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A SHORT
Narrative and Justification
OF THE
PROCEEDINGS
OF THE
COMMITTEE

Appointed by the
ADVENTURERS, to prosecute the
DISCOVERY of the PASSAGE
TO THE
WESTERN OCEAN of *AMERICA*;

And to Open and Extend the TRADE, and
Settle the Countries beyond *Hudson's Bay*.

With an APOLOGY for their postponing at present their
intended Application to PARLIAMENT.

To which are annexed,

The REPORT and PETITIONS referred to
in the NARRATIVE;

And the PAPERS prepared to be delivered to the LORDS
and COMMONS, upon presenting the PETITION,
as the Foundation for a PARLIAMENTARY EN-
QUIRY, and the Facts they were prepared to support:

Now laid before the P. U. B. L. I C K, for their
future Consideration.

L O N D O N :

Printed for J. ROBINSON, in *Ludgate-Street*.

M D C C X L I X.

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T H E

P R E F A C E.

AN *Application to Parliament by the late Adventurers and many considerable Merchants in the most considerable Trading Ports in Britain, for opening the Trade into Hudsons Bay, and extending it through the North Western Continent of America, to enable them by that means to have perfected the Discovery of the Passage to the South-Sea, without any Expence to the Publick, having been prepared, and expected by great Numbers who were willing to prosecute that Discovery, and extend the British Trade; but meeting with an unforeseen Obstruction, from whence it was least expected, the Adventurers and Merchants have thought it prudent to postpone it. The following Papers having been published to give the Lords and Commons a short View of the Trade to Hudson's Bay, as it is at present managed, and what Improvements might have been made to it, and Reasons from the late Discoveries to believe there is a Navigable Passage to the South-Sea; it has been thought advisable to lay them before the*

A 2

Publick,

P R E F A C E.

Publick, and at the same Time what Steps had been taken by the late Adventurers, and how far they had proceeded and prepared Matters, and were ready to make good the Allegations of their intended Petition, with their Reason for postponing it; as well for their Justification, as of the Person who had proposed and promoted the Discovery, that they have done all they could towards it, and that if the Discovery and Benefits arising from extending the Trade is delayed, that neither the Adventurers nor he can be blamed for it.

A S H O R T

A S H O R T
N A R R A T I V E, &c.

A Reward of Twenty Thousand Pounds having been granted by Parliament in 1745. upon the Petition of several Merchants and others who proposed becoming Adventurers for finding out a Navigable Passage to the Western and Southern Ocean of *America*, to such of his Majesty's Subjects who should perfect the same; a Subscription was immediately opened under several Articles agreed upon, and a Committee named in it, who were to be afterwards chosen Annually, in Order to make up a Hundred Subscriptions at 100 l. *per* Share, with a Power in the Committee, to call upon the Subscribers for 20 *per* Cent, if found necessary, but no more: but it being too late to fit out Ships that Summer, the Subscription was continued open until next Spring, 1746. and only 50 *per* Cent. deposited, which was laid out in *East-India* Bonds. At a general Meeting then summoned, the same Committee were continued, and though only 70 Shares were subscribed of the 100 proposed, the Committee were empowered to proceed, having a Power to call

for 20 *per Cent.* more, in Case no more Subscriptions were made.

Upon which Two Ships were fitted out under the Command of the Captains *Moor* and *Smith*, the only Two who could be got, who were acquainted with the Navigation into *Hudson's Bay*; and upon the Return of the Ships in *October 1747.* the Adventurers finding themselves defeated in their Expectations, by the Timidity, ill Conduct, or bad Inclinations of some of the Commanders and Council, and a greater Sum expended, after discharging the Seamen, than the Original Subscription amounted to, which the Committee were obliged to pay, as they had no further legal Claim upon the Subscribers; and at the same Time having much stronger hopes of finding out the Passage, from the several Inlets entered into (though not thoroughly searched) or seen, though passed by and neglected, as well as from other Observations made from the Tides, Currents, Whales, &c. but finding that before the Discovery could be perfected, it must be attended with a more considerable Expence, above half the Premium to be given, being expended upon the last Attempt. As they were advised by Council, that the exclusive Trade claimed by the *Hudson's Bay* Company, was an Illegal Monopoly, and that their Grant of Lands was originally Illegal, and an Imposition upon the Crown, by its having no Limits North, South nor West, or was become voidable by the Non-user or Abuser of their Grant. Upon these Accounts thinking

ing they had at least as much Merit to plead as the Company had, when they obtained their Grant; as having expended much more Money upon their Discovery, than the Company had done when they petitioned for their Charter.

