

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- | | |
|---|---|
| <input type="checkbox"/> Coloured covers/
Couverture de couleur | <input type="checkbox"/> Coloured pages/
Pages de couleur |
| <input type="checkbox"/> Covers damaged/
Couverture endommagée | <input type="checkbox"/> Pages damaged/
Pages endommagées |
| <input type="checkbox"/> Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée | <input type="checkbox"/> Pages restored and/or laminated/
Pages restaurées et/ou pelliculées |
| <input type="checkbox"/> Cover title missing/
Le titre de couverture manquant | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées |
| <input type="checkbox"/> Coloured maps/
Cartes géographiques en couleur | <input type="checkbox"/> Pages detached/
Pages détachées |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire) | <input type="checkbox"/> Showthrough/
Transparence |
| <input type="checkbox"/> Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur | <input type="checkbox"/> Quality of print varies/
Qualité inégale de l'impression |
| <input type="checkbox"/> Bound with other material/
Relié avec d'autres documents | <input type="checkbox"/> Includes supplementary material/
Comprend du matériel supplémentaire |
| <input type="checkbox"/> Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure | <input type="checkbox"/> Only edition available/
Seule édition disponible |
| <input type="checkbox"/> Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible. |
| <input type="checkbox"/> Additional comments:
Commentaires supplémentaires: | |

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
						✓					

T H E
C A S E
O F T H E
H U D S O N ' s - B A Y Company.

2 May,
22 Cha. II.
1669.
The Charter.

HIS late Majesty King *Charles* the Second, by Charter under the Great Seal, reciting, That Prince *Rupert*, and divers other Persons therein named, had, at their great Cost, undertaken an Expedition for *Hudson's-Bay*, in the North-west Parts of *America*, for the Discovery of a new Passage into the *South-Sea*, and for finding some Trade for Furs, and other Commodities; and had there made such Discoveries as encouraged them to proceed further; and had besought his Majesty to incorporate them, and grant them the sole Trade and Commerce of those Parts; and his Majesty being desirous to promote all Endeavours tending to the publick Good, did incorporate them by the Name of, *The Governor and Company of Adventurers of England trading into Hudson's-Bay*; and did give and grant unto the said Governor and Company, and their Successors, for ever, the sole Trade and Commerce of those Seas, Rivers, and Lakes, in whatsoever Latitude they should be, that lie within the Entrance of the Streights, called *Hudson's Streights*, with all the Lands upon the Coasts and Confines thereof, that were not then possessed by or granted to any of his Majesty's Subjects, or possessed by any other Christian State; and the whole and intire Trade and Traffick to and with the Natives and People inhabiting those Parts, and Coasts adjacent.

This Grant (as it appears from the Tenor thereof) was made to the first Discoverers of, and Adventurers in, a Trade to *Hudson's-Bay*; and which they had thereby merited; and the Crown might lawfully grant them, and did grant, by such Descriptions as the best Knowledge of these newly discovered Parts would admit of: And it was for their *Reward*, and to encourage them to prosecute a Trade they had thus begun, to Parts where no civilized Inhabitants dwelt, and none but dispersed *Indians* were to be met with, to Parts (perhaps the most inhospitable) and where the greatest Extreme of Cold is felt, of any in the known Parts of the Globe, to which any Trade is carried, and though a Sea filled with Ice, of such Bodies, and of such mountainous Height, as, by the concurrent Testimony of all Navigators, is not to be met with in any other Parts, though nearer to the Pole: So true is the Observation, that the excessive Cold or Heat that is met with in many Places, is owing to other Circumstances, than merely the Latitude of its Situation.

The Company, soon after this Charter, prosecuted the Trade to *Hudson's-Bay*, by sending several Ships, laden with Merchandize, into these Parts, and by erecting Storehouses and Factories there, and sending Persons up into the Country to cultivate an Understanding with the Natives; and though it was attended with a great Expence, and was a Work of Hazard and Difficulty, and that required Time and Pains to effect and settle a Correspondence and Traffick with the wild dispersed Natives there, who had never seen any *Europeans* before, and were Strangers to all Trade; yet the Company happily brought that about, and laid the first Foundation; which has, in Process of Time, established a considerable Trade to those Parts, and which must redound to this Company's particular Merit however they may be envied by some late Adventurers, who having failed in another Attempt they lately made, would now willingly reap the Fruit of this Company's Labour, and establish Factories, in Opposition to them, upon this Company's Foundations.

