants, which I shall have the honour of detailing for your Lordship's information. The result of these measures, and the growth and increasing population of the settlements in the interior, bring yearly additional demands on the resources of the Company for the means of protection and administration. These demands will still further increase in future years; and it becomes absolutely necessary either that an arrangement should be soon made for the extension of the License to the Company, or that some other means should be taken for the expenditure and government of these establishments, in anticipation of the

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the expiration of the present term, if a different policy shall appear advisable to his Majesty's Government.

Before the union of the rival Companies in 1821, the trade on the north-west coast of America, from the Mexican frontiers to Behring's Straits, was nearly or wholly enjoyed by American and Russian subjects. Some efforts had been made, at enormous costs and sacrifices by the North-west Company, to compete with the Americans, the history of which is recorded in a popular work lately published by Mr. Washington Irving, under the title of "Astoria;" but these efforts were both costly and unsuccessful, and the North-west Company were on the point of being compelled to abandon the trade.

The Russian establishment at Norfolk Sound, and at other places on the coast, even so far south as the coast of California, and the American expedition subsequent to the peace from Boston, New York and other parts of the United States, had obtained a monopoly of the coast trade.

In the face of these disadvantages, the Hudson's Bay Company felt it their duty to attempt to regain the trade, and to re-establish British influence in the countries adjoining the coast, and to the mouth of the river of Columbia, within the limits of the last convention entered into with the court of Russia; and they have succeeded, after a severe and expensive competition, in establishing their settlements, and obtaining a decided superiority, if not an exclusive enjoyment of the trade, the Americans having almost withdrawn from the coast.

In the course of the last year they had occasion to appeal to his Majesty's Government for protection and indemnity for a serious act of aggression and violence on the part of an armed Russian force on the coast, which impeded their operations, and occasioned them a loss to the extent of upwards of 20,000*l.* The Russian government has hitherto only consented to disavow the act of its officer, and to give instructions prohibiting further obstruction to the expeditions of the Company within the trading limits agreed upon in the convention; and the Company now wait with the firmest reliance on the further efforts of the Government for an indemnity for their great loss.

Beyond the difficulties arising from an active competition with the Americans, and the violent and oppressive proceedings on the part of the Russians, the Company have had to contend with other serious obstacles, both on the coast and in the interior, from a savage and formidable native population, whose habits of intoxication and other vices, encouraged by the competition, have been to a great degree restrained by the temperate and vigorous conduct of their traders.

Great loss of property, and in some cases loss of life, have been incurred by savage and murderous attacks on their hunting-parties and establishments, and order has only been restored and peace maintained by the employment, at a great expense, of considerable force, and by the exercise, on the part of their servants, of the utmost temper, patience and perseverance.

The Company now occupy the country between the Rocky Mountains and the Pacific by six permanent establishments on the coasts, sixteen in the interior country, besides several migratory and hunting-parties, and they maintain a marine of six armed vessels, one of them a steam-vessel, on the coast.

Their principal establishment and depôt for the trade of the coast and the interior is situated 90 miles from the Pacific, on the northern banks of the Columbia river, and called Vancouver, in honour of that celebrated navigator. In the neighbourhood they have large pasture and grain farms, affording most abundantly every species of agricultural produce, and maintaining large herds of stock of every description; these have been gradually established; and it is the intention of the Company still further, not only to augment and increase them, to establish an export trade in wool, tallow, hides and other agricultural produce, but to encourage the settlement of their retired servants and other emigrants under their protection.

The soil, climate and other circumstances of the country are as much if not more adapted to agricultural pursuits than any other spot in America, and with care and protection the British dominion may not only be preserved in this country, which it has been so much the wish of Russia and America to occupy to the exclusion of British subjects, but British interest and British influence may be maintained as paramount in this interesting part of the coast of the Pacific.

Great exertions have also been made, and much expense incurred by the Company in exploring and taking possession of the interior country between the

Russian maritime limits and the Frozen Ocean, although little has yet been done in forming permanent establishments, in consequence of the obstruction of the late expedition by the Russians; they also, at considerable cost, and some inconvenience, have not only afforded every assistance to the expeditions fitted out by Government for exploring the coast of the Polar Sea, but in the last season the Council in the interior, under the sanction of, and by the advice of the Board over which I preside, to anticipate the intentions of Russia and the United States, have undertaken to fit out an expedition, composed of their own officers and servants, at the sole expense of the Company, to complete the surveys left unfinished by Sir John Franklin, Captain Beechey and Captain Back.

The Company entertain the most sanguine expectations that the result of this expedition will be the complete survey of the coast of the Polar Sea not hitherto visited by European navigators, and that they will secure for England the reputation of having effected this work, and the other advantages anticipated from previous expeditions undertaken at such expense and risk of life to the nation.

With a view to the formation of a large agricultural settlement within the Company's territories, named in their Charter "Rupert's Land," the Hudson's Bay Company made a grant to the late Earl of Selkirk, in the year 1811, of a tract of country on the banks of the Red and Assiniboim rivers, in about 50° north lat. and 97° west long., where the soil and climate are favourable to cultivation, it being intended that this settlement should be peopled by emigrants from Britain, and that native Indians should be drawn thither from all parts of their territory, with a view to their civilization and moral and religious improvement; and with the object of establishing, in time, a valuable export trade from thence to the mother country in wool, flax, tallow, and other agricultural produce.

Under that arrangement his Lordship, at a very heavy expense, conveyed several hundred families from Europe to that settlement; but the evils attendant on the competition in the fur trade extending to this settlement, occasioned serious breaches of the peace, much loss of life, and the breaking up or abandonment of the settlement by the whites on two different occasions.

In order to remedy certain inconveniences that were found to exist from a divided interest and management in the country, an arrangement was lately entered into with the present Earl of Selkirk, by which the district of country that had been granted to the late Earl has reverted to the Company, under whose management that infant colony is now conducted; and, by the accompanying report of Mr. Simpson, Governor of the Company's territories in North America, it will be seen that Red River settlement has advanced rapidly in population and improvement since 1821, the population being now about 2,000 whites, and 3,000 Indians and half-breeds, who are no longer occupied in the chase, but maintain themselves by agriculture; and there is a prospect that at no very distant period a considerable export trade in the articles of wool, flax, &c., will be established from that settlement.

The right of jurisdiction within Rupert's Land was granted, together with that territory, by the Royal Charter to the Governor and Company, through their local governors and chief factors; and hitherto, whilst there has been no competition between the rival traders, under the protective powers of the Act, has been found sufficient to maintain peace and tranquillity in the settlement at Red River; but the population located there already amounts to 5,000 souls, of a mixed character and degree of civilization, and is increasing so rapidly that it will soon be necessary to have the assistance of a person of competent legal knowledge as Recorder, with other requisite officers, so as to form a more regular court of justice. It will also be necessary to provide a sufficient military or police force to support the civil power.

This rising community, if well governed, may be found useful at some future period, in the event of difficulties occurring between Great Britain and the United States of America, who have several military posts, say those of the Sault St. Mary's, Praire du Chiens, and the River St. Peter's, established on their Indian frontiers along the line of boundary with British North America.

By the report of Mr. Simpson, your Lordship will likewise see what has been done up to the present time, in reference to the native population, in accordance with the benevolent provisions contained in the License of exclusive trade, under which the Hudson's Bay Company conduct that part of their business, situated beyond the limits of the territories they hold under their Charter; as without
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that License they could not have sufficiently protected even their own territory from the evils of opposition, to have justified or enabled them to carry into effect the various measures described in Mr. Simpson's report, in regard to the civilization and amelioration of the condition of the natives.

By that report it will moreover be seen that the animosities and feuds which kept the Indian country in a state of continued disturbance, extending to the loss of lives and to the destruction of property, have, since 1821, entirely ceased; that the sale or distribution of spirituous liquors to the Indians has, in most parts of the country, been entirely discontinued, and in all other parts so much reduced as to be no longer an evil; and that the moral and religious improvement of the native population has been greatly promoted.

And from what I have had the honour of bringing under your Lordship's notice in this communication, it will be seen what the Company has done in reference to the extension of the British trade on the north-west coast, and the exertions they are making in the causes of discovery and science.

Also the views of the Company in regard to the establishing valuable branches of trade from the country to the west of the Rocky Mountains, which they occupy under the exclusive License in question, as well as from the Red River settlement formed within their own territories.

Your Lordship will perceive that much has already been done by the Hudson's Bay Company, resulting from the privileges they enjoy; but that much more, involving great outlay of money and heavy responsibility, will soon be required to be done, in order to complete the operations they have in hand, and to give effect to the measures they have in contemplation, which may hereafter become important to Great Britain in a national point of view; and that without the extension of the term of the License the Company now hold, they could not feel justified, with a due regard to the interests of the numerous parties connected with the business, in following up several of the extensive and expensive arrangements before mentioned, which are now in progress.

