

—The—
**COLLECTED
WRITINGS**

—of—
LORD

Selkirk

—1810-1820—

Volume II in the Writings and Papers of
Thomas Douglas, Fifth Earl of Selkirk.



Edited and Introduced by
J.M. Bumsted

In 1809 Thomas Douglas, Fifth Earl of Selkirk stood poised on the verge of the great project and adventure of his life: the establishment of a colony at Red River, the first European settlement in what is now western Canada. As he had done in his earlier colonization ventures, Selkirk began by establishing a goal that others thought chimeric, surrounded the goal with well-conceived theoretical justifications, and then proceeded to improvise his way toward its realization. Improvisation did not work very well in establishing Red River, particularly while Selkirk was in Britain thousands of miles from the scene of his colony and the events swirling around it. After he arrived in North America in 1815 to take personal charge of his affairs and those of the Hudson's Bay Company, the technique was more successful.

For the first time in his life, Selkirk after 1815 was a man of action, and he proved a first-rate field commander. A series of brilliant improvised strokes in the West damaged and dismayed his enemies. Criticism of his actions ultimately embroiled him in the legal struggle in the Canadas between the Hudson's Bay Company and the North West Company, and ultimately exhausted him. He withdrew to Britain in 1818 to repair his health, his fortune, and his reputation. Selkirk died in France in 1820 a broken man.

During the years between 1815 and 1819, in the midst of his most active involvement with his colony and the fur trade war, Selkirk wrote desperately for the printer on a variety of fronts: pamphlets on Indian education and his colony; a major work on the fur trade heavily critical of the North West Company; narratives of his activities and critiques of the authorities in Britain and America intended for the perusal of British ministers of state; and finally, two works of self-justification suppressed by his family after his death.

With the publication of this volume the Manitoba Record Society completes the publication of the first stage of its projects series of Selkirk Papers, concentrating on Selkirk's public writings. A lengthy introduction by J.M. Bumsted provides the historical context for Selkirk's own works. Both demonstrate that Selkirk was neither villain or hero, but a complex and often brilliant man caught in a web of circumstances, partly in his own making but often beyond his control.

PREVIOUS PUBLICATIONS OF
THE MANITOBA RECORD SOCIETY

- I. MANITOBA: THE BIRTH OF A PROVINCE.
1965. Edited by W. L. Morton.
Available only in paperback edition.
- II. THE DAFOE-SIFTON CORRESPONDENCE 1919-1927.
1966. Edited by Ramsay Cook.
- III. THE JAMES WICKES TAYLOR CORRESPONDENCE
1859-1870.
1968. Edited by Hartwell Bowsfield.
- IV. THE DIARY OF THE REVEREND HENRY BUDD
1870-1875.
1974. Edited by Katherine Pettipas.
- V. GATEWAY CITY: DOCUMENTS ON THE CITY OF
WINNIPEG 1875-1913.
1979. Edited by Alan Artibise.
- VI. PHILLIPS IN PRINT: SELECTED WRITINGS ON
CANADIAN ART AND NATURE OF WALTER J. PHILLIPS.
1982. Edited by Maria Tippet and Douglas Cole.
- VII. THE COLLECTED WRITINGS OF LORD SELKIRK
1799-1809
1984. Edited by J.M. Bumsted.
Volume I in THE WRITINGS AND PAPERS OF
THOMAS DOUGLAS, FIFTH EARL OF SELKIRK
and Volume VII of the Society's publication series.
- VIII. THE WHEAT KING: SELECTED LETTERS AND
PAPERS OF A.J. COTTON 1888-1913.
1985. Edited by Wendy Owen.

Information on obtaining back volumes is available from
The Society at 403 Fletcher Argue Building,
University of Manitoba, Winnipeg R3T 2N2.

J.M. Bumsted, the General Editor of the Selkirk papers, is Professor of History at the University of Manitoba, and a Fellow of St. John's College. He has written extensively in early North American history. Among his books are THE PEOPLE'S CLEARANCE: HIGHLAND EMIGRATION TO BRITISH NORTH AMERICA 1770-1815 (1982), and LAND, SETTLEMENT, AND POLITICS ON EIGHTEENTH-CENTURY PRINCE EDWARD ISLAND (1987).



THE MANITOBA
RECORD SOCIETY
PUBLICATIONS

VOL **IX** UME

PRESIDENT

Derek Bedson

1st VICE-PRESIDENT

A.F.J. Artibise

GENERAL EDITOR

J.M. Bumsted

ASSOCIATE EDITOR

H.J. Mays

The Manitoba Record Society

Winnipeg

1987





— The —
**COLLECTED
WRITINGS**

— of —
LORD

Selkirk

— 1810-1820 —

Volume II
in the Writings and Papers of
Thomas Douglas, Fifth Earl of Selkirk.

Edited and Introduced by
J.M. Bumsted

Copyright 1988 The Manitoba Record Society

Canadian Cataloguing in Publication Data

Selkirk, Thomas Douglas, Earl of, 1771-1820.
The collected writings of Lord Selkirk, 1810-1820

(Volume 2 in The writings and papers of Thomas Douglas, fifth Earl of Selkirk)
(Manitoba Record Society publications; ISSN 0076-3896: v. 9)

Includes index.

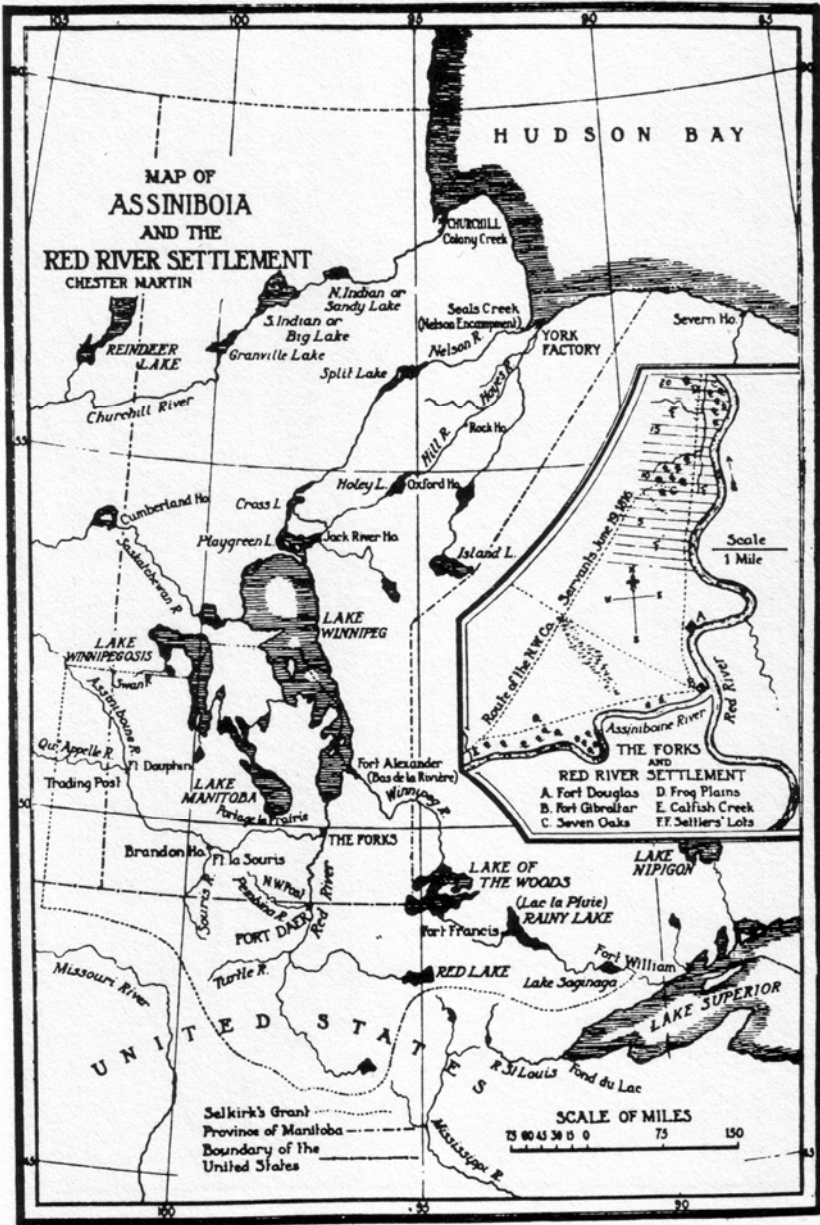
ISBN 0-9092101-2-4

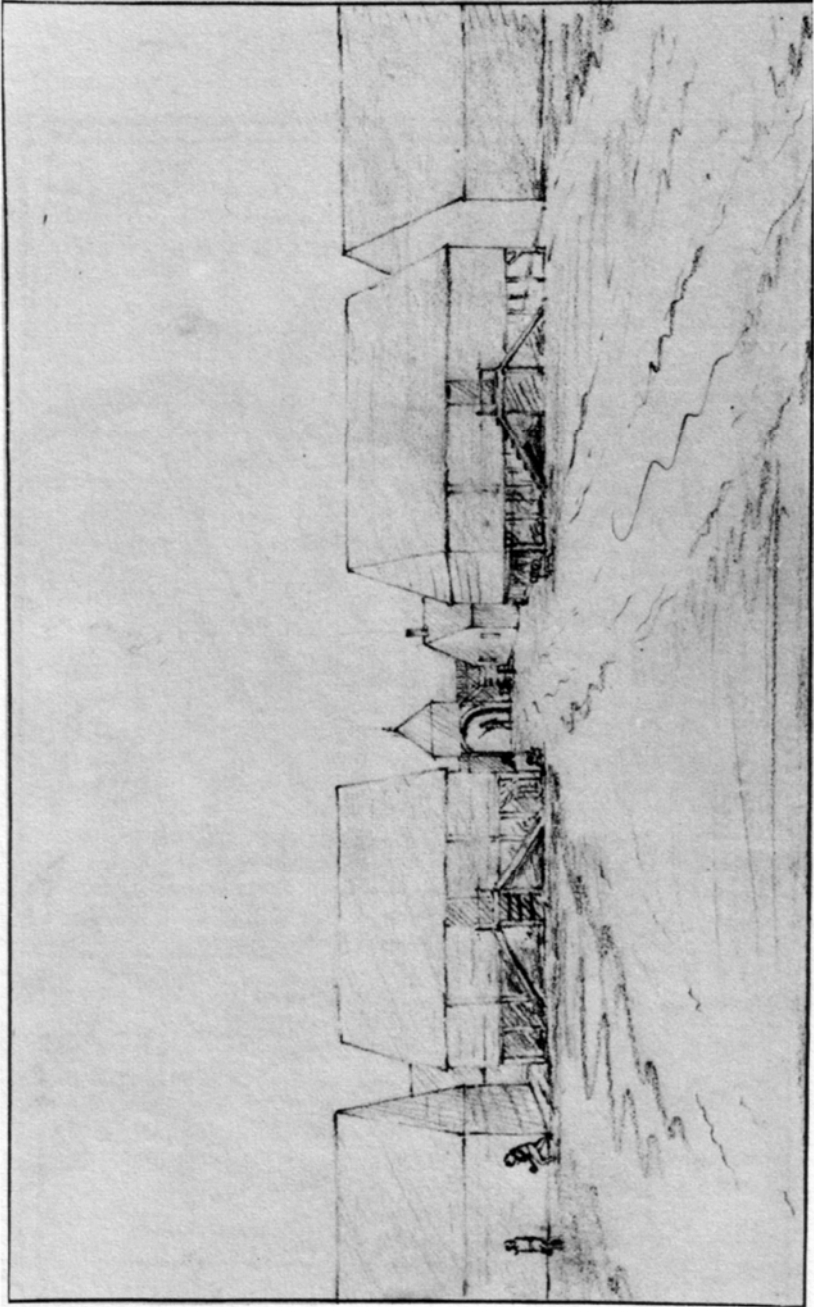
1. Selkirk, Thomas Douglas, Earl of, 1771-1820.
 2. Northwest, Canadian - History - To 1870 - Sources.*
 3. Northwest, Canadian - Emigration and Immigration - History - Sources.
 4. Scotland - Emigration and Immigration - History - Sources.
- I. Bumsted, J. M., 1938- II. Manitoba Record Society. III. Title.
IV. Series: Selkirk, Thomas Douglas, Earl of, 1771-1820. The writings and papers of Thomas Douglas, 5th Earl of Selkirk; v. 1. V. Series: Manitoba Record Society publications; v. 9.
- FC:3212.41.S44A3 1988 971.27'01'0924
F1063.S44A3 1988 C85-98153-9

Table of Contents

Preface	ix
A Note on the Texts	xi
Editorial Introduction	xiii
I. The Beginnings of Red River, 1809-1811	xiii
II. Trial and Error, 1812-1813	xxi
III. The Pemmican Proclamation and Its Aftermath	xxx
IV. The Colony Dispersed	xxxviii
V. Selkirk on the Offensive, 1815-1816.....	xlvii
VI. On the Defensive, 1816-1818	lxiv
1. Untitled Pamphlet on Indian Education, ca. 1814	1
2. Ossiniboia, ca. 1815	9
Appendix A	19
Appendix C	32
Appendix D	35
3. A Sketch of the British Fur Trade, 1815	47
I. Remarks on the respective systems adopted in Canada prior and subsequent to the Cession of that Colony to Great Britain / General View of the Canadian Fur Trade / Origin and Constitution of the North-West Company of Montreal	48

II. Public claims or pretensions of the North-West Company / Conduct of the Company as it relates – to their Servants, - to the native Indians - to private Traders who have come into competition with them.....	55
III. Conduct of the North-West Company towards the Hudson's Bay Company / Remarks upon the latter Company / Observations upon their Charter, and rights of jurisdiction / Operation of the Canada Jurisdiction Act / Suggestions with respect to the better Settlement of various parts of British North America.....	74
4. The Memorial of Thomas Earl of Selkirk, ca. 1819.....	111
5. A Letter to the Earl of Liverpool, 1818	205
6. Untitled Pamphlet, 1819	233
7. Untitled Pamphlet, ca. 1819	249





PREFACE

This book represents the second volume of a projected multi-volume edition of the Collected Writings and Papers of Thomas Douglas, Fifth Earl of Selkirk. With its publication, we complete the process of reprinting all of Selkirk's known writings for publication, including several that were apparently never formally released and others that were printed only for private circulation.

Although the Selkirk Project has never enjoyed the luxury of funding by a major granting agency, the initial intention of 1979 to publish in a scholarly edition the writings and papers of Lord Selkirk obviously continues. As an enterprise of considerable complexity, we have incurred a number of debts to participating editors, other scholars, archives and libraries, various university administrators, a number of student assistants, and to those who have provided the funds to carry on.

The original participating editors in the Project were: P. A. Buckner (University of New Brunswick); Philip Wigley (University of Edinburgh and now deceased); Jennifer Brown (now University of Winnipeg); J. E. Rea (University of Manitoba); Dale and Lee Gibson (University of Manitoba); A. B. McKillop (University of Manitoba, now Carleton University); Sylvia Van Kirk (University of Toronto); Douglas Sprague (University of Manitoba); and Herbert J. Mays (University of Winnipeg). In addition to Professor Sprague, Professors Brown, Buckner, Van Kirk, and Mays have actively assisted in the preparation of this second volume.

The original Editorial Committee of the Project included Dr. Frances Halpenny (University of Toronto); Dr. Serge Lusignan (University of Montreal); Mr. Derek Bedson; Dr. Cornelius Jaenen (University of Ottawa); Professor G. A. Shepperson (University of Edinburgh); Professor Glyn Williams (University of London); Dr. F. G. Stambrook (University of Manitoba); Dr. John Foster (University of Alberta); Dr. John Robson (University of Toronto); and Dr. David Chesnutt (University of South Carolina). We continue to be indebted to these individuals for their support and assistance.

We acknowledge as well the unfailing co-operation of the National Library of Scotland, the University of Edinburgh Library, the Scottish Catholic Archives, the Scottish Record Office, the Public Record Office in England, the British Library, the British Museum, the Public Archives of Prince Edward Island, the Public Archives of Canada, the Public Archives of Ontario, the Public Archives of Manitoba, the University of Manitoba Library, the St. John's College Library, and the Hudson's Bay Company Archives. Shirlee Smith of the Hudson's Bay Archives and Richard Bennett of the University of Manitoba Library continue to be good friends of the Project.

At the University of Manitoba, we give thanks to former President Ralph Campbell and current President Arnold Naimark; former Vice President (Academic) David Lawless and his successor Fred Stambrook; former Provost Walter Bushuk, and the several chairmen of the History Department - John Finlay (now Dean of Arts), George Schultz, John Kendle, and Ed Moulton. St. John's College has provided a home both for the Project and its editor, and Warden Murdith McLean has been most supportive. Mae Kawata of the History Department has done more than her share over the years. We acknowledge a special debt of gratitude to Doug Sprague.

A number of student assistants have contributed to the preparation of this volume: Debra Lindsay, Ruth Swann, Tim Trivett, Eleanor Blain, and Eleanor Stardom. Joanne Drewniak entered the original text into the computer. We acknowledge with thanks the following for the illustrative material in this volume: to Oxford University Press for the map; to the Western Canadian Pictorial Index and Professor Hubert Mayes of the University of Winnipeg for the photograph of Selkirk's villa at Pau; the Ontario Archives for the reproduction of Selkirk's sketch of Fort William; and to the Ontario Archives, the University of Edinburgh Library, and the University of Manitoba Library for the title page photographs.

Funding for the Selkirk Project and for the preparation of this volume has been provided by the Province of Manitoba, the Manitoba Heritage Federation, the History Department of the University of Manitoba, the Social Sciences and Humanities Research Council through the Office of Research Administration at the University of Manitoba, and an anonymous donor.

A NOTE ON THE TEXTS

The texts which follow are faithful transcriptions of the originals with the following exceptions: the indiscriminate use of single and double quotation marks by Selkirk and his printers has been regularized; the nineteenth-century custom of using quotation marks around each line or paragraph of quoted material has been altered to more familiar modern usage; Selkirk's original footnotes have been labelled as such and incorporated into the running annotation to the texts; Selkirk's original spellings and punctuations have been maintained, however idiosyncratic, although a number of obvious small misprints have been silently corrected; words commonly spelled differently today have been noted with a [sic].

This volume is dedicated to the memory of Lovell Clark.

INTRODUCTION

In 1809 Thomas Douglas, Fifth Earl of Selkirk, stood poised on the verge of the great project and adventure of his life: the establishment of a colony at Red River, the first European settlement in what is now western Canada. As he had done in his earlier colonization ventures, Selkirk started by establishing a goal which others thought chimeric, surrounded that goal with well-conceived theoretical justifications, and then proceeded to improvise his way toward its realization. He assumed that his position and connections would make it possible to work within the existing system and even on occasion exploit it. Improvisation initially did not work very well in establishing Red River, particularly while Selkirk was in Britain thousands of miles from the scene of his colony and the events which swirled around it, but after he arrived in North America in 1815 to take personal charge of his affairs and those of the Hudson's Bay Company closely associated with the colony, the technique was arguably more successful.

For the first time in his life, Selkirk after 1815 was a man of action, and he proved a first-rate field commander. A series of brilliant improvised strokes in the West damaged and dismayed his enemies, although criticism of the propriety of his actions ultimately embroiled him in the legal struggle in the Canadas between the Hudson's Bay Company and the North West Company, and exhausted him. He withdrew to Britain in 1818 to repair his health, his fortune, and his reputation. Selkirk died in France in 1820 a broken man, and in a final irony, his family suppressed several of his most articulate writings of self-justification (published for the first time in this volume), on the grounds that they would complicate the negotiations which in 1821 led to the merger of the two great fur trading rivals. As the pages which follow should demonstrate, Selkirk was neither a villain nor a hero, but a complex personality caught in a web of circumstances partly of his own making but also often beyond his control.

I. THE BEGINNINGS OF RED RIVER, 1809-1811

Selkirk's political position in 1809 was considerably less secure than it appeared to the outside world. Although in 1807 he had won re-election to the House of Lords as a representative peer for Scotland, his political future was not particularly bright. His failure to achieve a reform of the political rights of the Scottish peerage, to make possible either a lifetime seat in the Lords or the right to stand for the Commons, meant that he continued to be dependent upon government favour for his position. Unable to achieve much reputation as a speaker or debater whose value to government would be recognized and too independent to be prized for his political loyalty and reliability, Selkirk was unlikely to achieve ministerial office under any government, much less one which still associated his family with hated Whig reform. Not even his declaration of personal opposition to parliamentary reform in an open letter to Major John Cartwright had totally removed the stigma.¹

Selkirk had achieved a considerable public reputation as a proponent of emigration to and settlement of British North America, but even here his position was mixed. Government policy would not reflect his arguments until after the Napoleonic Wars had concluded, and his own settlements on Prince Edward Island and in Upper Canada had been costly failures into which he was prepared to invest little more time or money.² His interest in military reform had perhaps contributed to his selection as Lord Lieutenant of the Stewartry of Kirkcudbright in 1807, but had not made much impression in military circles.³ In 1809, therefore, Selkirk was at loose ends, casting about for a new project upon which he could lavish his considerable talents and energy. Sir Alexander Mackenzie had apparently not recognized the possibility of an active Selkirk involvement when he attempted to employ the Earl as a screen behind which he could acquire stock in the Hudson's Bay Company. The wily old fur trader had long entertained a vision of expanding overland into the lucrative fur trade of the Pacific slope- and his noted expeditions of exploration had helped make such a venture possible - but unable to reach satisfactory business arrangements with his Canadian colleagues, Mackenzie had turned to the possibility of harnessing the beleaguered and stodgy British chartered company to achieve his ends.⁴ The two promoters of grandiose schemes obviously had much in common intellectually and emotionally, although their period of collaboration was relatively brief.

The Hudson's Bay Company was in serious difficulty by 1809, with the value of its shares of stock declining regularly on the London market. The Company had found the competition from its Montreal-based rivals extremely expensive, not only involving the need to pay higher prices for furs but also to increase salaries for more servants to protect its limited share of the trade. In 1805 the Hudson's Bay Company had become involved in negotiations with the North West Company to "concert arrangements for the better regulating of the Indian Trade in America," but had balked at allowing the Canadians use of the transit route through Hudson Bay without any guarantees that its own trade would not suffer. The Company's directors had instinctively recognized that despite the decline in their share of the North American fur trade, the charter privileges still held from the British Crown were a valuable asset not to be squandered.⁵ After closure of the Baltic by Napoleon in 1807 had cut off the principal market for furs, the Company had been forced to suspend auction sales rather than risk low prices, and it relied heavily on its credit standing with London bankers to continue operating in North America. Dividends could no longer be paid, of course, and while initially cut during the heavy competition of the period 1800-1808 from late eighteenth-century highs of 8 percent to a more modest 4 percent, they were totally suspended beginning in 1809.⁶

Alexander Mackenzie and his various Canadian associates and rivals may have been interlopers in the territorial monopoly granted the Hudson's Bay Company, but they had been so successful that they saw the British firm less as a troublesome competitor than as the possessor of legal advantages and of a better route to both the interior and the Pacific coast than the famed canoe brigades enjoyed, stretched as they were to get from Montreal to western points by inland waterways and portages. For his part, Selkirk had initially been merely dabbling in an area which had long fascinated him, although his earlier dealings with the British authorities over Red River settlement had no doubt suggested the necessity of Hudson's Bay Company support for any such ventures.⁷ Conversations with his brothers-in-law John Halkett and Andrew Wedderburn (who through family inheritances changed his name to Colvile in 1814) after his initial involvement with Mackenzie doubtless changed his thinking. Wedderburn was a highly successful London sugar merchant, and he quickly grasped the business implications of the Mackenzie-Selkirk stock dealings. If Alexander Mackenzie could hope to gain control of the Hudson's Bay Company through a relatively small investment in devalued stock, so could others. And while the Canadians were chiefly concerned to acquire the Company's privileges, a few enquiries told Wedderburn that the Company had been very conservatively managed for generations, and might easily be

turned around by new and aggressive policies and tactics. In short, the Company was ripe for a takeover bid, and Selkirk and his relations began acquiring stock and proxy support on their own behalf in 1809.

Selkirk made his first appearance at the Company's General Court in November of 1809, having purchased 2000 pounds of stock from a Mrs. Merry the previous March. Although neither he nor his relations at this point actively intervened in Company affairs, Selkirk was by this juncture again thinking in terms of a Red River settlement, for on 6 December 1809 he wrote to Captain John MacDonald of Prince Edward Island about a proposed military expedition in connection with a colonization venture that he hoped MacDonald would lead, and that same day he also wrote to Miles Macdonell in Upper Canada:

I have lately heard ... of an agency, which will probably suit you, not in the regular army, but in a service which would be attended with permanent advantages. The employment to which I allude, having been mentioned to me confidentially, I am precluded from entering into an explanation at present, further than to express my conviction, that if I can succeed in obtaining it for you, it would be more advantageous than that which you were desirous of obtaining last year.⁸

Miles was to remain in readiness for a summons to London if and when the plans matured. The Company had already begun deliberations on proposals of fur-traders William Auld and Colin Robertson to reinvigorate its trade when Andrew Wedderburn on 3 January 1810 purchased the stock of Thomas Neave.⁹ Auld and Robertson wanted to move inland into direct competition with the Canadians in the rich Athabasca territory, as well as to diversify into the timber trade now that Baltic timber was in short supply. Wedderburn announced his intention of standing for election to the committee of management not long after obtaining stock, and he was quickly accepted. The committee had already decided before his election on a new policy, although not the one recommended by the two traders. No longer would it attempt to compete directly with the Canadians, but instead it would serve as an agent supplying trade goods to inland traders who would operate on their own accounts; the major Company initiative would be put into the lucrative timber trade. This shift in policy, associated with long-time director Anthony Wollaston, quickly became known as "Wollaston's Plan." It was not only unpopular with Robertson and Auld, but met little favour from Selkirk, who commented both upon it and a better arrangement in papers written in February of 1810, at about the same time the Earl was writing to Miles Macdonell that while his proposals had "not yet taken such a shape as to leave me at liberty to enter into fuller explanations," they had matured sufficiently to make Macdonell's presence in London essential.¹⁰

The Wollaston Plan, Selkirk argued, would lead the inland traders to detach themselves from the Company, either decamping to the United States with the trade goods or entering into competition one with another. Because the right of the Company to exclusive navigation of the Bay was legally suspect, a single lawsuit by an independent trader might open it to all. Only the continued trading presence by the Company maintained the monopoly, and under active management it could outbid interlopers such as the Canadians. Referring to the earlier struggle between Sir Alexander Mackenzie's XY Company and the North West Company, Selkirk observed it was a "contest of Capital - the question was which had the heaviest purse." He continued, "Such is the Contest, for which the Company must be prepared, when they determine to make a vigorous & effectual effort to obtain a footing in Athabasca."¹¹ This characterization of the nature of the fur-trade rivalries as business competition was not totally inaccurate, but it was incomplete. As Selkirk would subsequently discover, both with respect to the earlier contests among Canadians and the later one between the Hudson's Bay Company and the North West Company, in the wilderness of western North America far removed from the sort of law and authority to which he was accustomed in Britain, commercial competition did not stop short of violence which encompassed many

of the inhabitants of the region. Not merely capital but human lives were thrown into the fray, and the correct analogy was not to ordinary commercial rivalry but to war.

For the moment, Selkirk saw better ways of opening the interior than the one suggested by Wollaston, and he expanded on these in another memorandum which became part of Wedderburn's counterproposal, the "Retrenching System" or "New System" submitted to the committee on 7 March 1810.¹² Even before the unveiling of his detailed proposals, Wedderburn had apparently suggested the recruitment of personnel from the western islands of Scotland to provide some backbone in the Company's struggle with the Canadians, and he was authorized to recruit such men and to offer them land in Red River upon the expiration of their contracts.¹³ Like Wedderburn's proposed system itself, these arrangements suggest the fertile and inventive brain of Selkirk rather than the cautious business tactics of the sugar trader, and while it is impossible to assign responsibility, it makes good sense to see Selkirk at the centre of the new policy. Combining features of the Wollaston Plan and the Auld/Robertson proposals with a vigorous prosecution of policy by cutting through difficulties and transcending them, the new scheme had Selkirk's mark stamped all over it. Wedderburn contributed the insistence on sound business and accounting practices more often honoured in the breach than the observance over the next few years, but the main thrust of the proposals was their acceptance of profit-sharing with the Company's servants combined with an insistence upon orderly inland expansion based upon newly-recruited western Highlanders. Colin Robertson's scheme to compete with the North West Company by recruiting Canadians had been summarily rejected, and the Hudson's Bay Company would attempt, for the next half decade, to use Europeans inexperienced in the North American wilderness as its shock troops. Wedderburn's scheme perfectly wedded the reinvigoration of the Company (which was what interested him) with the encouragement of Highland emigration and perhaps the establishment of a new settlement (which was what excited Selkirk).

In the short run, the Retrenching System offered little new or useful to the Company's servants dealing on the spot with Canadian competition, and it has often been criticized for its sublime ignorance of the realities of the fur trade.¹⁴ But what Wedderburn and Selkirk envisioned was a long-term reorganization of the Company's activities in the West, based upon the advantages granted in the Charter of 1670. Such reorganization could not take place overnight, and what would transpire demonstrated that more cautious building, not more innovation, was really required. The opposition certainly caught a whiff of a new spirit within Hudson's Bay Company ranks, and it began another round of negotiations in November of 1810, again offering to partition the territory and divide the trade. Again the HBC refused to accept such an arrangement.

As for Selkirk himself, little evidence survives of his activities in the year 1810. He was in Ireland in the summer, visiting with the novelist Maria Edgeworth, and he continued his political, military, and estate activities.¹⁵ Developments in his North American settlements occurred beyond and outside his control, and he showed little interest in them. Baldoon agent Alexander Macdonell was effectively replaced by Thomas Clark of Sandwich, and P.E.I. agent James Williams forwarded the first returns on Selkirk's Island investment, but continued to make excuses for his failure to account for his stewardship with complete books.¹⁶ An Edinburgh stonemason, Thomas Halliday, was given land on the Island for himself and a young red-haired girl named Mary Cochrane. Halliday was always persuaded that Mary represented some dark Selkirk secret, and the tradition persisted on the Island until her death many years later that she was the Earl's illegitimate daughter. But no evidence survives to shed any conclusive light on this matter.¹⁷

While Andrew Wedderburn, with the somewhat perverse assistance of Northern

Department superintendent William Auld, succeeded in cutting Company expenses to the bone, Selkirk was quietly doing research in preparation for his project, which burst upon the committee of management quite suddenly on 6 February 1811.¹⁸ Substantial amounts of geographical information about the territories claimed by the Hudson's Bay Company were by this time available to anyone willing to seek it out, not least in the mounds of records accumulated over the years by the Company itself. Selkirk would have been acting out of character in not doing considerable homework in advance.¹⁹ In any event, the minutes of the meeting of 6 February recorded:

Resolved that Mr. Wedderburn be desired to request Lord Selkirk to lay before the Committee the Terms on which he would accept a Grant of Land, within the Territories of the Hudson's Bay Company, and specifying what restrictions he is at present prepared to consent to be imposed on the Settlers: And what Security he sees fit to offer the Company, against any Injury that may eventually arise to the Trade of the Company or any of their Rights & Privileges.²⁰

The proposed grant was discussed again on 13 February and tentatively approved by the committee a week later, subject to revisions and to the ratification of the Company's shareholders meeting in General Court. On 6 March 1811 the committee formally approved a draft of the final arrangements and of the conveyance of land.²¹

Selkirk was back in the colonization business again, and plunged himself headlong into the affairs of the Company as well. In April he was negotiating with Christie & Co. of Birmingham for a ten horsepower steamdriven sawmill for the Bay, and that same month saw the appearance of an advertisement in the *Inverness Journal* calling for a "few young, active stout men" to join the employ of the Hudson's Bay Company, chiefly for a settlement "The Company have resolved to encourage ... in a part of their territories, which enjoys a good climate, and favourable soil and situation."²² The advertisement did not mention Selkirk's name, and its conflation and confusion of Company service and employment by Selkirk began a pattern which persisted for many years.

If the establishment of settlements at Baldoon and Prince Edward Island had been marked by unexpected difficulties, they were mere child's play by comparison with the audacity of Selkirk's new scheme. He was proposing, with HBC co-operation, to plant a British colony in the middle of the continent, nearly 1,000 miles beyond the normal communication and transportation facilities of the Company although along the inland canoe route established by its Canadian rivals. Because only one passage per year was undertaken by the Company to Hudson Bay - leaving in June - it was necessary to begin recruiting for it before the final approval had been given by the General Court to the arrangement agreed upon with Selkirk. Some of the men to be recruited would be sent by Selkirk to locate a site for the proposed settlement and begin preparations for the arrival of colonists in subsequent years, but others would be employed by the Company as shock troops to help protect its servants against intimidation and violence by the North West Company. Selkirk's usual impatience to begin combined with a concern to catch the North West Company off guard accounted for the haste. Miles Macdonell was in London eager to undertake his new assignment, and William Auld had made clear need for reinforcements if open conflict with the Canadians were to be joined. The Nor'Westers responded with alacrity on several fronts.

On one front the London agents of the Canadian company sought to oppose the grant to Selkirk through the General Court of the HBC. The Nor'Westers expected to fail here, but perhaps hoped that they could cast sufficient doubt on the workability of the scheme to make possible some deal with the HBC. Twenty-one stockholders, the most in years, attended the General Court in Hudson's Bay House in Fenchurch Street on 22 May 1811. No business was concluded, for the opponents of Selkirk forced a delay until 30 May, to give those present time to examine the proposals in detail. According to Miles Macdonell, waiting anxiously outside the

door of the meeting room, Sir Alexander Mackenzie had stormed out of the Court insisting that the scheme “struck at the root of the NWCo. of Canada which it was intended to ruin” and maintaining to anyone who would listen that one Canadian interpreter could set the natives of the region against the settlers at any time.²³ This threat of native violence would become a continual theme of Selkirk’s opponents, and would eventually become reality, although probably not in the sense that either Mackenzie or Macdonell understood it that day in London.

