WHO OWNS THE MINERAL RIGHTS IN HUDSON BAY?

Introduction

Who owns the mineral rights under the Hudson Bay? This question has never been fully answered. The Federal Government has always assumed that they belonged to it. The provincial governments of Quebec, Ontario and Manitoba have never really disputed this claim until recently.

It is only recently that the potential source of wealth of the ocean floor, in the form of vast amounts of oil and gas and an unknown quantity of minerals, has been considered. This discovery, coupled with the fact that the cost of providing governmental services in the latter part of the twentieth century has become very high, has forced governments to look for virgin sources of revenue. Canada, with its long shoreline and large number of lakes, rivers and bays, has brought this whole question of ownership to a head. Both levels of government claim a proprietory right in the sea bed and each in turn has granted its own exploration permits.

The question in regard to ownership of the sea bed was apparently settled by a reference to the Supreme Court of Canada in the case of *Re Ownership of Off-Shore Mineral Rights.*[1] The Court held that everything below the low-water mark on the floor of the ocean belongs to the Federal Government.

The question remains, did this decision determine the matter for Hudson Bay or are there other factors involved that are relevant and must be considered?

THE CHARTER OF 1670

One of the keys to this question probably lies with the Charter granted to the Hudson's Bay Company in 1670 by King Charles II. Incidentally, of Charters of this nature it can be said that they were obtained largely because of the need to acquire a monopoly of trade for members of the company and governmental power over the territory for the company itself. This last function was the most important. The Charter, that is to say the "corporate form, was valued both by the king and by the merchants, not so much because it created an artificial person distinct from its members, as because it created a body endowed with these governmental powers and trading privileges. It was from the point of view of trade organization and the foreign policy of the State, rather than from the point of the interests of the

1. [1968] S.C.R. 792, 65 D.L.R. (2d) 353.

persons comprising the company—from the point of view of public rather than commercial law—that the corporate form was valued."

The following is a brief description of what the Hudson's Bay Charter actually did contain as interpreted by Frederick Read:

> "On the 2nd day of May, 1670, a Royal Charter was granted to The Governor and Company of Adventurers of England trading into Hudson's Bay, by virtue of which, and certain confirmatory enactments, the Company was to lay claim to the vast territory comprising what is now Western Canada and also a large portion of the territory now forming part of the United States of America, together with the exclusive right to trade in such territory. The territory so granted was, by the terms of the Charter, deemed to be 'one of our Plantations or colonies in America,' and to be called 'Rupert's Land.' The Charter constituted the Company and their successors 'the true and absolute lords and proprietors' of the said territory, saving the allegiance due to the King, and subject to the satisfaction of a nominal rent.
>
> The Charter provided that the affairs of the Company were to be managed by a Governor and a Committee, and that the Company might make, revoke and alter such reasonable laws, constitutions, orders and ordinances as the Company might deem necessary and convenient for the good government of the Company and of all governors of colonies, forts, plantations, etc., and for the better advancement of their trade or traffic and plantations, and enforce such laws, etc. by penalties and punishments, provided that such penalties, etc. were not contrary or repugnant, but were 'as near as may be agreeable' to the laws of England. Under the terms of the Charter, the Company had power to appoint Governors and other officers to govern the territories granted to the Company, such Governors and their Councils respectively being empowered to judge all persons connected with the Company, or living within the territories grants, in all cases, whether civil or criminal, according to the laws of the Kingdom, and to execute justice accordingly. If any crime or misdemeanour were committed in any part of the Company's territories where justice could not be executed for want of a Governor and Council there, the Chief Factor of the District and his Council might send the accused to England for trial. The Company also had the power to build forts, etc. and employ armed forces to protect the Company's trade and territory."[2]

The key upon which the whole Charter rests is the description of the area of the new world that was given to this Company of Adventurers:

> "grant unto them and their successors the sole trade and commerce of all the 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 of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possess by any of our subjects or by the subjects of any other Christian Prince or State."[3]

This land grant included most of the area of central and western Canada as well as a great portion of the American mid-west. During the nineteenth century, the size and shape of this empire began to change. In time, Canada acquired nearly all of this property from the Hudson's Bay Company. This will be discussed subsequently in greater detail.

2. (1937) 10 Man. Bar News 451.
3. Charters, Statues, Orders in Council, etc., Relating to the Hudson's Bay Company (Hudson's Bay Co., London, 1931).

What, if anything, did the Charter have to say concerning the mineral rights of the Bay? In part the Charter stated:

> "We have given, granted, and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governors 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 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 as discovered and not discovered, *of all 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 of of our plantations or colonies in America, called 'Rupert's Land'."[4]

At first glance, the key phrases of "sole trade and commerce," "royalty of the sea" and "mines royal" would appear to have granted the mineral rights to the Company. Each of these phrases or grants must be looked at much more carefully.