I have, therefore, to request that your Lordship will be pleased to bring the subject of this communication under the consideration of his Majesty's ministers; and as there are several important points connected with this subject, that cannot so well be explained in an official despatch as by personal communication, that your Lordship will be further pleased to honour me with an audience as early as convenient, at which Mr. Simpson, who is now preparing for his departure to Hudson's Bay *via* Canada, may attend.

I have, &c.

(signed) *J. H. Pelly*, Governor.

Enclosure in No. 1.

COPY of a LETTER from *George Simpson*, Esq., to *J. H. Pelly*, Esq.

Sir,

London, 1 February 1837.

Encl. in No. 1.

IN obedience to your commands that I should report on the state of the Indian country and trade, both previous to the year 1821 (when an Act of Parliament was passed, under which the Hudson's Bay Company has, since that time, by virtue of exclusive License, conducted the fur trade) and subsequently to that period, I now do myself the honour of laying before you a brief outline of the then and the present state of the fur trade.

The Indian country, which, previous to the passing and granting of that Act and License, was a scene of violence and outrage, productive of injury to the native population, and of the worst consequences, amounting in very many instances to the loss of life among the whites actively engaged therein, and to a vast sacrifice of property to the parties interested, all arising from the violent competition that existed among the traders, I have the satisfaction to say, has, ever since that period, been in a state of the most perfect tranquillity, beneficial as well to the Indian population as to the parties interested and engaged in the trade.

Previous to that period, an unrestricted supply of spirituous liquor, then an important article of trade, led to the commission of crimes, to the injury of health, and to a state of demoralization among the native population truly lamentable. The measures since taken by the Council in the country, under the instructions of the Board of Direction in England, to remedy those evils have been attended with the happiest results: drunkenness is now of very rare occurrence in any part of the country, and quite unknown throughout the extended district situated to the northward of the Suskatchewaine and Churchill rivers, occupied by the Chipewyan, Beaver Indian, Cree, Yellow Knife, Hare, Dog Rib, and other tribes throughout the numerously inhabited and widely extended plain country to the southward of Suskatchewaine; in the country situated between the

Rocky Mountains and the shores of the Pacific, watered by the Columbia river and its tributaries; in the country known by the name of New Caledonia, situated inland, to the northward of the Columbia river; and among the Chippewa tribes on the shores and interior country of Lakes Superior and Huron; the introduction and use of spirituous and other intoxicating liquors having been strictly prohibited, except in very rare cases for medicinal purposes.

The first introduction of this measure was so unpopular among the natives as to endanger the safety of the trading establishments, rendering it necessary to maintain a large force for their protection, at a heavy expense; and it was only by compensating them for the loss of this baneful indulgence by large gratuities, consisting of presents of British manufacture, that they became reconciled to the privation. In other parts of the country, where it could not, in safety to the white population, be entirely prohibited, the use of it is now gradually diminishing, so as at this time to be no longer an evil; and in no part of the countries through which the Hudson's Bay Company's operations extend are spirituous or intoxicating liquors of any description sold to Indians, or used as a medium of barter or trade. But so inseparable is drunkenness or the abuse of spirituous liquors from opposition in the Indian trade, that on the north-west coast, where we have to contend with the Americans and Russians, and even on the banks of the St. Lawrence and Ottawa rivers, which are exposed to competition in trade, and where the Indians are partially civilized, I am sorry to say our utmost efforts to check it have been altogether unavailing.

A confirmation of these statements is to be seen by reference to the exportations of spirituous liquors to Hudson's Bay, which, since the year 1821, do not exceed on the average 43 puncheons of rum annually for the supply of the whole country situated to the eastward of the Rocky Mountains, comprised in the License of trade granted to the Company, as well as the Company's territories, the population of which, including servants, may be estimated at 120,000 souls, no spirituous liquors having up to this period been distilled in the country.

During the competition in trade previous to the year 1821 (when the exclusive management fell into the hands of the Hudson's Bay Company), it was found impossible to take any effectual measure towards the civilization or moral and religious improvement of the native population. Since that period the Company have established two Protestant missions, under the management of their chaplains at Red River settlement, where there are likewise two Catholic missions and 13 schools.

In this settlement there are resident several thousand Indians and half-breeds, drawn together from all parts of the country, with a view to their civilization and moral and religious improvement. These people have abandoned the chase, and now devote themselves to agricultural pursuits, and it is gratifying to be enabled to say that the zealous endeavours of our missionaries have been most successful.

The Hudson's Bay Company have likewise established missions and schools at several of their principal depôts or posts on the Columbia river, west side of the Rocky Mountains, under the management of another of their chaplains; and at the Red River and Columbia schools, Indian children are educated belonging to many of the distant tribes, who, after attaining the age of manhood, are allowed the option of returning to their homes, becoming agriculturists at Red River settlement, or entering into the Company's service. We are using our utmost endeavours in every other part of the country, where the climate and soil admit of it, to collect the Indians into villages, and direct their attention to agriculture, as the first step towards civilization. This operation is, however, attended with much difficulty, from their erratic habits, and the scanty and precarious subsistence afforded by the chase, which prevents their keeping together in considerable numbers, and applying themselves to husbandry and the pursuits of civilized life, and compels them to separate into small parties of single families, and to wander about in search of food, under circumstances where it is impossible for the missionary to follow them.

I can say, without fear of contradiction, from my intimate knowledge of the country and natives, and of the mode in which the business was conducted, both previous and subsequent to the period since which the exclusive trade has been in the hands of the Company, having held the situation I now have the honour of filling for many years, during which I have been in constant communication with the different tribes inhabiting these extensive countries, and I say it with peculiar satisfaction, that their condition is much ameliorated.

When competition in trade existed, the encouragement afforded to the Indians to make large collections of skins led to the destruction of the fur-bearing animals of all ages and sexes, and at all seasons. If this system had been continued much longer, those animals, which were rapidly decreasing in numbers, would have been almost entirely extirpated. Instead of exhausting the country, we now use every means in our power to preserve it, by withdrawing our trading posts, and the Indians attached to them, for a time from such parts as have been impoverished, so as to enable them to recruit; and by discouraging hunting during the seasons when the females are bearing and rearing their young, the animals are now becoming numerous. The employment we afford at those seasons to many of the Indians, whereby they are brought into frequent communication and intercourse with our officers and servants, tends towards their gradual civilization and improvement; and we find our own interests promoted by an equitable and liberal system of trade and management.

Our different trading establishments are the resort or refuge of many of the natives, who, from age, infirmity or other causes, are unable to follow the chase: they have the benefit of the care and attention, free of expense, of our medical men, of whom about 12 are usually employed in the service, every trading establishment being, in fact, an Indian hospital; advantages which were not and could not have been afforded to them during the competi-

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tion in trade. In short, I have no hesitation in saying, that the native population of the countries through which the Hudson's Bay Company's business extends never derived any real benefit from their intercourse with the whites until the fur trade became exercised under the existing license. In proof of this, the population of some of the tribes, previous to that time, sensibly diminishing, is now increasing; and from my experience of the times of opposition, I can further say, that if the trade were again thrown open to competition, all the horrors of the late contest would break out afresh; drunkenness and demoralization would have their former sway, not only among the natives but among the whites, whom we are now enabled to keep under proper subordination, which was never the case during the excitement occasioned by the rivalry in trade; the fur-bearing animals would in the course of a very few years become nearly extinct; and the inevitable consequences would be, the desertion of the natives by the traders, the latter having no longer any inducement to remain among them; that unfortunate population, thus left to their own resources, must inevitably perish from cold and hunger,—the use of the bow and arrow, and other rude implements, formerly affording them the means of feeding and clothing themselves, being now unknown, and our guns, ammunition, fishing-tackle, iron works, cloth, blankets and other manufactures having become absolutely necessary to their very existence. The country in which the Hudson's Bay Company now trade is divided into four great districts, known by the names of the Northern, Southern, Columbia and Montreal Departments, in which there are 136 establishments, besides hunting expeditions and shipping, affording employment to 25 chief factors, 27 chief traders, 152 clerks, and about 1,200 regular servants, besides the occasional labour in boating and other services of a great number of the natives.

Previous to 1821 the business of the Columbia department was very limited; but it has since been very greatly extended at much expense, and, I am sorry to add, at a considerable sacrifice of life among the Company's officers and servants, owing to the fierce, treacherous and blood-thirsty character of its population, and the dangers of the navigation; it now comprehends 22 trading establishments, besides several migratory, hunting and trading expeditions, and six armed vessels on the north-west coast.