At the meeting of the General Court on 30 May, again heavily attended, a memorial prepared by six shareholders, including Nor’Westers Edward Elllice and Alexander Mackenzie, was read to those assembled. The memorialists realized that they lacked the votes to stop approval of the grant to Selkirk - several of them had not held stock long enough even to vote on the subject - but they were going on the record. Given that fact, one might have expected something more thorough, even allowing for the complaint of lack of time to prepare objections. Of the eight points made, four concentrated on the procedures involved in making the grant and on Selkirk’s motives, concluding, “Your Memorialists cannot perceive for the said grant, any other motive than to secure to the posterity of the said Earl at the Expense of the Stockholders of the said Company an immensely valuable landed estate.”²⁴ A failure to appreciate the complex motives behind Selkirk’s actions always characterized the Nor’Westers, just as he was unable to see their opposition in anything other than the most simplistic fashion. The critics noted briefly the difficulty of populating a wilderness 2,000 miles from a seaport (obviously thinking of Montreal rather than York Factory) and asserted that the inhabitants of the settlement would compete with the Company while gravitating to the Americans. “It has been found,” they asserted without evidence, “that Colonisation is at all times unfavourable to the Fur Trade.”²⁵ Selkirk and Wedderburn might have been forgiven a sense of relief at this weak performance, which scarcely did justice to the issues. Simon McGillivray would do much better a few weeks later, and it is a pity his trenchant comments were not heard on Fenchurch Street that day in May.

The reading of the Selkirk arrangements which followed the minority memorial was anticlimactic. Only Sir Alexander Mackenzie among those present had any real notion of the vastness of the 116,000 square miles of territory on both sides of the present Canadian American border which Selkirk was being granted in return for a nominal rent and some services to the Company, chiefly in recruiting up to 200 effective servants annually for ten years. After discussion, the matter was put, to the vote. Twenty-nine thousand nine hundred and thirty seven poundsworth of shares voted in the affirmative, and 14,823 pounds in the negative. It is worth noting that Selkirk and Wedderburn between them voted only 8,561.134 pounds of stock, and the largest single voting shareholder - William Thwaytes with 9,233.68 pounds - voted in the negative. The Selkirk family had no controlling interest in the Company in 1811, although they may have dominated its council chambers. Within a few days of the final approval of Selkirk’s grant, and apparently as a result of the open discussions surrounding it, the London agents of the Canadian traders again approached the Hudson’s Bay Company with an offer for the better regulation of the fur trade. Their letter to Governor William Mainwaring was a good deal more frank than their critique of the Selkirk grant, admitting a concern to avoid “a violent competition in the trade of a Country so far removed from the protection of Justice” and a desire “to curtail expense in the Competition for a trade for which the Circumstances of the times are particularly unpropitious.”²⁶ The Canadians were sincere in their ambition to avoid expensive and violent competition, although they too often expressed themselves in terms of open threats. Unfortunately, the Nor’ Westers also operated on the assumption that their *defacto* dominance in the west, particularly in the rich Athabasca region, deserved recognition by its rival, however much the Hudson’s Bay Company claimed a trading monopoly by royal charter throughout the

region. The Canadians wanted to negotiate on the basis of equal legitimacy with the British company, while also accepting that they controlled the bulk of the trade. From their standpoint, to recognize the HBC charter would be to admit that they were interlopers. For its part, the British concern could hardly accept the Canadians as legitimate competitors without admitting the irrelevance of the charter. These mutually incompatible positions made negotiations virtually impossible in 1811, as they had in 1805 and would again in 1815.

For his part, Selkirk turned to orchestrating the departure of the first expedition to Red River, which was to assemble in the Scottish Highland port of Stornoway. Selkirk and his agents, particularly Miles Macdonell, always attributed the 1811 fiasco at Stornoway, which began the colony on the wrong foot, to local opposition stirred up by the Nor' Westers. It was true that Simon McGillivray had produced a letter signed "A Highlander" to the editor of the *Inverness Journal*, which was published in 21 June 1811 and freely circulated among the recruits gathered by Selkirk's agents at Stornoway. The letter insisted that settlements could never be successfully established in the west, which was an infertile region subject to an intemperate climate and 2,000 miles from the nearest "settlement of civilized inhabitants." Moreover, McGillivray warned, the settlers would be surrounded by "warlike savage nations ... which subsist by the chase (sic), and will consider *them* as intruders come to spoil their hunting ground, to drive away the wild animals, and to destroy the Indians, as the white man have already done in Canada and the United States." The colonization venture, moreover, was not sponsored by the Hudson's Bay Company, as the recruiting advertisements had implied, but by a private individual who had already exerted himself to depopulate his native land, deluding immigrants into becoming "victims of their own rashness and credulity."²⁷

While Selkirk undoubtedly smarted under the personal attack and regarded "Highlander's" letter as misrepresentation, most of the confusion among the prospective passengers at Stornoway was a result of hasty recruiting practices and considerable overstatement by Selkirk's agents of both the attractions of the west and the conditions of service. Even without the insinuations and veiled threats of McGillivray, Miles Macdonell would have had trouble in embarking the more than 100 men waiting at Stornoway, who had been gathered in Scotland and Ireland under a variety of terms and conditions, and with no clarification as to whether they would be employed by the Company in the fur trade or by Selkirk for his colony. There were complaints of broken promises and the unsightly spectacle of men going over the side of the ship when customs officials insisted on informing them of their entitlements.²⁸

Delay had been piled on delay, and perhaps the most crucial point of Stornoway for the future of Selkirk's operations was that the new recruits were not actually on their way to the Bay until the end of July, making it virtually certain that they would have to winter at York Factory rather than work their way down to the site of the proposed settlement. A less than propitious beginning, it was symptomatic of the sorts of problems which would attend this new venture. Simon McGillivray was quite accurate in the general thrust of his letter. The Earl had not taken proper stock of the difficulties inherent in attempting to found a settlement in so remote a region, and Canadian opposition merely exacerbated an already difficult operation. As was so often the case in Selkirk's projects, little room was left for the sorts of mishaps which were bound to occur in such a complex business conducted so far from normal channels of operation. And while Selkirk would have denied the charge vigorously, it was true that the lives of people were at stake and the dangers were not being sufficiently considered. While the rival companies engaged in fruitless negotiation over the summer of 1811, and controversy persisted in the pages of the *Inverness Journal*, Miles Macdonell and William Hillier (who was to head the party of roving shock troops) sailed with 105 men for York Factory. The voyage to the Bay, having gotten off to a delayed start, was "the longest ever

known & the latest to H Bay,” reported Miles, not arriving until 24 September. Despite the 61 days at sea with little to do, none of the young men had made any progress in learning Gaelic and Irish - Selkirk hoped the ancient tongues would unify the colonists and protect them from American influence - and not a single one had any familiarity with a gun. Although William Auld at York Factory was most co-operative, it would be necessary to winter the parties on the north side of the Nelson River above the factories. “I was aware of considerable difficulties in prosecuting this Scheme, which a desire to forward your Lordship’s views led me to undertake,” concluded Macdonell, but “the troubles attendant on it have already exceeded my expectations.”²⁹

As Miles’ comments suggested, one of Selkirk’s principal demands of subordinates was a willingness to pass lightly over the obstacles which the Earl’s ventures usually entailed in favour of promising the impossible. An inability to listen to and heed sincere and oftentimes well-informed negative criticism of his plans was not the least of Selkirk’s many weaknesses, although it was the reverse side of his strength of being able to reconceptualize problems by cutting through hitherto insurmountable difficulties. Unfortunately, as his critics frequently would point out, the price of the miscarriage of plans which sounded feasible on paper was borne by his employees and dependents, many of whom had no notion of what they were getting into at the outset.

From William Auld at York Factory both Alexander Wedderburn and Selkirk received some unsolicited negative comments written in the autumn of 1811. Auld was an old hand in the Bay and a man who was superficially helpful but often seemed incapable of giving anything new or different a fair trial. His lack of enthusiasm for the projects which Miles Macdonell and William Hillier were to lead was transparent, but his comments probably deserved a better hearing than they received. From the outset, Auld warned about mixing Scotsmen and Irishmen, a melange which Selkirk preferred. Auld was equally concerned about the lack of experience with local conditions, illustrated by Miles’ plans to use flat-bottomed boats to traverse the rivers to the south, and promises made which could not be honoured in the rough conditions of the wilderness. Not surprisingly, Auld saw the colony as a competitor for the limited amount of experienced manpower at his disposal.

To Selkirk, Auld wrote, “To a mind ardent and intent on vast & important plans of Colonization like your Lordships I am well aware of the presumption as well as incompetency of my own very imperfect ideas being at all worthy of your notice.” But, he added, he was in “one sense ... pleased at the present, frustration of your designs,” since he had no experienced men to convey the new arrivals inland.³⁰ Auld was not worried about the Indians, denying vehemently the Canadian ability to stir them to serious aggression. But he too seemed singularly unaware of the importance of the halfbreed population of the region. Although Selkirk and Wedderburn may later have overemphasized the extent to which Auld was an “enemy within,” it was clear that not everyone among the Company’s servants on the Bay was enthralled with the new policies which Macdonell and Hillier represented.

Selkirk dealt with a number of problems unrelated to his new venture in the autumn of 1811. The mental instability of his young nephew William Hall, who would require medical supervision, took up a good deal of his time.³¹ The breeding of sheep at Baldoon in Upper Canada produced a long set of instructions to agent Thomas Clark.³² A former agent on Prince Edward Island - Angus McAuley - was making “defamatory statements” about Selkirk as part of a general movement of criticism of the administration of the Island associated with the “Loyal Electors,” the first formally-organized opposition party in British North America. Many of those being criticized were turning to Selkirk for leadership in protecting their interests at the Colonial Office.³³

Selkirk also began the paper process of distributing land in Red River, initially to those supporting his scheme but ultimately to private subscribers. The subscription money would

be vested in trustees, who would receive land themselves but were not involved in the administration of the settlement. The three trustees who agreed to serve - Sir Benjamin Hobhouse, Bart., William Smith, M.P., and Zachary McAulay - were all well-known Evangelicals and humanitarian reformers. They provided an aura of British responsibility for the settlement which Selkirk desperately needed.

II. TRIAL AND ERROR, 1812-1813

The Hudson's Bay Company had wanted 200 men for the ensuing season, and Selkirk set his agents in motion in the Highlands of Scotland and in Ireland. Recruiting was slow, and in some ways Selkirk was no doubt relieved to learn in March that the Company would be sending only two ships in 1812 and would therefore need only 120 men, although if he required additional tonnage it would mean chartering another vessel.³⁴ Later that month Selkirk wrote to Miles Macdonell, from whom he had not heard since his arrival at York Factory, that while enough men would be obtained in Ireland, "in the Highlands we have met with so much obstruction, that I doubt whether it will be effectually overcome, unless I go out myself which I have serious thoughts of doing next year." The Earl consoled himself with the thought that Macdonell was not yet ready for a party of the size that he would bring himself. He hoped that Miles could handle fifty to sixty men plus some boatbuilders.³⁵

In the spring of 1812, Selkirk came precariously close to entering into public office. Irish questions were to the fore in Parliament, and Selkirk had not only strong opinions but some first-hand experience to back them up. He was sympathetic to Catholic emancipation, not a popular position with his Tory friends such as Lord Sidmouth, but otherwise he and the government were in considerably more agreement than usual. According to Lady Selkirk, Sidmouth regretted "that he had it not in his power to offer him [Selkirk] a seat in the Cabinet," but the Earl was "too much wrapt up in his Transatlantic schemes to give in to any such idea."³⁶ In the same letter, Lady Selkirk commented on her awareness of her "inability to alter in any degree the direction of his mind ... far less the course of events."³⁷ While his wife would clearly have preferred that Selkirk become a cabinet minister, she recognized the unlikelihood of such a happenstance, particularly given his involvement with the Hudson's Bay Company and Red River.

Selkirk was forced to ask the HBC to grant him a licence to send out an additional ship to carry the colonists he was recruiting, the company agreeing to supply a cargo of timber and deals at Moose Factory for the return voyage.³⁸ It was also necessary to request a license from the King in Council for the export of military stores to defend the company's factories and settlements in Hudson Bay.³⁹ Selkirk had considerable difficulty obtaining a satisfactory ship.⁴⁰ He continued to be concerned about the leadership of his new settlement, and even suggested to Alexander Macdonell - his former Baldoon agent who was in London to settle accounts in the spring of 1812 - that he might "go to Winipique."⁴¹ His Irish agent B. H. Everard had decided against crossing the Atlantic, and young Archibald McDonald, training as a surgeon under Selkirk's auspices for future North American service, was not yet ready to assume a position of responsibility.⁴² Selkirk would have been even more concerned with leadership had he been aware of what had happened at York Factory over the winter and able to read the letters being penned on the Bay at the end of May 1812 by Miles Macdonell.

In a letter dated 31 May 1812 Miles Macdonell described at length the events of the winter of 1811-12. All his party were in log and clay houses before the 1st of November, and had physically survived the winter very well. There was no shortage of food, little frostbite although the temperature was often fifty degrees below zero, and the onset of scurvy was easily correctable by using spruce juice. The non-material side had not gone so well. Cabals

had formed among the men, and on New Year's night the Irishmen in the party had attacked the Orkneymen. Subsequently one Orkneyman refused to drink spruce juice, and was confined in a separate hut which his compatriots burnt to the ground the first night of his confinement. These men - nine from Glasgow and four from the Orkneys - refused to submit to authority, and spent the remainder of the winter in isolation. In the spring they refused to enter HBC service and insisted they were not being treated in accordance with their recruitment promises. They could only be sent home, "there being no controlling power in this country to manage them." Miles emphasized strongly the need for a proper judicature in the colony, suggesting a military establishment based on martial law. A strong power was necessary to keep order, lest "we may be all overturned by the tumultuous onset of our own people." Macdonell concluded by observing that William Auld insisted that according to 43 George III c. 138 (the so-called Canada Jurisdictions Act of 1803), all legal matters in the country were cognizable only in the Canadian courts.⁴³

The problem of jurisdiction was a serious one, and both Selkirk and the HBC began attempting to deal with it. But Miles Macdonell was already displaying certain weaknesses which would only become more pronounced over time. One was a moralistic censoriousness against the established employees of the HBC, accompanied by serious difficulties in co-operating with others. Another was a tendency to paint himself into corners over minor problems to which he responded with harsh disciplinary measures. In the isolated wilderness of western Canada, men needed to be inspirationally led, not heavily disciplined. Miles' stiffness and pugnacious inflexibility were not encouraging signs in a man who was to be governor of a frontier settlement.

Selkirk was himself present in Sligo (Ireland) for the embarkation and departure of the 1812 contingent of men he had recruited for his own service and for that of the Company. Many of the recruits came from Ireland and the remainder from scattered districts of the Highlands of Scotland, and Selkirk hoped that they would serve as a basis for future recruiting. This year's overseers spoke Gaelic fluently. To William Auld, Selkirk emphasized his plan for a large emigration in 1813. It was first necessary to restore the affairs of the Company, for "we have a sufficient basis of unquestionable legal rights if we had physical strength to enforce them for ourselves." He hoped to come himself in 1813 "at the head of such a body of men, as will overawe any attempt to resist the lawful authority of the Co - For that purpose I must bring out not less than 4 or 500 men."⁴⁴ To William Hillier Selkirk emphasized the need for moderation and observation of the principles of the laws of England on self defense "engraved by nature on the hearts of Englishmen." The Irishmen should not be trusted with firearms, for "The Shillela is their proper weapon, with that they cannot do much harm; & the occasional application of that implement may probably teach the messieurs voyageurs to keep a respectable distance." Any Nor'Westers were to be treated as poachers. "We are fully advised of the unimpeachable validity of these rights of property, that there can be no scruple in enforcing them, wherever you have the physical means."⁴⁵

As his letters to Auld and Hillier from Sligo suggest, Selkirk regarded successful confrontation with the North West Company as a high priority. He recognized that superior manpower was the best solution, but he had not yet worked out any scheme beyond sending large numbers of new recruits. By this time it was clear that war with the United States was impending (indeed, it was declared by the United States against Britain on the very day of the correspondence with Auld and Hillier), but Selkirk had few comments on the subject that day beyond the hope that the two companies would co-operate for their mutual defense and the insistence that Miles Macdonell as an experienced military man should be commander in chief of any joint operations.⁴⁶ To Miles a few days later, Selkirk noted that war seemed inevitable, adding, "I doubt that Canada will make but a feeble resistance, & our situation in the N. W. will then become very critical. Yet I do not despair of holding our ground, even tho' Canada should be conquered." If invaded by the

Americans, Miles should leave the settlers and head for the Indians on the plains with his young men. The Earl promised to come to his assistance: "it will go hard with me, but I will have a share in your adventures."⁴⁷

The letter to Miles Macdonell written from Sligo was full of enthusiasm and suggestions for projects. The problem of labour in making pemmican, for example, could be eliminated "by a method... where the meat has been kept frozen thro' the whole summer in an ice house." The disbanded North West Company and Hudson's Bay Company servants with Indian families who wandered in the interior should be encouraged to settle in the colony, given 100-acre lots at reasonable prices, but not mixed with the immigrant settlers. Collision with the North West Company should be avoided at all costs until the questions of charter rights and numerical superiority were settled. Selkirk repeated his own desire to cross the Atlantic, adding, "It would not do for me to come in person till I can come accompanied by such a body of followers as may effectually put down all attempts to resist the authority of the Co'y within their own Territory, & perhaps 500 would not be more than enough for that purpose."⁴⁸ Jurisdiction and numbers were the key problems with which Selkirk felt he had to deal in the summer of 1812.

Resolving the question of jurisdiction was not easy. In the first place, it was necessary to be certain that the British government accepted the monopolistic privileges of the HBC charter, as well as the interpretation of that charter by which those privileges had been transferred to Selkirk within the area of his grant. Moreover, such official acceptance had also to reinterpret the meaning of the Canada Jurisdictions Act of 1803, or repeal it formally, for that legislation quite plainly put the jurisdiction for criminal justice in Hudson's Bay territory under the control of the courts of Upper and Lower Canada. A draft proposal for a judicial system and a legal (both criminal and civil) code for Red River prepared about this time survives in the Hudson's Bay Company Archives, annotated by several legal experts.⁴⁹ While the draft was in many ways a far-reaching and forward thinking document, it was never implemented because of the larger jurisdictional problems. And in the end, the inability to establish clear legal jurisdiction over Red River was both symptomatic of Selkirk's problems and responsible for many of them.

Selkirk did not confine himself to organizing Red River in the summer of 1812. He produced a series of memoranda for cabinet ministers on aspects of British policy, often combining it with his own interests. To Lord Liverpool, heading the government, he advocated deflecting Irish immigration from the United States to British North America, arguing that "to form in this way an addition to the resources of the Empire, out of materials which would otherwise be destined to swell the strength of an inimical state cannot appear a subject of indifference to the national interests." In Nova Scotia or Canada large numbers of Irish would be "turbulent & troublesome," but a new colony suited to the temper and habits of the immigrants would be different.⁵⁰ Liverpool did not rise to this bait with great enthusiasm.

A few days later Selkirk expanded on the proposal. The Irish might prefer a colony with lands on easy terms, "a Catholic settlement, formed of their own countrymen, & in every respect constituted, so as to meet their prejudices and flatter their national pride." He proposed to open a subscription which would entitle subscribers to a share of the land granted him by the Hudson's Bay Company, providing a small fund to assist initial settlement. At the outset he did not expect government to take an active part, but it could assist by instructing the Irish government to facilitate immigration, instructing customs officers not to obstruct passage, passing an act of Parliament exempting HBC vessels from the Ship's Passenger Act of 1803, granting a Crown commission for the governor of the colony, and finally, assisting in forming a small armed force "to serve as a police guard, and to support the authority of the Governor."⁵¹ The last two items of Selkirk's shopping list amounted virtually to official government acceptance of the colony, and were not taken seriously. But Liverpool apparently was willing to co-operate in terms of the first

three requests, including legislation exempting the HBC from emigration regulation.

In August Selkirk sent a memorandum to Lord Sidmouth on British policy in Spain, given recent victories in the peninsula. Selkirk advocated a *levy en masse* in territory not held by the French, promising land allotments out of estates of traitors supporting the French. He also insisted that the British should pay more attention to the lower orders in Spain and less to the aristocracy, suggesting a ruling junta instead of a regency.⁵² A few days later he offered a proposal for reform of the Irish Catholic Church to Nicholas Vansittart, which he insisted would eliminate foreign interference. Patronage should be taken out of the hands of the priests and prelates. Most landowners and merchants in Ireland, Selkirk maintained, wanted property protected and the extension of civil privileges to Catholics, and would not oppose parliamentary action which included these boons.⁵³

What led on Selkirk's part to this flurry of activity to advise government is not entirely clear. One possible explanation is that an election was in prospect, and Selkirk needed the support of the ministry were he to remain a Scottish representative peer. Another explanation is that Selkirk was attempting to disguise the self-interest of the Irish immigration proposal by surrounding it with other more general advice and suggestions. It may also be that the early Liverpool administration was one involving men and ideas which Selkirk found particularly congenial, and he thought that he could have some effect on government policy. Perhaps he - or Lady Selkirk - had not yet given up on the idea of a cabinet position. In any event, Selkirk's name did appear on the "Proposed List of Sixteen Peers for Scotland" prepared in early October by the government's Scottish manager, Lord Melville.⁵⁴

Despite government support, tradition demanded that peerage candidates stand as though they were thoroughly independent. They were allowed a discreet solicitation of votes. To Lord Leven and Melville, Selkirk wrote, "We are again at the work of vanity & vexation of spirit - I am almost sick of it, but not being *quite cured*, I must needs send you the within," which was the formal request for Leven and Melville's support. On the letter, the recipient added:

So Selkirk says with Solomon
And yet he wont be cured:
The work he will not let alone,
All fruitless tho' assured!⁵⁵

Selkirk also found it necessary to engage in some fancy footwork to bring his political commitments in Kirkcudbrightshire in line with those of the government.⁵⁶ He was also forced to intricate arrangements to balance his continued insistence on independent action in peerage elections with his need for government support.⁵⁷ The maneuvering was successful, for when the government counted up its support in early November, Selkirk had sufficient votes to count on re-election.⁵⁸

His successful re-election to the House of Lords represented the major positive item for Selkirk in the second half of 1812. His North American ventures were not faring so well. The sheep farm at Baldoon in Upper Canada was ravaged by an American raiding party in the first months of the war.⁵⁹ Miles Macdonell had still not left York Factory for Red River at the beginning of July, 1812. He had only a handful of men left from the previous year's "importation," and wrote, "a man of one nation is prejudiced against going with one of another - I shall go on with any number - take possession of the tract & hoist the Standard."⁶⁰ As for Selkirk's 1812 party, it had experienced an attempted mutiny at sea among the steerage passengers, and a nervous breakdown a few days later on the part of one of those Selkirk had handpicked to lead it.⁶¹ The Scots and the Irish proved totally incapable of getting along with one another.

Miles Macdonell had still not reached the site for the settlement in mid-August of 1812, which meant that the year would pass without any crops being planted or any other serious

improvements undertaken in preparation for the 1812 party about to arrive at York Factory. Miles could probably have not done much with the nineteen effective men he brought with him from the Bay, but he was being optimistic in predicting that he could handle fifteen families and twenty single men in 1813. More honest was his closing remark that more time would be required to establish the colony than he had at first calculated.⁶² In early September Owen Keveny reported from York Factory on the safe arrival of the party from Sligo. Despite the problems on the voyage he was ready to take the settlers inland, but there was a shortage of both experienced hands and boats. Keveny warned Selkirk not to expect more than half of the anticipated fifty boats for 1813. Believing that to have another party winter at York Factory would hamper further recruiting, Keveny was determined to press south to join Macdonell, who had only just arrived in Red River himself and had enjoyed no opportunity to prepare for more settlers.⁶³ William Auld continued to insist that most of the problems resulted from Selkirk's excessive optimism and refusal to listen to the advice of those experienced in the country. He had nothing good to say about Miles Macdonell, whom he found "not conciliatory."⁶⁴

The cumulation of delays and instances of unforeseen developments should have given Selkirk pause about the viability of his project as it was presently conceived. Certainly nothing had happened to encourage any expansion of numbers such as Selkirk had talked about earlier. But he pressed ahead with new initiatives as though nothing untoward was occurring on the North American side. In early January the committee of the HBC authorized Selkirk to recruit and send to Hudson Bay "a few Swedes accustomed to the practice of Agriculture in the Northern Parts of Sweden; and a few Laplanders with Two Brace of tame Rein Deer."⁶⁵ The committee also attempted to limit Selkirk's enthusiasm for Irishmen, noting "some unpleasant disturbances on the Bay by the Men sent out from Ireland," and requesting that in future Selkirk recruit "Scotch or Orkney Men, who are more orderly."⁶⁶ Selkirk was not chastised, however. He had already dropped the grand scheme of Irish resettlement in favour of a proposal to government to raise a Highland regiment for the defense of Canada.

From his first interest in the country around Lake Winnipeg, Selkirk had entertained two visions. One was to employ it as a safety-valve for discontented Irishmen, and the other was to people it with Highlander soldier-settlers. Indeed, he had suggested both proposals to the British government as early as 1803. A Highland regiment, of course, would not only provide protection for British interests in North America, but equally significantly, would provide settlers financed at government expense. Selkirk was not alone in finding the idea attractive. A number of similar proposals were made during the Napoleonic Wars, and two had actually been implemented: the Glengarry Fencibles recruited for North American service in the 1790's, and the Canadian Fencible Regiment of 1803/4, which had mutinied in Glasgow and been disbanded without ever reaching Canada.⁶⁷ The worsening situation in North America - both for Britain and for Selkirk's own projects - led him to a characteristic flurry of activity.

On 23 January 1813 Selkirk wrote to his Highland friend Alexander MacDonald of Dahlia that all previous plans for Red River were in abeyance, as the Earl was intending to propose to government that he raise and lead a corps modelled on the Canadian Fencible Regiment for "service in America, during the present hostilities there." A stipulation would be added that the men should settle in Red River at the close of service and their families transported there at government expense.⁶⁸ A week later he reported to MacDonald that Lord Bathurst, the Secretary of War, had approved the plan in general principle, by 13 February he had assembled a list of prospective officers, and four days later he forwarded the outlines of a proposal to Bathurst. Selkirk himself would lead the regiment of 1,000 men as colonel with temporary rank, thus fulfilling a longstanding military ambition and also getting to North America during wartime without abandoning his responsibilities.⁶⁹

Although the regiment consumed most of Selkirk's attention early in 1813, he did find the time to draft a memorandum proposing changes in the 1803 emigration legislation (43 George III, c. 56) which would exempt the Hudson's Bay Company from the most onerous of its provisions.⁷⁰ Had Selkirk gained government support for this revision and for his Highland Regiment, he would have gone a long way toward bringing Red River within the ambit of official colonial status.

Any hope which Selkirk and his officers entertained of the ready acceptance of the regiment was quickly dashed by the Commander-in-Chief, whose negative observations on the scheme were returned to the Earl at the beginning of March.⁷¹ Characteristically, Selkirk took these criticisms not as the gentle but complete rejection of his plan which the Duke of York undoubtedly intended, but as objections which could be met with counter-argument, revision, and further negotiation. He responded with a lengthy memorial to Lord Bathurst defending his proposals and suggesting possible modifications.⁷² At this point, Selkirk was presented with what he chose to view as a marvellous windfall.

The opportunity arose out of the profound changes occurring in Sutherlandshire in the northern Highlands. William Young, the chief factor of the Marquis and Marchioness of Stafford (later the Duke and Duchess of Sutherland), was reorganizing their Highland estates, converting the vast infertile mountain lands of Sutherlandshire to sheep farming, and removing the existing tenantry from the barren glens to the seacoast, where they would receive small plots of land and become crofters.⁷³ Most of the populace of the region accepted the changes, however sullenly, but the two thousand residents of Kildonan parish were less tractable. They gathered to protest the moves in several large assemblages (which the Stafford agents viewed as "riots") and appointed one of their number, a retired recruiting sergeant of the 93rd Regiment, to take their case to London.⁷⁴ Kildonan was not abjectly pleading for mercy, but prepared to bid high for the land. Sergeant William Macdonald was authorized by the tenants of Kildonan to offer the Stafford family more rent for their lands than the incoming sheep farmer had agreed to pay. He was also to offer to the Duke of York leave to raise seven hundred effective men in the region - nearly a regiment - to be "at the Comander in Cheif's Disposel in aney part of his Majestys Dominions at Home or North America, provided their aged Fathers and Mothers and Wives and Children cane with propriety keep their Native home."⁷⁵ Neither the Marquis of Stafford nor the Duke of York would grant Macdonald an audience. Only the Earl of Selkirk was willing to listen to the sergeant, and with mounting excitement. Here was his regiment!

Soon after his meeting with Macdonald, Selkirk visited the Marchioness of Stafford (the Kildonan lands were part of her inheritance and she supervised their management) to explain his project of a North American regiment. If he enlisted Kildonan men, could the Staffords accommodate their families until the war was over? The Marchioness found the thought "impracticable," for "leaving the Families without the men to assist in settling them would only increase the difficulty."⁷⁶ A later meeting with her ladyship and other efforts failed to turn up a satisfactory place for relocation of the families of the prospective soldiers. Despite these difficulties and the Duke of York's criticisms, Selkirk continued to negotiate with Sergeant Macdonald, going so far as to prepare a jointly initialled series of queries and answers which Macdonald took back to Kildonan.⁷⁷ Selkirk's responses were based on official approval being ultimately obtained for his Highland Regiment. He was proposing to send the families of the soldiers on ahead to Red River, provided they could obtain government transportation and allowances.

While Macdonald returned to Kildonan to recruit men for Selkirk's regiment, the Earl had only authorized him to collect a list from which recruits could later be taken. In the meantime, Selkirk submitted to the government a modified version of his earlier proposal. Proposing to transport (at government expense) any families to Red River at the outset, he

met most of the objections of the Duke of York while finding a home for Kildonan wives and children.⁷⁸ Kildonan not only fitted perfectly into his revisions, but indeed helped make them possible.

To Selkirk's chagrin, the Commander-in-Chief rejected the revised scheme on 14 April 1813, this time categorically and unconditionally.⁷⁹ Not quite beaten, Selkirk, in anticipation of this decision had already written to Lord Bathurst offering to create a corps for Northwest frontier service composed of resident fur traders supplemented by a few disciplined soldiers. The soldiers would be conveyed to North America at government expense and settled in Hudson's Bay territories after the war. The Earl offered his own services to lead this corps and to govern "those parts of North America which lie beyond the limits of Canada a Territory not now included in any regular Government."⁸⁰ Still hoping to get to North America and still hoping for some government assistance for Red River, Selkirk was also clearly trying to accommodate the Kildonan people. This proposal was approved in principle by Bathurst and endorsed for consideration by the Duke of York.⁸¹ It is interesting chiefly for its indications of the points Selkirk most wanted to salvage from the situation. In the end, the only outcome of Selkirk's concerted and frenetic efforts to combine the war in North America with Red River settlement was a commitment of sorts to Sergeant William Macdonald and his Kildonan people based upon an assumption of government sponsorship which was not to be forthcoming.

William Macdonald had returned to Kildonan in high spirits and had quickly acquired a large list of over thirteen hundred recruits and family based upon his discussions with and memorandum from Selkirk. While the Earl had emphasized the provisional nature of his plans for the regiment, Macdonald operated as if they were definitive. To make matters worse, many Kildonan tenants refused relocation within the Stafford lands, selling their stock and effects in anticipation of their imminent departure for North America "with Lord Selkirk." Informed by the Staffords of this development, Selkirk was forced to a desperate series of last minute improvisations to recover something from the shambles, and it would be at least partly his honour and credibility in the Highlands which were at stake. To do something for the Kildonan people, he would have to return to his previous pre-regiment plans for Red River settlement and combine them with the Hudson's Bay Company requirements for young clerks and traders. And he would have to act quickly. He did not hesitate for a moment.

Late in April, Selkirk wrote to the Marquis of Stafford justifying and explaining his new plan. The people of Kildonan were the unfortunate victims of a great change for the general good, but would never be happy set upon small crofts. How much better such a "bold and hearty peasantry" would people British colonies! The scheme Selkirk intended to propose to them involved sending able-bodied men the first season to prepare the way, followed by the remainder of the families over the next few years. Still looking for temporary accommodation for those not immediately transported, Selkirk hoped the prospective emigrant families could be left temporarily on their own lands, or alternatively, relocated for the interim on lands which the Earl was prepared to lease from the Staffords for the purpose.⁸² The Staffords were prepared to countenance the latter option (although nothing ever came of it), for as it became clear that Selkirk had not got his regiment and was planning settlement at Red River on his own account, factor William Young wrote that the Earl "has brought himself in to an awful scrape, and us to a world of trouble, for what can the people now do for themselves, without proper aid from Government and certain pay to the people?"⁸³ A few days later Selkirk sent his own agent to Kildonan to inform the people of the altered arrangements and to select first recruits.⁸⁴

The Kildonan tenants were told there would be no regiment. Selkirk was prepared to take to Red River sixty to eighty young men who "would proceed without their families on

the usual terms of paying their passage, who would on their Arrival either get a *Feu* on easy terms, or a certain number of Acres to purchase from his Lordship."⁸⁵ In addition, the Hudson's Bay Company wished another sixty young men. Such a proposal was a far cry from the arrangements discussed with Sergeant Macdonald. It was little more than an ordinary emigration venture restricted largely to the young and able. As William Young queried, "how the others are in consequence of what Macdonald has held out to replace their Corn and Cattle which they have sold off ... is more than I can divine."⁸⁶ In fairness to Selkirk, Macdonald had exceeded his mandate and willfully misunderstood the arrangement with the Earl. Both he and the Kildonan tenants wanted desperately to be saved fromcrofting, and they believed whatever was necessary to make that possible.