This Company, besides the Difficulties and Expences they necessarily underwent in the Outset of their Trade, have, in the Course thereof, met with others not less considerable: For in the Year 1682. the *French*, who set up a pretended Right to some of those Parts, came in Time of Peace, with a considerable Force, into the Bay, and by Surprize took several of the Company's Factories, with great Quantities of their Goods for Trade, and Furs therein, and committed several hostile Depredations, by which the Company sustained so great a Loss, that they were forced to take up Money upon Bond, and otherwise; and by this and the succeeding War with *France* were disabled from making any Dividend for a great many Years; viz. From 1691 to 1718. after the Treaty of *Utrecht*, when such of the Company's Factories as had been taken by the *French*, being delivered up to the Company's chief Officers, who were appointed by her late Majesty Queen *Anne*, to take Possession thereof, for the Use of the Company, and who thereby received her Majesty's Sanction of their Rights; and the Company being put into Possession of those Factories, they revived their Trade, and in a few Years brought it into a flourishing Condition, and have effectually kept the *French* from carrying on any Trade in the Bay ever since.

The

The Company have not only had the Grant and Ratification of the Crown, of their Rights as aforesaid, but have also met with the Sanction of the Legislature thereto; and in an Instance, the strongest perhaps that could ever have happened; for in the Year 1708 the Parliament passing an Act for encouraging the Trade to *America*, in which it being declared, It should be lawful for all his Majesty's Subjects to trade into any Part of *America* without Interruption; a Proviso was inserted, that "nothing in that Act should extend to take away or prejudice any of the Estates, Rights & Privileges of the *Hudson's-Bay* Company."

The Company, besides the prosecuting the said Trade, did not neglect sending, at different times, as the State of their Affairs and Abilities would permit them to do, several Ships and Vessels in Search for a North-west Passage from *Hudson's-Bay* to the *South-Seas*, and were at no small Expence therein, not only in one, but in repeated Attempts, and lost several Ships, with their Officers and Crews therein; but after having been at the most likely Places, and by all they could learn from the *Indians*, they could never find there was any such Passage; and though the Crown has been induced formerly, as well as very lately, to send some Ships on that Search (as likewise have some private Adventurers) yet has no such Passage been found, though a Reward of 20,000 *l.* was given by Parliament to those Adventurers if they had succeeded, as they seemed to promise; in which Way the Legislature thought fit to recompence them, and not by breaking in upon this Company's Rights, or wresting from them their Trade or Commerce: On the contrary it is observable, That in the Act which gave that Reward there is contained a Proviso, that "nothing therein contained should extend to take away or prejudice any of the Estates, Rights or Privileges, of or belonging to this Company."

These late private Adventurers finding their Attempts in Search of a North-west Passage had not answered their Expectations, and being tired with the Expence of one Expedition, and, it is believed, satisfied in general that there was no such Passage, and being disappointed in their Hopes of the 20,000 *l.* Reward they had not been able to merit, they (instead of further pursuing new Discoveries) turned their Thoughts towards getting Settlements in old ones, as that was more sure, and a ready Way to reimburse themselves. For this Purpose they petitioned his Majesty in Council, for a Grant and Charter to share with this Company in their Trade to *Hudson's Bay*, grounding their Merit on the aforesaid Attempt they had made for discovering a North-west Passage; and that tho' they had not been more successful therein than this Company have been, yet, if they had a Charter, they should however be more successful in the Trade; and, to make Way for such New Charter, they laid several Things before his Majesty to impeach the old Charter, and this Company's Conduct under it: Which Petition having been referred to his Majesty's Attorney and Solicitor-General, they, on hearing the Evidence on both Sides, have reported, "That, considering how long this Company had enjoyed and acted under their Charter, it was not adviseable for his Majesty to disturb them therein; and, as to the particular Charges made against the Company, that they were either not sufficiently supported in Point of Fact, or, in a great measure, accounted for from the Nature and Circumstances of the Case."

Those Adventurers, not obtaining what they had so applied for from the Crown, then entertained Thoughts of making a like Application to Parliament; but, not seeing any Prospect of Success that could attend so unreasonable a Project, and thus defeated in all their Expectations, and moved by their Disappointment, they have now endeavoured to do this Company all the Injury in their Power, by representing them to the Public in a Light they do not deserve.