The fur trade is the principal branch of business at present in the country situated between the Rocky Mountains and the Pacific Ocean. On the banks of the Columbia river, however, where the soil and climate are favourable to cultivation, we are directing our attention to agriculture on a large scale, and there is every prospect that we shall soon be able to establish important branches of export trade from thence in the articles of wool, tallow, hides, tobacco, and grain of various kinds.

I have also the satisfaction to say, that the native population are beginning to profit by our example, as many, formerly dependent on hunting and fishing, now maintain themselves by the produce of the soil.

The country situated between the northern bank of the Columbia river, which empties itself into the Pacific, in lat. 46° 20', and the southern bank of Frazer's river, which empties itself into the Gulf of Georgia, in lat. 49°, is remarkable for the salubrity of its climate and excellence of its soil, and possesses, within the Straits of De Fuca, some of the finest harbours in the world, being protected from the weight of the Pacific by Vancouver's and other islands. To the southward of the Straits of De Fuca, situated in lat. 48° 37", there is no good harbour nearer than the bay of St. Francisco, in lat. 37° 48", as the broad shifting bar off the mouth of the Columbia, and the tortuous channel through it, renders the entrance of that river a very dangerous navigation even to vessels of small draught of water.

The possession of that country to Great Britain may become an object of very great importance, and we are strengthening that claim to it (independent of the claims of prior discovery and occupation for the purpose of Indian trade) by forming the nucleus of a colony through the establishment of farms, and the settlement of some of our retiring officers and servants as agriculturists.

Our population in Red River settlement amounts to about 5,000 souls, say about 2,000 whites, and about 3,000 half-breeds and Indians. The population, at the close of the late contest in trade, did not amount to as many hundreds; but so pernicious was the excitement occasioned by the contest, even among that small population, that it was then frequently the scene of bloodshed, robbery and riot; and in one of those riots, in the year 1816, 22 persons were killed, and several wounded; among the former was Mr. Semple, Governor of the Company's territories, a man of judgment and discretion, and of the most amiable and benevolent character.

The blessings of tranquillity, however, immediately followed the cessation of that contest, peaceful industry having reigned in the settlement ever since, and offences so few as rarely to call for magisterial interference. Our population, however, is now so large, and increasing so rapidly, both as regards Indians and half-breeds, and whites, that the time has arrived when it is no longer safe to trust the peace of the settlement solely to the good-will of its inhabitants. I, therefore, consider it highly necessary to the security of lives and property, that a court of justice, for the trial of civil and criminal cases, with an efficient police to support the civil power, should be established there without delay.

I have, &c.
(signed) *Geo. Simpson.*

— No. 2. —

COPY of a LETTER from the Under-Secretary of State for the Colonies
to *Denis Le Marchant, Esq.*

No. 2.
Letter from the
Under-Secretary
of State for the
Colonies to
Denis Le Marchant,
Esq.
28 February 1837.

10 February 1837.

Sir,

Downing-street, 28 February 1837.

I AM directed by Lord Glenelg to transmit to you herewith a letter addressed to his Lordship by the Governor of the Hudson's Bay Company, describing the present state of the Company's establishment in North America, and calling his Lordship's attention to the approaching termination of the Charter, granting them the exclusive right of trading within their territories.

I am to request that you will bring this letter before the Lords of the Committee of the Privy Council for Trade, and move their Lordships to favour Lord Glenelg with their opinion how far it would be expedient to entertain and encourage the application made by the Company for a renewal of their commercial privileges at the expiration of their present Charter.

I have, &c.

(signed) *J. Stephen.*

— No. 3. —

COPY of a LETTER from *Denis Le Marchant, Esq.*, to the Under-Secretary
of State for the Colonies.

Office of Committee of Privy Council for Trade,
Whitehall, 2 June 1837.

No. 3.
Letter from *Denis*
Le Marchant, Esq.
to the Under-
Secretary of State
for the Colonies,
2 June 1837.

Sir,

I HAVE laid before the Lords of the Committee of Privy Council for Trade your letter of the 28th February last, with its enclosures, respecting the Hudson's Bay Company, and I am directed by their Lordships to request that you will inform Lord Glenelg, that after an attentive consideration of the facts stated in the above-mentioned enclosures, and of such additional information as their Lordships have been able to obtain on the subject, they have arrived at the conclusion that it is desirable that the application of the Company for a renewal of the exclusive License to trade in those parts of North America beyond the limits of their Charter, which they at present enjoy, should be favourably entertained by his Majesty's Government, with a view to their extension for a definite term of years after the present License shall have expired. The proceedings of the Company of late years appear to their Lordships to have been distinguished generally by a liberal and enlightened policy; and the peculiar nature of the fur trade seems to justify, and even to recommend, the adoption of the principle of conferring exclusive privileges upon a great body engaged in it, however objectionable such a principle appears with reference to commercial affairs generally. It is with reference to these particular circumstances that their Lordships have satisfied themselves that it would not be safe to withdraw from the Company the powers which they now exercise.

Their Lordships have only further to observe, that as to any pecuniary conditions being attached to the renewal of the License under the 1 & 2 Geo. 4, c. 66, that is a point which they presume will be made the subject of communication between Lord Glenelg and the Commissioners of Woods and Forests. They may, however, remark that it would be very unadvisable, in their opinion, to adopt any provisions upon this subject which might tend to cramp the operations of the Company, or place them in unfair competition with other traders in fur.

I am, &c.

(signed) *Denis Le Marchant.*

— No. 4. —

COPY of a LETTER from the Under-Secretary of State for the Colonies
to *Denis Le Marchant, Esq.*

No. 4.
Letter from the
Under-Secretary
of State for the
Colonies to
Denis Le Marchant,
Esq.
25 July 1837.

Sir,

Downing-street, 25 July 1837.

I AM directed by Lord Glenelg to acknowledge your letter of the 2d ultimo, relative to the application from the Hudson's Bay Company for a renewal of the exclusive privilege of trading on certain parts of the continent of North America, which they at present enjoy, under a Charter granted in pursuance of the Act 1 & 2 Geo. 4, c. 66.

Lord

Lord Glenelg desires me to express his concurrence in the opinion of the Lords of the Committee of Privy Council for Trade as to the expediency of reviving this Charter; but he directs me to observe, that whenever that step shall be taken it will be indispensable to introduce into the new Charter such conditions as may enable Her Majesty to grant, for the purpose of settlement or colonization, any of the lands comprised in it, and with that view his Lordship thinks that a power should be reserved even of establishing new colonies or provinces within the limits comprised in the Charter. With whatever confidence the sterility of a great part of that extensive portion of the globe, and its unfitness to sustain any considerable population, may have hitherto been asserted, Lord Glenelg thinks that such statements cannot be assumed as incontrovertible; and as the country is very imperfectly known, especially in that part of it which borders on the chain of the lakes, his Lordship is disposed to regard them with distrust. I am, therefore, to request that you will inform me, whether in their negotiations with the Company, the Lords of the Committee of Privy Council for Trade have adverted to any stipulation for the purposes above mentioned, and if not, I am to suggest, that before any further steps are taken, it would be desirable to ascertain whether the Company would object to receive an extension of their Charter at the present time, introducing into it such a reservation as has been mentioned, of the right of establishing new colonies, and of the right of withdrawing from the control and authority of the Company any of the lands comprised in such future colonies.

I am, &c.
(signed) *J. Stephen.*

— No. 5. —

COPY of a LETTER from *J. D. Hume, Esq.*, to the Under-Secretary of State for the Colonies.

Office of Committee of Privy Council for Trade,
Whitehall, 7 August 1837.

Sir,

YOUR letter of the 25th ultimo, relative to the privileges of the Hudson's Bay Company, has been laid before the Lords of the Committee of Privy Council for Trade, and their Lordships, after having adverted to your former letter of the 28th of February last on the same subject, and the answer thereto of the 2d June, to which you now refer, have directed me to request that you will inform Lord Glenelg that no negotiation has been entered into with this department by the Hudson's Bay Company for a renewal of their License; nor has any measure been taken in the matter under their Lordships' directions, except the transmission of the letter of the 2d of June before mentioned.

I am, however, to state to you, for the information of Lord Glenelg, that the Lords of this Committee are ready, if so desired by him, to confer with the Company upon this subject: at the same time, I am to observe, that, as the peculiar point for discussion relates to colonization, it may be desirable that Lord Glenelg should, in the first instance, apprise the Company of his views upon that subject.

I am, &c.
(signed) *J. D. Hume.*

— No. 6. —

COPY of a LETTER from the Under-Secretary of State for the Colonies to *J. D. Hume, Esq.*

Sir,

Downing-street, 15 August 1837.