"Sole trade and commerce" must be considered in the light of the words that follow it, i.e. it refers to the lands and waters in and around Hudson Bay. It refers to the pure commercial practice of obtaining the local merchandise or goods (in this case, mostly raw material such as fur, fish and timber) and selling it at a profit.

"Royalty of the sea" refers to whatever the sea washes up on the shore; e.g. driftwood, certain types of shell fish, etc. The Crown has always lain a claim on this type of goods; it has been viewed as a sort of treasure trove. The phrase does not give the Company the right to the sea because no one can own water, not even the Crown.

"Mines Royal" would seem to be a strong indicator that mineral rights were granted in the Charter. Certain minerals were granted but not all of them.

> "At common law, mines of gold and silver were by the prerogative of the sovereign, the property of the Crown, though discovered in the land of private owners. They were termed "royal mines" and belonged to the sovereign wherever they were found. The prerogative is supposed to have originated as a necessary incident of the king's right of coin age in order to supply him with materials; metals in which there was no gold or silver, however, belonged to the proprietor of the soil. This prerogative of the king could be alienated at his pleasure, and in most royal charters under which this country was settled, the grant of the soil expressly included "all mines" as well as every other thing included or borne in or upon it."[5]

The term "Mines Royal" is followed by the descriptive words "gold, silver, gems and precious stones." As we have seen, the first two are

4. Ibid. Italics are those of the writer.
5. J. A. Ballentine, Law Dictionary (Lawyers Co-op. Pub. Co., Rochester, 1948).

considered royal metals and belong to the Crown. Gems and precious stones refer to only a specific type or class of minerals. These words clearly are restrictive in nature; i.e. the Crown only transferred these specific mineral rights and no more.

The Charter is not a vaguely-worded document for it spells out in great detail the rights and duties of the Company. Apparently, the Crown knew exactly what it was transferring when it used the words "trade and commerce," "royalty of the sea" and "mines royal." In view of the fact that only these three prerogatives and rights were transferred expressly by the Charter, it would appear that all of the other royal prerogatives and rights remained vested in the Crown. It is this writer's contention that one of the bundle of rights which was not transferred to the Company was the proprietary rights other than "mines royal" to the minerals under the floor of the Hudson's Bay.

THE TRANSFER OF RUPERT'S LAND TO CANADA

All Royal privileges and rights remain with the Crown unless they are transferred to someone else; e.g. by a Royal Charter or by legislation. Therefore, the Hudson's Bay Company only received those rights and privileges outlined in its Charter of Incorporation. It would appear that they received only those specific proprietary rights as discussed above. Were these rights ever transferred to Canada or did the Company keep them? To answer this, one must look closely at the statutes and orders-in-council that brought about the creation of Canada.

The British North America Act, 1867[6] provided a means by which future provinces could enter Confederation. For the purpose of this discussion, the relevant part of s. 146 is:

> ". . . to admit those Colonies or Provinces, or any of them, into the Union, and on address from the Houses of the Parliament of Canada to admit Rupert's Land and the North Western Territory, or either of them into the Union, *on such terms and conditions* in each case *as are in the addresses* expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."[7]

The Imperial Parliament passed the *Rupert's Land Act, 1868*.[8] The preamble to the statute contains a recital of the Company's Charter as well as the manner by which Rupert's Land could be admitted to the Union under Section 146 of the B.N.A. Act. The primary purpose of the Act was to reinvest the majority of the Company's rights in the Crown. By virtue of s. 4 of the Act:

6. 30 Vict. c. 3 (Imp.).
7. Italics are those of the writer.
8. 31-32 Vict. c. 105.

> "Upon the acceptance by Her Majesty of such Surrender of Rights of Government and *Proprietary* Rights, and all other privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere Trade and Commerce."[9]

Whatever proprietary rights had been granted to the Company were expressly removed and returned to the Crown. Its sole remaining right was to carry on trade and commerce in the area known as Rupert's Land. Even if the mineral rights under the Hudson Bay had been granted to the Company, this transfer returned them to the British Crown.

What happened to these proprietary rights? Were they transferred to Canada, i.e. the Federal Government, or the provinces?

The Canadian Parliament passed the Temporary Government of Rupert's Land Act in 1869. All it did was to provide interim government for the area until it could be incorporated into Confederation. Nothing was said about proprietary rights or their transfer. It can therefore be assumed that they still remained vested in the British Crown.