The Committee, on behalf of the Adventurers, thought it advisable to apply by Petition to his Majesty to be incorporated, and to be empowered to Trade as a Company, and to take up such Lands in the Bay as were not occupied by the Company, upon Condition of their settling such Lands in a limited Time, and prosecuting the Discovery of the Passage. Upon this they wrote to the several Adventurers, pursuant to one of the Articles subscribed, to know who were willing to pay their Proportion of the Past, and contribute to the future Expence of the Application for a Charter: which most part agreed to, but the others quit.

The Petition being prepared and given in to his Majesty in Council, was referred by them to a Committee of Council, and by the Committee was referred to the Attorney and Solicitor General, and was there opposed by the *Hudson's Bay Company*; and after several Hearings, the Attorney and Solicitor General made their Report, which with the Petition recited in it, is annexed to this Paper.

It appears by this Report, that there is nothing in Favour of the Company's Title to their Land and exclusive Trade, but a long undisturbed Possession, which they advised his Majesty not to declare against the Validity of it, until a Judgment should be obtained in
a Court

a Court of Justice to warrant it, allowing at the same Time that the Company have no Right to deprive the Merchants or Adventurers of the Use and Protection of their Rivers, Ports and Factories.

But as to the Non-user or Abuser of the Company, the Charge upon that Head, from the several Affidavits annexed to their Report, they thought either not sufficiently supported in point of Fact, or in a great Measure accounted for from the Nature and Circumstances of the Case.

From this Part of the Report, it is necessary to shew the Reason of its being mentioned so in the Report.

Upon the Petition being referred, several Affidavits were made on behalf of the Petition to support the Allegations of it, which were then thought sufficient, and filed early in the proper Office. The *Hudson's Bay-Company*, to prevent any Ships being sent out upon the Discovery last Summer, delayed making any Affidavits in their Justification, for many Weeks: and the Petitioners being tired out with these Delays, pressed for a Hearing *Ex Parte*, and then the Evening before the Hearing, the Company filed several Affidavits to endeavour to invalidate those given in against them, mostly Evasive or Illusory, and some of them apparently contrary to Truth*.

The

* The Affidavits to support the Petition were made by *John Heather Carpenter*, who had built *Henly-House* above *Albenny*

the Petitioners thinking it imprudent to delay the Hearing, there was no Time to get a Sight or

Albany, Christopher Banister Gun-maker, Robert Griffin Goldsmith, Edward Thomson and Jacob Taylor Surgeons, who had all resided several Years at the several Factories in Hudson's Bay, and were all filed in February, and upon Notice given, the Company's Solicitor immediately took Copies of them; but no Affidavits having been given in by the Company, the Petitioners apprehending affected delays, they applied to the Attorney and Solicitor General for an Attendance, and on the 21st of March they appointed the Monday following for an Attendance of all Parties. This was done to oblige the Company to file their Affidavits; their Solicitor then declared they had a Number of Affidavits to file, which he could not get ready so soon, and desired the hearing to be put off, until after the Holydays, and he would file them the Week before Easter, in which they were indulged, and a Summons was issued for a Hearing the 20th of April. Affidavits were accordingly prepared, and being called upon before the Holydays, they said they would file none, but would try their Fate upon the Validity of their Charter, and reserve them until after the Hearing, and then file them if necessary, but afterwards with a View of postponing the Hearing, or of preventing our answering to them in Time, as afterwards appeared, they filed them the Evening before the Hearing.

As Objections were made by their Council to the Capacity of our Witnesses, and boasting of the Superior Knowledge and Capacity of the Company's Witnesses, it may be proper to mention theirs, to shew their Capacity, as also the Names of those for the Petitioners, who gave in Affidavits to support the first Affidavits, and to shew the Evasiveness or Falsity of those given in on behalf of the Company to justify their Conduct under their Charter.