HAVING laid before Lord Glenelg your letter of the 7th instant, I am directed to acquaint you, in answer, that as the Lords of the Committee of Privy Council for Trade have already undergone the labour of investigating the question of the propriety of renewing the Charter of the Hudson's Bay Company, and have formed an opinion on that subject, in which Lord Glenelg coincides, it appears to his Lordship that the negotiation with the Company, as to the terms of their Charter, would be conducted more advantageously for the public interest by their

No. 5.

Letter from the Under-Secretary of State for the Colonies to *J. D. Hume, Esq.* 7 August 1837.

No. 6.

Letter from the Under Secretary of State for the Colonies to *J. D. Hume, Esq.* 15 August 1837.

Lordships than by Lord Glenelg; and in this conclusion he is confirmed by the consideration, that the question is important chiefly in its bearing on the commercial interests of the empire at large.

With regard to the question of colonization, Lord Glenelg will of course explain his views to the Company, if their Lordships should, on further reflection, think that course expedient. But, as he is apprehensive of some danger of producing misconceptions by multiplying the channels of official communication with that body, and as his views on the subject of colonizing the territory in question lie within a very narrow compass, it appears to Lord Glenelg that they may be perhaps more conveniently stated to the Company by the Board of Trade than by himself. Lord Glenelg is of opinion that the public interest may not improbably require the erection of some part of the territory comprised in the Company's Charter into one or more colonies, independent of and distinct from either Upper or Lower Canada. The limits of any such colonies must, for the present, be matter of conjecture and surmise; but Lord Glenelg thinks that the proposed new Charter should contain an express condition, providing that nothing to be therein contained should prevent Her Majesty, Her heirs and successors, from establishing any such colonies within the territories in question, and that, from the time of their being so established, all the rights of the Company within the limits of any such colony should cease.

I am, &c.

(signed) *J. Stephen.*

— No. 7. —

(Private.)

COPY of a LETTER from the Governor of the Hudson's Bay Company to Lord Glenelg.

No. 7.
Letter from the
Governor of the
Hudson's Bay Com-
pany to Lord
Glenelg,
9 September 1837.

My Lord,

Hudson's Bay House, 9 September 1837.

It is of so much importance to the Hudson's Bay Company to know the decision of Her Majesty's Government on the subject of the renewal of the Grant of that part of the North-west district of America which is not within the Company's territories, and as the measures which the Company will feel it right to pursue will depend on that decision, and ought to be communicated to their chief in the Columbia by the ship that is now preparing to go to the Pacific, and will sail in the course of the next month, I trust will be a sufficient apology for my now requesting that you will favour me with a communication on this subject, or, if there is any difficulty, with an audience, and much oblige, &c.

(signed) *J. H. Pelly.*

— No. 8. —

COPY of a LETTER from the Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.

No. 8.
Letter from the
Under-Secretary
of State for the
Colonies to the
Governor of the
Hudson's Bay
Company,
19 Sept. 1837.

Sir,

Downing-street, 19 September 1837.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter, marked "Private," of the 9th instant.

His Lordship directs me to acquaint you in answer, that Her Majesty's Government do not object to the renewal of the Charter of the Hudson's Bay Company, or to the extension of it to the territory to which your letter refers. But it is proposed to stipulate, as the condition of any such grant, that it should not prevent the erection within the limits of the Charter of any new colonies or provinces which Her Majesty may be disposed to establish there; and that if any such province or colony should be so established, the Charter should thenceforth cease to be in force, so far as respects the territories which may be embraced within the limits of the new colony. Lord Glenelg would be happy to know how far it would be in the power of the Company to accept the renewal of the Charter on those terms.

I have, &c.

(signed) *J. Stephen.*

— No. 9. —

COPY of a NOTE from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.

Hudson's Bay House, 25 October 1837.

MR. PELLY presents his compliments to Mr. Stephen, and sends herewith a draft for a Grant to the Hudson's Bay Company of exclusive trade with the Indians in certain parts of North America, drawn in conformity with the original one, and of the Act passed in the second year of his late Majesty Geo. 4, and providing for the conditions contained in Mr. Stephen's letter to him. In it is likewise extended the reservation of trade to the subjects of *any* Foreign State, who, under or by force of any convention between Great Britain and such Foreign State, may be entitled and shall be engaged in said trade. This in the old grant was reserved exclusively for the subjects of the United States; since which a convention has been entered into with the Emperor of Russia. Mr. P. has therefore had it drawn to include *any* Foreign State, which alteration he submits would be advisable to adopt. Should Mr. S. wish to see Mr. P. on the subject, he will, after next week, attend any appointment.

No. 9.
Note from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies, 25 October 1837.

For Copy of the Grant to the Hudson's Bay Company, vide p. 9.

— No. 10. —

COPY of a NOTE from the Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.

Downing-street, 8 November 1837.

MR. STEPHEN presents his compliments to Mr. Pelly, and, with reference to his note of the 25th ultimo, is directed by Lord Glenelg to request that Mr. Pelly will be good enough to furnish his Lordship with a copy of the Grant of exclusive trade with the Indians of North America, which was made to the Hudson's Bay Company in the year 1821.

No. 10.
Note from the Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company, 8 November 1837.

— No. 11. —

COPY of a NOTE from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.

Hudson's Bay House, 10 November 1837.

MR. PELLY presents his compliments to Mr. Stephen; begs to acknowledge his note of the 8th instant, and to enclose for my Lord Glenelg a copy of the Grant of exclusive trade with the Indians of North America, made to the Hudson's Bay Company 5th December 1821.

No. 11.
Note from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies, 10 November 1837.

Enclosure in No. 11.

GEORGE R.

(L. S.)

GEORGE the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To all to whom these Presents shall come, greeting.

WHEREAS an Act passed in the second year of our reign, intituled, "An Act for regulating the Fur Trade, and for establishing a Criminal and Civil Jurisdiction within certain parts of North America;" wherein it is amongst other things enacted, that from and after the passing of the said Act, it should be lawful for us, our heirs or successors, to make Grants or give our Royal License, under the hand and seal of one of our Principal Secretaries of State, to any body corporate or company, or person or persons, of or for the exclusive privilege of trading with the Indians in all such parts of North America as should be specified in any such Grants or Licenses respectively, not being part of the lands or territories heretofore granted to the Governor and Company of Adventurers of England trading to Hudson's Bay, and not being part of any of our provinces in North America, or of any lands or territories belonging to the United States of America, and that all such Grants and Licenses should be good, valid and effectual, for the purpose of securing to all such bodies corporate, or companies or persons, the sole and exclusive privilege of trading with the Indians in all such parts of North America (except as thereafter excepted) as should be specified in such Grants or Licenses,

Encl. in No. 11.

any thing contained in any Act or Acts of Parliament or any law to the contrary notwithstanding; and it was in the said Act further enacted, that no such Grant or License made or given by us, our heirs or successors, of any such exclusive privileges of trading with the Indians in such parts of North America as aforesaid should be made or given for any longer period than 21 years, and that no rent should be required or demanded for or in respect of any such Grant or License, or any privileges given thereby, under the provisions of the said Act, for the first period of 21 years; and it was further enacted, that from and after the passing of the said Act, the Governor and Company of Adventurers of England trading to Hudson's Bay, and every body corporate and company and person, to whom every such Grant or License should be made or given as aforesaid, should respectively keep accurate registers of all persons in their employ, in any parts of North America, and should once in each year return to our Principal Secretaries of State accurate duplicates of such registers, and should also enter into such security as should be required by us for the due execution of all criminal processes, and of any civil process in any suit where the matter in dispute shall exceed 200*L.*, and as well within the territories included in any such Grant as within those granted by Charter to the Governor and Company of Adventurers of England trading to Hudson's Bay, and for the producing and delivering into safe custody, for the purpose of trial, all persons in their employ, or acting under their authority, who should be charged with any criminal offence, and also for the due and faithful observance of all such rules, regulations and stipulations as should be contained in any such Grant or License, either for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, or for promoting their moral and religious improvement; or for any other object which we might deem necessary for the remedy or prevention of any other evils which have been hitherto found to exist: And whereas it was also in the said Act recited, that by a Convention entered into between his late Majesty and the United States of America, it was stipulated and agreed, that every country on the North-west coast of America to the westward of the Stoney Mountains should be free and open to the citizens and subjects of the two powers for the term of ten years from the date of the signature of that Convention; and it was therefore enacted, that nothing in the said Act contained should be deemed or construed to authorize any body corporate, company or person, to whom his Majesty might, under the provisions of the said Act, make or grant, or give a license of exclusive trade with the Indians, in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America who might be engaged in the said trade: Provided always, that no British subject should trade with the Indians within such limits without such Grant or License as was by the said Act required.