Selkirk himself headed north at the end of May, personally concluding agreements with the prospective emigrants and giving many receipts for their passage money in his own hand. John Strachan would later use these documents as evidence against Selkirk.⁸⁷ Many of those signed up were to be sent out in 1814. But the disparity between the final terms and Macdonald's earlier reports undoubtedly explains much of the subsequent lack of loyalty to Selkirk by the Kildonan people, as well as the angry tone of Donald Gunn's later account of the recruiting conducted in Kildonan by the Earl.⁸⁸ In the end, Selkirk was forced to take thirteen of the most importunate families in 1813. They sailed with thirty-seven single emigrants (mainly young males) aboard the *Prince of Wales* from Stromness on 29 June. As might have been expected from a venture conceived amidst such confusion, the Kildonan emigration of 1813 would not prosper.

Along with the settlers, the *Prince of Wales* carried a large bundle of letters and instructions for Selkirk's agents in North America. Perhaps the most important document was a letter for Miles Macdonell regarding the thorny question of jurisdiction. Legal opinions had established that the charter was valid and unaffected by 43 George III, c. 138, but "any violent overstretch of authority would be extremely pernicious to our cause," and lead to abrogation of rights by act of Parliament. Particular caution was required in dealing with the North West Company, which would seize on any flaw. Selkirk emphasized:

Means will be found of bringing our legal rights to a fair Trial before the Supreme Tribunal in England, and in the mean time any exercise of Jurisdiction on the part of the Company must be confined to that which is strictly necessary for preserving the peace & good order of the Settlement, avoiding carefully any step that might give a handle for misrepresenting these proceedings as directed to any sinister object, & particularly to the invidious purposes of monopoly.⁸⁹

While the North West Company was bound by HBC jurisdiction, efforts to subject it to such jurisdiction could be undertaken only with great caution.

In a separate letter, Selkirk explained about the Kildonan settlers, adding that they had "a great deal of the old highland pride & warmth of feelings," and would prove loyal only if treated well. The Earl worried about these Presbyterian sectarians accepting the leadership of Roman Catholics, but hoped they would do so if their feelings were treated with delicacy.⁹⁰ Selkirk appreciated the artificiality of his communications link with the Bay, noting in yet another letter to Miles, "the distance at which we are placed, and the long period which must intervene between our communications, leaves a sort of melancholy impression of uncertainty in our correspondence."⁹¹ All these letters were drafted with the growing realization that Selkirk had little control over events and behaviour on the other side of the Atlantic, and that he could only hope his agents were learning from their experiences.

Letters written to Selkirk over the summer of 1813 by his principal people in Red River did not suggest that anyone was learning anything. Miles Macdonell was clearly unpopular in many quarters, and there was much pettiness in the complaints.⁹² Miles himself complained that he suffered much from "mean artifices & machinations of those by whom I was surrounded," adding

“I have been interfered with & opposed on all sides.” Although the country “exceeds any idea I had formed of its goodness,” crops had been disappointing.⁹³ According to William Auld, admittedly no friend of Miles, the governor had alienated virtually everyone in the settlement, and had not the faintest notion of agricultural practice. “He is not the Lord of a Stalk of Corn,” and “to send him the Story of Robinson Crusoe would be vain & useless.” Even by mistake, Auld insisted, Miles had succeeded in doing nothing right. “If Lord Selkirk had advertized for a fool of the first magnitude he never could have better succeeded than he has done with the present man.”⁹⁴

Whether Auld was accurate or fair in his explanations of Miles’ failures was, in a sense, irrelevant. What mattered is that a full two years after departure from Scotland, the settlement was still almost totally undeveloped and agricultural activity only barely begun. The settlers were still almost totally dependent upon the natural produce of the country, and Selkirk had another hundred colonists on their way, with more promised for 1814. The combination of abrasions with the North West Company and the problems of provisioning had by July of 1813 led Miles to a potentially fatal decision. “In consideration of the number of people for whom I have to provide subsistence, I shall be fully justified in laying an Embargo on all provisions within our territory except what may be necessary to bring out the parties. Should I be able to enforce this matter they may not perhaps be induced to continue the trade here, provisions being their chief object in this part.”⁹⁵ He reiterated his intention in September, when reporting on the arrival of the Kildonan settlers at Fort Churchill and the subsequent need to feed them at Red River. “I am now determined that the N.W.Co. shall not take more provisions from there, than what will carry out their people who winter in Red R & when they find themselves subjected to this they may not perhaps think it an object to continue there.” At the time of this writing, Miles had not yet received the packet with Selkirk’s letter warning against just such a step, and he was about to head back south, unable to wait any longer for the correspondence.⁹⁶ The packet was opened by William Auld after Miles’ departure.⁹⁷

Although the news that development had been slow at the settlement doubtless distressed Selkirk - “not one symptom of existence” there, wrote William Auld, “neither ploughs, carts nor horses” - and the threats of Miles to embargo pemmican were ominous, such matters paled into insignificance in comparison with word of the problems experienced by the Kildonan settlers aboard the vessel *The Prince of Wales*. Typhus was brought aboard the ship, and five emigrants as well as William LaSerre, the young surgeon hired by Selkirk to lead the expedition, died on shipboard. Another thirty were weakened by the disease, some to die later. To make matters worse, the captain of the vessel refused to land the settlers at York Factory, where Miles Macdonell was waiting to transport them to Red River, depositing them instead at Fort Churchill without proper provisions for a winter they could not avoid. The settlers were in a “very melancholy & very distressed condition,” reported William Auld, and were probably stuck at Fort Churchill until the following July. He would winter there to supervise them personally, since young Archibald McDonald, who had been forced to take command upon LaSerre’s death “is quite a cypher among his country people and has managed them in a highly reprehensible manner.”⁹⁸ Owen Keveny reported to Miles Macdonell from Churchill that the settlers were totally lacking in order and subordination, as might be expected given their experiences aboard ship. He added, “They are so wedded to their own opinions & so extremely tenacious of admitting any right of command (especially those that paid for their passage)” that he feared for their survival.⁹⁹

By November Selkirk had received the letters of 1813 and could calculate the extent of the disaster. No comments from him survive for this time, perhaps in itself a commentary on his reaction. More than two years after receiving the grant and sending his first party of colonists, Selkirk had virtually nothing to show for his investment and the labour of his agents

on the spot. What could go wrong had gone wrong, and it was doubtless becoming increasingly obvious that the development of a colony in the Canadian West would be a slow and labourious process, even if it were not exposed to external threats.

III. THE PEMMICAN PROCLAMATION AND ITS AFTERMATH

While Miles Macdonell had been at York Factory awaiting the Kildonan settlers in September of 1813, he held discussions with William Auld and others about policy toward the North West Company at the tiny settlement.¹⁰⁰ At this point the governor had not seen Selkirk's instructions to go slowly, especially where suggestions of monopoly were concerned, and Selkirk's other correspondence was certainly full of a general spirit of bellicosity toward the Nor'Westers, if the manpower were available. Auld and the traders at York Factory favoured action wherever possible. Receipt of Selkirk's warnings, which finally came into Miles' hands in December, were too late to change his course of action, if indeed he properly understood them. Miles thought he had the authority to control the trade in pemmican, and he was certain he had the superior military position. While the latter assessment was probably true in the short run, in the long run it was quite mistaken, and the so-called Pemmican Proclamation has always been viewed as the opening shot in the great war which erupted between the two fur trading companies in the Canadian west, and which ended only with their merger in 1821.

In any case, in his capacity as governor Miles Macdonell issued on 8 January 1814 a proclamation that emphasized "In the yet uncultivated state of the Country," food was in short supply for the families at the settlement. Therefore, no persons trading furs or provisions within Selkirk's territory (employed by either the Hudson's Bay Company or the North West Company) could take any provisions out of the territory for the next twelve months "except what may be judged necessary for the trading parties at the present time within the Territory to carry them to their respective destinations" by application to Macdonell. All provisions seized would be paid for at customary rates in British bills, and anyone disregarding the proclamation would be prosecuted, with goods and conveyances seized and forfeited.¹⁰¹

Following the forms laid out in the law book which Selkirk had sent to Macdonell, the governor attempted to publish the proclamation at the gates of the various North West Company posts. At the post near Brandon House John Wills refused to acknowledge "an authority in that district capable of executing such a Proclamation" and threatened to "bring down the Brigades from Fort Dauphin and Swan River."¹⁰² Wills' own letter to Macdonell was somewhat less bellicose, observing potential scarcity of provisions and adding "I should be very sorry to part with any ... if there is a possibility of avoiding it." Describing the restrictions as a "piece of inhumanity unheard of, admitting you had a right to do so," Wills was consulting with other partners in the region and in the meantime could not acknowledge Miles' authority.¹⁰³

At this point, Miles was certainly convinced of the ultimate success of his action. In a letter to William Auld dated 4 February 1814, he noted that while crops had not been munificent, by comparison with the previous winter "I feel myself transported into a terrestrial paradise. As for the proclamation, he added, "I have sufficient force to crush all the N Westers in this river should they be so hardy as to resist openly my authority." While he expected some opposition in the spring, "We are so well armed & I have a parcel of fine active stout fellows that will execute any order they receive."¹⁰⁴ So long as Miles could maintain a military superiority, his assessment was correct, as subsequent events in 1814 would demonstrate.

Meanwhile, back in London, Selkirk continued bombarding the ministry with position papers on a variety of subjects, ranging from the abolition of the slave trade to the reconstruction of

Europe to a prospective treaty with the Americans. Selkirk blamed the existence of the trade on the petty needs of African leaders, arguing "In countries destitute of a regular and efficient government, there can be no security of persons or property, and where the labourer is not assured of reaping the fruits of his labour, it is in vain to expect industry." His solution was a confederation of African nations, brought about by the British, "a civilised people, actuated by disinterested views," whose superior knowledge should be able to dominate the confederacy.¹⁰⁵ In a not completely dissimilar vein, Selkirk insisted that more than the restoration of the status quo ante bellum was required in Europe after the final defeat of Napoleon. He suggested the creation of a united Germany under the house of Austria, and a Prussia made powerful east of the Oder by the destruction of the Ottoman Empire, "that standing reproach to Europe." All changes, he insisted, should be acceptable to a majority of people living in the states involved.¹⁰⁶

Selkirk's most ingenious - and best informed - suggestions were contained in his paper on a prospective American treaty and its effect on the Indians. He feared abandoning to the United States those Indians between Detroit and the Mississippi who had served the British, and returned to the earlier notion of an Indian territory, free from both British and American control. Once again, the British should impose a confederacy, which of course they would dominate. But Selkirk was particularly concerned to provide a buffer zone between the United States and British North America along the western boundary, and he was adamant that no opening should be left to the United States to claim the northwest as an extension of Louisiana. The country north of the height of land dividing the Mississippi from the waters of Hudson Bay, he argued, was as British as Canada or Nova Scotia, and should not be a topic for discussion with the Americans.¹⁰⁷ Such open and aggressive imperialistic views, often involving reform brought about by Britain in the best interests of the underprivileged and which Britain would naturally dominate through its superior "civilization," were part of the assumptions with which Selkirk attempted to colonize western Canada. Such imperialism is perhaps even more unfashionable today than naked personal self-interest, but we cannot understand Selkirk's commitment to Red River without taking such views into account.

While Selkirk was concerning himself with higher affairs of state, Miles Macdonell was attempting in his own small corner of the world to resolve his relations with the fur trading companies without violence. In a letter to the agents of the North West Company, Macdonell insisted on his authority in the country, and hoped for an amicable settlement of the issue. The Pemmican Proclamation was not mentioned, but was certainly implicit in the background.¹⁰⁸ From Jack River, William Auld wrote that although he had reservations about Miles' procedures, he would acknowledge Miles' jurisdiction and support the principle that provisions should not be taken from the territory without license. He added that much of the illness of the Kildonan people was caused by their "abominable filthy habits" and observed that he had introduced naval discipline to prevent them being "smothered in their own excrement."¹⁰⁹ Nevertheless, Auld warned Macdonell that he would get no support from William Hillier, who had not been properly consulted in the affair. To Hillier, Auld confessed, "We are but poor Matches for the Canadians either in cunning or unjustifiable aggressions."¹¹⁰

Although given the slow communications in the interior of North America it would be some time before the decision was acted upon, William Auld had been replaced. The instructions to his successor Thomas Thomas emphasized two points: first, the "blind adherence to antiquated customs" which meant that "the quantity of work done by our people both labourers & tradesmen bears no proportion to the days work of a man in any part of Britain"; three-quarters of the staff were to be cut; second, "as you are opposed to a set of people who proceed upon a systematic plan of violence to prevent the Indians from trading with us, and to deter our people from protecting them

when attempting, it is evident that no success can be expected until you are enabled to repel force by force."¹¹¹ While it might seem inconsistent to cut the work-force by three-quarters and still expect a concerted opposition to the North West Company, the theory of the directors was that most of the excess men were indulged and - as Orkneymen --lacking in backbone. The new recruits which Selkirk had sent and was continuing to send were supposed to be better, particularly if put under tighter discipline, and the new system was to be in operation by the winter of 1815/16.

By the same mail came a lengthy letter from Selkirk to Miles Macdonell, one which dealt with almost every possible contingency except the one factor of which Selkirk was ignorant: the Pemmanic Proclamation of January 1814. The letter was critical but not totally unfriendly in tone. Selkirk wanted more concrete results and better accounting procedures. He did attempt to deal with the mounting complaints against Miles, noting "I cannot help entertaining an apprehension, that there is too little of the Sauviler in Mode in your behaviour, to those who are placed under you." He recommended closer co-operation with other Selkirk agents such as Owen Keveny, and chastised Miles for his acceptance of co-operation from the North West Company people, which would give his enemies an opportunity to misrepresent his intentions. But basically, the letter and instructions could not be read by Miles as hostile.¹¹² A few days later Selkirk wrote another briefer epistle, observing that in his earlier letter

I have omitted mentioning that Notice should be given to the Partners or Servants of the NWCo at the Forks to Quit Possession - in the manner pointed out in Burn's Justice - Article "Distress - Tenant holding over" - considering them as Tenants at Will - This should be done in writing, & verbally also, before enough of witnesses to prevent any question as to the Notice being received - the same should be done at all the other Posts of the NWCo. within the Territory of Ossiniboia.¹¹³

In view of the later criticisms of Miles Macdonell for the Pemmanic Proclamation, both by Selkirk and by subsequent historians, it is worth emphasizing that Selkirk himself sought to confront the North West Company, and had ordered Miles to do so. Selkirk wanted the Nor' Westers warned out as unwanted tenants at will - the same procedures followed by many a landlord in the Scottish Highlands - but such notice implied that Selkirk's grant allowed him such freedom of action, something the North West Company would have vehemently denied. Miles' proclamation at least had the merit of having a humanitarian justification for the assertion of authority, following the procedures in the same legal manual. Food for the colony was in short supply, and the proclamation could be defended on those grounds, particularly as it was directed against all fur traders. Selkirk might have riposted that merely giving warnings to the Nor' Westers was less provocative than actually seizing pemmanic, as Miles would shortly do. But Miles might have responded that he succeeded in seizing the pemmanic and in completely dominating the North West Company in 1814, and in reality, as we shall see, this was probably his greatest mistake. Selkirk's approach would have met with the same opposition as Miles' approach, but the Pemmanic Proclamation had to be enforced to be meaningful. Miles was prepared to enforce it, and was successful in doing so. For this the Nor' Westers never forgave him.

The very day that Selkirk was instructing Miles to warn out the Nor' Westers as tenants at will, William Auld was reporting on North West Company response to the Pemmanic Proclamation. John (le Borgne) MacDonald meant to oppose Miles with force, but other partners in the region had accepted the force of Miles' argument. John Wills had been asked by Auld "what the opinion of people in England would be if you permitted Strangers (*not to call his association by a worse term,*) to carry out provisions from your own lands when you must purchase English provisions either in England or here from the HBC's Stores to subsist." Wills had no response. According to Auld, "I don't think either we or the Canadians will lose a drop

of Blood; the Bourgeois will bluster & Strut a bit & that will be all.” Moreover, Auld added, “you have but to beckon with your finger & every Canadian servant who is free this year will repair to your Standard.” Fortunately, the new arrivals at Red River were not from the western Islands but “superiorly spirited people coming from the Highlands.” The Nor’ Westers were bullies as part of their religion, concluded Auld, but he did not expect serious trouble.¹¹⁴ Miles concurred, responding that “All our men here have lately been taught the manual & Platoon exercise” and “are in a tolerable state of discipline.”¹¹⁵ A month later, Auld produced a paper supporting and justifying the pemmican embargo, chiefly in terms of the need to provide for the settlers.¹¹⁶

Rumours of North West Company resistance came to Miles Macdonell from all quarters, and he wrote to John Wills emphasizing, “being the government party here, we shall not submit, to the threats of any armed body.”¹¹⁷ Wills responded that he never thought Macdonell considered “any of the North West Company’s servants as your subjects,” but denied any menace. He could not act on his own, Wills insisted, and would keep the recently-arrived pemmican until a “free discussion” could take place with the wintering partners expected in June.¹¹⁸ Miles answered that it was his “indisputable duty to endeavour to secure to the British Empire this part of the Country,” and justified the pemmican embargo in terms of the needs of the settlers and his legal authority.¹¹⁹ A day later, Wills met with Miles for a private conference, walking together in the spring lushness by the river banks. Wills continued to deny Miles’ authority, claiming he needed a commission from the Privy Council to issue such a proclamation and adding, “You are too weak altogether to attempt the establishing of regular law in this country.” It was all right as a justice of the peace to “give a fellow a few stripes,” but no more.¹²⁰

While Macdonell and his Nor’ Westers neighbours were fencing over a Pemmican Proclamation, about which no one in Britain had any certain knowledge, the Hudson’s Bay Company had begun its major offensive against the Montreal traders, by setting in motion the establishment of a large trading presence in the rich Athabasca territory. Colin Robertson was sent to Montreal to recruit Canadians, with the intention of setting out in the spring of 1816. The Company issued detailed instructions for the improvement of reports and journals, particularly emphasizing that full accounts must be kept of any violent aggression by the Nor’ Westers or any other incident “which may be likely to cause judicial investigation.”¹²¹ While the company was proposing a major expansion that would try the loyalty of each of its employees, it continued its niggling treatment of them. At a committee meeting of 18 May 1814, the following entry was made: “Read a Letter from Peter Sinclair late of York Factory requesting his Feather Bed might be sent to him. Ordered that he be inform’d that all Feathers received from the Bay are the undoubted Property of the Company.”¹²² Such attitudes would have to be overcome if the Canadians were to be confronted.

By late May of 1814 Archibald McDonald was able to report some good news to Selkirk, perhaps the first he had received in several years. “Archie” defended the Kildonan people from the many criticisms which had been levelled at them by Hudson’s Bay Company employees, but more to the point, a party of the fittest settlers had left Churchill single-file for York Factory on 5 April; “the piper,” McDonald added, “took his station in the centre of the line.” Learning to manage snowshoes as they went, the little party arrived successfully at York Factory and prepared to head south for the settlement.¹²³ The same day as McDonald’s letter from York Factory, Selkirk in London wrote a long list of instructions for Miles Macdonell, including directions for the construction of Scandinavian stoves and even a book about the stoves in Swedish. Perhaps the most important point was buried toward the bottom of the list, noting that the Company had not yet completed arrangements for the administration of justice under the charter, although there was no doubt about its power.¹²⁴ This position was about to begin its first real testing, and it was, of course, not one which could survive any challenges.

On May 25, Sheriff John Spencer of Red River went to the White Horse Plain, where with the assistance of several freemen, including Jean-Baptiste Lagimodiere, grandfather of Louis Riel, he seized 96 bags of "artfully concealed pemmican."¹²⁵ There followed an exchange of seizures of individuals from the respective parties, the Nor' Westers complaining of the taking of two canoes at the foot of Lake Winnipeg, which should be released "unless you mean to declare War against us."¹²⁶ Miles responded by freeing the men but keeping their arms, adding, "you cannot suppose yourselves possessed of any civil or military authority here."¹²⁷ The Nor' Westers responded that they would send deputy-sheriff Joseph Howse to Montreal for trial on a burglary charge, insisting "The Laws of our Country will determine which of the two parties, that took up arms first."¹²⁸ Miles stood firm, insisting that there was "no Tribunal at Montreal competent to try" Howse.¹²⁹

On June 18, 1814, John McDonald of Garth, Duncan Cameron, John McDonald (le Borgne), John Wills, and J. D. Cameron, the North West Company partners in the Red River Region, wrote to Miles Macdonell from Fort Gibraltar as "British Loyal Subjects." The question of Miles' authority must be settled by a higher tribunal, they maintained, but in the meantime they were willing to meet him "on the most liberal plan." They admitted that the American war put them in a difficult position, since the government had granted them permission to send their goods through the Bay this year to avoid possible trouble with the Americans, and they concluded, it is "necessary for the existence of your infant Colony that a perfect understanding & an intercourse of mutual good offices should exist between us & you."¹³⁰ In his reply, Miles struck the same note of conciliation. He was pleased to be able to make an amicable settlement; "we must make mutual sacrifices for the exigencies of the times." He released substantial amounts of fat and pemmican, and promised to release more, in return for Nor' Wester commitments to help feed his people over the next winter.¹³¹ The Nor' Westers agreed to his terms the same day.¹³² And so Miles had won his point. The lesson seemed to be that if the Nor' Westers were met with sufficient firmness, the "bullies" would back down. That the American conflict presented special circumstances and that the partners in Red River lacked clear military superiority over Miles in 1814 did not, for the moment, seem important.

Neither Selkirk nor the Hudson's Bay Company would learn about this victory, if such it was, for many months. But William McGillivray and the other leaders of the North West Company were far closer to the situation. McGillivray was writing from Fort William asking pointed questions about the proclamation and the Nor' Wester response as early as 23 July. 133 Even Miles Macdonell was not convinced he had proved his mettle, and used a series of petty squabbles as an excuse to write Selkirk, "I beg ... that your Lordship be not permitted by any delicacy to send a suitable person to take my situation - as I find myself unequal to the task of reconciling so many different interests."¹³⁴ In fact, Selkirk had already appointed James White as new colony surgeon and put him second in command, emphasizing "... the advantage of discussion & comparison of different opinions are so great, that on general principles, I wish all important questions to be considered in Council."¹³⁵ In reporting that the Kildonan settlers had successfully arrived in Red River and were settling in well, Archibald McDonald observed that most people in the country disapproved of the pemmican business, chiefly because in the end Miles had not kept the pemmican and merely angered the North West Company. In Miles' defense, however, Archie noted that the governor had little support from the Hudson's Bay Company or his own officers, and Selkirk's personal presence for at least a year was absolutely essential were the settlement to survive.¹³⁶

In his own report to Selkirk, Miles emphasized the enormous advantages in manpower which the Nor' Westers enjoyed, despite their capitulation. According to his reckoning, they had 120 voyageurs, twelve bourgeois, and 200 to 300 freemen and mixed bloods at their

disposal, against his mere twenty-eight men. Miles waxed enthusiastically about the crops, and for the first time, seriously drew Selkirk's attention to the Canadian freemen and their families, although he made no proposals about enlisting their support or settling them on favourable terms. As for the North West Company, "it will require more force than we yet have to dispossess them forcibly."¹³⁷

The annual meeting of the partners of the North West Company at Fort William was an unusually spirited affair. The subject of the pemmican business was on everyone's minds and lips, and no-one was very happy. Officially, the compromise with Miles Macdonell was endorsed, but those who had permitted pemmican to be seized were censured at a special meeting, and "a full determination was taken to defend the Property at all Hazards."¹³⁸ By this time the Nor' Westers (though not Selkirk's people at Red River) were aware that the war with the Americans was over. The censures against those who had compromised with Macdonell stung deeply, and Alexander (Greenfield) Macdonell, made a partner despite his role in the pemmican business, subsequently reported to John McDonald of Garth:

You see myself and our mutual friend Mr. Cameron so far on our way to commence open hostilities against the Enemy in Red River. . . . Something serious will undoubtedly take place-nothing but the complete downfall of the Colony will satisfy some, by fair or foul means - a most desirable object if it can be accomplished - so here is at them with all my heart and energy.¹³⁹

Although the North West Company would always maintain that MacDonald and Cameron carried on their subsequent campaign against the settlement without instructions from the Company - a fact which Macdonell's letter does not contradict- the letter does indicate clearly how Macdonell responded to the censures and ridicule he had received at Fort William over his failure to stand up to Miles Macdonell, and there is also his mysterious promotion to partner despite the censures. It is difficult to believe that - whatever official action was or was not taken - that Macdonell and Cameron were not returning to Red River with a fairly clear idea of what was expected of them, and what was required was the destruction of the colony by any means necessary.

On his annual visit to York Factory in late summer of 1814, Miles Macdonell showed the strain he had been operating under for some time by suffering from what amounted to a nervous breakdown. The problem was not directly the potential threat from the North West Company, but rather his continually deteriorating relationship with William Auld as well as his own inability to keep the accounts of the colony in a satisfactory manner.¹⁴⁰ His letter to Selkirk was a rambling and relatively incoherent one. His problems with William Auld were rehearsed, and he admitted great disappointment that Selkirk had not himself come with this year's shipment of settlers, who were not a prepossessing lot and were likely to cause trouble.¹⁴¹

A few days after Miles had penned his report to Selkirk, Thomas Thomas wrote to the Earl that Miles was incapable of carrying on his position. Thomas was not certain of the extent to which the opposition from the Canadians had contributed to the problem, but Macdonell had been emotionally disturbed for some time.¹⁴² In a separate letter Thomas attempted to deal with some of the loose ends which Miles had obviously not been able to cope with. The contingent of Norwegians sent to accompany the shipment of reindeer (which Selkirk and the Company hoped to breed and use to pull sleighs in a winter transportation linkup between the colony and York Factory) would be sent to Playgreen Lake. Thomas added some remarks about the route he would prefer for the winter express.¹⁴³

Although James White was now present as second-in-command at Red River, and Miles apparently recovered from his emotional problems, the prognosis was not good, as letters written in the autumn of 1814 clearly indicated. One was from Colin Robertson in Montreal to Selkirk. Although quite enthusiastic about the recruiting of men he had accomplished,

mainly from the North West Company, by implication it suggested that there could be little secrecy about Robertson's mission in Montreal; the Nor'Westers surely knew that the Hudson's Bay Company planned a major thrust into the Athabasca.¹⁴⁴ Considerably more disturbing was a letter from Miles Macdonell's brother, retired from his partnership in the North West Company on a farm on the Ontario side of the border with Quebec. John Macdonell reported rumours he had heard of the plans of the Nor'Westers against the colony, chiefly by using the Indians against it. "The strongest argument I have heard used to raise a jealousy in the natives is by inculcating upon their minds a belief that they are Robbed of their Lands without any indemnification." John could see no particular justification for this fear, but added "Self preservation may justify acts that in other situations would be criminal."¹⁴⁵ When Selkirk saw this correspondence he became alarmed for his settlement, but terminology and lack of complete understanding of the social structure in Red River led him astray. It is not clear from his letter whether John Macdonell meant by "natives" the local Indian tribes or the mixed-blood children of the freemen who often worked with the North West Company and supplied them with pemmican. Perhaps Macdonell had his information correct and merely his terminology confused. But it is equally likely that he, like Selkirk and others in London, was truly concerned about the Indians rather than the mixed bloods. In any case it was clear that trouble was brewing. Former Nor' Wester John Pritchard reported to Colin Robertson in Montreal that Selkirk was being accused of violating "the true principles of British liberty" in his Highland recruiting practices.¹⁴⁶

The year had been one of indifferent and occasionally ill health for Selkirk himself. Surviving material makes it impossible to be certain that the problem was the consumption (or tuberculosis) from which he would eventually die. But he was clearly quite sick, often confined to his house, and there is little evidence of much activity - even letter writing - during much of the year. His health obviously improved greatly in the fall, and he travelled north to Scotland, attending a ball at Kelso and riding with Sir James Hall across the countryside.¹⁴⁷ Hall did not see fit to comment upon the state of his brother-in-law's health.

In Red River, Miles Macdonell served notices to quit to the North West Company posts in the region in October of 1814, thus fulfilling Selkirk's orders. This assertion of ownership and authority was probably unnecessary after the Pemmican Proclamation, was bound to irritate the Nor' Westers, and was, of course, meaningful only if Selkirk could either gain the support of the British government or find a tribunal which would honour his case.¹⁴⁸ Colin Robertson reported in November to Selkirk that hostile accounts of the pemmican business had been appearing in the *Quebec Mercury*, and that he had recruited former North West Company partner John Pritchard and sent him back to Red River to purchase land for a farm. Robertson wondered how Selkirk would feel about sending American deserters still in Canada to the colony, and enclosed a letter from Miles' brother John offering to help Miles, but asserting an unwillingness to jeopardize his North West Company interests by open meddling. 149

As for Selkirk, he was still attempting to gain some first-hand information about the little settlement at Red River, querying recently-returned colony surgeon Abel Edwards about affairs there.¹⁵⁰ The first evidence that the Earl had some conception of what had been occurring in his North American settlement during 1814 came in a letter to Colin Robertson written on 6 December of that year, acknowledging earlier letters to himself and Andrew Wedderburn which included clippings from the Canadian newspapers. Selkirk found the threats to use the Indians worrisome - it was not clear just who he thought the Indians were - but doubted the Nor' Westers would "risk infamy" by following through on such threats. He continued to maintain that London's most eminent lawyers supported his authority and denied that of the North West Company, although he added that in the Athabasca region both fur trading companies were beyond the charter, and only here could the

Canada Jurisdictions Act apply. He also noted that “mutual benefit must arise from my judicious & temperate publications to expose the true motive” of the North West Company hatred, the first indication that he was again writing for the public. He was probably working on the manuscript which would become *The Sketch of the Fur Trade*, but he was also preparing the prospectus *Ossiniboia* reprinted in this volume, as well as a pamphlet on Indian education also herein reprinted. This letter indicates that at the end of 1814, Selkirk still had no clear picture of the situation in the West, and that he still was holding to his assumption that informal legal opinions of the strength of the Hudson’s Bay Company charter (and thus his grant under it) would be sufficient to stay the hand of the Nor’Westers.¹⁵¹

The pamphlet called “*Ossiniboia*” was in many ways an extraordinary production. On one level a speculator’s prospectus which attempted to persuade investment in Selkirk’s Red River settlement by the most artful means available, on another level it was a statement of Selkirk’s theories on North American colonization and land policy, as well as a reiteration of his views on emigration, particularly from the Highlands of Scotland. As far as the Highlands were concerned, Selkirk not only repeated his arguments from his 1805 book, but updated them in terms of the rapid rise of sheep clearance in the region over the last few years. Selkirk glided over the isolation of his settlement as something easily correctable through transportation improvements, and he insisted the climate was not as cold or difficult as had been argued by his opponents, citing some evidence for his case in appendices. But the general tenor of the piece dealt with what would be done to make the settlement viable, rather than what had been accomplished, and many of Selkirk’s assertions (which time has proved quite acceptable) were in 1815 either sheer fantasy or difficult to fit into existing conceptions of the West. The sheer bravado of the piece, if nothing else, must be respected.¹⁵² William Auld, returned from York Factory after being replaced, wrote a conciliatory letter to Selkirk at the end of 1814, opining that Selkirk’s bad opinion of him was the result of the reports from Miles Macdonell and offering to explain the true state of affairs at Red River “so as to enable you to drive into the very abyss of your agent’s foolish & unprincipled mismanagement.”¹⁵³ Auld was quite inaccurate in blaming Selkirk’s hostility to Auld on Macdonell; it was Auld’s own footdragging and refusal to implement change which brought Selkirk’s ire. On 21 December Selkirk again wrote Colin Robertson, re-emphasizing that the Canada Jurisdictions Act did not extend to Hudson’s Bay Company territory and opposing American settlers “as their political attachments must be dangerous.”¹⁵⁴ That same day he wrote to Miles Macdonell, observing that while the Pemmican Proclamation was within his legal powers, it was contrary to his instruction. But given the imprudence of the first step, Selkirk approved what ensued, particularly the compromise with the North West Company.¹⁵⁵ The letter was a considerable endorsement of Miles and his conduct, particularly since Selkirk had William Hillier’s account of the decision to make the proclamation and of Miles’ subsequent breakdown at York Factory.

According to Hillier, he had met Miles in January at Pembina and advised that the proclamation was contrary to Selkirk’s instructions, but the governor had responded, “No damn them, I’ll settle them my own way.” He also reported that at York Factory Miles in his emotional state had exclaimed, “I am a villain - the Colony will be ruined all by my fault &c.”¹⁵⁶ Selkirk had not only a tendency to make bad choices for his principal agents, but also to support them loyally long after circumstances had made clear their unsuitability. But then, at the end of the year 1814, Selkirk plainly had no real conception of the storm of opposition to his colony brewing in North America.

IV. THE COLONY DISPERSED

The problems of establishing and executing policy for both the Hudson's Bay Company, and for the colony at Red River from London or Britain were truly formidable, although in reality little different from anywhere else within the British Empire in the early nineteenth century. Distances were enormous, and communications slow. As we have seen, Lord Selkirk had nowhere near enough information at his disposal about current developments to respond intelligently, and what little he did receive and transmit tended to run between six months and a year behind events. The problems leading to the events of 1815 would force Selkirk to a step his agents had been advising for several years: his removal to North America to take personal charge of his colony, as well as the Hudson's Bay Company's venture into the no-man's land of Athabasca.