Their Affidavits were made by *Joseph Hbester*, who had been taken a Lad from the *Orknies*, and bound an Apprentice to Captain *Middleton*, and by his Interest was afterwards made Master of a small Sloop, and from that made Governor of *Albany*.

or Copy of their Affidavits: but as the Hearing and Reply took up several Days, many more Affidavits were filed on behalf of the Petitioners, to shew the Inconsistency, Falseness and Evasiveness of the Affidavits made on behalf of the Company; but upon the Petitioners Reply to the Company's Answer, the

By *Thomas White*, who went over a foremast Man, and was afterwards made Governor of *York Fort*; by *George Houy* who was bred a Gardener, afterwards made Governor of *Moose Factory*; and by *Richard Ford* a Carpenter, who had rebuilt *York Fort*. These only had resided in the Bay, and by being made Gentlemen by the Company, had more Superior Knowledge than our Evidence. To these were added the Affidavits of *George Spurrell*, *John* and *Jonathan Fowler*, and *William Coates*; who were then the Captains of their four Trading Ships; and by their seldom staying above a Fortnight at the Factories in the Bay, could know very little of the Climate or Country within Land; the Others were only by *Charles Hay* their Secretary, *Henry Jefferies* their Accomptant, *Henry Sparling*, *Anthony Lutkins*, and *Nicholas Lewis*, who were Merchants and Furriers in *London*, and were never in the Bay, but related only to their Furs and Trade, and *Hay's* Affidavit about their Discoveries, which was all evasive and indeterminate.

These in every material Article were answered by the Affidavits of *Arthur Dobbs* Esq; Capt. *William Moor*, Capt. *Francis Smith*, *Henry Ellis* Gentleman and Draftsman, *Jeremiah Westal* Mate, *Joseph Robson* Mason and Surveyor, and *John Greenway* Gunsmith, with further Affidavits by *Arthur Dobbs*, *William Moor*, *John Heather*, and *Christopher Banister*; none of which were allowed to be read, except that of *Ellis*, relative to the Discovery. The Affidavits of *Sparling*, who swore Ermines and Squirrels skins were of small Value, and *Lutkins* and *Lewis*, who swore they were not worth a Penny per Dozen, being so notorious a Falsity, was thought not worth answering.

Affidavits were objected to, as given in out of Time; as by the Course of proceeding they could not Reply to them, and only one was allowed to be read relative to the Discovery of the Passage, which was made by *Ellis*. So that these Affidavits never having been read before, the Attorney and Solicitor could not appear or be annexed to their Report, or induce them to alter that Part of their Report, as it must have done, had they appeared in Evidence before them.

Upon this Report as the Petitioners could not proceed or obtain a Charter to enable them to prosecute the Discovery, and answer the other Purposes proposed in their Petition, without entering into a dilatory and expensive Suit by Scire Facias, or Quo Warranto, which they were advised also, must be carried on by a Prosecution from the Crown.

The Petitioners were advised that it would be the speediest, least expensive, and most effectual Method, to petition the House of Commons to take the *Hudson's Bay* Charter and Trade into their Consideration, and to open the Trade to the Bay, and to incorporate the Petitioners and others their Associates under proper Regulations; and accordingly a Petition was prepared, in which the Merchants of the City of *Glasgow* and Town of *Liverpool* joined with the Merchants of *London* and other Adventurers, and a Draught of it was sent to *Bristol* for their Concurrence, as it was intended for the general Benefit of the *British Trade*,

as may appear from the Petition prepared hereunto annexed.