And whereas the said Governor and Company of Adventurers of England trading into Hudson's Bay, and certain Associations of persons trading under the name of the "North-west Company of Montreal," have respectively extended the fur trade over many parts of North America which had not been before explored: And whereas the competition in the said trade has been found for some years past to be productive of great inconvenience and loss, not only to the said Company and Associations, but to the said trade in general, and also of great injury to the native Indians, and of other persons our subjects: And whereas the said Governor and Company of Adventurers of England trading into Hudson's Bay, and William M'Gillivray, of Montreal, in the Province of Lower Canada, esquire, Simon M'Gillivray, of Suffolk-lane, in the City of London, merchant, and Edward Ellice, of Spring-gardens, in the County of Middlesex, esquire, have represented to us, that they have entered into an agreement, on the 26th day of March last, for putting an end to the said competition, and carrying on the said trade for 21 years, commencing with the outfit of 1821, and ending with the returns of 1841, to be carried on in the name of the said Governor and Company exclusively:

And whereas the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, have humbly besought us to make a Grant, and give our Royal License to them jointly, of and for the exclusive privilege of trading with the Indians in North America, under the restrictions and upon the terms and conditions specified in the said recited Act: Now know YE, That we, being desirous of encouraging the said trade and remedying the evils which have arisen from the competition which has heretofore existed therein, do grant and give our Royal License, under the hand and seal of one of our Principal Secretaries of State, to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and the westward of the lands and territories belonging to the United States of America as shall not form part of any of our provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European government, state or power; and we do by these presents give, grant and secure to the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice jointly, the sole and exclusive privilege, for the full period of 21 years from the date of this our Grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter excepted); and we do hereby declare that no rent shall be required or demanded for or in respect of this our Grant and License, or any privileges given thereby, for the said period of 21 years, but that the said Governor and Company, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice shall, during the period of this our Grant and License, keep accurate registers of all persons in their employ in any parts of North America, and shall once in each year return to our Secretary of State accurate duplicates of such registers, and shall also enter into and give security to us,
our

our heirs and successors, in the penal sum of 5,000*l.* for ensuring, as far as in them may lie, the due execution of all criminal processes, and of any civil process in any suit where the matter in dispute shall exceed 200*l.*, by the officers and persons legally empowered to execute such processes within all the territories included in this our Grant, and for the producing and delivering into safe custody, for purposes of trial, any persons in their employ, or acting under their authority within the said territories, who may be charged with any criminal offence.

And we do also hereby require, that the said Governor and Company, and William M'Gillivray, Simon M'Gillivray and Edward Ellice shall, as soon as the same can be conveniently done, make and submit for our consideration and approval such rules and regulations for the management and carrying on the said fur trade with the Indians, and the conduct of the persons employed by them therein, as may appear to us to be effectual for gradually diminishing or ultimately preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement.

And we do hereby declare, that nothing in this our Grant contained shall be deemed or construed to authorize the said Governor and Company, or William M'Gillivray, Simon M'Gillivray and Edward Ellice, or any person in their employ, to claim or exercise any trade with the Indians on the north-west coast of America to the westward of the Stoney Mountains, to the prejudice or exclusion of any citizens of the United States of America, who may be engaged in the said trade: Provided always, that no British subjects other than and except the said Governor and Company, and the said William M'Gillivray, Simon M'Gillivray and Edward Ellice, and the persons authorized to carry on exclusive trade by them on Grant, shall trade with the Indians within such limits during the period of this our Grant.

Given at our Court at Carlton-house the 5th day of December 1821, in the second year of our reign.

By his Majesty's command.

(L. S.)

Bathurst.

— No. 12. —

COPY of a LETTER from the Secretary of the Committee of Privy Council for Trade to the Governor of the Hudson's Bay Company.

Office of Committee of Privy Council for Trade,
Whitehall, 20 January 1838.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to inform you, that they have received from Lord Glenelg your application on behalf of the Hudson's Bay Company for a renewal of the exclusive right of trading granted to the Company by the Royal License dated the 6th of December 1821, with the view of leaving the arrangement of the terms of such renewal to the determination of this Board.

Their Lordships not feeling themselves qualified, without further information than is contained in the papers transmitted to them from the Colonial Office, to settle this matter satisfactorily, I am directed to request that you will favour this Board with some account of the past and present state of the Company, with reference to its capital, and the dividends paid thereon, as well as any other circumstances that may assist the Board in coming to a decision upon the terms of the proposed License.

I am, &c.

(signed) *Denis Le Marchant.*

No. 12.

Letter from the Secretary of the Committee of Privy Council for Trade to the Governor of the Hudson's Bay Company,
20 January 1838.

— No. 13. —

COPY of a LETTER from the Governor of the Hudson's Bay Company to the Lords of the Committee of Privy Council for Trade.

My Lords,

Hudson's Bay House, 7 February 1838.

I HAVE the honour to acknowledge a letter addressed to me by your Lordships' direction, through Mr. Le Marchant, under date 20th ult., wherein you inform me that you have received from Lord Glenelg my application on behalf of the Hudson's Bay Company for a renewal of the exclusive right of trade granted to the Company by the Royal License dated 6th December 1821, with the view of leaving the arrangement of the terms of such renewal to the determination of your Board, and that your Lordships, not feeling qualified without further information than is contained in the papers transmitted to you from the Colonial Office to settle the matter satisfactorily, request that I should furnish some

No. 13.

Letter from the Governor of the Hudson's Bay Company to the Lords of the Committee of Privy Council for Trade,
7 February 1838.

account of the past and present state of the Company, with reference to its capital, and the dividends paid thereon, as well as any other circumstances that may assist the Board in coming to a decision on the terms of the proposed License.

In accordance with that request, I now beg to lay before you the following particulars, which I have no doubt will satisfy you that the Hudson's Bay Company have every reason confidently to expect that Her Majesty's Government will be pleased to grant them a renewal of the License of exclusive trade of the country denominated "Indian Territories," beyond the limits of the Company's Charter, without any rent or pecuniary consideration being required for the same, nor subject to any other condition than that proposed by the accompanying letter from the Secretary of State for the Colonies.

The Hudson's Bay Company was incorporated in the year 1670, under a Royal Charter of Charles the Second, which granted them certain territories in North America described in that Charter, together with exclusive privileges of trade, &c. &c. Between the years 1670 and 1690, a period of 20 years, the profits appear to have been very large, as, notwithstanding losses sustained by the capture of the Company's establishments by the French in the years 1682 to 1688, amounting to 118,014*l.*, they were enabled to make a payment to the proprietors in 1684 of 50 per cent.; another payment in 1688 of 50 per cent.; and of a further payment in 1689 of 25 per cent.

In 1690 the stock was trebled without any call being made, besides affording a payment to the proprietors of 25 per cent. on the increased or newly-created stock; in the years 1692, 1694, 1696 and 1697, the Company incurred loss and damage, to the amount of 97,500*l.*, by other captures of their establishments by the French.

These losses appear to have rendered it necessary for the Company to borrow money, on which they paid six per cent. interest; they were enabled, nevertheless, in 1720, again to treble their capital stock, with only a call of 10 per cent. on the proprietors, and, notwithstanding another heavy loss sustained, by the capture of their establishments by the French under La Perouse, in 1782, they appear to have been enabled to pay dividends of from 5 to 12 per cent., averaging nine per cent., and showing, as nearly as I am able to judge from the defective state of the books during the past century, profits on the originally subscribed capital stock actually paid up of between 60 and 70 per cent. per annum from the year 1690 to 1800.

Up to this period the Hudson's Bay Company had no great cause for complaint of interference with their inland trade, and if they had been left unmolested, or been protected in the undisturbed possession of it, and of the rights and privileges vested in them by their Charter, they would in all probability have continued in the enjoyment of the advantages they were then deriving from their labours and exertions in those remote and little frequented wilds.

But about that period their rights of territory and trade were invaded by rival traders, which led to animosities, feuds and breaches of the peace, extending to the loss of lives, and considerable destruction of property, injurious to the native Indians, by reason of the unrestricted use of spirituous liquors and other demoralizing influence, consequent on opposition, and so prejudicial to the interests of the Hudson's Bay Company, that between 1800 and 1821, a period of 22 years, their dividends were, for the first eight years, reduced to four per cent.; during the next six years they could pay no dividend at all; and for the remaining eight years they could only pay four per cent.

During a long succession of years, while this destructive contest existed, very frequent applications for protection and redress were made by the Hudson's Bay Company to his Majesty's Government, as may be seen by reference to the records of the Colonial Office, but without avail, and scenes of bloodshed, robbery and demoralization, revolting to humanity, were allowed to pass without any effectual measures being taken to punish or prevent them, although the Hudson's Bay Company had every claim on Government to support them in their just rights of territory and trade.