The Nor'Wester partners resident in the Red River region, chiefly Duncan Cameron and Alexander (Greenfield) Macdonell had returned from the 1814 general council meetings of the Company at Fort William determined to make amends for their behaviour regarding the Pemmanic Proclamation, and to destroy the colony. They had a good deal of raw material at their disposal in the persons of young mixed bloods loosely employed by the North West Company and never cultivated by Miles Macdonell and the Red River leadership, as well as in the persons of many of the settlers at the tiny settlement, who had found conditions much more difficult than they had expected and the settlement unable to improve them sufficiently rapidly. Even before the end of 1814, Duncan Cameron had received a letter from one disgruntled settler, asking him to help relieve a "poor distressed people" by transporting them to Montreal in the spring. The context surrounding the correspondence makes clear that Cameron himself had already suggested the possibility, but he plainly had a discontented audience for his hints and suggestions.¹⁵⁷ Cameron took the offensive with the malcontents early in 1815, writing to Donald Livingston and Hector McEachern that their greatest enemies were Lord Selkirk, William Auld, and Miles Macdonell, the last of whom "was made a fool of by them & he made fools of all those who were under him." Cameron promised that he would lead all the settlers "out of bondage," as Selkirk would never take them home.¹⁵⁸

In London, Andrew Colville (formerly Wedderburn) was attempting to deal with the jurisdictional problems by writing to Messrs. Maitland, Gordon, and Auldjo, a firm of Montreal merchants who had been employed by Colin Robertson to help supply the proposed Athabasca thrust, that

In case the North West Com'y should endeavour to bring any of our Servants to trial before the Canadian Courts we request that you will fee the most respectable Counsel to defend them & instruct him to demur to the Jurisdiction of the Court only the Opinions of the most eminent Counsel here it appears the Canada Act does not extend to the Hudson's Bay Co's Territories, they having Jurisdiction therein both Civil & Criminal by the Royal Charter.¹⁵⁹

Despite the confidence in their jurisdiction proclaimed by the Hudson's Bay Company and Selkirk, both realized it had never been tested in a court on either side of the Atlantic.

By the beginning of 1815 rumours of North West Company strategy were rampant throughout the western territory. From Middle Winnipic, HBC trader George Holdsworth wrote to Miles Macdonell in January that the presence of adequate food supplies for the colonists was a blessing, as the Nor'Westers hoped to use scarcity to induce the settlers to leave in the spring. Holdsworth doubted the rumours of a Nor' Wester "grand coup" over the winter, but he himself was putting pressure on the Canadians on the western side of the lake and undoubtedly appreciated both that the North West Company was becoming increasingly desperate and that a confrontation was in the making. So too did Selkirk and the Hudson's Bay Company, and both did what they could to strengthen their hand.

In early February of 1815, the Governor of the Hudson's Bay Company, Joseph Berens, wrote officially to the minister in charge of the colonies, the Earl of Bathurst, forwarding a letter from Selkirk alleging that the settlement at Red River "is in imminent danger of being destroyed, through the machinations of certain persons who are endeavouring, by malicious misrepresentations, to inflame the minds of the Indians against the Colonists." The evidence was not conclusive, wrote Berens, but sufficient to call for precautions to prevent the "horrible consequences" of an actual attack.¹⁶⁰ A few days later Selkirk penned another letter to the HBC. He had now received a copy of the letter from Miles Macdonell's brother, and offered it as evidence that the threats against the colony were serious. He spent much of the letter denying that the Indians had been mistreated by Miles Macdonell, and his examples made plain that when he thought of Indians, he thought of Assiniboines, Cree, and Saulteaux, and not mixed bloods. While he had earlier thought Nor'Wester threats an "idle menace," he now realized that some of the partners "have lived from early youth at a distance from the restraints of civilized society" and believed that the remoteness of the country would shelter them from the law.¹⁶¹ It was no doubt the talk of the Indian menaces which had led the HBC Committee, at its meeting earlier in February, to take up seriously the suggestion that a school be established "for the Instruction & Civilization of the Native Indians in the Company's territories."¹⁶² This action would also enable Selkirk to claim in his Sketch of the Fur Trade that while the North West Company was solely concerned with exploiting the Indians, the HBC was interested in "civilizing" them as well.¹⁶³ It additionally enabled Joseph Berens to send to Lord Bathurst a "Statement of the Circumstances under which the Settlement in Red River has been formed and the Views of the Hudson's Bay Company in its establishment."¹⁶⁴ That statement insisted that the Company wished to provision its people in North America, and thus encouraged "an experiment, which independently of other advantages promised to have the most beneficial effects of the civilization of the Indians."¹⁶⁵ Thus, although the leadership in London was alive to the menace to the colony, they still did not have an accurate picture of the nature of the danger.

In its February deliberations, the HBC committee may well have had before it a copy of Selkirk's pamphlet on Indian education, although that work was probably prepared in the wake of the discussions.¹⁶⁶ In it, Selkirk characteristically attempted to establish some general principles from which a course of action could be developed. While he clearly favoured a process of moving the Indians from "savagery" to "civilization," he recognized the failure of most previous attempts to do so. Unlike most reformers, Selkirk here with Indians, as elsewhere with Highlanders, recognized the difficulty of forcing changes that ran against the grain of a culture and way of life. He therefore insisted that a school be established that would inculcate European skills and values without allowing the pupils "to forget those accomplishments of savage life, without which they would be despised" by their families and friends. He also suggested that the "half-blood" children of the company's European servants could be employed as interpreters and monitors while attending a separate school connected with the Indian one. While this recommendation recognized the existence of the mixed bloods, and even provided for their education, nowhere in the pamphlet did Selkirk suggest any genuine recognition of the problems of the mixed bloods in the region. While the proposal was hardly fully developed, it did suggest that Selkirk was quite capable of some fresh thinking on thorny North American questions as well as on Scottish ones.

Selkirk himself wrote to Lord Bathurst in early March, to correct any misapprehensions which might have arisen in a conversation the two had conducted a few days earlier about Red River. He insisted there was no question of serving the pecuniary interests of one party in a commercial rivalry, but rather one of protecting innocent subjects from massacre. The intention was not to incriminate the North West Company, but to demonstrate the danger. He did observe, however, that in preventing an impending breach of the peace, "the persons who maybe suspected,

are the very last who are consulted," a reference to discussions Bathurst had held with representatives of the North West Company. Denying that the conduct of the two companies was similar, a point to which he would return at great length in his *Sketch of the Fur Trade*, he insisted the HBC was responsible for its employees and its board was "composed of gentlemen, who have too much regard for their character, to give any instruction, that is even of a doubtful nature." And unlike the partners of the North West Company, the leadership of the HBC could not escape justice by disappearing into the interior of the country. The North West Company could evade responsibility for the acts of any partner by disavowing them, he emphasized, but the settlers still needed protection and had not caused trouble.¹⁶⁷

In this letter Selkirk had outlined the main themes of the book he was already working on, as well as identified and attempted to answer the major arguments of the opposition. The issues with the government were clear. Bathurst was unable to separate the interests of the settlers at Red River from the overall commercial rivalry between the two fur trading companies, and try as Selkirk might, he was never able to make that point to Bathurst or to the world at large. As we have seen, the major reason for the confusion was that he had, indeed, allowed his colonization activities to become too closely connected with the HBC and the fur trade rivalry. He was equally unable to persuade anyone that the leadership of the North West Company should be held responsible for the actions of its employees.

While Selkirk continued to recruit labourers for the Company and emigrants for Red River in the spring of 1815, partly in Kildonan and partly in Strathnaver, where Lord Reay and his agents had agreed to push Red River among those tenants they were displacing, the situation in the colony was beginning to deteriorate. Alexander (Greenfield) Macdonell was at Swan River organizing for the forthcoming "campaign." He wrote to John Siveright:

We in this quarter assault the Colony in the rear, and to make safe work, we intend to draw some of their own men to our side; when we have got a sufficient number we will then make them face about and fight the Battle. I intend to make myself their General.¹⁶⁸

Miles Macdonell attempted in February to make peace with the freemen encamped near the Turtle River, where his emissaries were surrounded by a group of North West Company servants, freemen, and mixed bloods well-armed and some with painted faces. The leader of the freemen, "Bostonais" Pangman of the North West Company, refused to listen to the emissaries, held them captive for six days while they seized other settlers hunting on the plains, and attempted to lure Miles himself into their camp where they threatened to kill him. The freeman party painted their faces daily, sang Indian songs, and beat Indian drums.¹⁶⁹ Here were the "Indians" who endangered the settlement.

As for Duncan Cameron, he was again writing to discontented settlers offering to free them from bondage, adding that the surest way to obtain what was due them "is to get whatever you can out of their store & I will take any article that can be of use here off your hands & pay you in Canada for them."¹⁷⁰ A few days later, Alexander (Greenfield) Macdonell reported to J.D. Cameron from Qu'Appelle that "you will see some sport in Red River before the month of June is over." Over 100 halfbreeds would be at the Forks, he claimed.¹⁷¹ The commitment which Selkirk received from Lord Bathurst in March of 1815 "that instructions have been given to the Governor of Canada, to give such protection to the Settlers at Red River, as can be afforded without detriment to His Majesty's service in other quarters," would come too late, even if it had been acted upon in Canada.¹⁷² As John Siveright of the North West Company put it about the same time, "This spring must decide the entire ruin of the Colony - or the expulsion of the N. W.Co. from Red River."¹⁷³

In letters written the same day, on March 22 1815, Selkirk and Duncan Cameron demonstrated that they were inhabiting different planets. The Earl wrote to the Hudson's Bay Company's

Montreal agents pressing for a small party of artillery men and a few light cannon for Red River, adding that he presumed the governor “would not think of allowing less than one Company of Infantry for the protection of Red River.,, 174 In Red River itself, Duncan Cameron indicated that the cannon which Miles Macdonell already had in his possession was a major factor in the equation of assessing military superiority, adding that “the Damned Colony” was “a Rascally Republic that neither respects Law nor Rights,” but that he had prevented Miles from taking a single point despite his armament.¹⁷⁵

A day later, Selkirk wrote a long letter to his governor full of instructions. Threats from the North West Company had led to successful applications for assistance, “probably a Company of Infantry.” The trouble with the Pemmican Proclamation was that it allowed the opposition to argue to the Indians that the colony would destroy the trade in provisions. It should be continued no longer than necessary, for “the legality of the proclamation rests upon the apparent necessity of the case; not (as Mr. Auld seemed to have imagined) upon my rights as Proprietor, but on the duty of every Gov’r of a Colony to stop any proceedings of individuals which would occasion famine among the inhabitants of the district under his charge.” One hundred and fifty new settlers, mainly Sutherlanders, were coming to join Miles this year. Selkirk was very hard on arguments based on traditions of the country. “I cannot tolerate the principle,” he wrote, “of never trying any operation except with people, that have been trained to it from their infancy.” Only the uncertain news from France (where Napoleon was on the loose) prevented him from promising that he would be in the colony in the following spring, but he expected to leave for Montreal in the autumn.¹⁷⁶

Despite the blithe tone of his letter to Miles, Selkirk was genuinely worried about the colony’s future. The shift in justification of the Pemmican Proclamation which he suggested must have come as a result of consultations with the lawyers in whose opinions he had previously been so confident. There obviously were limitations to the authority of the charter. Moreover, a sense of restlessness in the London committee of the Hudson’s Bay Company must have been equally evident, as major confrontations were developing over which they had no control and had not anticipated. William Auld, now in London, was doing his best behind the scenes to undermine Selkirk’s influence and policies. “The Earl of Selkirk’s influence,” he wrote to one correspondent, “is as you know quite paramount - he attends regularly at the board every Comm’ee day and nothing is too minute for his inspection or too trifling for his employment.” Selkirk and Wedderburn (Colville) were “utterly destitute of honour & honesty,” and not as wealthy as everyone imagined. Selkirk, for example, “borrowed the money which he paid for the stock he holds of the Company’s funds.”¹⁷⁷

Certainly there was an increased interest in the West among the Hudson’s Bay Company directors. A committee vote in early April ordered large-scale copies from Arrowsmith’s manuscript map of those parts of the Company’s territories where it was desirable to gain further information for “completing the Topography of the Country.” That same committee meeting resolved to appoint a new governor of the Company’s territories in North America in the person of Robert Semple.¹⁷⁸ There is no evidence surviving to suggest why Semple received the appointment, beyond the fact that he was a client of the Earl of Reay from whose territories Selkirk was hoping to recruit new settlers for Red River. Born in Boston in 1777, Semple had joined his parents in Loyalist exile after the American rebellion. He was a merchant who travelled extensively around the world, and was the author of several of the sorts of travel books so popular at the time; Selkirk’s nephew Basil Hall would become the doyen of these travel writers. While there is more than a hint that Semple had served as a spy for the British government in wartime Europe, using his American birth as an entry to places a Briton could not go, he was nevertheless far more English than American. He had never visited North America in the course of his travels and had no administrative experience, much less familiarity with colonial government. One is reminded of Sir Francis Bond Head, who became lieutenant-governor of Upper Canada a

generation later with a similar lack of credentials. But one might have expected a more careful choice from the Hudson's Bay Company in 1815.¹⁷⁹

Miles Macdonell was not being replaced, for he was a Selkirk appointment rather than an appointment of the Company. Indeed, it is not clear what relationship to Miles the new governor of the company's territories was to have, or what authority he would have in the colony, which Selkirk ought to have been keeping quite distinct from the Hudson's Bay Company for its own protection. As for Miles, he had spent most of the winter of 1815 on the plains, and returned to his settlement in April, only to find that Cameron's allies among the settlers had broken into the storehouses and taken to the North West Company post at Fort Gibraltar the field pieces upon which Miles had relied so heavily (and legitimately) for defense. Led by George Campbell, the settlers were "authorized" by Duncan Cameron to take possession of the armaments, "Not with a view to make any hostile use of them, but merely to put them out of harm's way."¹⁸⁰ Without the cannon the entire military balance had been altered, because whether correct or not, the Nor' Westers and their friends had an abiding fear of them.¹⁸¹ Miles wrote desperate letters to the nearest trading posts asking for assistance, but not much manpower was available.¹⁸²

In Upper Canada, the leaders of the North West Company were making their own preparations for confrontation with Selkirk and the Hudson's Bay Company. Archdeacon John Strachan of York (Toronto), who had married into the McGill family of Montreal and was close friends with the Montreal fur trading elite, was preparing a public letter attacking Selkirk for his emigration schemes and particularly for diverting emigration from the Canadas. Whether the proposed pamphlet originated with Strachan or with the Nor' Westers is not clear, but the clergyman was being supplied with information by William McGillivray.¹⁸³ The HBC committee at about the same time resurrected the earlier lawcode "for the more effectual Administration of Justice in the Colony of Ruperts Land, Hudson's Bay," obviously as a result of the appointment of Robert Semple.¹⁸⁴ And from Lower Canada, Colin Robertson reported that despite North West Company interference, he was departing for the west with a party of fur traders recruited for the Athabasca region.¹⁸⁵

On 19 May the General Court of the Hudson's Bay Company met for an unusually momentous purpose. From the chair the governor explained the "necessity of a more regular Form of Government being adopted in the Company's Territories in Hudson's Bay," and submitted resolutions appointing a governor-in-chief and a council, competent "to form a Council for the Administration of Justice," and extended the same power to the governors of Ossiniboia (i.e., Red River) and Moose Factory. Sheriffs were appointed, one for Ossiniboia and Moose, and one for the remainder of the territories "for the execution of all such process as shall be directed to them according to law." The resolutions were separately voted on by the proprietors in the affirmative, and then individuals were nominated to fill the various posts and councils, including Robert Semple as governor-in-chief and Miles Macdonell as governor of Ossiniboia.¹⁸⁶ The Company then sent Lord Bathurst a copy of the proposed ordinances to be executed by this new system of justice, adding its anxiety that "such Ordinances should receive the sanction of his Majesty's Att'y and Sot. General, before they are acted upon."¹⁸⁷ A subsequent letter to Bathurst, drafted by Selkirk, rehearsed the company's claims and rights under the charter, emphasizing that the company had always exercised jurisdiction "as far as circumstances required," but with the increasing population of the country, "new rights & varied interests have arisen, which call for a more regular & effectual administration of Justice." The company had its own legal opinions, but since the royal prerogative was involved, it sought confirmation from the crown's legal officers. Nevertheless, since immediate action was required, the company had instructed its newly appointed governor and council to administer justice in the territory.¹⁸⁸

The concerns of Selkirk and the Company were obvious, as no doubt was their

maneuvering. In a sense, the Pemmican Proclamation and the subsequent problems which Miles had in enforcing it, including the orders to his sheriff to seize pemmican, had underlined the jurisdictional problems which had never been satisfactorily resolved. To some extent, the Company may have been seeking *post facto* confirmation of Miles' actions, but more important, it sought to avoid any fresh difficulties of a similar nature. The easiest way to avoid the Canada Jurisdictions Act of 1803 was to put a system in place which would have at least tacit government approval through the law officers of the Crown. While it was no doubt necessary to build Ossiniboia into the Company system of the administration of justice, this action merely underlined the close relationship of Company and colony which Selkirk would in other circumstances persistently deny.

Had Selkirk been aware of developments in North America, he would have realized that the actions of the Company had come too late. The time to resolve the jurisdictional issues through unilateral action by the Hudson's Bay Company had passed. In Quebec, for example, Governor-general Sir Gordon Drummond had received the instructions from Lord Bathurst to protect Red River from Indian menace. Drummond's response was to order his aide-de-camp, Colonel John Harvey, to write to William McGillivray of the North West Company "that some of the Servants of the North West Company are suspected of being concerned in the Diabolical Plot" against Red River. Drummond wanted to know from McGillivray "if there exists in your opinion any reasonable ground" for suspicions of the safety of the settlement from Indian atrocities, adding that if anything did happen the North West Company would be "considered responsible in the eyes of the world." This appeal, Drummond felt, would be a more valuable response to the Bathurst instruction than anything else in his power to do.¹⁸⁹

McGillivray responded by noting that a copy of Bathurst's orders had already been transmitted by Henry Goulbourn (the colonial secretary's second-in-command) to the North West Company in London and had been fully answered there. Selkirk had been enticing people to Red River with "golden but delusive promises," and the Company could not be held responsible for any hostile actions against Selkirk's people or the Hudson's Bay Company. Citing the Canada Jurisdictions Act, McGillivray held that "individuals in the Indian country are primarily responsible for their own criminal acts." Moreover, Selkirk was the aggressor, for "Under the guise and cloak of Colonization, he is aiming at and maturing an exterminating blow" against North West Company trade. Miles had acted in the capacity of a "Bashaw" in his Proclamation, and, McGillivray concluded, "In all such attempts hereafter, the North West Company would assuredly be justified in repelling force by force."¹⁹⁰ The Hudson's Bay Company's local agents themselves approved of Drummond's approach to the problem, although they did not see McGillivray's response, admitting that the notion of a military force was unworkable.¹⁹¹

While the Hudson's Bay Company attempted to assert its authority after the event, as William McGillivray's response to Drummond had suggested, the inhabitants of the Red River region had experienced a confrontation of sorts, and Selkirk's forces had lost abysmally. As would so often be the case in these matters, the confrontation was not a simple case of North West Company aggression. Most of the action had been led by mixed blood residents of the region, with the collusion and co-operation of a fair proportion of Selkirk's own settlers. This latter factor would be particularly galling for Selkirk, but it also weakened his case against the Nor'Westers. The disenchantment of the settlers, including many of the Kildonan party, was plainly a key factor in the events of 1815. While Selkirk could not be held directly responsible for most of the unfortunate series of happenstances experienced by his people, the Nor'Westers were in a very real sense correct in asserting that the planting of a colony in such a remote region was a chimeric scheme.

The events of June 1815 at the settlement have been often described in detail, and need not long detain us here.¹⁹² The Nor' Westers, dressed in military garb, had recruited the bulk of the freemen and the mixed bloods to their side, and formed a camp at Frog Plain not far from the settlement. Mixed bloods rode around the area singing Indian war songs. The contracts of many of the Irish at the settlement, "servants" recruited to prepare the way for settlers, expired on 1 June 1815, and they quickly joined the Nor' Wester party at the camp. The mixed bloods, led by Cuthbert Grant and Peter (Bostonais) Pangman, were clamouring for compensation for their rights to the soil pre-empted by the settlement. Horses were stolen and isolated houses plundered. On 11 June, firing from the mixed bloods and a small fieldpiece earlier taken from the settlement totally frightened many settlers who had not yet agreed to take up Duncan Cameron's offer of removal to Canada. Miles found his advisors useless, and they offered no counsel except that he surrender to the enemy. On 16 June he did so, and was arrested under a warrant issued under the Canada Jurisdictions Act. The mixed bloods then ravaged the crops and burnt many buildings to the ground. Most of the settlers agreed to depart for Upper Canada in the North West Company canoes, and the remainder ultimately retreated to Jack River.¹⁹³

The North West Company partners on the scene had clearly orchestrated the events of June 1815, but even accepting this involvement and leadership does not sort out the many questions left behind. These matters would be debated for years in the controversial literature generated by the participants and in the Canadian courts, and still are disagreed about among modern historians. Was this dispersion of the colony the first open act of violence in the fur trade war between the two companies, or was it a legitimate response to previous acts (especially the Pemmican Proclamation and its subsequent enforcement) originating in the settlement? Answering such a question is about as simple as deciding on where to begin the history of the more recent conflicts between Arabs and Israel. The dispersal of the colony was plainly a significant escalation of the conflict by the North West Company, complicated by the roles of those involved who were not employees of either side.

Selkirk and the Hudson's Bay Company were always convinced that the mixed bloods (or *bois brules*) were completely under the influence of the North West Company, and that their demand for land rights was merely a concoction of the Nor' Westers to make these people appear to be the "Indians" whom the North West Company had always insisted would oppose the settlement.¹⁹⁴ The evidence is simply not available to ascertain the extent to which the mixed bloods developed such demands and grievances on their own, but it is certainly indisputable that the *bois brules* had grievances against the settlement, that Selkirk had not taken their presence into account, and that his local agents, especially Miles Macdonell, had failed to pacify them. Indeed, Miles himself admitted that his attempts to interfere in the local provision trade (the pemmican proclamation) and to "restrict the freemen and half-breeds in running the buffalo on horseback" had a bad effect on these vital players.¹⁹⁵ Miles might justify these actions in terms of the requirements of the settlement for food, but he made little effort to enlist the positive support of the mixed bloods and the freemen, preferring instead to regard them as interlopers along with the North West Company.

Moreover, the response to the crisis of the settlers in the colony, particularly those in the Kildonan party of 1813/14, was a complex one. It must be emphasized that without the active or passive support of most of the settlers, Duncan Cameron and the North West Company could not have emerged so successful in 1815. Again, settler grievances may have been exploited and developed by Cameron, but he had a firm basis on which to operate. The settlers had experienced a far more difficult physical journey of translocation than they had been led to anticipate, and despite their difficulties, Miles Macdonell had not been generous with supplies and implements, carefully marking down each item handed out in the settlement account book, as Selkirk had

initially insisted. Significantly, the Nor' Westers would unilaterally cancel these accounts before disembarking the settlers for the east.¹⁹⁶ Equally significantly, as we shall see, Selkirk would attempt to collect the amounts owing from the settlers in Upper Canada.

Selkirk always maintained that it was a bad policy with Highlanders to give things away, because it made them dependent and took away their pride, but in the case of Red River and especially given the pre-settlement experiences of the Kildonaners, this insistence on accountability was clearly a mistake. If Selkirk really intended to plant a settlement at Red River, he should have been prepared to subsidize it totally for the first years, instead of complaining constantly about expense. He could have obviated his concern that his agents were taking advantage of him by personally residing at the settlement, as Miles Macdonell and others always advocated.

There were some good reasons for Selkirk's failure to appear to take personal charge of his settlement. One was his health, which was at best indifferent. As it turned out, whatever his physical condition, his health flourished during the time he spent in Canada, and especially his period in the West. A second limitation upon Selkirk was his responsibilities during a wartime crisis, particularly his lord-lieutenancy of Kirkcudbright and his membership of the House of Lords. He would have had to renounce these privileges in order to get away during wartime, and this was not a step he was prepared to take. In short, in this matter of leadership as in others, Selkirk had a responsibility for the dispersal of 1815 which he would not have accepted. When, to this failure of personal leadership is added his selection of such a remote location, his involvement of the settlement in the prospective fur trade war between the rival companies, and his failure to resolve the complex jurisdictional questions, Selkirk had much to answer for to his settlers and his agents.

While William McGillivray in Quebec brought to the attention of the government the attempts by Miles to issue ejectment notices against the North West Company posts, adding that such procedures "must produce serious results, and I am very apprehensive that unfortunate consequences will follow any attempt on his part" to possess forcibly company property, those Nor' Westers closer to Red River were exulting that "the Colony has been all knocked in the head by the N.W.Co."¹⁹⁷ As a result of the McGillivray-Harvey correspondence, the Canadian agents of the Hudson's Bay Company were informed that all unfavourable impressions of North West Company conduct had been removed from the mind of Sir Gordon Drummond. Instead, Drummond was now convinced that any trouble "will arise principally from the conduct of Mr. Miles Macdonell," who had asserted "Powers which cannot possibly in His Exc'y's Opinion have been rested in him or in any Agent Private or Public of any individual or of any Chartered Body." Although the legality of Miles' proclamation would have to be settled in a British court, Drummond had decided on the side he would back.¹⁹⁸

Despite his exultation over events at Red River, Simon McGillivray realized that the party being led west by Colin Robertson still continued the threat to the North West Company. Robertson was an ideal choice to battle with the Nor' Westers. An ex-employee of the Company, he understood how they operated and had no hesitancy about responding in kind. On his way west in the summer of 1815, Robertson heard the news of the colony's dispersion from North West Company canoes, and had it confirmed at Lac la Pluie (Rainy Lake) by Miles himself, under arrest and accompanied by the party of colonists heading east. At Jack River, he was asked by the settlers loyal to Selkirk to lead them back to Red River, and after several weeks of deliberation, he agreed. A charismatic leader, Robertson soon had the settlement under way again, and even managed a decent harvest with what remained of the crops.¹⁹⁹

By mid-August, William McGillivray had received the news of the events of June, and

issued what amounted to a primitive press release, in which he put the North West Company case. Selkirk had received his grant from the Hudson's Bay Company, in which he was a "great stockholder," without sanction from government or resident Indians. He had recruited settlers without adequate explanation of the remoteness of the location. The North West Company had sought to assist the infant colony, but Miles Macdonell had quarrelled with the native peoples, especially "the Half Breed Indians, a daring and now numerous race sprung from the Intercourse of the Canadian Voyageurs with the Indian women and who consider themselves the Possessors of the Country and Lords of the Soil." Miles had issued the pemmican proclamation, assuming powers greater than those enjoyed by the governments of the crown in North America. According to McGillivray,

The disorder excited in the Country by these acts of violence, the disgust given to the Settlers by the extensive disadvantages of the Country, as well as the Violence and Tyranny of their leader, and the dread of the Natives, Indians and mixed Breed, all contributed to break up the colony.

The settlers had thrown themselves on the compassion of the North West Company, who had removed them to prevent an Indian war in which all white men would be victims. But, McGillivray emphasized, the North West Company had promised them nothing beyond transportation to Canada, and had no responsibility for them once they had arrived.²⁰⁰

In London, Selkirk was unaware of the events of the summer of 1815. Nevertheless, he was busy in writing the indictment of the North West Company which would become *The Sketch of the Fur Trade*. With Napoleon finally defeated, he was also preparing to depart for North America. The first evidence of the final decision to attend personally to his affairs in the New World came in August, when he organized the shipment of a number of personal articles to Quebec.²⁰¹ About the same time, the Hudson's Bay Company authorized Selkirk to negotiate with the North West Company, giving him full and complete powers to deal with the opposition.²⁰²

Were the situation described not so disastrous for him, he might have been amused by the comments of J. D. Cameron written from Upper Canada about the Red River settlers, who had just arrived in the colony. They had complained all the way, Cameron asserted, especially about "pulling at the oar like slaves" and eating Indian corn, "a food that was not fit for animals." He concluded, "In short I am not able to write all their complaints were I to write all night." However much they had been trouble in Red River, "I believe they were thrice more so here."²⁰³ Selkirk might equally have chuckled at the response of Upper Canada's lieutenant-governor Francis Robinson to the arrival of the settlers. Robinson dashed off a letter to Sir Gordon Drummond, demanding to know why they had been removed by the North West Company, adding "It is to be regretted that We had not been consulted before they were put in motion, as it appears at present very like bringing Paupers to our door, and leaving them to our mercy."²⁰⁴

While the packers were preparing Lady Selkirk's grand pianoforte and harp for shipment to Quebec, the Hudson's Bay Committee was instructing Selkirk on the guidelines for negotiating with the North West Company.²⁰⁵ The major point in any compromise, the committee stressed, was "the preservation of the Chartered rights of the HBC, avoiding any concession which can fairly be construed into a Imbition of our priviledges." It hoped an offer of long-term access by the North West Company into those rights would appeal, since "it seems possible that they will prefer their immediate advantage to any remote interest which they might have to contest our rights at the expiration of the agreement." If the Montrealers would acknowledge the charter and property rights of the Hudson's Bay Company, only then could there be negotiations on pulling out of Athabasca and Canada, although the territories could be conceded on peppercorn leases. Selkirk could grant right of transit through Port Nelson, although if it were so valuable there should be concessions in Athabasca. The London Company was willing to agree to make no arrangements with any other

fur trading companies except the North West Company. Even if what he would hear in Lower Canada upon his arrival had not disposed Selkirk to oppose any deal with the North West Company, his instructions really made it quite impossible for the two companies to come to some agreement.

By 1 September Selkirk was in Towcester on his way to Liverpool, dashing off a letter to his Inverness agent with instructions for the recruitment of new settlers for Red River, and with the claims of the earlier Kildonan people against their former landlord, adding "it is necessary that I should obtain justice for those who have thrown themselves on my protection."²⁰⁶ He left Liverpool a few days later, beginning a phase of his career which was simultaneously invigorating and debilitating, which would leave its mark on the history of Canada, and in which he would behave with uncharacteristic direct action.

V. SELKIRK ON THE OFFENSIVE, 1815-1816

In the three years following his departure for America in September of 1815, Selkirk was in an unusual situation. For most of his previous career, especially when dealing with North America, he had issued the bulk of his orders to his agents from afar. Until the end of 1818, he would be personally in command, not only of the efforts to save his colony at Red River, but of the entire Hudson's Bay Company attempt to battle with the North West Company, at first in the field and finally in the courts. This position in many ways brought out the best in him, particularly enabling him to employ his substantial genius at improvisation. Ironically, his many friends and supporters - then and since - have been highly critical of his decisions and actions during these years, particularly those of August and September 1816, perhaps because he could be held directly responsible for most of their consequences. Nevertheless, properly understood, it was a virtuoso performance.

While Selkirk sailed from Liverpool for New York, Robert Semple had arrived at York Factory with a new contingent of settlers, and attempted to formalize the arrangements made by Colin Robertson, who was officially put in charge of the settlement.²⁰⁷ The new arrivals petitioned for the return from Upper Canada of their friends and children "by representing their conduct in the late disturbances in the Colony in as favourable a light as possible" to Selkirk.²⁰⁸ Semple was impressed by the new recruits with whom he had travelled, observing "they were the mildest people, in their manners, I have ever met with."²⁰⁹ Their indolence was balanced by being sober, honest, patient, obedient, obliging and good-natured, he wrote.

Semple also prepared a statement of observations regarding the settlement, where he did not intend to reside until the following April. He thought 100 British soldiers sufficient to protect the colony, and livestock would be its agricultural base. As for attitudes toward the colony, there were many deeply ingrained prejudices which would have to be overcome. The new arrivals had been much influenced by news of the earlier troubles, reported in gloomy letters home and in newspaper accounts, and it would be difficult obtaining new settlers until the unfavourable reports could be undone.²¹⁰ In Red River itself, Colin Robertson was impressed with the harvest, noting that he had twelve months' provisions for 100 families. The mixed bloods were still active, organizing as the "Free Halfbreeds of Red River" a petition to the King under North West Company supervision. He studiously ignored both them and Duncan Cameron, who was riding around in regimentals, as much as possible.²¹¹

In a formal letter to the Hudson's Bay Company, Robert Semple reported the dispersal of the colony, adding "if this be permitted to pass unpunished by the British government it will in fact be desiring us to seek redress at our own hands and to make use of whatever means we may possess according to the natural laws of retaliation & self-defence." The disputes with the North West Company, he insisted, were no longer dependent upon forms of justice observed in

Rupert's Land. "Should our Government refuse immediately to interfere the inevitable consequence will be that Two great Trading Companies of the same nation will be reduced nearly to the State of Two Indian Tribes at War." The North West Company had, by arming the mixed bloods, disclosed "to that lawless race the dangerous secret of their own strength," and "this mischievous Engine" would render every regular establishment insecure. The establishment of a European population in HBC territories, Semple concluded, was

no longer unfortunately as a matter of Speculation or choice but as likely to be absolutely necessary to the future security of all the Posts connecting the Countries above & below the Winnipeg.

Before the HBC could receive this prognosis, it learned from the British government that there would be no troops for Red River, partly because such protection was impracticable and partly because the settlement had already been dispersed.²¹²

On the same day that Colonial Office undersecretary Henry Goulburn wrote to the HBC, a newly-appointed Commissioner and Emigration agent of the British government was reporting to Lord Bathurst his favourable opinion of Selkirk's book on the Highlands and emigration, observing:

I am so much satisfied with the interesting remarks made by his Lordship that it entirely supersedes many observations that are obviously just in regard to the Highlands as it respects both the state of proprietors, & of the tenants and cottagers. His book was received at the time with some prejudice & excited considerable opposition. But it has been found that it contains much truth.²¹³

A British government which was not prepared to support Selkirk's efforts at settling Highlanders in Red River was embarking on a major settlement venture of its own involving Highlanders in Upper Canada.²¹⁴ Moreover, those Highlanders who had been transported from Red River to Upper Canada by the North West Company would hardly be welcomed by the government of that colony.