This being all the late Adventurers and the Merchants in the most considerable Trading Ports, who had agreed to join in the Petition could do, when it was prepared, before they would sign it, they thought it proper to shew it to some Persons of Capacity and Knowledge in Trade, and of Weight in Parliament, for their Approbation and Concurrence, and if approved of, to have their Support to it in the House, if the Allegations were proved; but upon their Application to a Gentleman of known Abilities, and extensive Knowledge in Trade, whose established Character had been to extend all Trade; and lay open all exclusive illegal Monopolies in Trade, upon whom they depended for his Countenance and Concurrence in so laudable an Application, as they esteemed it, they were surprized and concerned to find he was in Opinion against it, and under a Prepossession in favour of the *Hudson's Bay Company*, that they had done their utmost in extending the Trade, that it could not be further extended, that by opening the Trade, or others embarking in it, might ruin their Trade, and the Whole be lost, and that it would be hard to attack the Company's property. Whether this Opinion was well founded, would have appeared upon the Proofs of the Allegations of the Petition, had it been preferred. However, the principal Merchants who were desirous to have presented the Petition, out of Deference to his Judgment, and not

not being able to support a Petition, which upon his Opposition, supported by the *Hudson's Bay Company*, must have been litigated in every Step through both Houses of Parliament, have thought it prudent to drop it at this Time, until this Gentleman, and others who have a Deference for his Judgment in Affairs of Trade, may after a more thorough Consideration, think, as the trading Part of the Nation do, that it will be a Publick Benefit to settle those Countries, extend the Trade there, and by that means perfect the Discovery of the so much desired Passage. And the Person who had promoted this Discovery, after it had been so long dormant, to which he had applied his Thoughts and Time for eighteen Years, in Order to improve the Wealth, Trade, and Navigation of *Britain*, hopes it won't be taken amiss of him, that after so many Years Trouble and Attendance, at a great Expence to his Private Fortune, and Loss to his Family; that he should hereafter retire, and leave the Prosecution of the Discovery of the Passage and Extension of the *British* Trade to some more happy Adventurer; having this Consolation, that he has done the utmost he could for the Publick Good, and makes no doubt but a little Time will shew, whether those who have promoted, or those who oppose the Prosecution of the Plan here laid down, have judged best for the good of *Britain*. However, from this Pursuit, so far is determined and known, that all the Merchants of *Britain* have an equal Right to Trade in

Hudson's

Hudson's Bay as the Company, and to have the Use of their Rivers and Ports; and that a permanent Reward is fixed, to any of his Majesty's Subjects who shall hereafter perfect the Discovery of the desired Passage. And he hopes that some other private *British* Adventurers will soon raise their Fortunes and Fame, by perfecting the Discovery of it; lest by our neglect, other Nations may not only reap the Benefit of the Discovery, but also the Honour of having perfected it to the eternal Reproach of this Kingdom.

To the RIGHT HONOURABLE
 The Lords of a Committee of
 His MAJESTY'S most Ho-
 nourable Privy Council.

May it please your LORDSHIPS,

IN humble Obedience to your Lordship's Order in Council of the 4th of *February* last, representing, That by an Order in Council, bearing Date the 26th Day of *January* last, there was referred to your Lordships, the humble Petition of *Arthur Dobbs*, Esq; and the rest of the Committee, appointed by the Subscribers, for finding out a Passage to the Western and Southern Ocean of *America*, for themselves and the other Adventurers; and that your Lordships having taken the said Petition into Consideration, were pleased to refer the same to us, to consider thereof, and report our Opinion thereupon to your Lordships.

Which Petition set forth, that the Petitioners in the Year 1746 did, at their own Expence and Charges, fit out two Ships, upon an Expedition in search of the North-west Passage to the Western and Southern Ocean of *America*, in order to extend the Trade, and increase the Wealth and Power of *Great Britain*, by finding out new Countries and Nations to trade with, as well in the Great North-
western

western Continent of *America* beyond *Hudson's Bay*, as in Countries still further distant, and hitherto unknown to the *Europeans*; and also to many large and populous Islands in that Great Western Ocean.

That the Petitioners by means of the said Expedition have made several Discoveries of Bays, Inlets, and Coasts before unknown, and have a reasonable Prospect of finding a Passage to the Southern Ocean by sea, although the Discovery may not be perfected without repeated Trials, upon account of the Difficulty and Danger of Searching different unknown Inlets and Streights, and sailing through new Seas, and of procuring Men of Resolution, Capacity, and Integrity to pursue it effectually.

That the Petitioners find, that the Reward of 20000 *l.* given by Parliament is not adequate to the Expence the Adventurers must be at to perfect the Discovery, they having already expended above half that Sum in their late Expedition.