At length, in the year 1821, when the violence of the contest had nearly exhausted the means of both parties, an arrangement was entered into between them, by which their interests became united, under the management of the Hudson's Bay Company.

The proprietary were then called upon to pay 100*l.* per cent. upon their capital, which, with the stock in trade of both parties in the country, formed a capital

capital stock of 400,000*l.*, on which four per cent. dividend was paid in the years 1821 to 1824, and from that time to the present, half-yearly dividends of five per cent., with a bonus of 10 per cent. from the year 1828 to 1832, and since that an average bonus of six per cent. until last year, when none was paid.

When your Lordships come to consider the very hazardous nature of the trade, requiring a degree of enterprise unknown to almost any other business, together with the heavy losses to which the parties interested therein were subjected for a long series of years, from the want of protection and support, which they had a right to expect from his Majesty's Government, I feel assured your Lordships will join me in opinion that the profits now arising from the business are no more than a fair return for the capital employed, and the services the Hudson's Bay Company are rendering the mother country in securing to it a branch of commerce which they are at present wresting out of the hands of foreigners, subjects of Russia and the United States of America, but which the Company would have been unable to prosecute, had they not been protected by the License of exclusive trade they now hold.

In looking at these profits, however, it should be borne in mind that Hudson's Bay stock, in like manner as in all other stocks, changes hands very frequently, and that the price of the stock is entirely regulated by the return it produces, thereby affording to the bulk of the present proprietors little more than six per cent. for their money.

In order to secure to the Company the enjoyments of the rights of territory and trade granted to them by their Charter, and to prevent a recurrence of the evils attendant on rivalry or competition in trade that existed for so long a time, and were productive of such disastrous consequences in so remote a country, that the difficulty of bringing offenders to justice amounted to an impossibility of giving effect to the laws, the Act of 1st & 2d Geo. 4, c. 66, was passed, and under the provisions of that Act, a License was granted to the Hudson's Bay Company for the exclusive privileges of trade in the districts of country denominated the Indian Territories for a term of 21 years.

That the peace and tranquillity of the country has been restored; that the abuse of spirituous liquors has been discontinued; that the condition of the native population is greatly ameliorated; and that the commercial interests of Great Britain are improving under the management of the Hudson's Bay Company, through the provisions of that Act, will appear manifest by the report of Mr. Simpson, the governor of the Company's territories, and their principal representative in North America, which accompanied my application of 10th February last to Lord Glenelg (*vide* page 12), copies of which are herewith transmitted for your Lordships' information.

The Act in question, while extending the criminal and civil jurisdiction of the courts in Canada to the Company's territories, held under their Charter, and to the Indian territories comprehended in the License of exclusive trade, contemplated the necessity of establishing courts of record, under the great seal, for the trial of criminal and civil offences, and for the appointment of proper officers to act in aid of such courts within the territories of the Hudson's Bay Company and the Indian territories.

Had the establishment of such courts been necessary, it would have subjected the Government to a heavy expense in the payment of Commissioners and in the maintenance of legal authority; and from the state of the country while open to competition, it is natural to infer, that such would have been necessary had the exclusive right of trade not been in the hands of the Hudson's Bay Company, who by their good management have rendered those measures uncalled for, thereby occasioning a considerable saving of expense, to which, under other circumstances, the mother country would have been exposed.

Hitherto the peace of the country has been maintained at a moderate expense to the Hudson's Bay Company; but the population of their principal agricultural settlement of Red River is now so much increased, amounting to upwards of 5,000 souls, principally Indians and half-castes belonging to all the interior tribes, who are very difficult of management, that it has become necessary to establish a more regular form of government and administration of the

laws than heretofore. These measures are now in progress, and it is estimated that the attendant expenses will exceed 5,000*l.* per annum, which will be borne by the Company, although they might, with great propriety, call on Her Majesty's Government to relieve them from that charge.

By reference to Mr. Simpson's report, your Lordships will observe, that the Company are incurring other heavy expenses, which are augmenting from year to year, connected with that infant settlement, from which they derive no benefit in regard to trade, as there are no fur-bearing animals in that part of the country, but which in due time promises to become valuable to the mercantile interests of the mother country in the production of wool, flax, and other exports; while the population benefit by the change of habits of life that have been produced by a change of occupation, as the inhabitants have abandoned the chase, and now employ themselves in agricultural pursuits; while moral and religious instruction are afforded them by the Company's chaplains and schoolmasters.

This settlement, which affords so much benefit to the native population, requires the most vigilant attention on the part of the Company, as its inhabitants are of so mixed a character, and so little used to the restraints of civilized life, that mismanagement would inevitably lead to an outbreak among them, which would prove ruinous to their trade throughout the country.

Such outbreak had very nearly occurred last year, occasioning much apprehension in the minds of the Company, through the mischievous instigation of a man named "Dickson," styling himself "Liberator of the Indian Race," who succeeded in assembling a number of leading half-breeds, and proceeded with them to Red River, with the view of raising that population, so as to seize the Company's depôts and trading posts, and taking possession of the trade and country, as may be seen by reference to the accompanying correspondence with the Foreign Office.* this I notice, in order to show how precarious the Company's tenure of their trade is, and how much they require the countenance and support of Her Majesty's Government, in affording them protection from the intrusion of strangers.†

The principal benefit the Company derive from the exclusive License of trade is the peaceable occupation of their own proper territory, from which they draw nearly the whole of the profits of their trade, and for the protection of which they have a right to look to Government in common with the rest of Her Majesty's subjects, as the trade of the country embraced in the Royal License is as yet of very little benefit to them, and affords greater advantages to the mother country in the employment of shipping, and in the revenue arising from imports and exports, than the Company derive from it.

The country denominated "Indian Territories," comprehended in the Royal License, is principally situated on the west side of the Rocky Mountains, the most valuable part thereof being the north-west coast, bordering on the shores of the Pacific.

For many years previous to the grant of exclusive trade to the Hudson's Bay Company, the trade of that coast was engrossed by the subjects of the United States of America and Russia, the only establishment occupied by British traders being "Astoria," afterwards named "Fort George," at the mouth of the Columbia River, while no attempt was made, through the means of shipping, to obtain any part of the trade of the coast; and so unprofitable was it in the years 1818, 1819, 1820, 1821 and 1822, and so difficult of management, that several of the leading and most intelligent persons in the country strongly recommended that the Company should abandon it altogether. The Company, however, felt that the honour of the concern would, in a certain degree, be compromised were they to adopt that recommendation, holding as they did under Government the License in question, and with a degree of energy and enterprise, which I feel assured your Lordships will admit, reflects much credit on themselves and on their officers and servants in the country, they directed their efforts so vigorously to that branch of the business, that they compelled the American adventurers, one by one, to withdraw from the contest, and are now pressing the Russian Fur Company so closely, that although that association is supported by its government to the extent of affording them the assistance of a strong military guard at each of their establishments, which, with their shipping,

* As the Correspondence with the Foreign Office referred to does not relate to the renewal of the Grant to the Hudson's Bay Company, it has not been appended to these Papers.

shipping, are officered by naval and military officers of the Imperial army and navy, we are gaining ground upon them, and hope at no very distant period to confine them to the trade of their own proper territory.

The outlay and expense attending this competition in trade are so heavy, that the profits are yet but in perspective, none worthy of notice having been realized, the result showing some years a trifling loss, and in others a small gain, fluctuating according to the degree of activity with which the contest is maintained; but by energy and perseverance, we hope, in due time, to bring it to a more favourable issue, if the facilities of protection now required of Her Majesty's Government be afforded.

This trade, nevertheless, affords employment to about 1,000 men, occupying 21 permanent trading establishments, two migratory, trading and trapping expeditions, a steam vessel, and five sailing vessels from 100 to 300 tons burthen, all armed; and so dangerous is the trade, that I lament to say that it has not been unattended with loss of life.

In order to afford your Lordships an opportunity of forming some idea of the strength of opposition we have to contend against, and the difficulty we have to encounter in this branch of business, I beg to enclose copy of a memorandum* I lately had occasion to hand to Her Majesty's Secretary of State for Foreign Affairs, in reference to the operations of the Russians in that quarter.