Selkirk was in Lower Canada by early November, immediately penning a letter to Sir Gordon Drummond attempting to resurrect the idea of military protection for Red River. A decision not to send troops, he maintained, could hardly be taken "upon the mere exparte statement of those from whom the danger was apprehended." Enclosing narratives of recent events, he insisted "it would surely be most disgraceful to the British government, if these lawless ruffians should be suffered to make open war upon their fellow subjects," adding the outrages had been committed by "Canadians, mixed with the bastard sons of others, who have thrown off the restraints of regular society, & cohabiting with Indian squaws have formed a combination of the vices of civilized & savage life." If Miles Macdonell had acted improperly, the correct recourse was to the Privy Council. Finally, he noted, there were now 150 persons at his settlement who would require military protection.²¹⁵ He also induced John Macdonell, Miles' brother, to write to the United States enquiring about the possibility of obtaining young Irishmen from the Boston area willing to enlist for a Red River expedition.²¹⁶

A few days after his arrival in Montreal, Selkirk drafted a letter to Joseph Berens, outlining his thinking at this stage, particularly with regard to negotiations with the North West Company. The news of the dispersal of the settlement dampened his expectations for a successful negotiation, he began. The Company's natural arrogance was enhanced and he doubted they would accommodate until the Crown backed HBC jurisdiction, or the efforts for redress alarmed them. Athabasca had to be "vigorously supported," for it must have been the fears to its commercial interests which induced the North West Company to attack the settlement. "A signal punishment of this aggression is therefore of vital consequence to the Company," Selkirk argued. He did not expect a fair investigation, however, because the North West Company had a "strange ascendancy" over Bathurst through undersecretary Henry Goulburn, and the governor of Lower Canada shared the prejudice in favour of the Nor' Westers. Surely someone at the HBC, he wrote,

must have enough weight “to prevent an undersecretary from throwing aside our representations as waste paper.”

Although he had thoroughly explained in *The Sketch of the Fur Trade* why the North West Company was so powerful in Lower Canada, Selkirk continued to refuse to admit the possibility that their position had any legitimacy that governments might prefer to support. Selkirk concluded this letter by expressing his uncertainty about his colony. He sought “the prospect of obtaining an adequate return for the outlay, within a reasonable space of time.” Only some marketing arrangement with the HBC would achieve this end. He would not act, he wrote, until he had some concrete understanding with the company.²¹⁷

The governor of Lower Canada had no prejudices dispelled by the report he received from his military advisors about the practicability and expediency of protecting Red River settlers. The country was too isolated, wrote W. H. Robinson, and what “would the Officers become, exiled in a Country where they can have no society, employment, or amusement?” Robinson had stronger objections, including the presence of warring factions in a jurisdictional nightmare, complicated by the boundary claims of the United States at the 49th parallel. “The lives of men are too precious,” he concluded, “to be sported with in such Experiments.”²¹⁸

To his surprise, Selkirk found himself in early December meeting with John Richardson of the North West Company to discuss an arrangement between the rival fur trading concerns which both parties agreed was extremely desirable. Richardson wanted to know whether the arrangements were consistent with “the interest, the rights & the honour” of the HBC mentioned by Selkirk extended only to partition, or included union. Selkirk responded that union had never previously been seriously discussed, and he could but present a proposal to the committee. But he could discuss partitioning arrangements. Richardson replied that complete union was the best solution but acknowledged the problems. With union not on the table and Selkirk insisting, as he had been instructed, upon prior recognition of the charter, there was little chance of any agreement.²¹⁹

The North West Company subsequently proposed a partition of trading areas “to prevent collision” and to enable the trade to be carried on with “order and economy,” but it refused to concede anything in the Athabasca and wanted the region around Red River, essential to both parties “since producing the Provisions to furnish the Depots necessary for carrying on the General Trade,” held co-operatively.²²⁰ As an alternative, it offered a joint-trade arrangement for 1816-1822, with management under the direction of North West Company agents at Montreal, on a basis of one-third HBC and two-thirds NWCo. sharing of profits. Neither party was to regard the arrangement as affecting the charter issue. Selkirk riposted that he could allow the North West Company to manage the western trade only were the HBC allowed to control the trade in its chartered region and the question of the charter submitted to binding arbitration by “eminent legal characters at London.”²²¹

While negotiating so soon with the Nor’Westers was a bit surprising, he reported to Andrew Colvile, “You will be much less surpriz’d to hear that it has ended in nothing.” In principle he thought the proposed division “preferable, even to the exclusive possession of our own Territories,” although he was apprehensive about the legal effects of a joint venture with a company of such limited liability. Nevertheless, the key was the Athabasca, and were the HBC thrust pursued actively, “I have no doubt that in another year, they will hold a different language.” He was preparing actively for the spring, having ordered 20 canoes. He was hoping to head west himself to re-establish his settlement “in respectable force.”²²²

About the same time, Governor Robert Semple reported hopeful news from Fort Douglas. He and the settlers had reached Red River in early November: “The Colours were hoisted, the guns were fired, at night we laughed, and drank and danced and now the serious Calculations of the Colony Commence.” He was heartened by the presence of 400 bushels of wheat and 200 of barley, and buffalo and partridge were plentiful. The “miserable system of treachery and ingratitude” of the

Highlanders in 1815, so contrary to their character, could have only been caused by gross mismanagement at the top, especially given such “miserable opponents” as “Half Breeds and Old Worn out Canadians” presently being “kicked about” by Colin Robertson. Semple’s enthusiasm was commendable, but his misreading of the potential threat from the local residents augured ill for the future.²²³

The discussions between Selkirk and the Nor’ Westers concluded on 27 December 1815, with the opposition rejecting any agreement based on charter recognition. They had hoped, they wrote Selkirk, to found an understanding on “the practical pecuniary Interest of both Parties,” leaving “abstract pretensions and theories, to remain either wholly dormant” or inoperative. Selkirk’s insistence on form over substance would mean great losses, for the two parties would have to return to a “pecuniary Contest.” Just as Robert Semple underestimated the residents of Red River, so the North West Company misjudged Selkirk. He was not prepared to sacrifice everything to immediate economic advantage, and he would prove more than the library-bound utopian dreamer his opponents implied.

Selkirk would have to take the initiative himself, since the British government reaffirmed its refusal to provide military protection for Red River - or to intervene in the struggle in the West on behalf of either side. Although the government proclaimed the need for both companies to cease violence, its hands-off position really meant that only force would decide the contest, and the party with the strongest private army would emerge the victor.²²⁴ Neither Goulburn nor the North West Company seriously believed that Selkirk would lead the Hudson’s Bay Company into such a contest.

To Andrew Colville, Selkirk reported early in the New Year on the further negotiations with the Nor’ Westers. He was not impressed with the legal opinions obtained by the North West Company regarding the charter, and thought their refusals to accept binding arbitration . . . in plain English . . . amount to this, that it is not for their interest, to have the rights of the HBC. brought to a decision, & that they will therefore stave off the question as long as they can.” He then moved to the crux of the matter:

Thus our legal rights will remain an empty name, till we can obtain such a decision, as we can expect to see supported by the public forces; unless we can in the mean time obtain a superiority of force in our own hands, so as to give effectual support to the jurisdiction & drive those who question it to become the appellants.

At this point in the letter he moved no further along this line of reasoning in concrete terms than to suggest that the HBC committee might consider organizing company servants into a small military force if government was not forthcoming with support.

Selkirk was thinking in terms of a small mobile force of well-armed and well-disciplined men who could be moved to any quarter “to face down all their bullies.” Nevertheless, all the arguments against such a military force had been removed by the opposition, who previously might have aroused public opinion

against the employment of a private military force, instituted, (as they would have said) for the purpose of enforcing an odious & illegal monopoly. But their own outrageous conduct seems to me to have removed this ground of scruple - after the occurrences of last summer, it must be sufficiently evident, that we have to defend ourselves against every species of violence, & that for our own security we are under the necessity of organising what force we have, in such a manner as to be effective.

Selkirk was clearly prepared to meet the Nor’ Westers on their own terms if necessary.

In the concluding paragraphs of this letter to his brother-in-law, Selkirk demonstrated ability to seize the opportunity at hand that would serve him so well over the next months. While contemplating the need for force, he wrote, he had learned of a large body of soldiers who would

be discharged in early spring. These men, survivors of European campaigns which had weeded out those not of a robust constitution, would make an ideal private army and first-rate settlers. Selkirk suggested that he would defray half the expense of recruiting these soldiers from the regiments of DeMeuron and Watteville “for our mutual defense.”²²⁵

Colville was already attempting desperately to provide the evidence the government required “as to the persons really guilty of the disturbances” in western Canada, but he was not likely to be successful.²²⁶ Selkirk’s brother-in-law John Halkett reported, after examining the exchanges of letters between the Company and the government and the available documentation which could be laid before the government, that it appeared unlikely that Lord Bathurst would change his mind.²²⁷ In a separate letter, Halkett expressed his dissatisfaction with the government’s behaviour and the difficulty of dealing with Bathurst “on a subject in which his Department appears so hostile.”²²⁸ To Selkirk, Colville merely reported the difficulties he was already experiencing in separating Selkirk’s accounts from those of the Company, adding that John Halkett and he had agreed that Selkirk should have no commission from the HBC as governor. The cautious Colville explained, “It would be open to animadversions if the Co. were to invest with the powers of a judge the person who is directly & principally interested in the question at issue & from the tone taken by Ld Bathurst it is necessary to be cautious & respect appearances.”²²⁹ Given this attitude, recruiting a private army - or using it against the opposition - was not something Andrew Colville would greet with enthusiasm.

Later in January of 1816, Selkirk visited York in Upper Canada, where he interviewed nearly thirty of the settlers who had been brought down from Red River the previous year. From them he learned that many did not like the country from their first arrival. They complained less of the passage and the trip to the settlement than the absence of facilities when they arrived. Most of the hostility was directed against young Archie MacDonald rather than Miles Macdonell, who was a distant figure often away from the settlement. Clearly the settlers resented being caught in the crossfire between the North West Company and the Hudson’s Bay Company, and being expected to bear arms in such a struggle was beyond their comprehension.²³⁰ Such evidence merely confirmed Selkirk’s insight that experienced soldiers would have to be recruited to do the fighting. He was already negotiating with officers from the regiments to be disbanded.²³¹

In a typical feverish whirl of activity, Selkirk began organizing his westward expedition in the late winter and early spring of 1816, at the same time that his attorneys pursued the ringleaders among the disloyal settlers of 1815. On 11 March he wrote to Sir Gordon Drummond, seeking to complete arrangements for an officer and a few soldiers to escort him into the interior. He was prepared to pay a young De Meurons officer and men for a subaltern’s guard himself, to protect him from the North West Company’s wintering partners. This matter was quite separate from that of the protection of the settlement.²³² Drummond reluctantly agreed to the request, offering to detach a subaltern, two sergeants, and twelve men to be provisioned, conveyed and returned at Selkirk’s charge. They were, he emphasized, to be used only to protect Selkirk against assassins or robbers.²³³ At Red River, Colin Robertson had captured Fort Gibraltar as “a preventive measure,” imprisoning Duncan Cameron and reading his correspondence. What Robertson found encouraged him to detain and open the letters in the North West Company’s eastbound express. Here he found evidence which he was certain demonstrated “a diabolical plan on the part of the N.W.Co. to destroy the Colony of Red River.”²³⁴ The letters certainly demonstrated a clear determination on the part of the North West wintering partners to continue the struggle with the Hudson’s Bay Company and the colony, although as James Hughes wrote, the sooner both companies united the better, “for if we go on & contend one with the other we can but lose our time & get indebted.”²³⁵ According to Peter Fidler,

the arrival of the express at Qu'Appelle before Robertson's seizure had seen the the hoisting of the "halfbreed flag," which he described as "about 4 1/2 feet square, red & in the middle a large figure of Eight horizontally of a different colour." The flag had been first displayed the previous fall for Alexander (Greenfield) Macdonell.

While rumours circulated throughout the region about the gathering of the halfbreeds to destroy the settlement, there was little unequivocal contemporary evidence of plotting by the Nor' Westers among the mixed bloods.²³⁶ Nevertheless, there appears little doubt that the mixed bloods were assembling, and that the leadership of the settlement was becoming increasingly nervous about what James Sutherland described as "something desperate" to be undertaken by the North West Company and their allies.²³⁷ The day after Sutherland's warning, Sir Gordon Drummond attempted to dissuade Selkirk from his journey to the interior and again emphasized that the escort was for his personal protection only.²³⁸ For his part, Selkirk was attempting to establish whether the Nor' Westers were entitled to the militia commissions they had allegedly employed in Red River.²³⁹

Warnings of the danger of the journey he was undertaking came to Selkirk from all directions, including one from his agent in York who was preparing the supplies and boats for the expedition.²⁴⁰ But Selkirk continued with his plans, writing to Colin Robertson that he hoped to arrive at the settlement sufficiently accompanied to prevent trouble. Three or four "fully manned" canoes would be dispatched under the command of Miles Macdonell. Robertson was to arrest the ringleaders of the destruction of the colony in 1815, using warrants which Selkirk was forwarding. He realized it would be necessary to evict the North West Company by force, he added, but wanted it done regularly under a legal warrant from the governor.²⁴¹ This dispatch and its enclosures was sent with Jean Baptiste Lagimodiere (or Lagimoniere), who was returning to Red River overland.²⁴² Although he was still a whirlwind of activity, Selkirk felt considerably heartened by the latest news from Red River, writing to Thomas Vincent that Robertson had not only re-established the colony, but had "found means to reduce his antagonists to submission."²⁴³

In Red River, Robert Semple prepared a series of charges against the captured Duncan Cameron, including the accusation that the latter was planning to renew atrocities this year.²⁴⁴ Hudson's Bay Company men in the region became increasingly concerned over potential trouble. Peter Fidler wrote to Semple of rumours that the settlement would be attacked by 150 men in the spring. He concluded, "The Forks is the Key to all. " James Sutherland reported from Qu'Appelle that alarming stories were frightening his men, and he desperately needed reinforcement.²⁴⁵ Fidler emphasized to Semple that some halfbreeds and freemen were only temporarily neutral, waiting to see who "should be Masters of the Territory."²⁴⁶ Semple sent a party of reinforcements, instructing its leader to avoid acts of hostility, but to regard the halfbreeds as part of the North West Company.²⁴⁷ Although the two men were not getting on well, he also wrote a note of approval to Colin Robertson for his aggressive treatment of the Nor' Westers.²⁴⁸

Selkirk was attempting to deal with the Metis in his own way, writing to Bishop Duplessis of Lower Canada about a missionary for Red River. Selkirk offered to support such a priest, who could minister to "Vagabond Canadians" who "having renounced all idea of returning to their native places" were really in need.²⁴⁹ To Sir Gordon Drummond, Selkirk requested a repudiation of those in the West claiming to be Voyageur officers. He reassured Drummond that the presence of royal troops as a bodyguard would prevent the North West Company from attacking him, and argued that the Nor' Westers had no influence over Indians, whose support of the settlers at Red River "experimentally proved" his point.²⁵⁰ For the first time, Selkirk was distinguishing between Indians and mixed bloods, although by this point the mixed bloods themselves were reducing the distinction between the two peoples with their land claims, which were based on their Indian heritage.

Although Selkirk would not receive the letter for some time, Joseph Berens from London was pressing for a legal confrontation in Canada against the North West Company, using the arrests of Miles Macdonell and John Spencer as the pretext. Berens himself admitted that his arguments were based on an English jurist's understanding of English laws, anticipating the same principles in Montreal. He concluded by observing that Lord Bathurst's neutrality was angering the Nor'Westers as much as the Hudson's Bay Company. Meanwhile, Nor'Wester John Mure continued what he described as an unauthorized attempt to resolve the conflict between the two companies. Mure saw North West Company purchase or lease of Hudson's Bay Company rights as the ultimate solution, and insisted that a colony would impede such a resolution:

Your Lordship will I think admit that much greater profits would arise to all concerned by a unity of management & I presume that profit is the object with every man interested in either Co'y unless it be your Lordship with whom it can be but a secondary object.

Without some arrangement, Mure insisted, "one or the other must ultimately go to the wall."²⁵²

Selkirk's relations with Sir Gordon Drummond, never very good to begin with, started deteriorating badly in mid-April of 1816. The key issue was the armed escort which Drummond had agreed to provide and about which he was now having second thoughts. He accused Selkirk of intending to employ the escort to protect his servants and followers, adding that the North West Company partners had also requested military escorts, to which they were as entitled as Selkirk.²⁵³ Selkirk responded that nothing he had written suggested he was planning to extend the escort to his followers, and he denied the charge. At the same time, he pointed out that if the escort did not defend his dependents, they would have to be independently armed. He would not trust his life or those of others to the good faith of the North West Company, and insisted that escorting the Nor'Westers would be Drummond's own decision.²⁵⁴ Drummond accepted the reassurances for the moment.²⁵⁵ Equally ominously, although Selkirk would not have the letter for some weeks, John Halkett reported from London on an interview with Lord Bathurst which he had arranged between the colonial secretary and independent members of Parliament friendly to Selkirk. Bathurst had insisted that government could not place blame in the fur trade struggle and thought the issues should be settled in the Canadian courts. But he strongly objected to Selkirk's involvement and to the Red River project, saying the latter scheme was "a *wild and unpromising* one." Do not suppose you will get any support from government, warned Halkett, for only opposition was to be found in Downing Street.²⁵⁶

Despite the tone of Sir Gordon Drummond's letters, Selkirk continued to press him as though he were more favourably disposed. News from Red River led Selkirk to write again to Drummond, this time noting that the colony had been re-established, and offering to pay for additional soldiers himself. If Drummond did nothing, Selkirk noted, "many lives may be lost."²⁵⁷ All Selkirk got in return was a brief note observing that Drummond had a new dispatch from Bathurst about "mutual outrage" in the west and requesting that Selkirk convey to the Hudson's Bay Company people the necessity of refraining from violence.²⁵⁸ Two days later Drummond complained that Selkirk was urging him to action on points he had already dealt with, adding that he hoped his letters to Selkirk and the Nor'Westers would prevent "a repetition of the mutual proceedings and outrages."²⁵⁹ Selkirk could only deny that the outrages were mutual.²⁶⁰ In a careful response to John Mure, Selkirk protested that he had no intention of attempting to ruin the North West Company. All he sought, he insisted, was to confirm the legal rights of himself and the Hudson's Bay Company. He added that the directors of the HBC were not willing to give up management of their affairs or the superintendency of their

territories, and he would regard it as a dereliction of moral duty to abandon his people and the inhabitants of the territory to the Nor' Westers. Even should the HBC decide to come to terms, he emphasized, he controlled Red River as a "separate and independent property," and was operating apart from the company except insofar as it introduced law and order "into a Country where force has hitherto been the rule of right."²⁶¹ Despite his protestations, however, the activities of Selkirk's settlement and those of the Hudson's Bay Company were increasingly becoming intertwined, especially since the Earl was in North America commanding both ventures. As the company's Montreal agents put it to the directors in London, "the operations of Lord Selkirk appear to be so much blended with those of the Company, that we cannot at the present moment more accurately determine the proportion of expense," and only Selkirk himself could sort out responsibility for accounts upon his return to England.²⁶²

John Mure could only reply to Selkirk that he hoped the Earl's opinions about the North West Company were founded on misrepresentations. It was certainly the case that he was mistaken about the "undeniable legal title" of the Hudson's Bay Company, and the North West Company merely sought equal rights until the matter was decided by a proper legal tribunal. Perhaps a personal review of Red River would make Selkirk less sanguine.²⁶³ To Sir Gordon Drummond's temporary successor in Lower Canada, Major General John Wilson, Selkirk forwarded documentation against the North West Company, requesting that it be kept secret until his return from the west, since the government seemed determined to misconstrue his motives through "unwarrantable insinuations."²⁶⁴ Shortly thereafter, he wrote Lieutenant-governor Gore in Upper Canada that he would soon appear in York to take magistrate's oaths for the Indian territories.²⁶⁵ The Earl obviously had no intention of heading west without proper legal powers. The problem here, of course, was that both of the contending parties in the west could hold commissions under 43 George III, c. 138, ultimately leading to an unseemly and almost ridiculous conflict of legal authority.

While Selkirk was dealing with a host of last minute details for his expedition, including provisioning and armament, Peter Fidler was warning Robert Semple from Brandon House to stay close to the settlement, as he would be captured as an "equivalent" for Duncan Cameron by an ever-increasing number of halfbreeds gathering in the area.²⁶⁶ Fidler could do little except hope that the Canadians "will consider their own Interest & not rouse the old Lyon again."²⁶⁷ More than such pious hopes, however, would be needed to prevent the impending confrontation. By the time of Fidler's letter, the Metis - under Cuthbert Grant - had already ambushed a brigade of six bateaux on the Assiniboine River below Qu'Appelle.²⁶⁸

After having made clear without effect his displeasure about the official armed escort he had agreed to provide to Selkirk, Sir Gordon Drummond, in one of the final acts of his administration, rescinded the offer, on the grounds that the De Meurons regiment was to be disbanded and he had no other troops available.²⁶⁹ If he had hoped by this action to keep the Earl out of the Indian Territories, he was sadly mistaken. Selkirk's response was simply to enter openly into negotiations with officers of the disbanded Swiss regiments to recruit additional soldiers as settlers for Red River. To common soldiers he offered lands ready for cultivation in the colony and \$8.00 per month to get there. Making clear his intentions, Selkirk wrote Captain Steiger of the de Watteville regiment that he did not expect long service from his "settlers," but merely a year's employment. The numbers were to be substantial, as many as eighty men from each of the De Meurons and De Watteville units.²⁷⁰ Drummond's action cleared the way for the employment of a large contingent of mercenaries without potential government criticism of a confusion of roles. Drummond had not reckoned with Selkirk's determination and ingenuity, and the addition of disciplined troops into the fur trade equation would, at least in the short run, make an enormous difference to the struggle between the

rivals. Whatever the moral and legal implications of the use of the mercenaries, in terms of practical strategy it was a brilliant stroke.

In late May Selkirk penned letters to the Hudson's Bay Company committee and to Joseph Berens. He apologized to the committee for failing to distinguish sufficiently between Company and Red River accounts, adding that he had no time at the moment to straighten matters out.²⁷¹ To Berens he reported that he was planning to press a conspiracy case against the North West Company partners for the dispersal of the settlement in 1815, and hoped to collect more evidence on his trip into the interior. Regardless of the results, he was persuaded that the publicity would help with both the Colonial Office and the public.²⁷² On the same day that Selkirk wrote to Berens, John Halkett again reiterated the desperate need for a better attitude at Downing Street. Lord Bathurst remained extremely hostile to the settlement, noted Halkett.²⁷³

Selkirk's agents in Scotland were actively and successfully recruiting for Red River in the Highlands, thanks chiefly to the end of the Napoleonic wars, but the coming of peace was not an unmixed blessing.²⁷⁴ William Mure, the manager of Selkirk's estate at Kirkcudbright, which remained the basis of his income - and fortune - ominously reported that cattle prices had fallen, grain prices were down, and a severe winter had taken its toll. Although most of Selkirk's lands had been let to tenants, lower rents had been offered and rental arrearages were building. Paying the interest on Selkirk's debt at Edinburgh had not been easy, Mure observed, and he doubted he could get large sums of cash to Andrew Colville in London to pay for the expenses of the colony. He was sorry to send "so deplorable an account of our situation," concluded Mure, but it was likely to continue:²⁷⁵ Not surprisingly, Thomas Coutts and Company, the Earl's London bankers, would shortly thereafter refuse to accept another large twelve-month bill from Selkirk, citing lack of funds and company policy.²⁷⁶ The large costs of establishing Red River had been born in part from inflated wartime estate revenues and in part from extensive borrowing in the money markets. The post-war collapse of the economy, as much as Selkirk's increasingly manic expenditures to resurrect his colony and bring the North West Company to book for its opposition, would bring him to the brink of financial ruin.

Miles Macdonell, still on bail from charges filed against him in Lower Canada, took a large expedition of men and animals overland from York to the west. Selkirk learned that in the end the government would find a small contingent from the troops stationed at Drummond's Island to serve as a personal escort.²⁷⁷ From Nottawasague, Miles reported, "this is the most disagreeable service I have been employed in," with men selling their provisions and equipment along the road for liquor, and the teams slowing down the party.²⁷⁸ Meanwhile, Captain Frederick Matthey, formerly of the De Meurons regiment, was bringing another party from Lower Canada to join Selkirk, and in the west itself, the M6tis were gathering in increasing numbers. On 2 June, Peter Fidler wrote from Brandon House to Governor Semple that nearly fifty halfbreeds and Canadians on horseback had the previous day plundered the post, removing all horses and ammunition at gunpoint. The party, which appeared to Fidler to be beyond the control of an exhausted Alexander Greenfield Macdonell, had threatened to drive the colonists from Red River.²⁷⁹

While the forces opposing the settlement were gathering strength on the prairies, Selkirk was still in Canada waiting for his hastily-assembled relief expedition to become properly organized. In mid-June he wrote a last-minute series of letters. To the English evangelical, William Smith, he emphasized his pleasure at the support of friends "amidst the harassing circumstances with which this contest has been accompanied," and the hope that men like Smith and William Wilberforce would help in preventing the British government from acting on affairs in the Indian Territories before the full facts were known.²⁸⁰ To Lord Melville he reported his

imminent departure for the interior, “out of reach of all communication with the civilized world.”²⁸¹ A lengthy letter to incoming governor Sir John Sherbrooke made another plea for a “small military party” to “repress or rather to overawe such attempts” as had been made by the servants and dependents of the North West Company to break up his settlement. Admitting that he had taken advantage of the disbanding of regiments to add to the ranks of settlers, Selkirk insisted he was now less anxious about the problem of protection. But he still wanted the entire affair investigated and his own position vindicated. The settlement, he maintained, was in the national interest, since only “an agricultural population, having a permanent interest in the Country, can render it a valuable & secure possession of the British Empire” and protect the west from American encroachments.²⁸²

Affairs at the Forks had not been going well for some time, with considerable disagreement over strategy between Governor Semple and Colin Robertson. Semple (whom Robertson persisted in referring to as “Mr. Simple”) had been slow to prepare the defenses of the colony against its opponents and had placed too much trust in discredited figures in a place that Robertson regarded as “a hotbed of Hypocrisy, desertion and party spirit.” When Semple had finally consolidated the settlers at Fort Douglas in early June, Robertson had left with the parting words, “the Colony is nearly ruined, - time will show who has been the cause of it.”²⁸³ The available documentation, much of it seized from the Nor’ Westers by Robertson in March and by Selkirk in August of 1816, makes clear that the Metis, Canadian freemen, and wintering partners of the North West Company were building to another major confrontation with the settlement.²⁸⁴ The party which gathered at Red River consisted, according to Alexander Henry, of “100 men, 70 fire arms, and 2 field pieces.” Exactly what was planned is not so clear. The resultant confrontation at Seven Oaks was a spontaneous eruption of violence between two forces emotionally prepared for trouble, rather than a deliberate act.

The exact sequence of events at Seven Oaks, particularly the responsibility for the first shot which touched off the carnage, will never be satisfactorily determined. Cuthbert Grant’s Metis were riding menacingly about the settlement on 19 June when Semple and a party of armed colonists marched out to meet them. The governor, indeed, may have made the first overt gesture that led to a shot and then a general fusillade by Grant’s men which devastated Semple’s little force. How many were killed in the initial skirmish is uncertain, but a number, including the governor - who had been wounded in the thigh - may have died later, in the mutilation and stripping of the bodies. It was this “savagery,” rather than the initial fusillade, that Selkirk and other contemporaries, as well as some later scholars, converted into a so-called “massacre.” In any event, twenty-one settlers fell dead at Seven Oaks, and Fort Douglas was quickly surrendered to Grant by a frightened group of lesser officials, headed by Alexander McDonnell (the “sheriff”) and John Pritchard (who had somehow escaped alive from the battlefield). By the time the Nor’ Westers themselves arrived on the scene, the grieving settlers were for the second year in a row beating a retreat from the colony.

The wintering partners were obviously pleased by the course of events, but no direct evidence exists that they had either planned them or taken part in them.²⁸⁵ The conflicting mass of testimony produced by the trials of some of the leading Metis at York as well as by controversial pamphlets and books by the two contending parties and by William Coltman in his report on the fur trade conflict tabled as a Blue Book in the British Parliament in 1819, demonstrate both the difficulty in assessing responsibility for Seven Oaks and in proving that the confrontation was a conspiracy on the part of the wintering partners of the North West Company, or their leaders in Montreal.²⁸⁶

Unaware of the fast-moving developments at the Forks, Selkirk was still attempting to organize a criminal prosecution of the Lower Canadian partners of the North West Company for their conduct in 1815.²⁸⁷ In late June Selkirk was still in Kingston, and by early July he had only

gotten as far west as York, where he became bogged down in affairs left over from his earlier settlement venture in Upper Canada.²⁸⁸ From Lac la Pluie, on the Winnipeg River, Miles Macdonell wrote on 7 July with news of the events at Seven Oaks, advising Selkirk (whom he assumed must surely be well on his way into the interior) to return east until more forces could be collected: "If we lose you, My Lord, all is lost."²⁸⁹ Miles turned around and attempted to intercept his employer lest he blunder into the opposition. Selkirk and his party had finally started for Red River, and it was Miles himself who broke the news of the disaster at Charles Ermatinger's house at the Falls of St. Mary's, the proposed site for an earlier Selkirk colony, on 25 July 1816. Selkirk must surely have realized that his delays in the Canadas had serious consequences, but he took Miles' reports stoically and turned almost instantly to improvising a response.

The principal component of Selkirk's plan was to take his party, which included a large number of disbanded soldiers still under their former officers, to Fort William, the western headquarters of the North West Company. Ostensibly he would seek judicial examination of those who would be assembling shortly at the post for the annual meeting of the wintering partners. Evidence could be collected both on the general activities of the Nor' Westers against the colony and especially regarding the deaths of Semple and the colonists. Although he held a magistrate's commission, Selkirk realized that as an interested party his investigations would be tainted. He therefore attempted to find an impartial magistrate to accompany him to Fort William, but without success.²⁹⁰ Apparently feeling that the attempt at impartiality would cover him given the urgency of the situation, Selkirk wrote Sir John Sherbrooke that he would proceed anyway.²⁹¹ Miles Macdonell was to take the canoe brigade to Sandy Lake and then proceed to the southern edge of the plains, south of the 49th parallel, to await instructions. If the Americans were to complain, Miles was to argue necessity and "wide differences of opinion as to the construction to be put on the Treaty of Peace" recently concluded.²⁹²

Not everyone in his party supported these initiatives. A strong objection came-in writing - from John Allan, Selkirk's personal physician and companion on the expedition. Allan argued that the parties had come west on the understanding that they could be fed at the colony, adding that both the American and British governments would likely oppose "everything you may do or propose." Allan pointed out the personal danger to Selkirk, and emphasized the difficulties even for a man in the best of health. "But in your Lordship's state of health, it would be almost surprizing if you survived it." Allan's memorandum represents the first indication that Selkirk's lack of speed in getting his relief expedition headed west was caused by more than difficulties of organization. Although Allan was not precise about Selkirk's medical problems, they clearly were long-term and life-threatening, doubtless involving the consumptive condition that would ultimately kill him. Allan could not take into account the possibility of a remission of the disease, nor could he anticipate that the cool dry air of the west might be a positive benefit to a man in Selkirk's condition. Whatever the explanation, Selkirk was to thrive physically under the regimen that his physician thought would destroy him, and serious illness would not recur until after his return to Canada more than a year later.

The Selkirk expedition arrived without incident at Fort William on 12 August and pitched camp one mile above the post. As well as the Earl's personal bodyguard, the twelve canoes of the brigade contained four former officers and 100 former enlisted men of the de Meurons regiment, still under military discipline. As "commanding officer" Selkirk wasted no time in making his presence known. On August 13 he proceeded to the fort with nine armed men, where he arrested William McGillivray without incident upon charges of concern in a conspiracy to destroy a settlement of the King's subjects at Red River. Acting "as a gentlemen," McGillivray requested time to consult with wintering partners Kenneth McKenzie and John McLoughlin, promising to come to Selkirk's tent. When the three men appeared at the tent, Selkirk arrested McGillivray's companions as well, and then accompanied a

detachment of former soldiers back to the Fort. The Nor' Westers attempted to bar the gate, but the armed escort kept it open and a warrant for search was executed. A number of other partners were taken to Selkirk's tent and released on their word that no resistance or hostile moves would be taken. When rumours of hostile preparations within the fort circulated, Selkirk issued yet another warrant, and a search found four cases of guns and forty fowling pieces loaded and primed that had been concealed in a hayloft. Deciding that the Nor' Westers' word could not be trusted, the Earl ordered the fort evacuated of voyageurs, occupied it, and began the examination of witnesses.²⁹³

The absence of serious resistance to Selkirk's actions was a product of a combination of factors. In the first place, there was the element of surprise. The Nor' Westers had expected that the news from the colony would induce Selkirk to turn back, and no one had expected him to go on the attack. In the second place, Selkirk was not simply leading a party of prospective settlers, but was at the head of a small private army, many still in the uniforms in which they had been disbanded, well-armed, and under military discipline. His forces were only one-third as numerous as those at Fort William, if voyageurs and Indians were included, but they were properly commanded. Finally, Selkirk was a duly-appointed magistrate and he was operating within the bounds of a legality which the North West Company had never expected to have to confront. The ease with which he subdued the Nor' Westers was the best proof possible of the accuracy of his continued insistence that a small military force authorized by government would easily quiet the Indian Territories. The North West Company had assumed that Selkirk was an effete and ineffectual British "Milord," while the Earl had always assumed that the Nor' Westers were little more than bullies who had never been properly challenged. Fort William in 1816 demonstrated that Selkirk, rather than his opponents, was more accurate in assessing the enemy.