The Manner of the Company's carrying on Trade in those Parts is, by Factories established on the most considerable Rivers that come into the Bay, at such convenient Distance as those Rivers will admit the Company's Ships to go; there being many and great Falls in the Rivers in those Parts; and, at which Factories, the Company have Officers and Servants they maintain all the Year, and where the Merchandise the Company send yearly from *England*, in several Ships, is deposited for trafficking with the *Indians*, and which are well known to the *Indians*, from the Resort they have had thereto for a Course of Years; and who, upon the first Breaking-up of the Ice in the Rivers, come down thereto in Canoes loaden with Furs, from all Parts of the Country, which they barter with the Company for *British* Commodities they take back in Return; and the Company always take whatever they bring, and supply them with whatever they want; and at Prices the *Indians* are not dissatisfied with, nor can procure them elsewhere cheaper. And this Company, who have brought the Trade to be beneficial, would readily endeavour to make it more so, if it was practicable; and their Credit is such, that, if a greater Increase of Capital was found necessary for such Purpose, they could easily procure it; but unnecessarily to do that, would only be opening a Door to Frauds, to the Injury of many unwary Persons; which Experience has shewn to have been the Case in some other Companies, now sunk in Discredit.

The principal Articles of Trade in these Parts is supplying the Natives with Guns, and Powder and Shot, they subsisting wholly by hunting (except the *Eskimaux-Indians*, who are Fishers), and with Cutlery-ware, Cloth, and some other of the *British* Manufactures; and the Company take in Return the Furs of the wild Beasts the *Indians* kill, and which are of various Sorts, and amongst them large Quantities of Beaver, which are all brought to *England* by the Company, and sold to the Furriers here at Two publick Sales in the Year by Auction, to their intire Satisfaction, and who carry on the valuable Manufacture of Hats therewith: The Company also trade with the *Eskimaux-Indians* in the Streights and Northern Parts of the Bay for Whalebone and Oil, and allow their Captains 25 *l.* per Cent. on the neat Produce thereof, to encourage that Traffick, those *Indians* being dextrous in the killing Whales they meet with in those Parts.

From the Nature of this Trade, it is apprehended, if it was laid open (but which, it is conceived, cannot be, without the greatest Violation of this Company's Charter), it would not long subsist, nor be able to withstand any Injury offered by straggling Traders to the Natives in those Parts, with whom a Confidence has been

been gained only by great good Usage, and who have no Force to protect themselves, but would soon be checked and put an End to : Neither might the *French* be so effectually kept out from trading in the Bay, as they have been for a Course of Years last past ; nor, perhaps, all the Furs procured there by the *English* be brought home to *England*, as they are now by this Company, to the intire Satisfaction of all the Furriers, and to the great Inrichment of this Kingdom, but be carried to other Parts, and there manufactured, as is well known to be the Case in *New-England*, with respect to many of the most valuable Furs procured there.

It is obvious likewise, that there must be Factories maintained, or no Trade could be carried on with any Success to these Parts, where the Natives live dispersed, and where the Summer-season is so short, and the Rivers are open so little Time, that the Merchandize must be in Readiness, to dispatch them on their first coming down ; and so likewise must the Loadings be got in Readiness for the Ships to return to *Europe*, or they would be incapable of getting back that Year through the Streights, by reason of the Ice ; and Factories cannot well be maintained, but by a Society or Company of Men ; and no particular Set of Persons can pretend equal Merit to intitle them to this Trade with the present Company, who have begun and brought it to its present flourishing State ; which makes it the present Object of Envy to some, who would willingly change Hands with the Company, and get into their Places.

To settle this Country with Colonies from *England*. is conceived to be impracticable ; nor does indeed the Charter seem to have had that much in View ; for the Snow lies here Three Parts of the Year, and the Frost is never out of the Ground ; and, in the Midst of Summer, there are frequent sharp Frosts in the Nights ; and the Country is so unfertile, that the *English* in the Factories are forced to be supplied with the greatest Part of their Provisions from *England* : And, as to Corn, they cannot raise nor procure any, but what is sent them from hence. No *Indians* thereabouts were ever seen with any, nor any thing like Bread ; and they are often reduced to the greatest Distress for want of Food.

Upon the whole, it is humbly hoped, That the Hudson's Bay Company, who were the first Discoverers of, and Adventurers in, this Trade ; and who, after great Expences and Losses, have brought the Trade to be beneficial ; will appear Deserving to be Supported therein.