That the Petitioners find, that upon a former Attempt, his Majesty's Predecessor King *Charles* the Second, as a suitable Encouragement, granted a Royal Charter to the Governor and Company of Adventurers trading to *Hudson's Bay*, making them a Body Corporate for ever, upon their Petition setting forth, that they had at their own proper Costs and Charges, made an Expedition to discover a new Passage into the South Sea, and for finding some Trade of Furrs, Mines, and other Commodities

Commodities, and gave them the sole Property of all the Lands they should discover, together with an exclusive Trade to all the Countries within *Hudson's Streights*, not in Possession of any of his Subjects, or of any other Christian Power, with the Royalties of Mines, Minerals, Gems, and Royal Fish, to enable them to find out the Passage, extend the Trade, and to plant the Countries they should discover, paying two Elks and two black Beavers whenever, and as often as his Majesty and his Successors should enter their Territories, granting to them the greatest privileges, as Lords Proprietors, saving only their Faith and Allegiance to the Crown of *Great Britain*.

The Petitioners beg leave to observe, that the said Company have not since effectually, or in earnest searched for the said Passage, but have rather endeavoured to conceal the same, and to obstruct the Discovery thereof by others; nor have they made any new Discovery either upon the Coast, or in the Inland Countries adjoining to *Hudson's Bay*, since the Grant of their Charter, nor have they taken Possession of, or occupied any of the Lands granted to them, or extended their Trade into the Inland Parts of the adjoining Continent, nor made any Plantations or Settlements, except four Factories and one small trading House, in all which they have maintained in Time of Peace about one hundred and twenty Persons, Servants to the Company; nor have they allowed any other of his Majesty's Sub-

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jects

jects to plant, settle, or trade in any of the Countries adjoining to the *Bay*, granted to them by their Charter; yet have connived at, or allowed the *French* to encroach, settle and trade within their Limits, on the south Side of the *Bay*, to the great Detriment and Loss of *Great Britain*.

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

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

his Successors, by the Incroachments of the *French*,

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

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

The Petitioners insisted on two general Things.

That the Company's Charter was either void in its original Creation, or became forfeited by the Company's Conduct under it.

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

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

With respect to both these, considering how long the Company have enjoyed and acted under this Charter, without Interruption or Encroachment, we cannot think it advisable for his Majesty to make any Express or implied Declaration against the Validity of it, until there has been some Judgment of a Court of Justice to warrant it; and the rather, because if the Charter is void in either respect, there is nothing to hinder the Petitioners from exercising the same Trade which the
Company

Company now carries on ; and the Petitioners own Grant, if obtained, will itself be liable, in a great Degree, to the same Objection.

As to the supposed forfeiture of the Company's Charter, by Non-user or Abuser, the Charge upon that Head is of several Sorts, *viz.* That they have not discovered, nor sufficiently attempted to discover the North-west Passage into the South-Seas or Western Ocean. — That they have not extended their Settlements through the Limits of their Charter.

That they have designedly confined their Trade to a very narrow Compass, and have for that Purpose abused the *Indians*, neglected their own Forts, ill treated their own Servants, and encouraged the *French*.

But on Consideration of all the Evidence laid before us, by many Affidavits on both Sides (herewith inclosed) we think these Charges are either not sufficiently supported in Point of Fact, or in a great Measure accounted for from the Nature and Circumstances of the Case.

As to the Petitioners Merit, it consists in the late Attempts made to discover the same Passage, which however as yet unsuccessful in the main Point, may probably be of Use hereafter in that Discovery, if it should ever be made, or in opening some Trade or other, if any should hereafter be found practicable, and have certainly cost the Petitioners considerable Sums of Money.

But as the Grant proposed is not necessary, in order to prosecute any future Attempt of the like

like Kind, and the Charter of the *Hudson's Bay* Company, does not prohibit the Petitioners from the Use of any of the Ports, Rivers, or Seas included in their Charter, or deprive them of the Protection of the present Settlements there, we humbly submit to your Lordship's Consideration, whether it will be proper at present to grant a Charter to the Petitioners, which must necessarily break in upon that of the *Hudson's Bay* Company, and may occasion great Confusion by the interfering Interests of two Companies setting up the same Trade, against each other in the same Parts, under the like exclusive Charters.