On 17 August Selkirk wrote to Upper Canada's Attorney-general, D'Arcy Boulton, that he was sending to him "A Cargo of Criminals of a larger Calibre than usually came before the Courts at York," adding that evidence was mounting by the hour of "the most detestable system of villainy that was allowed to prevail in the British Dominions." It was not often, he noted, that "Acts of public justice are executed under circumstances like the present," with his 100 effectives surrounded by 300 members of the opposition, mainly "bastard Half-Breeds." He was addressing the warrants to Sandwich but expected the Chief Justice of Upper Canada to deal with them himself and alter the destination if necessary.²⁹⁴

On the same day, Lady Selkirk in Montreal wrote to Sir John Sherbrooke, pleading for government assistance for Red River. She had received a letter from Selkirk indicating that he intended to investigate events at the colony, and she was concerned that Selkirk's authority in the west was inadequate. "All the magistrates for the Indian Territories are equally parties interested," she noted, "& the Partners of the North West Company cannot be expected to offer themselves to justice." What was needed was a show of proper authority.²⁹⁵ At Fort William, her husband had made the show, but as Lady Selkirk was suggesting, his power to do so was quite limited. Sherbrooke refused to act, and Lady Selkirk riposted with the suggestion that an impartial investigating team be sent. She dreaded delay, she wrote, for "the necessary slow proceedings of Courts of Law, offered no remedy to such evils as now exist in that country."²⁹⁶ Sherbrooke could only lamely respond that the lateness of the season and "various other causes too numerous to mention" made it impossible for him to act.²⁹⁷

Selkirk himself recognized that he had exceeded his authority, and he attempted to justify his actions in lengthy letters to Lieutenant-governor Gore and Attorney-general Boulton of Upper Canada. When he received news that his colonists had been "massacred by the Half Indian Servants of the North West Company" - the first use of the term "massacre" to refer to the events at Seven Oaks - he had decided to visit Fort William "with a force capable of making the law to

be respected.” Unable to find a neutral magistrate to accompany him, he was forced to act himself, and he asked Gore to lay aside the “scruples” which should have governed him “if I had been in a civilized and well regulated country.” The proof of guilt was stronger than ordinarily necessary for arresting criminals, and when the use of force became necessary he had employed it. To Boulton he elaborated on his earlier letter. Two Swiss officers had been sent east on the 18th in charge of eight arrested prisoners, and he was sending additional affidavits to supplement those they carried. While the wintering partners all pled ignorance of events at Red River, claiming they had not consented or approved, there were presents at Fort William which had been promised the “murderers” after the event. Claims that Semple had confronted a party of innocent brules without provocation were nonsense, for the brules were taking prisoners among the settlers. The expedition from its assembly formed “a series of the most undisguised violence and aggression.”²⁹⁸

From the outset, therefore, the legal difficulties of Selkirk’s actions were perfectly plain, even to the Earl himself. He had technically exceeded his authority and employed force quite openly. Nevertheless, he expected to be supported by the eastern governments because - as he observed to Sir John Sherbrooke on 23 August - the North West Company was “not to be restrained from crimes by anything less than a striking example of the Vengeance of the Law.”²⁹⁹ Selkirk also appreciated the difficulties of proving charges of conspiracy, but he justified such an approach to the Hudson’s Bay Company legal counsel in Montreal, James Stewart, on the grounds that it was the only way to get all the evidence in front of the public.³⁰⁰ Whether his basic assumption - that the behaviour of the North West Company was so extreme as to lead either government or the public to react against it once the “facts” were put before them - was accurate, was a question which did not occur to Selkirk. Here was perhaps the principal disadvantage of being an interested party: an inability to assess accurately the response of public opinion.

With those he regarded as culprits in the Semple business arrested and sent east, Selkirk turned to dealing with the North West Company’s operations, which his seizure of Fort William had halted. The remaining senior clerks at the post, J. C. McTavish and John Vandersluys, pressed for permission to ship trade goods west and peltries east without any settlement of the differences between Selkirk and the North West Company, arguing the matter should be resolved in the courts. For his part, Selkirk insisted that there should be some indemnification for his losses suffered at the hands of the Nor’Westers before he would release either goods or furs. He proposed an investigation and arbitration by two neutral parties at London of all acts of aggression by either the North West Company or himself for the past four years, with the principals liable for damages. The furs would be sent to the arbiters in London as sureties, and until a decision was made, the needs of his party would be met from North West Company stock at the Fort at current prices.³⁰¹

In an unsent draft letter to Sir John Sherbrooke, Selkirk justified his actions in halting shipments. The goods heading west would have supplied “a band of Miscreant Halfbreeds” in a state of “nothing less than open rebellion against His Majesty’s Government,” while the furs were being held as a pledge for the restoration of his property and to force an arbitration. An injured party taking the property of a wrongdoer in order to obtain satisfaction was a principle of English law, he maintained, although not often employed in “the well regulated parts of the Empire.” But in the west there was no regulation whatsoever, and Selkirk invoked William McGillivray himself as asserting that the only defense of property in the wilderness was retaliation.³⁰² The letter eventually sent Sherbrooke on 3 September was even stronger in its defense of halting the western supplies, arguing that Red River was in a “state of rebellion” and occupied by “a Banditti, who avow their determination to set the laws of their Country at defiance.” But no mention was made of the furs nor of retaliation. Instead, Selkirk supported the appointment of a commissioner to sort out the controversy, insisting on his pleasure “if the load of responsibility,

under which I am now obliged to act, could be alleviated."³⁰³

Meanwhile, reports originating at the Sault indicated that Selkirk was already beginning to lose the battle of public opinion in eastern Canada as he had already lost the support of the governments there. The canoes with Selkirk's prisoners had arrived, but one of the canoes, containing North West Company partner Kenneth McKenzie, had capsized in a sudden storm on Lake Superior, with all passengers lost. The North West Company would make much of this mishap, and according to Archibald McDonald, an express had already departed for Montreal with an account of the "violent measures which your Lordship took at Fort William."³⁰⁴ Archdeacon John Strachan responded to the arrival of the prisoners at York with a view of the controversy between Selkirk and the Nor'Westers which was doubtless a common one in Canada, observing:

There is a great feeling here as it appears to be a mercantile quarrel and people have not sympathy with a Peer of Great Britain turning Fur Merchant and applying the power which an ample Inheritance gives him in destroying a trade which has given bread to them [the Nor'Westers] for two centuries.

Allowing that both sides had taken "great Liberties with Justice," Strachan opined that Selkirk had all the advantage.³⁰⁵

John Strachan was no neutral observer of Selkirk's activities, of course. Earlier in the year he had published in London a fierce attack on Selkirk's emigration theories and colonization activities, not confining himself to Red River. Strachan accused Selkirk of offering "generous" terms to his Highland settlers which "native Americans would never accept," and added that the Earl was merely a land speculator "anxiously preparing an asylum in a distant corner of the earth" in case his country should fall to the enemy. He then turned to Red River, and using an outdated and uncirculated prospectus for the colony prepared by Selkirk in the earliest days of planning, insisted that the title was insecure, the territory indefensible by the British authorities, the colony thoroughly isolated and unable to produce for a market, the land shamefully overpriced, and the settlers misled by "false and delusive" promises. Strachan concluded by predicting that the colonists would find themselves caught in the struggle between rival fur trading companies, a position productive of "melancholy events." He recommended that any people in Britain tempted by Selkirk's offers come instead to Upper Canada, where they would receive free land and the protection of the law.³⁰⁶

Strachan's effort was hardly the only publication on Red River circulating in the autumn of 1816, as the contending parties began a war of words in newspapers and pamphlets which would reach major proportions over the next few years. It was arguably the most extensive public controversy which British North America had seen since the days of the American Rebellion.³⁰⁷ Selkirk's own extended critique of the North West Company, reprinted in this volume, was by now available on both sides of the Atlantic, and his supporters, under the name of Archibald MacDonald, had also published in London a brief account of the 1815 dispersal of the colony as Narrative respecting the Destruction of the Earl of Selkirk's Settlement upon Red River, in ... 1815. In addition, another production answering Strachan had appeared under MacDonald's name, originally as letters in the Montreal Herald but then as a separate pamphlet.³⁰⁸

The newspaper letters had led to another series of letters in the Montreal Herald by "Adam McAdam," also reprinted as a pamphlet. The McAdam work, in its obvious annoyance and anger, suggested that its author was aware of Selkirk's Sketch of the Fur Trade, although he did not mention that publication. It treated Selkirk as nothing more than an exploitative land jobber and fur trader, exclaiming at one point:

Perhaps his Lordship in this age of revolution, having studied the fine spun dreams of Paris and Edinburgh, on the rights of man, &c. &c. thinks the Red

River a fit place for an experiment on those wild theories. It is certainly cut off from the rest of the world. I suppose, as soon as his Lordship has appointed his council and officers of state, and modelled his army, he will exclaim to the Sovereigns of Europe, behold a Government of Perfection!

McAdam presented the Nor'Westers as innocent victims of a scheme which included the recruitment of "the discharged assemblage of men that composed the De Meurons regiment, whose tongues and dialects were so various, that scarce any ten of them understood other ten." He concluded:

Hence it is evident that Lord Selkirk, by virtue of a grant from the Hudson's Bay Company only, has no legal title whatever to the several million acres he has claimed, and seized on the Red River, and adjacent countries, much less has he any right by his agents, by force of arms, to seize the servants and effects of the British Merchants from Canada, and drive them out from those countries; and thus destroy a vast extended commerce, dearly purchased, and upheld by innumerable hardships, and dangers, and great risk of capital. I would willingly have addressed this Letter to his Lordship, but he has taken his flight to the Moon, whither I am neither able nor willing to follow him.³⁰⁹

Despite the veiled comments by Adam McAdam, the 1816 pamphlet controversy had not yet reached the point of considering either Seven Oaks or the Selkirk response at Fort William. The newspaper situation was somewhat different, however. A series of letters appeared in the *Montreal Herald* from 28 August 1816 to 20 November 1816 signed "Mercator," a *nom-de-plume* for Edward Ellice, answering another series signed by "Manlius," whom Mercator accused of being a Selkirk "hireling paid by the yard." Initially intended to defend the North West Company interpretation of the Hudson's Bay Company charter, Mercator's letters developed into an ongoing commentary on events in the west as news of them reached Montreal. They became more and more strident and full of personal invective against Selkirk, described in an early letter as a "canting pretended philanthropist" whose colony "originated in avarice, has been prosecuted in deception and fraud, and must end in disgracing the character of a British nobleman." Such comments were mild by comparison with those made as the word of Selkirk's actions at Fort William made its way east. In the letter of 15 November, Mercator labelled Selkirk "a lordly usurper, tyrant, and hirer of cut-throats, who in his closet, in cold blood, planned the starvation to death of 500 persons in the employ of that [the North West] Company."³¹⁰

At Fort William itself, Selkirk and his party were preparing yet another act of calculated aggression against the North West Company. Selkirk's associates had been leaning heavily on Daniel McKenzie, the one North West Company partner remaining at Fort William, particularly for information about company intentions against Red River. From Montreal, Samuel Gale - Selkirk's Canadian "man of business" - wrote a desperate letter advising the Earl to give up the furs, since he was in danger of "compounding for crimes."³¹¹ Despite this warning, which may not have arrived in time, Selkirk and McKenzie came to an agreement on 19 September to send Selkirk's grievances against the North West Company to two or more arbitrators chosen by the Lord Chief Justices in King's Bench and Common Pleas, Westminster. The parties were to indemnify each other for damages, with a decision to be reached by 1 December 1819. In the meantime, McKenzie consigned all furs at Fort William to Selkirk while the Earl conveyed an estate worth 3000 pounds yearly to be held in trust. McKenzie also sold all property at the Fort to Selkirk.³¹² McKenzie would repudiate the arrangement as soon as he was freed from Selkirk's hands, claiming inebriation, intimidation and rough treatment.³¹³

By this point Selkirk had received mail forwarded from the east and doubtless appreciated his British financial difficulties. Moreover, his redeployment of men, some of whom were

intended for the service of the Hudson's Bay Company, made him realize that not only was it difficult to separate his expenses from those of the company, but that those of 1816 were probably "entirely lost." In a letter to the HBC, he reported that he had sent inland "a detachment of the military settlers capable of facing down the resistance that is to be expected," and he proposed to be responsible for all expenses of his expedition in return for all furs resulting from it.³¹⁴ Understanding that the various Company thrusts into the Athabasca had been disasters, he also ordered another year's reinforcements from Montreal.³¹⁵ On Daniel McKenzie's behalf, Miles Macdonell wrote to the wintering partners of the North West Company reporting the arbitration arrangement and asking them to consign this winter's furs to a neutral house in London. By English law, Miles argued, each partner had the right to act for the partnership at large. Selkirk was not interested in breaking up the Athabasca trade, but in allowing it to continue under the HBC charter, with those joining him "no longer ... hewers of wood & drawers of water for the Nabobs of Montreal," but reaping proper profits that would enable them to retire to a "comfortable assylum at Red River."³¹⁶ At about the same time, Selkirk forwarded the documents in the McKenzie negotiations to legal counsel in Montreal. McKenzie was not a retired partner, he insisted, but he admitted the papers had been drawn up without legal advice.³¹⁷

Daniel McKenzie might not have been retired, but there was considerable question whether he was sufficiently in charge of his mental facilities to understand what he had done, particularly given his claims of bad treatment and intensive interrogation. These questions did not initially bother Selkirk, who was writing to one legal acquaintance in London, "I flatter myself that the step which I have taken, tho' perhaps unusual, is not so far out of the common path, as to be in any degree improper."³¹⁸ Indeed, had McKenzie been amore responsible character, it would have been another stroke of genius. Selkirk had exposed the weakness of the corporate structure of the North West Company, and had not only completely disrupted the trade of the opposition, but had taken it over. Even with all its limitations and weaknesses, the deal with McKenzie could be defended for the chaos it created in North West Company ranks, as an act of corporate guerilla warfare, not entirely intended to be taken seriously. Unfortunately, Selkirk had meant it seriously, and he was virtually alone in thinking it had been a good idea.

By this time word of the disaster at Seven Oaks was in common circulation. An eye-witness account by John Pritchard appeared in the *Montreal Herald* on 12 October, and even those sympathetic to the North West Company were prepared to use Pritchard as the basis of their own versions.³¹⁹ Some information had reached England, for one of Selkirk's friends wrote of reports of another debacle at Red River, adding "at no former period would it probably have been so easy to have directed the flood tide of emigration towards Assiniboia as at the present."³²⁰ The reviewer of *A Sketch of the British Fur Trade*, which appeared in the October 1816 *Quarterly Review*, was fully cognizant of recent developments in the struggle between the two fur trading companies. Although Selkirk was "an amiable, honourable, and intelligent man," the review began, and "his ... not the deep-laid schemes of a sordid narrow-minded calculator, but the suggestions of an ardent imagination and a benevolent heart - such as are apt sometimes to overlook difficulties which it is not easy to overleap," he had purchased stock in the Hudson's Bay Company and received a grant of land under its charter which the law officers of the Crown did not approve. Selkirk had then interfered in the deadly feud between the North West Company and the Hudson's Bay Company without waiting for any action from the government, and "the details of the extraordinary and atrocious transactions which have urged his lordship to the strange steps he has taken are not yet fairly before the public."

The reviewer could not believe that Selkirk would have taken Fort William and arrested Nor'Westers under any authority, much less under a warrant issued by himself, given his

“avowed political principles.” But his pamphlet “fully prepares us - not only for transactions like that just mentioned, but - for almost any species of outrage and aggression.” The reviewer was prepared to accept Selkirk’s accusations against the North West Company, noting that if the facts were false, the Nor’Westers would surely “feel it incumbent upon them to take immediate steps to wash away the foul stain cast upon them.” But he doubted the Hudson’s Bay Company was appreciably more honourable, fair, and moderate, and thought the true contrast was in “the energy of the one and the apathy of the other.” Selkirk did not intend to become a rival trader to the North West Company; he wanted a settlement of industrious farmers in the heart of the Indian territories, a settlement which the author suspected would in time engage in the fur trade itself. Unlike Sir Alexander Mackenzie’s earlier work, Selkirk’s book was less “a history, than of a Bill of Indictment against the North-west Company - an angry attack on the provincial administration of justice - and a panegyric on the Hudson’s Bay Company.”³²¹

Although the *Quarterly Review* had argued that Selkirk did not intend to enter the fur trade, he was at Fort William doing just that, issuing orders to his forces in the field both with an eye to reconquering the colony and to reopening the western trading routes.³²² In the Canadas, his enemies and the authorities were busy as well. A warrant was sworn against him at Sandwich in Upper Canada for forcible entry and detainer. Sir John Sherbrooke revoked his commissions as magistrate and justice of the peace in the Indian Territories, appointing W. B. Coltman and John Fletcher as magistrates in the Territory and as special commissioners to investigate the recent events in the west.³²³ An Upper Canadian constable left Sandwich for Fort William on 30 October, and Sir John Sherbrooke wrote to Lord Bathurst of the appointment of Messrs. Coltman and Fletcher, with the entire western territory up in arms and with both sides in fur trade struggle claiming that they wanted law introduced into the region. He requested either more powers or men of “rank and talent” to investigate affairs in the west.³²⁴ For his part, Selkirk had now received information about the death of his agent Owen Keveny on the Winnipeg River, and transmitted the documentation to Sherbrooke in Lower Canada. Ironically, the man who confessed to the murder was a disbanded de Meurons non-commissioned officer, demonstrating that not all the de Meurons were in Selkirk’s employ.

To Sherbrooke Selkirk admitted that he had hoped the capture of Fort William would have produced moderation from the North West Company, but it seemed only to excite them to desperation.³²⁵ As usual, Selkirk was operating on a number of fronts. He took advantage of a late express to the east not only to write to Sir John Sherbrooke, but also to the hydrographer Captain William Fitzwilliam Owen about western surveys and boundaries, noting that David Thompson’s “survey on a large scale is hanging up in the great Hall of this Fort.” Thompson’s “neat drawing, the minuteness & apparent care bestowed on his plans,” had impressed people, Selkirk asserted, but governments should not be deceived by “a piece of quackery,” for everything on his survey was incorrect.³²⁶ To the Hudson’s Bay Company committee he reported that he was making settlement headquarters at Lac la Pluie until Red River was retaken in the spring, and requested a change from the Winnipeg River to the 49th parallel in his grant, since the Americans were claiming the latter as a western boundary.³²⁷

On 12 November Selkirk sent off a special express with letters to Lieutenant-governor Gore in Upper Canada and Sir John Sherbrooke in Quebec. To Gore he reported that a canoe had arrived with two North West Company clerks accompanied by a man who claimed to be a constable with warrants for his arrest. The warrant was irregular and full of perjuries and the man had no credentials. Since Selkirk could not conceive that Gore had ordered the arrest of one of his magistrates without reasons by a man without credentials, he decided to regard the man as an imposter and refused to accompany him across Lake Superior under conditions probably

lxiv The Collected Writings of Lord Selkirk 1799-1809

“irregular & surreptitious.” His determination was increased by learning that the Nor’ Westers had sent a force of canoes to recover Fort William “either by strategem or by force, by legal pretexs or open violence.” Defending the legitimacy of his purchase of the fort itself, which was located on crown land, he insisted he would not allow the North West Company to enter until a body of King’s troops arrived to take it over.³²⁸ To Sherbrooke, he was even more vigorous in a general defence of his conduct. Failing to forward the furs was an act he would chance with the courts, he wrote, since the trade which had collected them, “under the guise of Commerce, . . . is an organized system of repine, & a conspiracy against all other British Subjects, carried on by the daily repetition of robbery, with the occasional intervention of murder, whenever the interests of the concern appear to require it.” In short, he had stopped a public nuisance. As for the arrangement with McKenzie, it was not a “leonine contract,” but one made with a man sent by William McGillivray to manage the fur trade at Red River.³²⁹

In firm control of Fort William and the situation, Selkirk settled down to spend the winter in the west. He had totally disrupted the operations of the North West Company and irritated colonial and imperial governments which had never supported him anyway. More to the point, he was forcing the British authorities to intervene in the dispute and in the western territories, something he had long advocated. The performance had been little short of inspired. Unfortunately, Selkirk’s confidence in the acceptability and legitimacy of his actions would be relatively short-lived, and he would soon be very much on the defensive.

VI. ON THE DEFENSIVE, 1816-1818

Selkirk was well ensconced at Fort William and still feeling quite satisfied with his performance at the end of the year 1816. But the forces against him were growing in confidence and were prepared to use every action he would take as evidence of his malevolence. A lack of enthusiasm for his behaviour from his family and friends in Montreal resulted from the growing evidence that the colonial governments in the Canadas were willing to throw him to the wolves as soon as he returned to the east. Sublimely ignorant of the censures implicit and explicit on his conduct, thanks to the winter closure of communication with the east, Selkirk continued to carry on as though he still had right on his side. Until the arrival of the spring mails in April, he did not have to concern himself with the ultimate judgments of either the commission of enquiry headed by William Coltman or of the courts of the Canadas.

Some indication of Selkirk’s general position can be gleaned from a lengthy letter to Captain D’Orsonnens, penned in early December of 1816. He had heard rumours of government disapproval of his actions at Fort William, Selkirk wrote, but treated the warrant for his arrest as a trick and the man serving it as an imposter. The letters he subsequently received indicated that the evidence he had collected at Fort William had been well received, and nothing was to be read into the revocation of all Indian territory commissions, including his own. Still thinking in terms of offense rather than defense, Selkirk then moved to a discussion of “the old contests between the Engl Colonies & the French of Canada,” in which winter marches had been frequent. It was impossible to reinforce D’Orsonnens, and for him to pull back would be a “retrograde” step. Since government intervention could not yet be trusted and the wintering partners of the North West Company were getting desperate, the best step might be to anticipate them by a winter march to Red River, to capture the artillery and to disperse the rebels. The native Indians were the key, and unlike Miles Macdonell and Robert Semple, Selkirk argued that scruples had their limits. By concerting with the Indian chiefs it would be possible to march on snowshoes through the woods. The settlement could be restored only if Selkirk’s forces were seen to be superior. The Earl concluded by observing that the pressure of business “has not allowed me to take as much part

as I would wish in the social amusements of the party,” and hoping that the boredom of his people could be altered by “some brilliant pictures ... from Red R to revive them & warm their imaginations westward.”³³⁰

At about the same time, William Coltman wrote from Nottawasagua that he could not get further west until spring, effectually leaving Selkirk with a free hand in the interior until that time.³³¹ To Miles Macdonell, Selkirk reported on his proposals for a winter march, arguing that if the settlement was not captured there would be much trouble in the spring. He reiterated the importance of using the Indians, insisting that action under the necessity of self-preservation must be taken.³³² While Selkirk’s lines of communications to the westward remained open, those to the east would be closed until the spring. He was thus spared over the winter of 1816/17 the negative reactions of his Montreal advisors. Samuel Gale, for example, wrote that Selkirk’s proposals to Vandersluy and McTavish were referred to in the press as an offer to “compound felonies murders & other crimes,” and the arrangements with McKenzie were improper since he was not authorized to do such business. Such transactions, Gale insisted, only provided a pretext for further imputations. He advised Selkirk to return to Montreal unless the Earl found it “expeditiously necessary” to remain with the commissioners heading west, and reported that the North West Company would probably attack both Fort William and York Factory in the spring.³³³

In England, Henry Goulburn responded to a letter from Joseph Berens providing news of the “most savage massacre” at Seven Oaks by observing that the situation had changed from a dispute of “conflicting claims of two Mercantile Companies” to one of exchanging outrages which each imparted to the other. The courts would now settle the questions of culpability and jurisdiction in the west, Goulburn added piously, “it being the only justification of some of the late Acts committed.”³³⁴ A few days later, the London agents of the North West Company proposed to the Hudson’s Bay Company that because of the “continuance of disputes and cabals in the Indian country,” all property and posts be restored without prejudice to the recovery of damages, and the issues resolved by a competent tribunal in Britain. Had requests from both sides for government intervention been met, they added, much of the mischief could have been prevented.³³⁵ Selkirk’s actions had contributed to, and indeed probably forced, the North West Company to look for co-operation with their rivals to resolve the controversies.

Lord Bathurst himself followed up these initiatives by urging the return of Selkirk to England to substantiate the charges of murder he had made against those he had arrested, and instructing the Hudson’s Bay Company that His Majesty’s government wished the directors to order Selkirk home and to dismiss him if he failed to comply. To Sir John Sherbrooke, an angry Bathurst wrote of his concern for Britain’s commercial and political interests through Selkirk’s “admission of foreign influence over the Indian Territories,” supposedly to end the violence which had too long prevailed. By resisting the warrants for his arrest, Bathurst added, Selkirk had made himself doubly amenable to the law and the government would enforce it against him. Sherbrooke was instructed to prefer an indictment against Selkirk and arrest him, even if it was necessary to do so under the Canada Jurisdictions Act.³³⁶ Bathurst’s anger was doubtless in large measure a result of the realization that Selkirk had forced the government to become involved. The Colonial Secretary was now also preparing to sponsor legislation defining the limits of HBC territory as a “mode most likely to prevent the recurrence of those mischiefs which had taken place,” although he offered no details.³³⁷ Bathurst’s hostile orders to Sherbrooke, which Selkirk learned about much later only by accident, could be and were interpreted in Canada as an official repudiation of Selkirk’s conduct, however much they were issued in haste and ignorance.

While clouds of hostility and winds of conciliation emerged to the east on both sides of the

Atlantic, Selkirk's men went about carrying out his directions. On the 10th of December 1816, Captains Macdonell and D'Orsonnens left Lac la Pluie with fifty men for Red River, taking all the available cattle and five horses with them.³³⁸ The party arrived in Pembina on 31 December, assisted by chief Peguis and fifteen of his people. Learning that only a small party of Nor'Westers were holding Fort Douglas, Selkirk's men took it easily.³³⁹ Selkirk would not receive word of this victory until April of 1817, but it meant that the colony was back in his control. Not all of Selkirk's forces had such an easy time, however. Lieutenant Graffenreid with twenty-two de Meurons and a handful of Canadians had gotten lost in the woods while attempting to reinforce Lac la Pluie. When their provisions were finished, Graffenreid reported, they were forced to boil and eat their snowshoes and one of the dogs with them. Finally getting provisioned from the post, they "did nothing but cook and eat all day" before setting out for the fort, which they found stripped bare and virtually empty. His men were not equipped to follow D'Orsonnens, wrote Graffenreid, and he himself did "feel the want of liquor more than I could believe."³⁴⁰

For the remainder of the long winter, Selkirk sketched desultorily and waited for spring, which would bring the investigating commission headed by William Coltman, and a backlog of letters from around the world. He was away from the fort when the first canoes arrived in March, one with Lady Selkirk's letters and a later one with the official announcements about the commission and the revocation of all other commissions in the west. This second canoe also brought a deputy sheriff to arrest Selkirk, who pointed out that all commissions west of the Sault had been revoked. The deputy at first waited, then eventually attempted to execute his warrant; Selkirk threw him out and placed him under armed guard, giving yet another example of resistance to authority.³⁴¹ Finally, in early April, Selkirk learned of the recapture of Fort Douglas, and a few days later, a rush of mail assuring him that his family was all right in Montreal, and a girl born to Lady Selkirk without incident on 4 January.

Fortunately, the news was positive on the personal front, for what Selkirk learned from his business correspondence was hardly encouraging. His Montreal attorney, James Stuart, was brutal about the deal with Daniel McKenzie. There was no legal way to make the furs answerable for Selkirk's claims, Stuart insisted, and McKenzie could not bind his co-partners to arbitration, which was allowing him more latitude as a partner than did either English or Canadian law. While the sale of goods could be claimed by Selkirk as valid, Stuart frankly doubted its legitimacy, and recommended that he leave all remaining goods when he departed the fort. In conclusion, Stuart observed that the warrants against Selkirk were quite legal, and he could but hope that his client was beyond their reach by the time they were served, preferably re-establishing the power of government at Red River.³⁴² In a chastened tone Selkirk wrote to his wife:

The consequences so naturally arising from my wretchedly ill-judged conduct in September, give room for bitter enough reflections, but on the other hand I have the cordial of knowing that my own love is safe and well, about which I have had many an anxious fit since New Year's Day ... I hope the letter I sent for Sherbrooke may have been of some use in apologizing for the measures I have so much reason to regret. Though it was but an imprudent avowal, I think it was better to take the responsibility frankly on myself than to attempt to evade it and hope that my letter would at least show that my error was rather an exception than a specimen of my general conduct.³⁴³

Heeding Stuart's warning, he ordered only necessary supplies and his own goods packed for the journey west. The party left Fort William on 1 May, arriving at the Forks exactly seven weeks later, on 21 June. Further correspondence catching up with him indicated that the North West Company was continuing to gain ground in the battle for public opinion.

In Britain, John Halkett had realized the extent to which Selkirk was losing the press

wars, and had attempted to set forth the story of the harassment of the settlement in 1815 and 1816 in a anonymously written and privately-printed pamphlet entitled *Statement respecting the Earl of Selkirk's settlement of Kildonan, upon the Red River, in North America; its destruction in the years 1815 and 1816, and the massacre of Governor Semple and his party*, which was passed around private hands in late March of 1817.³⁴⁴ Selkirk's old tutor Dugald Stewart wrote Lady Katherine Halkett with great approval for the pamphlet, insisting that it be properly published under the author's name, admitting the relationship and friendship with Selkirk. Stewart continued:

A friend of mine, who ranks very high at our bar, & on whose judgment I have great reliance (Mr. Thomas Thomson) has just left me. He had got the pamphlet in Edin'r late in an Evening, & was so irresistibly carried along with it, that he read it from beginning to end before he went to bed. It was with much pleasure I heard him add, that if all the facts in it should be substantiated by proper evidence, he had not the slightest doubt that Lord S. will obtain a complete triumph over his enemy.³⁴⁵

"Proper evidence" was the key phrase, of course. More ominously, Stewart added, Selkirk's "personal presence in London is, in my opinion, the most effectual Step; (perhaps the only effectual Step) to quash this formidable & atrocious opposition to his projects on the other Side of the Atlantic." He was probably quite accurate in this comment, although it was already too late. Nevertheless, as Lady Selkirk put it to Halkett a few months later, "I think we are all agreed that although we must weigh well whether the gain is worth the expense, yet if we are to be poor for three generations we must absolutely fight this out."³⁴⁶

Selkirk had only two weeks to become acquainted with the land to which he had devoted so much energy and money. On 1 July William Coltman in the company of Nor' Westers, led by Simon McGillivray, arrived at the settlement. This appearance with the opposition did not bode well for the impartiality of the commission, and Coltman along with his colleague Major John Fletcher had travelled with the Nor' Westers all the way from Montreal. There had been trouble at the Sault between Selkirk's people and Fletcher. Selkirk's legal observer, Samuel Gale, was convinced that not only was Fletcher a prejudiced buffoon, but also that there was some sort of official vendetta in operation against Selkirk.³⁴⁷ Certainly both Coltman and Fletcher were well aware of Lord Bathurst's sentiments, and of the general tenor of both public and official opinion at Montreal that both sides had engaged in what amounted to a private war which ought to be brought to an immediate end with a return to the status quo ante bellum. From Selkirk's perspective, a verdict of "everybody guilty" would be a travesty of justice, since he regarded his people at the settlement as innocent victims of North West Company aggression. But he quickly learned that Coltman was not disposed to be friendly. The commissioner ignored a formal welcome by Selkirk's settlers at the Forks, established himself in a tent halfway between Fort Douglas and the Nor' West party camping at the site of Fort Gibraltar, and was soon embroiled with Selkirk and McGillivray over the question of mutual restitution of captured property. Selkirk wanted a simultaneous restitution throughout all the Indian country, including the Athabasca, and Simon McGillivray wanted to start at Red River immediately.

From the outset, Selkirk had expected the investigating commission to deal with the outrages committed against the settlement in 1815 and 1816 by calling witnesses and taking testimony. In its place he found haggling over property being restored, while individuals who had played a leading role in Seven Oaks and other "outrages" were allowed to come and go as they pleased. On the plus side, Coltman refused to endorse the earlier warrants for Selkirk's arrest or allow the Upper Canadian deputy sheriff to take the Earl back with him. And whether he wanted to or not, the commissioner was learning a good deal about the past behaviour of the North West Company and its local allies. Much of Selkirk's time in the summer of 1817

was spent dealing with Coltman and the commission - either meeting Coltman in person or in exchanging correspondence with the commissioner, although both men were residing within hailing distance of one another. Much had to be put "on the record," and between Coltman's arrival in July and Selkirk's departure in September, over fifty letters and memoranda were exchanged between the two men.

Despite the frequently annoying presence of the commission, Selkirk did succeed in putting his settlement back on its feet, mainly after the settlers had returned on 19 July. Alexander Macdonell recorded the meeting between Selkirk and his people laconically: "about 11 o'clock forenoon he came to the Frog Plains and conversed with the settlers."³⁴⁸ Selkirk negotiated a treaty with the local Indians, allocated land for a church and for a school, and announced that those remaining settlers who had suffered in the recent depredations - twenty-four families - would have their land free of any debt to him. The land surveys of Peter Fidler, which allowed farm lots of 220 yards along the river and 1980 yards back from it, were confirmed by the Earl. Ten thousand acres was set aside for the Roman Catholic Church. Selkirk's presence and actions of the summer of 1817 acquired the status of mythology in the settlement, as Alexander Ross attested in his history published nearly forty years later.³⁴⁹ Despite the exhilaration of dealing personally with his colony, however, it was necessary to return east to deal with a myriad of problems there. Selkirk fought unsuccessfully to prevent the Nor' Westers from continuing to hold their post within gunshot of the settlement, arguing to Coltman "It may perhaps be the most prudent course to allow these people [the settlers] to seek asylum within the American lines, where at least they will not have to apprehend hostility from subjects of the same Government and where if they be liable to be attacked it will not be considered an offence to be prepared for resistance."³⁵⁰ In his turn, Coltman insisted upon an enormous bail for Selkirk and his Fort William associates, to guarantee that they would appear for court appearances in Canada.