An Order in Council was passed by Britain in 1870 to admit Rupert's Land and the North-western Territory into the Union of Canada. It contained the address made to both Parliaments and outlined the compensation Canada would give to the Hudson Bay Company. The transfer of authority was summarized in the following manner:

> ". . . that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate *for the future welfare and good government* of the said territory."[10]

There is no direct mention of the ownership or transfer of mineral rights and there is only an indirect reference made in the Address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada; i.e.

> "That the colonization of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River districts; *the development of the mineral wealth which abounds in the region of the Northwest;* and the extension of commercial intercourse through the British possessions in America from the Atlantic to the Pacific, are alike dependent on the establishment of a stable government for the maintenance of law and order in the North-Western Territories."[11]

Would these proprietary rights fall within the terms "future welfare and good government?" To govern effectively the Crown had to have

9. Italics are those of the writer.
10. R.S.C. 1952, Vol. VI, p. 6237 at p. 6239. Italics are those of the writer.
11. Ibid., p. 6242. Italics are those of the writer.

ownership over the land. It would therefore appear that any authority exercised by the English Crown over the land would have been transferred to Canada. The intent during this whole period was to transform Canada from a colonial status to one of an independent country. To achieve this they had to have the power and right to exercise authority over its territory.

Canada then passed the Manitoba Act in 1870[12] which established the Province and the legal framework under which it was to operate. The important part of this Act is s. 30:

> *"All ungranted or waste lands in the Province shall be,* from and after the date of the said transfer, *vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion,* subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty."[13]

For the first time a Canadian statute sets out what its rights are in regards to the new territory gained from the Hudson's Bay Company. It claims the proprietary rights surrendered to the Queen in 1868. This specific section only refers to Manitoba as it was in 1870. But by anology, if the Federal Government claimed those proprietary rights in the province at that time, surely they could also claim those rights in the rest of the Northwest Territory.

Manitoba was the postage-stamp province at this time and the greater portion of its present day size was under the control of the Federal Government. All this land remained vested in the Crown until 1930. In that year, the B.N.A. Act was amended to give the western provinces the control and ownership of all the lands and mineral rights then held by the Federal Government.

In 1880, by order-in-council, later by legislation, Britain transferred all her possessions in the new world, excluding the colony of Newfoundland, to Canada:

> "all British territories and possessions in North America not already included within the Dominion of Canada, and all Islands adjacent to any such territories or possessions, should (except the colony of Newfoundland) becomes and be annexed to an form part of the Dominion of Canada."[14]

If England retained any proprietary rights in British North America, this effectively transferred them over to Canada, i.e. the Federal Government. This is another piece of evidence to support the claim that the Federal Government owns the mineral rights in Hudson Bay.

12. S.C. 1870, c. 3.
13. Italics are those of the writer.
14. R.S.C. 1952, Vol. VI, p. 6281.

PROVINCIAL BOUNDARIES

When the provinces of Quebec, Ontario and Manitoba were first created or when their boundaries were extended to their present-day limits, were they granted any rights to the mineral wealth on the floor of Hudson Bay? The proprietary rights of Ontario and Quebec when they entered Confederation were outlined in s. 109 of the British North America Act, 1867:

> "All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any interest other than that of the Province in the same."

However, if one looks at a map of this period, the two provinces are only a fraction of their present size and they did not extend to the Hudson Bay. The rights guaranteed in s. 109 applied only to their then existing boundaries.

The Canada (Ontario Boundary) Act of 1889,[15] extended Ontario's boundary to the edge of James Bay but it was to stop at the shore of the bay. A similar statute was passed in 1898 extending Quebec's boundary to the shore of James Bay.[16] In 1912, their boundaries were extended to their present day limits but nothing was said in either statute about granting any rights in Hudson Bay. Both of the Acts explicitly stated that their norhern boundaries were to be the shore line.

Manitoba had a similar development and her northern boundary was established in 1912 as the shore line Hudson Bay. However, when the province entered Confederation, the Federal Government retained control over all the unclaimed mineral rights in the Province. These were transferred to the province in 1930 by an amendment to the British North America Act.[17] Again, there appeared no express intention of granting Manitoba any rights to Hudson Bay. The agreement expressly refers to the transfer of mineral rights within the province and nothing else.

It would therefore appear that the mineral rights in the bed of Hudson Bay were never expressly or impliedly transferred to the provinces. As they were not transferred, they must still remain vested in the Federal Government.

15. 52-53 Vict., c. 28 (Imp.).
16. S.C. 1898, c. 3.
17. 21 Geo. V. (1930), c. 26 (Imp.).