All which is humbly submitted to your Lordships Consideration.

D. RYDER,
W. MURRAY.

10th *August*, 1748.

To

TO the HONOURABLE

The COMMONS of *Great Britain* in Parliament assembled,

The humble Petition of the under-written Merchants and others, late Adventurers for finding a navigable Passage through Hudson's Streights to the South Sea or Western Ocean, and for extending the British Trade into, and through that vast Tract of Country, lying between Hudson's Streights and the said Ocean, on behalf of themselves, and other Merchants and Inhabitants of the Cities of London, Bristol and Glasgow, and the Town of Liverpool.

SHEWETH,

THAT his Majesty hath an undoubted Right to all the Countries of *North America*, from the east Coast of *Labrador* north of *Newfoundland*, to the utmost Lands to the westward of *Hudson's Bay*, not only on account of the first Discovery of that Country having been made by *British* Subjects employed by his Majesties Predecessors, but also by solemn Treaties, particularly the Treaty of *Utrecht*, confirmed by subsequent Treaties.

That

That the Trade to these Countries for Furs, Peltry, Fish, Whale-fin, and Oil; as well as for Minerals, Pitch, Tar, and other valuable Commodities; in return for the Woolen, Iron, and other Manufactures of this Kingdom, may be greatly increased and improved, if the Country was settled, and the Trade extended into the inland Parts, by the Rivers and Lakes, by civilizing and converting the Natives, making Alliance with them, and allowing them an equitable and reasonable Profit from the Trade, and by making Discoveries over Land to the western *American* Ocean, and still greater Improvements may be made, and more expeditiously, if a navigable Passage should be found to that Ocean, of which there is still the greatest Prospect from the Openings seen, and other Observations made, in the last Attempt for that Purpose.

That several of your Petitioners, at a very considerable Expence, for the publick Ends and Purposes aforesaid, and upon the Encouragement given by Parliament, became Adventurers to discover the said Passage; and in this Attempt made Discoveries of several Bays, Inlets, or Streights, never known or searched into before, from which, and the Observations arising therefrom, they have the greatest Hopes of there being a navigable Passage through these Openings, or some of them, to the western Ocean.

That your Petitioners might have made still greater Discoveries, very probably, to the
finding

finding the Passage itself, and thereby have enlarged the *British* Trade and Navigation, had they not been greatly discouraged and obstructed therein, by the Company of Adventurers trading into *Hudson's Bay*, who instead of giving them the Protection and Assistance they might have expected took all Measures to discourage and prevent their entering into their Rivers, and to hinder them from getting proper Refreshments from the Natives when wintering there, the said Company endeavouring to exclude all other his Majesty's Subjects from those Seas, Rivers, and Countries; and in Pretence of an extraordinary Charter, granted to them by King *Charles* the Second, which if valid, gives them a Property for ever in all these Countries, Seas, and Rivers, and also an Exclusive Trade to all Countries beyond the Entrance of *Hudson's Streights*; but this Charter both with regard to the Property in the Lands, and also the exclusive Trade, is, as your Petitioners are advised and apprehend, illegal in its original Creation, the Grant of the Soil having no Limits or Bounds to the North, South, or West, and the Grant of Trade being exclusive, and to continue for ever, which without the Aid of an Act of Parliament, is, as your Petitioners are advised, a Monopoly and contrary to Law.

That if the said Grant was originally valid (which your Petitioners most humbly apprehend it was not) yet the said Company have not in any sort complied with, or fulfilled the Intention of the said Charter, which was

granted to them on Express Condition, that they should settle in those Countries, make a Plantation or Colony there, similar to the other Colonies of *America*, that they should use their utmost Endeavours to find out a Passage to the western or southern Ocean of *America*, and to extend the Trade of *Great Britain*; and though these were the three great and principal Ends and Views of the Charter, yet the Company have not complied with any one of them: For it is a Fact notorious, that they have not settled, or so much as attempted to settle any Plantation or Colony, in any Part of that vast Tract of Land; and it is equally certain, that they have not only not found out a North-west Passage, nor determined by any Searches they have made, whether there be such a Passage or not, nor used the proper Means for that Purpose themselves, nor encouraged others to do it, but so far from it have, contrary to the express Intention of their Charter, done all in their Power to prevent such Discovery from being made by others, and for that Purpose have made use of the Powers given them by their Charter, to defeat the great Purposes for which it was principally given. And your Petitioners most humbly averr, that in two Years they have gone further and done more at their own private Expence, towards this important Discovery, than the Company have done in the great Length of Time since the granting of their Charter, and with the Stock of the Company, the few Attempts they have made being colourable and