As he prepared for departure- prudently through the United States rather than back through Fort William - he wrote to his wife:

I am not without anxiety about the Settlement. The N. W. are already beginning their intrigues again among the Highlanders. But the new Meurons promise well. The greatest proportion have taken lands; & they seem on the whole a more orderly & industrious set than the first, of whom but a small proportion have settled. I think the Half breeds got a good fright from Coltman, & are too much in awe to venture again on such violent measures as last year. But as we are thrown back into all the difficulties of the very first stage of a settlement, it is possible that discontents may arise amidst the unavoidable privations of that state of things. We are greatly in want of tools; & we have several times been nearly out of provisions.³⁵¹

On 9 September he departed, riding south on horseback to the St. Peter's River and on by boat to the Mississippi, arriving in St. Louis on 27 October. In company with Messrs. Matthey, D'Orsonnens, Hueter, and Allan - all returning to face the Canadian courts for their actions at Fort William - Selkirk chafed at St. Louis until early in November. He finally got horses and set out for Pittsburgh, the expedition bogging down in Vincennes, Kentucky, in mid-month. Despite bad weather and much aggravation, Selkirk was able to report to his wife "with all this, somebody keeps his health perfectly."³⁵² A few days later, in Lexington, Kentucky, the party decided to go via Virginia instead of Pittsburgh. On 16 December Selkirk was able to write Lady Selkirk that he had arrived in Washington, where he was well received by the American administration.³⁵³ Three days later he attended a ball in honour of the Duchess d'Angouleme's birthday, and was introduced by the British ambassador to John Quincy Adams, the American secretary of state.³⁵⁴ Undoubtedly pursuing a conversation

began on that occasion, he wrote Adams on 22 December attempting to arrange a special status for Red River trade with the United States.³⁵⁵ During his stay in Washington he also arranged for legal assistance to protect his charter interests south of the 49th parallel, choosing a young lawyer named Daniel Webster as his agent.

Several thousand miles on horseback had not depressed Selkirk, and he had obviously spent the time attempting to rethink his entire colonization operation. A letter to Andrew Colville from New York on 28 December, while admitting that the news of affairs at Montreal was “not very satisfactory,” was full of schemes for attracting American settlers to Red River. He enthused:

The plan of settling the country with Europeans only, must be abandoned; but (that point granted) facilities appear, that I had previously no idea of, & I believe that as a speculation it may turn out much beyond any idea, that I ever entertained of it.

The plan of the Prospectus will need some modification to suit it to Americans, but they are much more likely to go into the plan, than people of the old country. From the rapidity with which the Western country is filling up, we shall soon be within what the Yankees reckon such a moderate distance, that they will readily go to get good land cheap.

The only small hitch was getting the Americans to recognize his title south of the American border.³⁵⁶ As he moved closer and closer to Canada, his thoughts turned increasingly to the legal battles upcoming. Even the question of his destination was a matter of some consequence, and internally debated at some length.³⁵⁷ He decided on York. In his baggage, Selkirk noted, were copies of the “Statement,” doubtless the London reprint of John Halkett’s pamphlet. “I have left a few at New York,” he remarked, “& sent 2 or 3 to Washington & c - & take three with me for distribution at York & c. The copies that are sent to you should be distributed as far as possible in Upper Canada, for it is there by Gale’s account, that the misstatements of the N W Co. have had the most effect.”

As his comments about the Halkett pamphlet to Lady Selkirk suggested, Selkirk must have realized as 1817 drew to a close that he was losing badly the war with the North West Company in the press. The initial version of the Halkett work had been printed for private circulation only, and the North West Company had hired a young journalist named Samuel Hull Wilcocke to produce its own version of events in the west, entitled *A Narrative of Occurrences in the Indian Countries of North America, since the Connexion of the Right Hon. the Earl of Selkirk with the Hudson’s Bay Company, and his Attempt to Establish a Colony on the Red River; with a Detailed Account of His Lordship’s Military Expedition to, and Subsequent Proceedings at Fort William in Upper Canada*. This production saw Selkirk’s behaviour since 1811 as a deliberate plot against the North West Company, and appended a number of documents to support its case.³⁵⁸ Some, like the infamous prospectus earlier employed by John Strachan, had never been made public, and others, like a speech of an Indian chief delivered in 1814, were probably composed for the publication. Even more damaging was the appearance in Montreal of the collected *Communications of Mercator*, that free-swinging attack on Selkirk’s character by Edward Ellice originally printed in 1816 in the *Montreal Herald*. The reprinted version of Halkett’s pamphlet, still without the author’s name on the title page, included “Observations” on the Wilcocke publication. These remarks disparaged the documentation in *A Narrative of Occurrences*, particularly a diary purportedly kept at Fort William by Jasper Vandersluys, concluding that the work was a fraud, at best composed long after the period when the entries were dated. While the public controversy between Selkirk and the Nor’Westers was one with no holds barred and character aspersions cast right and left, by and large the publications on Selkirk’s side reprinted genuine documents accurately. Those on the North West Company’s side were far more casual about accuracy and had little objection to creating documentation to fit the occasion, suitably attested by those involved.

Selkirk and his party finally arrived in York in early January, "in high spirits from the hope of being soon on the way to Montreal," but he found innumerable legal complications, and other information even more disquieting. In a visit with D'Arcy Boulton, Selkirk learned "of the orders he had received from Lord Bathurst to prosecute me criminally for the 'escape' (as it was called) from Dr. Mitchell's warrant," adding that he might well have been arrested had not William Coltman already taken bail for an appearance at Montreal.³⁵⁹ Thus Selkirk found himself embroiled with the Canadian courts, a process that consumed virtually all his time until his eventual return to England in broken health at the end of the year. One biographer has remarked on the extent to which Selkirk's relations with Canadian justice were "influenced by a kind of recurring and fatal enthusiasm," adding "if deliverance by the Commissioners of Special Inquiry was illusory, recourse to litigation was nothing less than fatal."³⁶⁰

It was certainly true that Selkirk appeared to underestimate the obstacles which he had to overcome, in some ways curious given his own analysis of Canadian justice in *Sketch of the Fur Trade*. The Canadian ruling classes held enormous power over the courts, a fact that Selkirk had noted in his book, and he ought not to have been surprised at the difficulty in initiating criminal proceedings against the North West Company, since those proceedings could be begun and conducted only by members of the colonial governments who were close friends of the Nor' Westers. Less familiar to him were the problems inherent in the Canada Jurisdictions Act of not specifying a single colony for cases originating in the Indian Territories. He would have to deal with two colonial judicial and legal systems, one of them French-influenced and totally unfamiliar to him. He would also have to deal with being leapfrogged from one colony to another by his adversaries, who took full advantage of every opportunity to introduce counter-suits. He was also unaware of the difficulties of obtaining proper legal counsel, particularly in Upper Canada, where the Nor' Westers had hired all the available lawyers and the Law Society objected to bringing a man up from Montreal solely to deal with Selkirk's business. Not until his arrival in York did he realize the extent to which Lord Bathurst had reacted against him, and prejudiced opinion against him. One historian, expert on the trials, has commented, "the harmful effect of this dispatch on the Earl's legal status is impossible to adjudge. Its effect could be traced with monotonous persistence through the maze of legal decisions."³⁶¹ Moreover, Selkirk could not know in advance that his health would be deteriorating throughout the year of legal turmoil. He was still quite healthy upon his return to Montreal in February of 1818, Lady Selkirk reporting "he is certainly looking very well a good deal browned, and cheeks rounder, although not much fatter altogether, and a look of active health very different from the languid look he sometimes used to have, but I fear it will not last long, for already the effect of scribbling and confinement is observable."³⁶² By August of 1818 his illness was quite noticeable. Perhaps a continuation of the outdoor life he had experienced in the west would have prolonged his life.

Selkirk never really appreciated that getting justice for his colony, his colonists, and for himself was not part of anyone's agenda, except his own. It was not central to the Coltman commission, and it was not central to the operation of the various courts in Upper and Lower Canada. At the same time, he and his wife had decided in 1817, as Selkirk himself put it, "to give 'stage effect' to our submission to the law."³⁶³ He had even earlier decided upon conspiracy charges which his attorneys warned him would be difficult to sustain, in the hopes that such charges would force more documentation and evidence of North West Company malice in front of the public. While bringing the whole business home to England for trial would have been preferable, it proved politically unworkable. If Selkirk was becoming increasingly ill with consumption (or tuberculosis) during the year 1818, the disease may have unbalanced his

usually rational behavior patterns and given him delusions of a great victory he ought not to have expected. Certainly in other ways he was behaving quite abnormally by the end of the year.

Sorting through the complications of the trials would require a separate disquisition. Briefly, what must be remembered is that there were three categories of legal action in 1818, two against Selkirk and his settlers and one against the North West Company. Among the first grouping of actions, those resulting from Lord Bathurst's dispatch, were charges against Selkirk of resisting arrest and committing a misdemeanour at Fort William. In the second grouping were charges brought by the North West Company against the settlers at Red River. In the third group were the indictments against the North West Company brought by Selkirk for various offenses, including the murders of Robert Semple and Owen Keveny. Round One went to the North West Company, which had asked in the spring of 1817 for the trials in which Selkirk was committing magistrate to be held in Upper Canada. Selkirk would have preferred these cases tried in Montreal, but on 9 February he was informed they would be heard in York.³⁶⁴ A day later, William Coltman wrote to Selkirk suggesting that the contending parties come to an agreement on territorial activity, with the North West Company withdrawing from Assiniboia and the Hudson's Bay Company from Athabasca, neither side pressing legal charges against the other.³⁶⁵ Selkirk rejected the suggestion out of hand as "compounding a felony,"³⁶⁶ and retained the suspicion that the offer demonstrated that Coltman was little more than an agent of the North West Company. Such a trade-off was abhorrent to Selkirk, partly because it admitted defeat in the Athabasca but also because it meant there would be no justice brought against men he regarded as murderers.

In any event, Round Two went to Selkirk, when preliminary hearings at Montreal in February found seventeen true bills against Nor' Westers for Semple's murder and other lesser crimes, while throwing out most of the countercharges against Selkirk's people. Eventually, the charges against the Nor' Westers based upon Selkirk's indictments and collection of witnesses and evidence totalled forty-two counts of murder or complicity in murder, eighteen counts of arson, nine of burglary, sixteen of robbery, nine of stealing boats, nine of grand larceny, and seven of malicious shooting. Of these various charges, only one produced a conviction, against Charles de Reinhard for the murder of Owen Keveny, in a court in Quebec City, in October of 1818. Any rejoicing over this decision was tempered by two facts: first, that the sentence of death was never carried out against Reinhard, and second, that his associate in the crime, North West partner Archibald McLellan, was acquitted by the same jury that found Reinhard guilty.³⁶⁷

In general, Selkirk and his associates had nothing but trouble in pursuing the Nor' Westers through the courts. The transferral of venue from Montreal to York was both expensive and confusing, and many witnesses were unable to testify at all the relevant trials, while others got tired of waiting around and went back west. Finally, the Upper Canadian court objected to the legal instruments provided by the Lower Canadian court and released many Nor' Westers from the charges involved. Other prisoners, such as Cuthbert Grant, were released on small bails and promptly disappeared. But this is getting ahead of our story. In March, Selkirk faced in Montreal the first of an interminable series of charges of resisting arrest. The crown's legal officers here and in ensuing cases admitted that the warrants which Selkirk had ignored were quite improper, but that they were under orders to proceed with efforts to make the charges stick. Selkirk first faced the Upper Canadian courts in April at Sandwich, in the judicial district in which the Nor' Westers had sworn their warrants against him for his actions at Fort William. Most charges were dismissed, but the resisting arrest charge was pronounced bailable and bail reduced from 6000 pounds to 50 pounds. Selkirk would not finally face trial on this charge until the September sessions at Sandwich.

In the midst of the complex legal struggle which kept Selkirk in North America through

1818, a British election campaign began. Selkirk would have to fight for re-election as a Scottish representative peer in absentia. His ex brother-in-law Sir James Montgomery served as his agent in circulating the requisite requests for support, noting that "Lord Selkirk's return from America has been necessarily delayed by the unexpected postponement of certain criminal prosecutions instituted against various Persons in Canada," without mentioning that one of those persons was the Earl himself.³⁶⁸ Montgomery received few responses, although the Duke of Buccleuch probably spoke for many of Selkirk's colleagues when he wrote that despite great goodwill for Selkirk, "I must fairly confess, that his Lordship's constant absence from Britain, as also the probability of its increased continuance, precludes me from giving him my vote at the ensuing election," since his absences "naturally preclude his attending to his parliamentary occupations."³⁶⁹ Despite general government support for Selkirk - by the same government that featured Lord Bathurst as colonial secretary- Montgomery was unable to get the government's Scottish manager Lord Melville to lean heavily on his colleagues to vote for Selkirk.³⁷⁰ Moreover, Lord Melville sealed Selkirk's fate by ruling, "Lord Selkirk being abroad and not on His Majesty's Service cannot vote."³⁷¹ Selkirk took the subsequent defeat badly, convinced that even his friends had turned against him.

Further court action took place in Montreal in May of 1818, with the hearing of North West Company charges against Colin Robertson and various Red River settlers for destroying the Nor' Wester fort at Red River in the spring of 1816. After the usual maneuvering, the accused were eventually acquitted by a jury.³⁷²

Selkirk was unable to escape trouble even when attempting to take a brief holiday. Travelling with his family on one of the first steamboats on Lake Erie, he was met at the Detroit docks with a writ sworn against him by a Nor' Wester whose property had been lost at Fort William. Selkirk himself did not remain to stand trial, and his American attorney won a dismissal on the grounds that the writ had been illegally served on Sunday.³⁷³ Moving off to Sandwich, Selkirk again faced the charge of resisting arrest in September. The jury acquitted him, and the Upper Canadian Attorney-general, John Beverly Robinson, tried desperately to find something of which Selkirk could be found guilty. Even Robinson's generally sympathetic biographer admits that Robinson was influenced by the North West Company, and adds that Robinson went too far in allowing Simon McGillivray to present crown evidence as an "expert examiner." The jury rejected McGillivray as an interested party and insisted that Robinson present the evidence himself. In the course of so doing, Selkirk appeared in the courtroom and challenged Robinson's objectivity. Many irregularities were permitted in this case by the judge, Chief Justice William Dummer Powell, who eventually adjourned the court without reaching a verdict.³⁷⁴ Robinson doubtless reflected general official opinion on both sides of the Atlantic when he commented on the Nor' Westers' "mistake of the laws, which, in my opinion, is general throughout this unfortunate contest." Dr. John Allan, Selkirk's friend and physician, responded,

It was probably by an equal mistake of the law, though of another kind, that the houses of the Colonists with the Schooner at Red River, were burned; that Governor Semple and twenty others were put to death; and that nearly two hundred men, women and children were driven to encounter the horrors of famine in a desert.

Robinson felt these remarks constituted "the first thing resembling an insult ... which I had received in six years professional duty." As his biographer observes, he merely revealed his "inability to accept that parties on the opposite side of a lawsuit passionately believed in the validity of their cause."³⁷⁵

The Attorney-general's attitude at Sandwich did not endear him to Selkirk and his supporters, and the Earl was quite prepared to hold Robinson personally culpable for the failure to obtain guilty verdicts in the trials of the Semple "murderers" held at York in October.

Robinson was crown attorney in these cases, and Selkirk was quite critical of his conduct of them. In fairness to Robinson, he was a relatively inexperienced prosecutor up against the best legal talent in the province. The defense argument was that Seven Oaks was not a massacre but a “great riot,” merely a logical development in the ongoing fur trade war. The jury was totally confused by the contradictory evidence of the witnesses, as well as by the failure of Robinson to riposte to the defense’s objections. It found the defendants not guilty. Robinson always believed that Selkirk had been guilty of a conspiracy at Fort William to ruin the North West Company, while holding that the Nor’ Westers were merely responding to the logic of the situation in their behaviour. This was, indeed, the official view of the conflict, running through the final Coltman report and the documents tabled before the House of Commons in 1819, however much the evidence suggested anything else. Moreover, even if Selkirk had behaved differently at Fort William, the earlier actions of the North West Company would have continued to be explained away, for since they preceded Fort William, they did not hinge on any particular interpretation of Selkirk’s later behaviour. It was true, however, that Selkirk’s actions fit nicely into a view of events the Nor’ Westers tried diligently to promote, one which was neatly labelled by Coltman’s fellow commissioner John Fletcher as the “Selkirsonian system” of employing armed force when legal means failed.

When the dust had cleared from the various trials for the murder of Robert Semple and of the trial of two settlers for stealing a cannon in 1815, all held at York in late 1818, no one had been found guilty of anything. One contemporary estimated the cost to the North West Company of the litigation at 55,000 pounds. Neither this fact nor occasional other small victories were much satisfaction to Selkirk in 1818. It was true that a threat to prosecute John Beverley Robinson’s mentor, Archdeacon John Strachan, for libel when his earlier pamphlet was republished in newspapers in Montreal, had produced much backtracking by Strachan, who insisted his remarks had appeared without his permission and were intended only for English consumption.³⁷⁶ It was equally true that the weight of the evidence ran against the official view, for as one English lawyer (admittedly partial to Selkirk) would put it, the whole business exhibited

... a state of society, of which no British colony has hitherto afforded a parallel:
 - Private vengeance arrogating the functions of public law; - Murder Justified in a British Court of Judicature, on the plea of exasperation, commencing years before the sanguinary act; - The spirit of monopoly raging in all the terrors of power, in all the force of organization, in all the insolence of impunity.³⁷⁷

None of these facts were much comfort to the Earl of Selkirk at the close of the York trials. He was physically and emotionally sick, and he wanted to go home.

VII. THE RETURN TO EUROPE 1818-1820

Leaving Lady Selkirk and his family behind in Montreal to complete the necessary business, Selkirk was in Albany in early November on his way to New York City by steamboat. His head was filled with ways of recouping his enormous expenditures over the past ten years, and he may have been a bit feverish. Falling in with an old American acquaintance on the steamboat, one whom he had first met in the Genesee country of New York on his first tour of North America, Selkirk spent the journey poring over a map and confiding to John Greig all his schemes for settling the Red River Country. Greig, a Scotsman originally from Moffat, had been part of the New York speculation of Sir William Pulteney, and he encouraged Selkirk to think about organizing a company to “purchase and settle that part on speculation,” perhaps at about 6d. per acre.³⁷⁸

Selkirk subsequently worked out the details on paper, probably on the voyage back to England, and forwarded the plan to Greig on 2 December 1818, the day after his arrival in Liverpool. He had ascertained that the British and Americans had agreed on a western boundary line, but insisted that the speculation was still possible, since "In a question of private right, it cannot be supposed that the [American] Administration, as such, would take any part, & as the individual members of Congress are in general well versed in Law, they will the more readily perceive how strong are the grounds of the right that I assert."³⁷⁹ The idea that the part of his grant from the Hudson's Bay Company which ended up in American territory would be accepted by the Americans was almost totally ludicrous, and while it is easy to understand his attempts to negotiate some agreement with the United States government in late 1817, Selkirk's almost childlike enthusiasm for recovering money through a public sale of stock doubtless reflected the extent of his illness, and the extent to which gaining something from the wreckage obsessed him in his final months.

Back in London, Selkirk was under a physician's care constantly, but worked long hours at his desk preparing a series of statements outlining events in North America and defending his conduct. With John Halkett he wrote a lengthy account of the legal hassles which had resulted from Lord Bathurst's dispatch of 1817, which when submitted to the Colonial Office provoked a reply from Henry Goulbourn that refused to take the issue seriously, "more particularly considering the manner in which Lord Selkirk obtained possession of" the offending dispatch.³⁸⁰ Goulbourn claimed there were inaccuracies in the transcript of the letter, all minor variations from the original. Halkett quite properly observed that any errors could hardly be Selkirk's, since he had not seen the original.

A death among the representative peers for Scotland opened another opportunity for Selkirk to run for Parliament. He had taken the last defeat hard, he admitted to the Earl of Hopetoun:

When the circumstance first reached me (thro' the newspapers) after the expectations of support from Government which my friends had been led to entertain, I must own that I thought it could bear but one interpretation, and that I was to find a decided enemy, not in Lord Bathurst only, but in every member of the Cabinet. It was with great surprize, that on seeing Lord Melville, and Lord Sidmouth within these two days both of them assured me that they had never till now been informed of the orders sent out by Lord Bathurst on the 11 February.

Despite such assurances, the government failed to support him in the election, apparently on the grounds that he might again have to depart for America.³⁸¹ Unable to appear personally in Edinburgh for the vote, he was easily defeated by a government candidate.³⁸²

Despite his disappointment and growing ill health, Selkirk continued to labour over his desk, writing "for the record." Virtually his last act before departing Canada for New York in late 1818 had been to complete and forward to the Duke of Richmond, Sir John Sherbrooke's replacement, a lengthy memorial, printed in 1819 by Nahum Mower in Montreal.³⁸³ In April of 1819 he published *A Letter to the Earl of Liverpool*, written on 19 March.³⁸⁴ In addition, he penned several lengthy autobiographical fragments, which were set in type but never actually published, apparently because he died before they could appear.³⁸⁵ Despite warnings from friends and family alike about the dangers of overexertion and emotional turmoil, Selkirk was by now in a recurring pattern of hemorrhage and recovery. A paragraph in the London newspapers referring to Canadian trials set off another hemorrhage, and, according to his sister, "from that time forward, we had nothing but anxiety, sorrow, labour of body, and heart break."³⁸⁶ Lady Selkirk came home in June, just in time to be present when Sir James Montgomery, in what was undoubtedly the finest speech

he ever made - William Wilberforce described it as “singularly attic, simple, and clear” - called for the tabling of the relevant Colonial Office papers on the Red River Settlement.³⁸⁷ Despite some misleading statements by Henry Goulburn, the motion carried easily, and the papers were printed within a period of weeks.³⁸⁸ The publication of these papers, including the Coltman report, as a parliamentary blue book, would over the long haul do much to set the record straight, for as his biographer John Morgan Gray has observed, “The part he had played was transparently as he had represented it; even mistakes he was perhaps now prepared, though reluctant, to face stood clearly on the record.”³⁸⁹ While Coltman’s general interpretation was that the western struggle had been a fur trade war, he did separate Selkirk’s activities from those of the companies, and he also admitted that the retaliation of the North West Company “exceeded all reasonable or lawful bounds of self-defence ... as to render the proceedings of their party, beyond comparison, the most criminal.” Canadian historians have, by and large, tended to accept this verdict, as well as William Wilberforce’s comment that

... in the prosecution of a favourite object, men are sometimes led into the use of means they may afterwards see reason to disapprove. And this especially happens, when from the nature of the case, we are obliged to avail ourselves of the services of men, whose character we cannot scrutinize very nicely. Excuse me if I say that I conceived such might be your situation.³⁹⁰

Selkirk may have been willing to accept Wilberforce’s analysis that his servants had failed him, but it was misleading. The decisions had been his, and given the situation at the time, they were reasonably good decisions for which no commander in the field needed to apologize. The dispatch of Lord Bathurst which caused so much difficulty would probably have been written whatever Selkirk had or had not negotiated with Daniel McKenzie, and the seizure of Fort William was a real coup, well worth doing. Readers of Selkirk’s apologetic writings reprinted in this volume can decide for themselves what Selkirk felt most guilty about, and can perhaps speculate why.

Selkirk revised his will in August, as he prepared on medical advice to head to more southern climes; doctors were convinced that Italy was a good place for consumptives to die. To his brother-in-law he made clear his determination to fight on:

... my honour is at stake in the contest with the North West Company and in the support of the settlement at Red River. Till that can be said to be fairly out of danger and till the infamous falsehoods of the North West Company are finally and fully exposed, expenses must be incurred which it is utterly impossible to avoid, and to which it does not depend on me to put a limit.

This attitude of a fight to the death with the North West Company persisted, at least until Selkirk’s death.³⁹¹ The Earl and his family left England in September, travelled as far as the foothills of the Pyrenees when winter came, and settled into a villa in the small French town of Pau. Even here Selkirk was not free from the pressures of the past. From London came news of several proposals for settlement, mainly along lines of compromise, and many in the family favoured such action. Selkirk also proofread a copy of a gloss on the papers tabled in the House of Commons; the copy of Observations upon the Papers Laid Before the House of Commons, relating to the Red River Settlement held by the Ontario Archives contains a number of additions and corrections in his hand.³⁹² The Earl had done what was almost unpardonable in a nineteenth-century family of landed aristocrats: he had virtually pauperized his heirs, and as he himself admitted, “the languor of continued ill health may have its share in taming me down” to a willingness to settle.³⁹³ He had not agreed to come to terms with his opponents before his death, however. On 8 April 1820 he died, and was buried in the closest Protestant cemetery at Orthez. His efforts to vindicate his name were largely unsuccessful in his lifetime, but over the passage of time he became a mythical figure in the early history of Manitoba, and as the agricultural richness

he had envisioned was vindicated, he became a prophet of western settlement.³⁹⁴ But that is another story.

References

- ¹ See the introduction to volume I of this series, particularly pages 56-71.
- ² See the introduction to volume I of this series, particularly pages 65-66.
- ³ See the introduction to volume I of this series, particularly pages 66-68.
- ⁴ W. Kaye Lamb, ed., *The Journals and Letters of Sir Alexander Mackenzie* (Toronto, 1970); Roy Daniells, *Alexander Mackenzie and the North West* (London, 1969).
- ⁵ A. S. Morton, *A History of the Canadian West to 1870-71: Being a History of Rupert's Land (the Hudson's Bay Company's Territory; and of the North-West Territory (Including the Pacific Slope)*, second edition (Toronto, 1973), 518-524.
- ⁶ E. E. Rich, ed., *Colin Robertson's Correspondence Book, September 1817 to September 1822* (Toronto, 1939), xxi-xxii.
- ⁷ See introduction to volume I of this series, 28-29.
- ⁸ Selkirk to Miles Macdonell, 6 December 1809, PAC MG 19 E4.52. See also Selkirk to Captain John MacDonald, 6 December 1809, SPPAC, 14967-14976.
- ⁹ Rich, ed., *Robertson's Letters*, xxix-xxvi.
- ¹⁰ Selkirk to Miles Macdonell, 10 February 1810, PAC MG 19 E4, 56. See also "HBC. 1810/Scroll Plan New System," SPPAC, 9-15; "'HBCo 1810/Scroll Observations Wollaston's Plan," SPPAC, 16-28; "HB 1810 Feb/Scroll Resolutions new System," SPPAC, 29-37.
- ¹¹ "HBC 1810/Scroll observations Wollaston's Plan."
- ¹² "HB 1810 Feb/Scroll Resolutions new System."
- ¹³ Rich, ed., *Robertson Letters*, xxxi-xxxii.
- ¹⁴ Rich, ed., *Robertson's Letters*, xxxiii-xxxiv; Morton, *A History*, 531-2.
- ¹⁵ Maria Edgeworth to Mrs. Barbauld, 1 August 1810, reprinted in Betsy Rogers, *Georgian Chronicle* (London, 1958), p. 200.
- ¹⁶ James Williams to Selkirk, 14 August 1810, SPPAC, 14963-14966.
- ¹⁷ See my "Thomas Halliday, Mary Cochrane, the Earl of Selkirk, and the Island," *The IslandMagazine*, number 19 (spring/summer 1986), 27-32.
- ¹⁸ Committee minutes, 6 February 1811, HBC Archives, A1/50.
- ¹⁹ Eric Ross, *Beyond the River and the Bay: Some Observations on the State of the Canadian Northwest in 1811 with a View to Providing the Intending Settler with an Intimate Knowledge of that Country* (Toronto, 1970).

- ²⁰ Committee minutes, 6 February 1811.
- ²¹ Committee minutes, 6 March 1811, HBC Archives, A 1/50.
- ²² “April 1811/LumberHB/Calculations per Christie & Co.,” SPPAC, 38-39; *The Inverness Journal, and Northern Advertiser*, 19 April 1811.
- ²³ Minutes of General Court, 22 May 1811, HBC Archives, AI/50; Minute by Miles Macdonell of threats by Sir A. McKenzie vs RRS, 22 May 1811, SPPAC, 1925.
- ²⁴ Minutes of General Court, 30 May 1811, EiBC Archives, AI/50.
- ²⁵ *Ibid.*
- ²⁶ McTavish Fraser & Co., [Inglis Ellice & Co., Alex MacKenzie to William Mainwaring, 3 June 1811, SPPAC, 199-201.
- ²⁷ *The Inverness Journal, and Northern Advertiser*, 21 June 1811.
- ²⁸ See my “The Affair at Stornoway, 1811,” *The Beaver*, (spring 1982), 52-58.
- ²⁹ Miles Macdonell to Selkirk, 1 October 1811, SPPAC, 40-57.
- ³⁰ William Auld to Selkirk, October 1811, SPPAC, 58-64. See also Auld to Wedderburn, 3 October 1811, SPPAC, 65-88.
- ³¹ See, for example, Selkirk to Dr. Marcet, 21 October 1811, Small Collection, NLS 3649, ff. 17-18.
- ³² Copy of a Letter from Lord Selkirk to Thomas Clark, n.d., University of Western Ontario Library, 4378.
- ³³ See my “The Loyal Electors,” *The Island Magazine*, number 7 (1980), 8-14.
- ³⁴ A. Lean to Selkirk, 14 March 1812, HBC Archives, AS/5.
- ³⁵ Selkirk to Miles Macdonell, 24 March 1812, SPPAC, I, 292.
- ³⁶ Chester Martin, *Lord Selkirk’s Work in Canada*, (Toronto, 1916), 90-91.
- ³⁷ Martin, p. 193, quoting lost manuscript.
- ³⁸ Minutes of Committee, 1 April 1812, HBC Archives, AI/50.
- ³⁹ Minutes of Committee, 29 April 1812, HBC Archives, AI/50.
- ⁴⁰ Selkirk to Alexander Mundell, BM 31897, f. 24.
- ⁴¹ Macdonell Papers, PAC MG 24 18, vol. 35, p. 108.
- ⁴² Alexander MacDonald to Archibald McDonald, 14 May 1812, SPPAC, 289-291.

- ⁴³ Miles Macdonell to Selkirk, SPPAC, 344-63.
- ⁴⁴ Selkirk to William Auld, 18 June 1812, SPPAC, 382-404.
- ⁴⁵ Selkirk to W. Hillier, 18 June 1812, SPPAC, 405-410.
- ⁴⁶ Selkirk to Auld, 18 June 1812.
- ⁴⁷ Selkirk to Miles Macdonell, 20 June 1812, SPPAC, 712-732.
- ⁴⁸ Selkirk to Macdonell, 20 June 1812.
- ⁴⁹ HBC Archives, E8/8, ff 116-168.
- ⁵⁰ "HB Obs'a to Ld. Liverpool," 1 July 1812, SPPAC, 14007-14009.
- ⁵¹ Selkirk, "Irish Catholic Proposition to Lord Liv," 11 July 1812, SPPAC, 13983-13986.
- ⁵² Selkirk, "Spain - Suggestions to Ld Sid - August 1812," SPPAC, 13995-14006.
- ⁵³ Selkirk, "Irish Catholic Church arrang'ts proposed to N. Vansittart," 28 August 1812, SPPAC, 52, 13987-13993.
- ⁵⁴ Lord Melville to Lord Buccleuch, SRO GD 224/579.
- ⁵⁵ Selkirk to Lord Leven and Melville, 3 October 1812, SRO GD26/13/200/6.
- ⁵⁶ Selkirk to Viscount Melville, 12 October 1812, SRO GD51 / 198/14/ 16; same to same, 14 October 1812, SRO GD51/198/14/17.
- ⁵⁷ Selkirk to Lord Buccleuch, 13 October 1812, SRO GD 224/579; Buccleuch to Selkirk, 22 October 1812, SRO GD 224/579; Selkirk to Buccleuch, 24 October 1812, SRO GD 224/579.
- ⁵⁸ Lord Napier to Lord Melville, 10 November 1812, SRO GD 51/197/47.
- ⁵⁹ "A Statement of Losses Sustained by the right Honourable Earl of Selkirk on Account of the Americans under the Command of Cap't Forsyth coming to Baldoon and Township of Dover and County of Trent," University of Western Ontario Regional Collection 4378.
- ⁶⁰ Miles Macdonell to Selkirk, 4 July 1812, SPPAC, 413-419.
- ⁶¹ Testimony relative to Mutinies &c., 6 July 1812, SPPAC, 420-428; Minutes of Langston's Conduct, 1812, SPPAC, 438-440.
- ⁶² Miles Macdonell to Selkirk, 11 August 1811, SPPAC, 443-450.
- ⁶³ Owen Keveny to Selkirk, 8 September 1812, SPPAC, 460-476.
- ⁶⁴ William Auld to Selkirk, 12 September 1812, SPPAC, 477-501.