REFERENCE RE OFF-SHORE MINERAL RIGHTS[18]

This reference was placed before the Supreme Court of Canada by the Federal Government because of a conflict with the Government of British Columbia. Both governments were claiming ownership and jurisdiction over the three mile belt and continental shelf off British Columbia's Coast. The Federal Government wanted a Supreme Court decision to strengthen its position.

The Reference contained two parts:

1. concerning the three-mile limit, did Canada or British Columbia:
   a) own the land?
   b) have the right to explore and exploit this belt?
   c) have legislative jurisdiction over the belt?
2. concerning the continental shelf, did Canada or British Columbia:
   a) have the right to explore and exploit the minerals and other natural resources?
   b) have legislative jurisdiction in relation to said area?

The Supreme Court decided every question in favour of Canada i.e. the Federal Government.

What of the Court's interpretation of the common and statute law in regard to the Federal Crown's ownership of the ocean floor under the territorial waters. Was the Court wrong when it decided what the laws of England and especially the prerogatives of the Crown were at the time British Columbia was established? Hudson Bay would probably be considered internal waters today by international law but at the time of the Royal Charter in 1670, it would have been considered international water. (The Bay's status at international law will be discussed later in this essay). Would the English law of 1670 in regard to mineral rights be the same for Hudson Bay?

The Court relied heavily on the case of *R v Keyn*[19] to prove that the Crown had no control over the Territorial Sea. This case revolved around an accident at sea within three miles of the British Coast. A British subject was killed and the captain of the foreign ship was tried for manslaughter. By a very narrow majority, seven to six, the court held that it had no jurisdiction to hear the case; i.e. the English courts did not have criminal jurisdiction over any part of the sea. They felt that the Court's criminal jurisdiction ended at low water mark. To remedy this situation, Parliament passed The Territorial Waters Jurisdiction Act.[20] Its general effect was to state that by international law, if a three-mile wide territorial sea was recognized around England and Her Colonies, then English criminal law applied.

18. Supra, note 1.
19. (1876) 2 Ex D. 63.
20. 41-42 Vict. (1878), c. 73. (Imp.).

The important aspect of this statute was that it seemed to correct a misconception held by the Court. This was pointed out in its preamble:

> "Whereas the rightful jurisdiction of Her Majesty, Her Heirs and Successors, *extends and always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's Dominions* to such a distance as is necessary for the defence and security of such dominions."[21]

The statute expressly stated that the Crown had always had jurisdiction over the seas adjacent to its coasts and all of its possessions. There was no limitation put on the distance this encompassed, but was thought to be to any distance needed for protection of British interests.

Thus England had jurisdiction over the seas surrounding its possessions in Canada. It could and did assign these rights by Royal Charter. These rights were eventually re-invested in the British Crown and then transferred to Canada as was discussed earlier.

The Crown may have had jurisdictional rights over the sea, but did it have any proprietary rights? Here again, we must look at the point of law discussed in the decision of the ownership of off-shore mineral rights. The Court in reaching its decision ignores a very important statute passed by the British Parliament. The Cornwall Submarine Mines Act[22] stated in s. 2 that:

> "All mines and minerals lying below low-water mark under the open sea, adjacent to but not being part of the County of Cornwall, are, as between the Queen's Majesty in right of her Crown on the one hand, and His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall in right of his Duchy of Cornwall on the other hand, vested in Her Majesty the Queen in right of Her Crown as part of the soil and territorial possessions of the Crown."

This Act was passed to settle a dispute that arose over the ownership of minerals in the sea bed below low water mark. From the wording of this statute, it would appear that these proprietary rights belong to the Crown.

This point of the law was recently stated, in the English case of Alfred F. Beckett, Ltd. v Lyons wherein Winn, L. J., albeit in an obiter dictum, said:

> "It would be outside the proper scope of this judgment to consider the rights of the Crown in the sea adjoining the United Kingdom, and it suffices to say that there is considerable authority that, apart from a few special cases of express grant, the Crown has ever since the Conquest been the owner of the soil of the sea below low tide mark to a seaward extent which may be somewhat uncertain. Thus Sir Matthew Hale in his Treatise De Jure Maris ch 4, states:
> 'The narrow sea, adjoining the Coast of England is part of the waste and demeanes and dominions of the King of England, whether it lie within

21. Italics are those of the writer.
22. (1858) 21-22 Vict. (1858), c. 109 (Imp.).
23. [1967] 1 All E.R. 833, at p. 850 (C.A.).