and elufory only; and to fave Appearances, as will evidently appear, when they are called upon to produce the Instructions from time to time given on this Head to, and the Journals and Accounts of the Captains they have employed in the Service, and the Charts and Plans they have from time to time discovered, and instead of enlarging and increasing the Trade of the Kingdom, they have fo far re-
 ftrained and confined it, that there is not a fingle Merchant in *London* of any Consideration, that does not export annually Commodities to a much larger Amount, than the faid Company, whose annual Exports does not exceed *communibus annis* 4000 *l.* a year, fo that they have in no refpect answered, but on the contrary done all in their Power to defeat the great and principal Defign of the Royal Grant.

That your Petitioners have the greateft Reason to believe, that if thofe Countries were fettled, and the Trade under proper Regulations, laid open for the general Good of the Nation, that it might be greatly extended and increased, and great Quantities of Woolen, Iron, and other Manufactures, and valuable Produce of this Kingdom be annually exported for very valuable Returns, thofe Countries being very capable of being fettled on the South and weft fides of the Bay, the Climate there within Land being as mild as the Countries in *Europe* in the fame Latitude, that is, from the Latitude of *Petersburg* and *Bergen* in

Norway in 60° to the Southward of the Latitude of *London* in $51^{\circ} 30'$

That your Petitioners are willing and desirous to use their utmost Endeavours to extend the *British* Trade and Navigation by promoting the Settlement of these Inland Countries, by civilizing, converting and making Friendship with the Natives, and by pushing on Discoveries, as well over Land as by Sea, to the Western Ocean of *America*; but which they cannot attempt with any Prospect of Success, whilst the said Company are in Possession of their present Charter. For notwithstanding the Illegality of the exclusive Trade thereby granted to the Company, and the Right your Petitioners may have notwithstanding to carry on the same Trade which the Company now carries on, and to have the use of any of the Ports, Rivers, or Seas included in their Charter, or to the Protection of their present Settlements there, yet it is a Fact very notorious, and which your Petitioners are ready to make appear in the clearest and fullest Manner, that the said Company being interested to defeat and prevent all Attempts for the said Purposes, have obstructed your Petitioners and others concerned in the two late Attempts for Discovery of the said Passage, and denied them the Use or Protection of their Settlements.

Besides all which your Petitioners humbly beg leave to represent that it will be absolutely impracticable for your Petitioners to carry on and extend the Peltry or any other Trade in these Parts, without having Settlements and

Land Factories, which your Petitioners cannot erect unless they have Lands granted and secured to them for that Purpose.

Therefore, and in consideration of the Premises, and as this is a Matter of Publick and National Concern, and as this Honourable House has always been ready to retrieve, extend, and protect the *British* Trade and Commerce from all illegal, prejudicial, and exclusive Grants and Monopolies.

Your Petitioners most humbly pray this Honourable House to take the State and Condition of the said Trade to *Hudson's* Bay and the Countries adjoining into their Consideration, and take such Methods as shall be effectual for laying open the said Trade, and for vesting Powers in his Majesty to incorporate your Petitioners, and their Associates, and to grant to them and their Successors for ever the Property of all the Lands in the Countries between *Hudson's* Streights, and the South Sea or Western Ocean of *America*, not already occupied by the said Company, which your Petitioners shall settle and plant in a limited Time, or which your Petitioners shall hereafter discover and plant, in order to enable your Petitioners to settle those Countries, extend the Trade and Navigation of *Great Britain*, and to ascertain the said North-west Passage, as to this Honourable House shall seem meet; or that this Honourable House will please to take such other Methods as they shall judge most proper for attaining these

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