That the Hudson's Bay Company have the strongest possible claims upon Her Majesty's Government for a renewal of the exclusive License of trade, without any rent or pecuniary consideration whatsoever, cannot, I should hope, admit of a question after the explanation I have given; but when it is considered that the greater part of the country to which the License applies is Indian country, opened by treaty to citizens of the United States of America, as well as to British subjects, and, consequently, the License of exclusive trade does not protect the Company from the competition of citizens of the United States, it must appear evident that no substantial benefit is likely to arise from the boon we are soliciting, beyond the probable means of affording peace to our own territories, in the tranquillity of which Her Majesty's Government ought to feel as deep an interest as the stockholders of the Hudson's Bay Company.

If further proof be necessary that we are not in the undisturbed enjoyment of the fur trade, I beg to hand to your Lordships copy of applications we have lately had occasion to make to the Secretary of State for Foreign Affairs for redress of grievances sustained by the aggression of Russian authorities at Stikine, on the north-west coast, in the year 1834, by the violation of a treaty between Great Britain and his Imperial Majesty, involving a claim of 20,000*l.*, loss and damage actually sustained by the Hudson's Bay Company, for which, as yet, they have received no indemnification, although they confidently look to obtain such through the efforts of Her Majesty's Secretary of State for Foreign Affairs.

On the grounds of promoting discovery and science, we have likewise a strong claim on the countenance and support of Her Majesty's Government, as at this moment the Company have an expedition on foot, quite unconnected with any ulterior views towards any pecuniary advantage or benefit arising from trade, but solely for the honour of completing the survey of the northern coast of America, at a cost to the Company, before it can be accomplished, of several thousand pounds,—an object that has attracted the attention not only of Great Britain, but of Russia and other foreign powers.

I could enlarge on the claims of the Hudson's Bay Company to the privileges I am now soliciting at your Lordship's hands, but I should hope that sufficient has been already said to induce you to concur with the Secretary of State for the Colonies, in granting a renewal of the exclusive License of trade to the Hudson's Bay Company, on the conditions detailed in Mr. Stephen's letter to me of 19th September last, by Lord Glenelg's directions, already referred to, and with the conditions of which I am, on behalf of the Hudson's Bay Company, ready to comply.

Allow me to hope for an early and favourable consideration of this subject, as several important arrangements, in reference to the government of the country, the

* As the Memorandum referred to does not relate to the renewal of the Grant to the Hudson's Bay Company, it has not been appended to these Papers.

the formation of a police corps, the mode of administering justice, and further measures for more effectually resisting the encroachments of the Russians on the British territory, all involving a heavy outlay of money, are now pending, and cannot be determined until I am favoured with your Lordship's decision on this subject.

I have, &c.

(signed) *J. H. Pelly*, Governor.

—No. 14.—

COPY of a LETTER from the Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company.

Sir,

Downing-street, 3 February 1838.

No. 14.
Letter from the Under-Secretary of State for the Colonies to the Governor of the Hudson's Bay Company,
3 February 1838.

WITH reference to your letter of the 25th October last, I am directed by Lord Glenelg to inform you, that his Lordship, having attentively considered the draft of the Royal License, granting to the Hudson's Bay Company the exclusive trade with the Indians in certain parts of North America for a further period of 21 years, and the draft of the Covenant for the performance of the conditions contained in that License which you have transmitted, will be prepared, subject to one alteration, to advise Her Majesty to direct the issue of Her Royal License in the terms which you have proposed. The alteration to which I have alluded is in the final clause, respecting the erection of colonies within the territory comprised in the grant, for which Lord Glenelg would propose to substitute the following words:—

“Provided nevertheless, and we do hereby declare our pleasure to be, that nothing herein contained shall extend or be construed to extend 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 for 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, province or provinces; but with a view to the establishment of any such colony or colonies, province or provinces, or to the introduction of any such form of civil government, we do hereby reserve to us, our heirs and successors, full power and authority to revoke these presents, or any part thereof, in so far as the same may embrace or extend to any of the territories aforesaid, which may hereafter be comprised within any such colony or colonies, province or provinces as aforesaid.”

If you should be prepared, on behalf of the Hudson's Bay Company, to accede to this alteration, the only question which will remain to be decided will be the amount of the rent which, in conformity with the 2d clause of the Act 1st & 2d Geo. 4, c. 66, is to be paid by the Company after the expiration of the first period of 21 years from the date of their original grant. This is a question lying exclusively within the cognizance of the Lords Commissioners of the Treasury, and Lord Glenelg has accordingly referred it for their Lordships' consideration. You will probably receive from their Lordships an early communication on the subject.

I have, &c.

(signed) *Geo. Grey*.

—No. 15.—

COPY of a LETTER from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies.

Sir,

Hudson's Bay House, 7 February 1838.

No. 15.
Letter from the Governor of the Hudson's Bay Company to the Under-Secretary of State for the Colonies,
7 February 1838.

I HAVE the honour to acknowledge your letter of 3d instant, with reference to my letter of 25th October, wherein you say that you are directed by Lord Glenelg to inform me, “that his Lordship having attentively considered the draft of the Royal License, granting to the Hudson's Bay Company the exclusive trade with the Indians in certain parts of North America for a further period of 21 years, and the draft of the Covenant for the performance of the conditions contained in that License, will be prepared, subject to one alteration,

to

to advise Her Majesty to direct the granting of the Royal License on the terms which you have proposed."

And further saying, that the alteration to which you "have alluded is in the final clause, respecting the erection of colonies within the territory comprised in the grant, for which Lord Glenelg would propose to substitute the following words," &c. &c.

In reply, I beg to say I have considered the alteration proposed by Lord Glenelg, and that I am prepared, on behalf of the Hudson's Bay Company, to accept the License, subject to the alteration in question.

I have, &c.
(signed) *J. H. Pelly.*

— No. 16. —

COPY of a LETTER from the Under-Secretary of State for the Colonies
to *A. Y. Spearman, Esq.*

Sir,

Downing-street, 3 February 1838.

I AM directed by Lord Glenelg to inform you, that in the month of February 1837, his Lordship received from the Hudson's Bay Company the accompanying letter, soliciting a renewal of the Grant of exclusive trade, which they hold under the provisions of the Act 1 & 2 Geo. 4, c. 66.

This letter having been referred for the consideration of the Lords of the Committee of Privy Council for Trade, their Lordships have expressed their opinion that, adverting to the peculiar nature of the trade in question, the application of the Hudson's Bay Company should be complied with.

I enclose for the information of the Lords Commissioners of the Treasury, copies of the correspondence on this subject, which has passed between this department and the Board of Trade.

You will observe that in renewing the Grant to the Hudson's Bay Company, it is intended to insert in that instrument a clause authorizing Her Majesty to erect, within the limits of the Grant, any new colonies or provinces which Her Majesty may be disposed to establish there; and that if any such province or colony should be so established, the Charter should thenceforth cease to be in force, so far as respects the territories which may be included within the limits of the new colony.

This condition having been communicated to the Governor of the Hudson's Bay Company, he has forwarded to Lord Glenelg the draft of a Charter, herewith enclosed, embracing a provision to that effect; as, however, this provision does not appear to be correctly expressed, Lord Glenelg proposes to substitute for it one in the following words:

"Provided nevertheless, and we do hereby declare our pleasure to be, that nothing herein contained shall extend, or be construed to extend, 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 for 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, province or provinces; but with a view to the establishment of any such colony or colonies, province or provinces, or to the introduction of any such form of civil government, we do hereby reserve to us, our heirs and successors, full power and authority to revoke these presents, or any part thereof, in so far as the same may embrace or extend to any of the territories aforesaid, which may hereafter be comprised within any such colony or colonies, province or provinces as aforesaid."

Assuming that this alteration will be accepted by the Hudson's Bay Company, another question remains to be decided—that, namely, of the rent to be demanded from the Company in conformity with the second section of the Act 1 & 2 Geo. 4, c. 66, after the expiration of the period of 21 years, for which their first Charter was granted: this is a question lying especially within the province of the Lords Commissioners of the Treasury; and I am therefore to request that you will move their Lordships to enter into communication with the Hudson's Bay Company for the purpose of concluding a satisfactory adjustment of it.

I have, &c.
(signed) *J. Stephen.*

No. 16.

Letter from the Under-Secretary of State for the Colonies to *A. Y. Spearman, Esq.*
3 February 1838.

10 February 1837:
vide page 12.

Board of Trade, 2 June 1837: vide page 18.
Mr. Stephen, 25 July 1837: vide page 18.
Board of Trade, 7 August: vide page 19.
Mr. Stephen, 15 August 1837: vide page 19.

—No. 17.—

COPY of a LETTER from *A. Y. Spearman*, Esq., to the Under-Secretary of State for the Colonies.

No. 17.
Letter from
A. Y. Spearman,
Esq. to the Under-
Secretary of State
for the Colonies.
8 March 1838.