> the body of any county or not . . . In this sea the King of England hath a double right, viz a right of jurisdiction which he ordinarily exerciseth by his admiral, and a right of propriety or ownership."[23]

If this was the law of England, and it is the contention of the writer that it was, then surely the Crown had the mineral rights lying below low-water mark of its foreign possessions. The Crown could do with them as it pleased. Other than the mines royal, diamonds and precious stones granted to the Hudson's Bay Company, the Crown kept the remainder. These mineral rights were transferred to Canada, beginning with the elimination of the Company's proprietary rights in the territories and the final transfer in 1880 of all of Britain's interest then remaining in the new world.[24]

STATUS OF HUDSON BAY IN INTERNATIONAL LAW

What is the status of Hudson Bay in international law? Who exercises control or authority over it—Canada, i.e. the Federal Government, or the provinces?

There appears to be no disagreement at international law that the Bay is part of the territorial waters of Canada. Up to the turn of the century, the world community considered it part of the international seas. But this has changed since that time due to the fact that Canada has laid a claim to the Bay as part of her national waters and this claim has been respected by other nations.

The general rule of International Law as to the appropriation of gulfs and bays as national waters is that gulfs and bays, surrounded by the territory of one state, whose openings towards the sea exceed six or ten miles in width are outside the maritime domain of the state which holds the coast land. Hudson Bay and Hudson Strait are surrounded by Canadian territory, but the mouth of Hudson Bay, no matter how it is measured, exceeds the prescribed distance (i.e. the six or ten mile width) and therefore, on the general rule of International Law alone, Hudson Bay is not within the maritime domain of Canada. There are exceptions to this general rule; a body of water which otherwise does not qualify as a national water may so qualify under the Historical Bay Principle. Conception Bay in Newfoundland and the Delaware and Chesapeake Bays in the United States fall into this category. These, similar to Hudson Bay, have mouths wider than ten miles; yet, similar to Hudson Bay, they are surrounded by the territory of one state. That state has assumed title to and possession over them for a long period of time, and the respective claims to title by the circumjacent state have been acquiesced to by other nations over a

24. Except for the Colony of Newfoundland.

long period of time. Whether Hudson's Bay could be, and has actually been, made one of the exceptions to the general rule of international law, depends on the evidence of occupation by Canada and on evidence of acquiescence in that occupation.

This evidence of occupation and acquiescence can be obtained from the history of Hudson's Bay. The claim of Britain and eventually the claim of Canada commenced with the granting of the Royal Charter to the Hudson Bay Company in 1670. There was some dispute over its ownership with France, but it was finally resolved in favour of Britain. The Hudson's Bay Company then exercised exclusive control over these waters until the latter part of the nineteeth century. Eventually, this right was transferred to Canada.[25]

In the early 1900's Canada began to have the Bay patrolled by government expeditions. As the years went by the Federal Government of Canada passed legislation governing this body of water and exercised jurisdiction over it. At no time in recent history has any country seriously challenged Canada's claim over the Bay.

It would appear that Canada has title to Hudson Bay and Hudson Strait on the basis of occupation and acquiescence by other states in that occupation. Canada also has title to this area because she has occupied and developed the Bay and Strait for navigational purposes as parts of the Canadian national domain.

It would appear from this discussion that Canada (the Federal Government) and not the provinces have control and jurisdiction over these waters as far as the International Law is concerned.

CONCLUSION

It is this writer's contention that the minerals located below low water mark have always belonged to the Crown. This applied not only to the British Isles but also to all the seas surrounding their possessions. The Supreme Court of Canada was not correct in its view of the common law in regard to these proprietary rights.

King Charles II did not grant all of the mineral rights in Hudson Bay to the Company of Adventurers but only those specified in the Royal Charter, i.e. gold, silver, gems and precious stones. All other rights were retained on behalf of the Crown. It was these proprietary rights and the limited ones granted to the Hudson's Bay Company that were transferred to Canada when the British North America Act was passed in 1867. However, the complete transfer did not occur until 1880 when Britain gave up her last remaining possessions in Canada. The Federal Government on behalf of Canada became the possessor of these mineral rights.

25. See earlier discussions on this point.

To back up this claim to Hudson Bay, Canada has exercised jurisdiction and control over this area since the turn of the century. It claims, by International Law, that the Bay is internal waters under the Historic Bay Principle. This claim of jurisdiction and ownership has never been seriously challenged by the International Community.

Canada, i.e. the Federal Government, has never transferred these mineral rights to either Ontario, Quebec or Manitoba. Their boundaries were extended in 1912 to the low water mark of Hudson Bay. The provinces were given the mineral rights that lay within their boundaries but nothing was ever said about Hudson Bay. Therefore, the Federal Government retained them for Canada.

Thus, the legal position today is that Canada owns the mineral rights in the sea bed of Hudson Bay.

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