Sir,
Treasury Chambers, 8 March 1838.
THE Lords Commissioners of Her Majesty's Treasury having had under their consideration your letter, dated 3d ultimo, with the enclosed application from the Hudson's Bay Company, soliciting a renewal of the Charter of exclusive trade which they hold under the provisions of the Act 1 & 2 Geo. 4, c. 66, I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to Lord Glenelg, with reference to the suggestion which his Lordship has submitted to this Board that they should enter into communication with that Company respecting the amount of rent which should be paid in conformity with the second section of the said Act for the proposed extension of their exclusive privilege of trading in the North-west territory of North America, that my Lords apprehend that no further information respecting the establishments or proceedings of the Company can be obtained than is afforded by the statements which have been submitted to his Lordship on behalf of the Company; and that as his Lordship has been enabled to determine on the expediency of renewing their exclusive privilege, he will be more competent than their Lordships to form an opinion as to the utility and value of the Company's establishments for the suppression of crime among the hunters and traders, the improvement and civilization of the Indians, and the maintenance of the British influence in the territories to which the privilege in question extends, or the charges which the Company may incur for these purposes, and as to the propriety, with reference to these considerations, of demanding rent from the Company, or of granting the Charter which they apply for, with the reservation of the nominal rent only, provided for in the draft Grant which accompanied your letter.

I am directed, therefore, to request you will move Lord Glenelg to favour my Lords with a communication of the opinion which his Lordship may entertain on the subject.

I am, &c.
(signed) *A. Y. Spearman*.

—No. 18.—

COPY of a LETTER from the Under-Secretary of State for the Colonies to *A. Y. Spearman*, Esq.

No. 18.
Letter from the
Under-Secretary
of State for the
Colonies to
A. Y. Spearman,
Esq.
14 March 1838.

Sir,
Downing-street, 14 March 1838.
I AM directed by Lord Glenelg to acknowledge your letter of the 8th inst., referring for his Lordship's decision the question of the rent to be paid by the Hudson's Bay Company for the Royal License of exclusive trade in certain parts of North America. In reply, I am to transmit to you herewith a copy of a letter on the same subject from the Secretary to the Board of Trade, and to inform you that Lord Glenelg concurs in the opinion of the Lords of the Committee of Privy Council for Trade, that the rent to be demanded from the Hudson's Bay Company should be merely nominal. I am, therefore, to request that you will move the Lords Commissioners of the Treasury to instruct their solicitors to co-operate with the proper officers of the Company in carrying the proposed arrangement into execution, with a due observance of all the necessary forms of law, and with a reference to the suggestions contained in my letter of the 3d ult.

I have, &c.
(signed) *J. Stephen*.

—No. 19.—

COPY of a LETTER from *Denis Le Marchant*, Esq. to the Under-Secretary of State for the Colonies.

No. 19.
Letter from *Denis
Le Marchant* Esq.
to the Under-
Secretary of State
for the Colonies.
6 March 1838.

Sir,
Office of Committee of Privy Council for Trade,
Whitehall, 6 March 1838.
WITH reference to your letter of the 15th August 1837, on the subject of the proposed License of exclusive trade to the Hudson's Bay Company, I am directed by the Lords of the Committee of Privy Council for Trade to request that

that you will inform Lord Glenelg that they have settled the terms of such License with the Governor of the Company, pursuant to his Lordship's desire, and in accordance with his Lordship's views, as expressed in your above-mentioned letter.

The accompanying draft Grant of License and Covenant have been submitted on behalf of the Company to this Board, and the same being, as far as their Lordships can judge, unexceptionably worded, their Lordships would recommend Lord Glenelg to obtain Her Majesty's assent to the Grant, upon the Covenant being duly executed by the Company, and after both instruments shall have received the approval of the law officers of the Crown. Their Lordships have only further to observe, that they have communicated with Her Majesty's Commissioners of Woods and Forests on the question of the rent to be made payable to the Crown under the License, and the circumstances of the case having been laid before the Commissioners, they concurred with this Board in the propriety of such rent being only nominal.

I am, &c.

(signed) *Denis Le Marchant.*

— No. 20. —

COPY of a LETTER from the Under-Secretary of State for the Colonies to
Denis Le Marchant, Esq.

Sir,

Downing-street, 14 March 1838.

I AM directed by Lord Glenelg to acknowledge your letter of the 6th instant, enclosing the draft of a License of exclusive trade in certain parts of North America, the terms of which have been settled between the Hudson's Bay Company and the Lords of the Committee of Privy Council for Trade, and stating their Lordships' opinion that the rent to be demanded from the Company in return for this License should be merely nominal.

In reply, I am to inform you, that Lord Glenelg has referred the whole correspondence on this subject to the Lords Commissioners of the Treasury, expressing at the same time his concurrence in the views as to the rent expressed in your letter, and has requested their Lordships to direct their solicitors to take the necessary steps for concluding the proposed arrangements with all the proper forms of law.

I have, &c.

(signed) *J. Stephen.*

— No. 21. —

COPY of a LETTER from the Assistant Secretary to the Lords of the Treasury
to the Governor of the Hudson's Bay Company.

Sir,

Treasury Chambers, 7 June 1838.

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith the grant of a License to trade for the Hudson's Bay Company; and I am to request that the Deed of Covenant on the part of the Company, duly executed in such manner as the Solicitor of this Board may require, may be returned to this department.

I am, &c.

(signed) *A. Y. Spearman.*

No. 20.
Letter from the
Under-Secretary
of State for the
Colonies to
Denis Le Mar-
chant, Esq.
14 March 1838.

No. 21.
Letter from the
Assistant Secre-
tary to the Lords
of the Treasury
to the Governor of
the Hudson's Bay
Company,
7 June 1838.

Enclosure in No. 21.

COVENANT by the Hudson's Bay Company for performance of Conditions and Reservations contained in the Crown Grant of even date.—(Dated 30 May 1838.)

Encl. in No. 21.

WHEREAS Her Majesty hath, by an instrument under the hand and seal of the Secretary of State, the Right honourable Charles Lord Glenelg, bearing even date herewith, granted and given Her Royal License to us, the Governor and Company of Adventurers of England, trading into Hudson's Bay, and our successors, the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the lands and territories belonging to the United States of America as shall not form part of any of Her Majesty's provinces in North America, or of any lands or territories belonging to the United States of America, or to any European government, state or power, and hath secured to us, the said Governor and Company, and our successors, the sole and exclusive privilege, for the full period of 21 years from the date of the said grant, of trading with the Indians in all such parts of North America as aforesaid (except and with such restrictions as hereinafter excepted), and hath thereby declared that no rent shall be required or demanded for or in respect of the said Grant or License, or any privileges given thereby, for the first four years of the said term of 21 years, and hath thereby reserved to Her Majesty, Her heirs and successors, for the remainder of the said period of 21 years the yearly rent of 5s. to be paid by us, the said Governor and Company, and our successors, on the 1st day of June in every year, into Her Majesty's Exchequer, on account of Her Majesty, Her heirs and successors: We, therefore, the said Governor and Company of Adventurers of England trading into Hudson's Bay, do hereby covenant and bind ourselves and our successors, that we and they shall yearly and every year, and on every 1st day of June, from and after the expiration of the first four years of the said term of 21 years, and thenceforth during the continuance of the said Grant and License, pay or cause to be paid the said yearly rent of 5s. into Her Majesty's Exchequer, and on the account of Her Majesty, Her heirs and successors, and that we and our successors shall, during the period of the said Grant and License, keep accurate registers of all persons employed by us or our successors in any parts of North America, and shall once in each year return to Her Majesty's Secretary of State accurate duplicates of such registers; and we, the said Governor and Company, do hereby bind ourselves and our successors in the penal sum of 5,000*l.*, that we will, as far as in us may lie, ensure the due execution of all criminal and civil processes by the officers and persons legally empowered to execute such process within all the territories for the time being included in the said grant, and for the producing or delivering into safe custody for the purpose of trial of any person in our employ or acting under our authority within the said territories who may be charged with any criminal offence; and we do also hereby covenant that we will, as soon as the same can be conveniently done, make and submit to the consideration and approval of Her Majesty such rules and regulations for the management and carrying on the said fur trade, and the conduct of the persons employed by us therein, as have appeared or may appear to us to be most effectual for gradually diminishing and ultimately preventing the sale or distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement. Witness the seal of the said Company the 30th day of May 1838.

By order of the Governor and Committee,

(L. s.) (signed) *W. G. Smith,*
Assistant Secretary.

Sealed under the common seal of the within-mentioned Governor and Company, and delivered by William Gregory Smith, their Assistant Secretary, pursuant to their order and appointment, being first duly stamped in the presence of

(signed) *Thomas Crosse,*
Threadneedle-street, Solicitor.