- ⁶⁵ Committee minutes, 11 January 1812, HBC Archives, A 1/50.
- ⁶⁶ A. Lean to Selkirk, 21 January 1813, HBC Archives, A5/5.
- ⁶⁷ See my *The People's Clearance: Highland Emigration to British North America 1770-1815* (Edinburgh and Winnipeg, 1982), esp. 155-187.
- ⁶⁸ Selkirk to Alexander MacDonald of Dalilia, 23 January 1813.
- ⁶⁹ Regiment Proposal 17 February 1813 to Ld Bathurst, SPPAC, 14032-14037. See also my "Lord Selkirk's Highland Regiment and the Kildonan Settlers," *The Beaver* (autumn, 1978), 16-21.
- ⁷⁰ "Act to repeal 43 George III c. 56," BM 31897, ff 25-26.
- ⁷¹ Observations by Duke of York on Proposal Reg't, 6 March 1813, SPPAC, 14090-14091.
- ⁷² Selkirk to Bathurst, 9 March 1813, SPPAC, 14065-14072.
- ⁷³ James Loch, *An Account of the Improvements on the Estate of Sutherland Belonging to the Marquess and Marchioness of Stafford* (London, 1820); R. J. Adam, ed., *Papers on Sutherland Estate Management 1802-1804*, 2 vol. (Edinburgh, 1972); Eric Richards, *The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution* (London, 1973).
- ⁷⁴ James Armour to William McDonald, 27 February 1813, SPPAC, 14088-14089.
- ⁷⁵ *Ibid.*
- ⁷⁶ Notes by Marchioness of Stafford of conversations with Lord Selkirk IS March and 13 April 1813, in Adam, ed., *Papers*, I, 142-144.
- ⁷⁷ "Memo Mr McD," SPPAC, 14041; "Queries by Sergeant Macdonald and answers thereto by Lord Selkirk with respect to the Sutherland Highlanders' Settlement in North America: 1813," Sutherland Papers.
- ⁷⁸ Selkirk, "Modifications on Proposal Reg't," 6 April 1813, SPPAC, 14092.
- ⁷⁹ Colonel Torrens to Selkirk, 14 April 1813, SPPAC, 14043-14044.
- ⁸⁰ Selkirk to Lord Bathurst, 13 April 1813, SPPAC 14037-14040.
- ⁸¹ Selkirk to Lord Bathurst, 21 April 1813, SPPAC, 14056-14057.
- ⁸² Selkirk to Marquis of Stafford, 24 April 1813, Sutherland Papers.
- ⁸³ William Young to Earl Gower, n.d., Sutherland Papers.
- ⁸⁴ Dugald Gilchrist to Marchioness of Stafford, 11 May 1813, Sutherland Papers.
- ⁸⁵ *Ibid.*

- ⁸⁶ William Young to Marchioness of Stafford, 11 May 1813, Sutherland Papers.
- ⁸⁷ "Copies of receipts taken from the Originals at York 9 May 1816," Strachan Letter Book, Ontario Archives.
- ⁸⁸ Donald Gunn and Charles R. Tuttle, *History of Manitoba* (Ottawa, 1880), 68ff.
- ⁸⁹ Selkirk to Miles Macdonell, 5 June 1813, SPPAC, 629-646.
- ⁹⁰ Selkirk to Miles Macdonell, 12 June 1813, SPPAC, 650-669.
- ⁹¹ Selkirk to Miles Macdonell, 14 June 1813, SPPAC, 682-688.
- ⁹² For example, Abel Edwards to Selkirk, 10 July 1813, SPPAC, 748-754.
- ⁹³ Miles Macdonell to Selkirk, 17 July 1813, SPPAC, 764-794.
- ⁹⁴ William Auld to Andrew Wedderburn, 16 September 1813, SPPAC, 843-865.
- ⁹⁵ Miles Macdonell to Selkirk, 17 July 1813.
- ⁹⁶ Miles Macdonell to Selkirk, 10 September 1813, SPPAC, 865-868.
- ⁹⁷ Joseph Howse to Selkirk, 24 September 1813, SPPAC, 871-874.
- ⁹⁸ William Auld to Selkirk, 26 September 1813, SPPAC 836-842.
- ⁹⁹ Owen Keveny to Miles Macdonell, 26 September 1813, SPPAC, 886-897.
- ¹⁰⁰ Notes on the Pemmican Affair, 1814, SPPAC, 1300-1307.
- ¹⁰¹ Proclamation, 8 January 1814, SPPAC, 916-918.
- ¹⁰² George Holdsworth to Miles Macdonell, 2 February 1814, SPPAC. 920-22.
- ¹⁰³ John Wills to Miles Macdonell, 25 January 1814, SPPAC, 923-4.
- ¹⁰⁴ Miles Macdonell to William Auld, 4 February 1814, SPPAC, 949-959.
- ¹⁰⁵ Paper on Abolition of Slave Trade and African Reform, SPPAC 14015-14024.
- ¹⁰⁶ Untitled Paper on European Affairs, SPPAC, 14174.
- ¹⁰⁷ Scroll Copy - American Treaty - W Inds - 1814, SPPAC, 14010-14014.
- ¹⁰⁸ Miles Macdonell to Agents NWCo., 8 March 1814, SPPAC, 967-971.
- ¹⁰⁹ William Auld to Miles Macdonell, 13 March 1814, SPPAC 971-980.
- ¹¹⁰ William Auld to William Hillier, 8 April 1814, SPPAC, 991-995.

- ¹¹¹ HBC. to Thomas Thomas, April 1814, SPPAC, 1327-1375.
- ¹¹² Selkirk to Miles Macdonell, 12 April 1814, SPPAC, 1006-1062.
- ¹¹³ Selkirk to Miles Macdonell, 15 April 1814, PAC, MG E4, 98.
- ¹¹⁴ William Auld to Miles Macdonell, 15 April 1814, SPPAC, 1054-1060.
- ¹¹⁵ Miles Macdonell to William Auld, 24 April 1814, SPPAC, 985-989.
- ¹¹⁶ William Auld's advice, 13 May 1814, SPPAC, 1083-1089.
- ¹¹⁷ Miles Macdonell to John Wills, 20 May 1814, SPPAC, 926-927.
- ¹¹⁸ John Wills to Miles Macdonell, 21 May 1814, SPPAC, 928.
- ¹¹⁹ Miles Macdonell to John Wills, 22 May 1814, SPPAC, 929-930.
- ¹²⁰ Minute of a Conference with Mr. Wills, 23 May 1814, SPPAC, 93 1.
- ¹²¹ Hudson's Bay Company to Thomas Thomas, 18 May 1814, SPPAC, 1308-1326.
- ¹²² Committee minutes, 18 May 1814, HBC. Archives, A1/50.
- ¹²³ Archibald McDonald to Selkirk, 22 May 1814, SPPAC, 1091-1124.
- ¹²⁴ Selkirk to Miles Macdonell, 28 May 1814, SPPAC, 1127-1132.
- ¹²⁵ Report of Mr. Sheriff Spencer, 30 May 1814, SPPAC, 932.
- ¹²⁶ Duncan Cameron et al. to Miles Macdonell, 15 June 1814, SPPAC, 939.
- ¹²⁷ Miles Macdonell to North West Company, 15 June 1814, SPPAC, 940-41.
- ¹²⁸ Duncan Cameron et al. to Miles Macdonell, 16 June 1814, SPPAC, 942.
- ¹²⁹ Miles Macdonell to North West Company, 17 June 1814, SPPAC, 943.
- ¹³⁰ John McDonald et al. to Miles Macdonell, 18 June 1814, SPPAC, 945-946.
- ¹³¹ Miles Macdonell to North West Company proprietors, SPPAC, 947.
- ¹³² John McDonald et al to Miles Macdonell, 18 June 1814, SPPAC, 948.
- ¹³³ William McGillivray to John Pritchard, 23 July 1814, SPPAC, 1162-1164.
- ¹³⁴ Miles Macdonell to Selkirk, 24 July 1814, SPPAC, 1176-1181.
- ¹³⁵ Selkirk to Miles Macdonell, 9 July 1814, PAC, MG E4, 101-103.

lxxxiii *Introduction*

- ¹³⁶ Archibald McDonald to Selkirk, 24 July 1814, SPPAC, 1170-1175.
- ¹³⁷ Miles Macdonell to Selkirk, 25 July 1814, SPPAC, 1183-1203.
- ¹³⁸ M. Campbell, *The North West Company* (Vancouver, 1983), p. 211.
- ¹³⁹ Alexander Macdonell to John McDonald, 5 August 1814, SPPAC, 1204-1205.
- ¹⁴⁰ Abel Edwards Report on Miles Macdonell, August-September 1814, SPPAC, 1207-1211.
- ¹⁴¹ Miles Macdonell to Selkirk, 9 September 1814, SPPAC, 1215-1226.
- ¹⁴² Thomas Thomas to Selkirk, 20 September 1814, SPPAC, 1240-1241.
- ¹⁴³ Thomas Thomas to Selkirk, 20 September 1814, SPPAC, 1235-1239.
- ¹⁴⁴ Colin Robertson to Selkirk, 5 October 1814, SPPAC, HBC Archives A10/1.
- ¹⁴⁵ John Macdonell to John McNab, 10 October 1814, SPPAC, 1245-1249.
- ¹⁴⁶ John Pritchard to Colin Robertson, 11 October 1814, SPPAC, 1259-1261.
- ¹⁴⁷ Sir James Hall Diary, SRO, GD 206/I[,315/15.
- ¹⁴⁸ Miles Macdonell Notice of Eviction, 21 October 1814, PAC, RG4, B46, vol. 1; SPPAC, 1250-51.
- ¹⁴⁹ Colin Robertson to Selkirk, 29 October 1814, SPPAC, 1252-1255.
- ¹⁵⁰ Selkirk to A. Edwards, n.d., SPPAC, 513-514; Abel Edwards to Selkirk, December [1814], SPPAC, 518-519.
- ¹⁵¹ Selkirk to Colin Robertson, 6 December 1814, SPPAC, 1280-1282.
- ¹⁵² This pamphlet is not the prospectus answered in 1816 by John Strachan as *A Letter to the Right Honourable the Earl of Selkirk ...* Strachan was responding to an earlier item written in 1811, when Selkirk's familiarity with the Red River region really was rather primitive; it was never publicly distributed. In many ways, "Ossiniboia" answers Strachan's critique in advance.
- ¹⁵³ William Auld to Selkirk, n.d., but December 1814, SPPAC, 510-512.
- ¹⁵⁴ Selkirk to Colin Robertson, SPPAC, 1284-1285.
- ¹⁵⁵ Selkirk to Miles Macdonell, SPPAC, 1286-1289.
- ¹⁵⁶ Selkirk, "William Hillier, Notes of his narrative of M. Macdonell Cond't at YF Aug end, December 1814," SPPAC, 1504-1505.
- ¹⁵⁷ James Smith to Duncan Cameron, 24 December 1814, SPPAC, 1292-1293.

- ¹⁵⁸ Duncan Cameron to Donald Livingston and Hector McEachern, 10 January 1815, SPPAC, 1740-1743.
- ¹⁵⁹ Alexander Colvile to Messrs. Maitland Gordon & Auldjo, 4 January 1815, HBC Archives, AS/5.
- ¹⁶⁰ Joseph Berens to Earl Bathurst, 10 February 1815, PAC, RG4, B46, vol. 1.
- ¹⁶¹ Selkirk to Governor &c. of HBC., 14 February 1815, SPPAC, 1914-1919.
- ¹⁶² Committee Minutes, 1 February 1815, HBC Archives, AI/51.
- ¹⁶³ See *Sketch of the Fur Trade* reprinted in this volume.
- ¹⁶⁴ HBC Committee minutes, 17 February 1815, HBC Archives, A I/51. ibs "Statement 1815," PAC RG4, B46, vol. 1.
- ¹⁶⁵ See "Untitled Pamphlet on Indian Education" reprinted in this volume.
- ¹⁶⁷ Selkirk to Lord Bathurst, 3 March 1815, SPPAC, 1476-1483.
- ¹⁶⁸ Extract A. Macdonell to John Siveright, 16 February 1815, SPPAC, 1864-1865.
- ¹⁶⁹ John McLeod's narrative, 15 February 1815, SPPAC, 1586-1589.
- ¹⁷⁰ D. Cameron to Hector McEachern and Donald Livingston, 10 March 1815, SPPAC, 1744-1745.
- ¹⁷¹ Extract A. Macdonell to J. D. Cameron, 13 March 1815, SPPAC, 1864.
- ¹⁷² Lord Bathurst to Selkirk, 11 March 1815, PAC, RG4, B46, vol. 1.
- ¹⁷³ Extract John Siveright to James Taitte, 16 March 1815, SPPAC, 1815.
- ¹⁷⁴ Extracts Selkirk to Maitland Garden & Auldjo, PAC, RG 4, B46, vol. 1.
- ¹⁷⁵ Duncan Cameron to James Grant, 22 March 1815, SPPAC, 1865.
- ¹⁷⁶ Selkirk to Miles Macdonell, 23 March 1815, SPPAC, 1492-1503.
- ¹⁷⁷ William Auld to Mr. Thomas, 29 March 1815, SPPAC, 1508-1514.
- ¹⁷⁸ Committee minutes, 5 April 1815, HBC Archives, AI/51.
- ¹⁷⁹ For Semple see DCB, V, 750-752.
- ¹⁸⁰ *Papers relating to Red River Settlement*, 1819, p. 46.
- ¹⁸¹ Extract A. MacDonell to Messrs Dun & Doug'I Cameron, 17 April 1815, SPPAC, 1868-1869.
- ¹⁸² George Holdsworth to Miles Macdonell, 23 April 1815, SPPAC, 1529-1530.

- ¹⁸³ John Strachan to William McGillivray, Strachan Letterbook 1812-1836, Ontario Archives. This letter is misdated in J. L. H. Henderson, ed., *John Strachan: Documents and Opinions* (Toronto, 1969), 55-56, as 1813.
- ¹⁸⁴ Committee minutes, 3 May 1815, HBC Archives, A1/51.
- ¹⁸⁵ Colin Robertson to A. Colvile, 19 May 1815, SPPAC, IS31-IS33.
- ¹⁸⁶ General Court minutes, 19 May 1815, HBC Archives, A1/51.
- ¹⁸⁷ Memorial to Bathurst, HBC Archives A9/8.
- ¹⁸⁸ Joseph Berens to Earl Bathurst, 8 June 1815, HBC Archives, A10/1.
- ¹⁸⁹ J. Harvey to William McGillivray, PAC RG4, B1, vol. 1.
- ¹⁹⁰ William McGillivray to Lt. Colonel Harvey, 24 June 1815, PAC, RG4, B46, vol. 1.
- ¹⁹¹ Maitland, Garden & Co. to Harvey, 12 June 1815, PAC, RG4, B46, vol. 1.
- ¹⁹² See particularly, Chester Martin, *Lord Selkirk's Work in Canada, 80-87*; John Morgan Gray, *Lord Selkirk of Red River* (Toronto, 1962), 98-115; A. S. Morton, *A History of the Canadian West*, pp. S67-S72. For a North West Company perspective, see Marjorie Campbell, *The North West Company*, 211-212.
- ¹⁹³ The only contemporary account is in Miles Macdonell to Selkirk, 20 June 1815, SPPAC, 1561-1571.
- ¹⁹⁴ This position is largely accepted by Margaret McLeod and W. L. Morton, *Cuthbert Grant of Grantown* (Toronto, 1974), p. 23.
- ¹⁹⁵ Miles Macdonell to Selkirk, 19 September 1815, SPPAC, 1698-1710.
- ¹⁹⁶ See Martin, *Lord Selkirk's Work*, p. 87, fn.
- ¹⁹¹ William McGillivray to Lt. Col. Harvey, 6 July 1815, PAC RG4, B46, vol. 1; Extract Simon McGillivray to Arch'd McGillivray, 2 July 1815, SPPAC, 1868.
- ¹⁹⁸ Lt. Col. J. Harvey to Messrs. Maitland, Gordon & Auldjo, 12 July 1815, PAC, RG4, B46, vol. 1.
- ¹⁹⁹ Rich, ed., *Robertson's Letters*, Ixiii-Ixvi.
- ²⁰⁰ William McGillivray, "Statement Relative to the Settlers from the Red River," 15 August 1815, SPPAC, 1620-1625.
- ²⁰¹ Selkirk to Edward Roberts, 21 August 1815, HBC Archives, A10/1.
- ²⁰² Hudson's Bay Company Committee to Selkirk, 21 August 1815, SPPAC, 1631-1632. 203
- ²⁰³ J. D. Cameron to Duncan Cameron, 21 August 1815, SPPAC, 1464-1466.

- ²⁰⁴ Sir F. Robinson to Sir G. Drummond, 22 August 1815, PAC, RG 4, B46, vol. I.
- ²⁰⁵ Jno. Broadwood & Sons to Mr. Roberts, 26 August 1815, HBC Archives, A10/I; Copy Instructions to Lord Selkirk respecting any Treaty with the N.W.Co., 30 August 1815.
- ²⁰⁶ Selkirk to John McDonald, 1 September 1815, SPPAC, 1638-1651.
- ²⁰⁷ Robert Semple to Colin Robertson, 5 September 1815, SPPAC, 1652-1654.
- ²⁰⁸ New settlers to A. McDonell, 5 September 1815, SPPAC, 1658.
- ²⁰⁹ Semple's observations, SPPAC, 1659-1666.
- ²¹⁰ Robert Semple, Sundry Observations, Appendix 2, September 1815, SPPAC, 1667-1682.
- ²¹¹ Journal kept at Fort Douglas by Colin Robertson, September-October 1815, SPPAC, 1711-1726.
- ²¹² Henry Goulburn to Governor, HBC, 14 October 1815, SPPAC, 1815-1816.
- ²¹³ John Campbell to Lord Bathurst, 14 October, 1815, quoted in John Perry Pritchett, *The Red River Valley, 1811-1849: A Regional Study* (New Haven and Toronto, 1942), p. 34.
- ²¹⁴ See Bumsted, *The People's Clearance*, 215-216.
- ²¹⁵ Selkirk to Sir Gordon Drummond, 11 November 1815, PAC, RG4, B46, vol. 1.
- ²¹⁶ John Macdonell to William J. Macdonell, 16 November 1815, reprinted in John Perry Pritchett, ed., "Five Selkirk Letters," *Canadian Historical Review*, 22 (1941), p. 163.
- ²¹⁷ Selkirk to J. Berens, 18 November 1815, SPPAC, 1939-1945.
- ²¹⁸ W. H. Robinson to Sir Gordon Drummond, 25 November 1815, PAC, RG4, 1346, vol. I.
- ²¹⁹ Conversations with Jo. Richardson, 10 December 1815, No. 1, SPPAC, 217-221.
- ²²⁰ NWCo. Boundary Proposals, 12 December 1815, SPPAC, 222-226.
- ²²¹ Sketch of Heads for an Agreement for a General Participation in the Indian Trade between the Hudson Bay Company and the North West Company, 12 December 1815, SPPAC, 227-231; Selkirk, Observations on NWCo. proposal Coalition HB, December 1815, SPPAC, 232-233.
- ²²² Selkirk to A. Colvile, 19 December 1815, HBC Archives, A10/1.
- ²²³ Robert Semple to Selkirk, 20 December 1815, SPPAC, 2718-2734.
- ²²⁴ Henry Goulburn to Governor, HBC, 29 December 1815, SPPAC, 1840-1841.
- ²²⁵ Selkirk to Andrew Colvile, 6 January 1816, HBC Archives, A10/1.

Ixxxvii *Introduction*

- ²²⁶ A. Colvile to Bathurst, January 1816 (draft); A. Colvile to Bathurst, n.d. but January 1816, HBC Archives, A10/1.
- ²²⁷ John Halkett to J. H. Pelly, IO January 1816, HBC Archives, A10/1.
- ²²⁸ J. Halkett to J. H. Pelly, n.d., but January 1816, HBC Archives, A10/2.
- ²²⁹ A. Colvile to Selkirk, 24 January 1816, SPPAC, 2001-2003.
- ²³⁰ Selkirk, Memo, Examination RRS, January/February 1816, SPPAC, 2004-2043.
- ²³¹ Capt. Fr. Mathey to Selkirk, 12 fevrier 1816, SPPAC, 2143-2146.
- ²³² Selkirk to Sir Gordon Drummond, 11 March 1816, SPPAC, 2081-2083.
- ²³³ Sir G. Drummond to Selkirk, IS March 1816, SPPAC, 2084-2086.
- ²³⁴ Colin Robertson to A. McDonell, 19 March 1816, SPPAC, 2493.
- ²³⁵ Extracts from the letters of the proprietors and clerks of the N. W.Co. found in their Winter's northern express &c 19th March 1816 at Forts Red River, SPPAC, 1870-1890.
- ²³⁶ Peter Fidler, "A Narrative of the re-establishment, progress, and total destruction of the Colony in Red River 1816, with a concise account of the conduct and proceedings of the N.W.Co. in their effecting it," SPPAC, 2509-2531.
- ²³⁷ James Sutherland to Robert Semple, 22 March 1816, SPPAC, 2098-2100.
- ²³⁸ Sir Gordon Drummond to Selkirk, 23 March 1816, SPPAC, 2109-2110.
- ²³⁹ Selkirk to Sir Gordon Drummond, 25 March 1815, SPPAC, 2103-4.
- ²⁴⁰ T. Clarke to Selkirk, 26 March 1816, SPPAC, 2111-12. See also Chief Justice Thomas Scott to Selkirk, 22 March, 1815, SPPAC, 2067.
- ²⁴¹ Selkirk to Colin Robertson, 30 March 1815, SPPAC, 1894-98.
- ²⁴² Selkirk to C. O. Ermatinger, 30 March 1815, SPPAC, 2122-3. Lagimodiere was halted at Fort William by the North West Company, and never completed this journey.
- ²⁴³ Selkirk to Thomas Vincent, 30 March 1815, SPPAC, 2128-32.
- ²⁴⁴ R. Semple to Duncan Cameron, 31 March 1816, SPPAC, 2140-42.
- ²⁴⁵ P. Fidler to Semple, 1 April 1816, SPPAC 2147-51; James Sutherland to Peter Fidler, 2 April 1816, SPPAC 2161-63.
- ²⁴⁶ P. Fidler to Semple, 7 April 1816, SPPAC, 2173-2178.
- ²⁴⁷ R. Semple to P. E. Pambrun, 12 April 1816, SPPAC, 2179.

- 248 R. Semple to C. Robertson, 12 April 1816, SPPAC, 2180.
- 249 Selkirk to M. Duplessis, 4 April 1816, SPPAC, 2164-65.
- 250 Selkirk to Sir Gordon Drummond, 4 April 1816, SPPAC, 2166-68.
- 251 J. Berens to Selkirk, 5 April 1816, SPPAC, 2169-2172.
- 252 John Mure to Selkirk, 13 April 1816, SPPAC, 2184-86.
- 253 Sir Gordon Drummond to Selkirk, 17 April 1816, SPPAC, 2337-8.
- 254 Selkirk to Sir Gordon Drummond, 16 April 1816, SPPAC, 2139-41.
- 255 Drummond to Selkirk, 20 April 1816, SPPAC, 2242-3.
- 256 John Halkett to Selkirk, 17 April 1816, SPPAC, 2197-2200.
- 257 Selkirk to Sir G. Drummond, 23 April 1816, SPPAC, 2243-48.
- 258 Sir G. Drummond to Selkirk, 25 April 1816, SPPAC, 2248-9.
- 259 Sir Gordon Drummond to Selkirk, 27 April 1816, SPPAC, 2218.
- 260 Selkirk to Sir G. Drummond, 29 April 1816, SPPAC, 2223-4.
- 261 Selkirk to John Mure, 1 May 1816, SPPAC, 2227-8.
- 262 Maitland, Garden & Auldjo to Hudson's Bay Company, 3 May 1816, HBC Archives, A10/1.
- 263 John Mure to Selkirk, 4 May 1816, SPPAC, 2229-30.
- 264 Selkirk to Major General John Wilson, 6 May 1816, SPPAC, 2333-36.
- 265 Selkirk to Gore, 10 May 1816, SPPAC, 2250.
- 266 On armaments, see, for example, Robert Murray to Thomas Clark, 10 May 1816, SPPAC, 2253-4, and Selkirk to D. Graham, 11 May 1816, SPPAC, 2261-4.
- 267 Peter Fidler to Robert Semple, 11 May 1816, SPPAC, 2265-8.
- 268 James Sutherland's Narrative, SPPAC, 1951ff.
- 269 Sir Gordon Drummond to Selkirk, 14 May 1816, SPPAC, 2249.
- 270 Selkirk to Captain Steiger, 23 May 1816, SPPAC, 2279-2282.
- 271 Selkirk to HBC Committee, 23 May 1816, SPPAC, 2283-7.

- ²⁷² Selkirk to J. Berens, 24 May 1816, SPPAC, 2287-91.
- ²⁷³ J. Halkett to Selkirk, 24 May 1816, SPPAC, 2299-2302.
- ²⁷⁴ John Macdonald to A. Colvile, 24 May 1816, SPPAC, 2304-06.
- ²⁷⁵ W. Mure to Selkirk, 25 May 1816, SPPAC, 2292-4.
- ²⁷⁶ Thomas Coutts & Co. to Selkirk, 5 June 1816, SPPAC, 2328.
- ²⁷⁷ General Order for Escort, 29 May 1816, SPPAC, 2313.
- ²⁷⁸ Miles Macdonell to Selkirk, 25 May 1816, SPPAC, 2307-08.
- ²⁷⁹ P. Fidler to R. Semple, 2 June 1816, SPPAC, 2315-2318.
- ²⁸⁰ Selkirk to William Smith, 17 June 1816, SPPAC, 2339-40.
- ²⁸¹ Selkirk to Lord Melville, 17 June 1817, SPPAC, 2341.
- ²⁸² Selkirk to Sir John Sherbrooke, 17 June 1816, SPPAC, 2342-7.
- ²⁸³ Rich, ed., *Robertson's Letters*, lxvii-lxix.
- ²⁸⁴ See, for example, Robert Henry to Alexander Henry, 13 June, 22 June 1816, SPPAC, 8727-8729.
- ²⁸⁵ The most detailed historical reconstruction of Seven Oaks is by Margaret MacLeod and W. L. Morton in *Cuthbert Grant of Grantown* (Toronto, 1974), 38-52, which in its footnotes lists the principal sources.
- ²⁸⁶ For the contemporary literature, see W. S. Wallace, "The Literature relating to the Selkirk Controversy," *Canadian Historical Review*, XIII (1932), 45-50.
- ²⁸⁷ Selkirk to Sir John Sherbrooke, 24 June 1816, SPPAC, 2358-60.
- ²⁸⁸ Selkirk to T. Clark, 5 July 1816, SPPAC, 2401-2.
- ²⁸⁹ Miles Macdonell to Selkirk, 7 July 1816, SPPAC, 2403-2405.
- ²⁹⁰ Selkirk to John Askin, 26 July 1816, John Askin to Selkirk, 27 July 1816, SPPAC, 2445-2446.
- ²⁹¹ Selkirk to Sir John Sherbrooke, 29 July 1816, SPPAC, 1590-92.
- ²⁹² Selkirk, Instructions to Miles Macdonell, 28 July 1816, SPPAC, 2451-3.
- ²⁹³ John McNab's Account of Arrests at Fort William, 17 August 1816, SPPAC, 2541-45. See also *Account of the Transactions at Fort William, on Lake Superior, in August 1816, by Mr. Fauche, late Lieutenant of the Regiment De Meurons, Who Accompanied the Earl of Selkirk to Settle at the Red River Colony in North America* (n.p., n.d., but 1817). This publication is not listed in Wallace's bibliography of the Selkirk controversy.

- 294 Selkirk to D. A. Boulton, 17 August 1816, SPPAC.
- 295 Jean Selkirk to Sir John Sherbrooke, 17 August 1816, SPPAC, 2552-4. Lady Selkirk subsequently journeyed to Quebec to argue the case in person.
- 296 Jean Selkirk to Sherbrooke, 22 August 1816, SPPAC, 2557-8.
- 297 Sir John Sherbrooke to Lady Selkirk, 24 August 1816, SPPAC, 2559.
- 298 Selkirk to Lieutenant-governor Gore, 21 August 1816, SPPAC, 2567-76; Selkirk to AG York, 21 August 1816, SPPAC, 2577-2583.
- 299 Selkirk to Sir John Sherbrooke, 23 August 1816, SPPAC, 2620-22.
- 300 Selkirk to James Stewart, 24 August 1816, SPPAC, 2623-2626.
- 301 McTavish and Vandersluys to Selkirk, 26 August 1816, SPPAC, 2633-4; Selkirk to McTavish and Vandersluys, 27 August 1816, SPPAC, 2635-7.
- 302 Selkirk to Sir John Sherbrooke (not sent), 28 August 1816, SPPAC, 2643-45.
- 303 Selkirk to Sir John Sherbrooke, 3 September 1816, SPPAC, 2653-5.
- 304 Archibald McDonald to Selkirk, 1 September 1816, SPPAC, 2651-2.
- 305 John Strachan to Judge Campbell, 6 September 1816, Strachan Letter Book, Ontario Archives.
- 306 John Strachan, *A Letter to the Right Honourable the Earl of Selkirk on his Settlement at Red River near Hudson's Bay* (London, 1816).
- 307 For a bibliography and brief discussion of the controversy, see W. S. Wallace, "The Literature relating to the Selkirk Controversy," *Canadian Historical Review*, XIII (1932), 45-50.
- 308 Archibald MacDonald, *Reply to the Letter, Lately Addressed to the Earl of Selkirk, by the Hon. and Rev. John Strachan, D.D., &c. Being Four Letters (reprinted from the Montreal Herald), Containing a Statement of Facts, Concerning the Settlement on Red River, in the District of Ossiniboia, Territory of the Hudson's Bay Company, Properly Called Rupert's Land* (Montreal, 1816).
- 309 *Communications from Adam McAdam, Originally Published in the Montreal Herald, in Reply to Letters Inserted Therein under the Signature of Archibald McDonell, respecting Lord Selkirk's Red River Colony* (Montreal, 1816), 17-18, 34, 57.
- 310 *Montreal Herald*, 9 October, 30 October, 15 November 1816. These letters were reprinted in 1817 as a pamphlet entitled *The Communications of Mercator, upon the Contest between the Earl of Selkirk and the Hudson's Bay Company, on one Side, and the North West Company on the other. Republished from the Montreal Herald* (Montreal, 1817).
- 311 Samuel Gale to Selkirk, 11 September 1816, SPPAC, 2702-04.

- ³¹² Agreement between Selkirk and Daniel McKenzie, Fort William, 19 September 1816, SPPAC, 2811-2818.
- ³¹³ Protest of Daniel McKenzie, 11 November 1816, SPPAC, 2914.
- ³¹⁴ Selkirk to Hudson's Bay Company, 24 September 1816, SPPAC, 2711-2717.
- ³¹⁵ Selkirk to Maitland & Auldjo, 25 September 1816, SPPAC, 2773-2778.
- ³¹⁶ Copy Miles Macdonell to Wintering Partners NWCo, October 1816, SPPAC, 2779-2785.
- ³¹⁷ Selkirk to James Stuart, 8 October 1816, SPPAC, 2786-2790.
- ³¹⁸ Selkirk to Sir Ld Gibbs, 10 October 1816, SPPAC, 2806.
- ³¹⁹ Angus Shaw to James Fraser, 14 October 1816, SRO, GD 45/3/17.
- ³²⁰ General Dunlop to Selkirk, 14 October 1816, SPPAC, 2834-38.
- ³²¹ Quarterly Review, XVI, number 31 (October 1816), 129-144.
- ³²² See, for example, Selkirk to Captain D'Orsonnens, 14 October 1816, SPPAC, 2839-40; Selkirk to P. C. Pambrun, 16 October 1816, SPPAC, 2842-45.
- ³²³ James Wood to Attorney-General, Upper Canada, 25 October 1816, SPPAC, 2860-2863; Andrew William Cochrane to Selkirk, 28 October 1816, SPPAC, 2873; Sir John Sherbrooke to Selkirk, 30 October 1816, SPPAC, 2885.
- ³²⁴ Sir John Sherbrooke to Bathurst, 11 November 1816, SPPAC, 3120-23.
- ³²⁵ Selkirk to Sherbrooke, 30 October 1816, SPPAC, 2886-2887.
- ³²⁶ Selkirk to Captain Owen, 1 November 1816, SPPAC, 2895-6.
- ³²⁷ Selkirk to HBC committee, 1 November 1816, SPPAC, 2897-98.
- ³²⁸ Selkirk to LG Gore, 12 November 1816, SPPAC, 2915-2917.
- ³²⁹ Selkirk to Sir John Sherbrooke, 12 November 1816, SPPAC, 2918-2922.
- ³³⁰ Selkirk to Captain D'Orsonnens, 2 December 1816, SPPAC, 2 December 1816.
- ³³¹ W. Coltman to Selkirk, 3 December 1816, SPPAC, 2960-61.
- ³³² Selkirk to Miles Macdonell, 7 December 1816, SPPAC, 2981-2985.
- ³³³ Samuel Gale to Selkirk, 28 December 1816, SPPAC, 3023-3026.
- ³³⁴ Henry Goulburn to Joseph Berens, 16 January 1817, SPPAC, 3058-9.

- ³³⁵ Copy letter Ellice and McGillivray to HBC. to sign jointly and send to Lord Bathurst, 22 January 1817, SPPAC, 3083-5.
- ³³⁶ Extract, Lord Bathurst's Dispatches, 11 February 1817, SPPAC, 3117-3119.
- ³³⁷ Joseph Berens to Lord Bathurst, 6 February 1817, SPPAC, 3059-3063.
- ³³⁸ Donald McPherson to Selkirk, 16 January 1817, SPPAC, 3066-68.
- ³³⁹ Captain D'Orsonnens to Selkirk, 25 January 1817, SPPAC, 3091-3095.
- ³⁴⁰ F. Graffenreid to Selkirk, 3 February 1817, SPPAC, 3110-3116.
- ³⁴¹ Selkirk to Lieutenant-governor Gore, 17 SPPAC,3290-91.
- ³⁴² James Stuart to Selkirk, 20 January 1817, SPPAC, 3042-3054.
- ³⁴³ Selkirk to Lady Selkirk, 23 April 1817, SPPAC, HBCT, 399d-41 I.
- ³⁴⁴ London, J. Brettell, 1817.
- ³⁴⁵ Dugald Stewart to Lady Katherine Halkett, 30 March 1817, National Library of Scotland, MS 546, ff. 24-27.
- ³⁴⁶ Lady Selkirk to John Halkett, 12 June 1817, Chester Martin, *Lord Selkirk's Work in Canada*, quoting lost manuscripts, p. 159n.
- ³⁴⁷ Samuel Gale to Lady Selkirk, 4 July 1817, SPPAC, 3660-7.
- ³⁴⁸ Journal of Alexander Macdonell, SPPAC, 18168-75.
- ³⁴⁹ Alexander Ross, *The Red River Settlement* (London, 1856), especially chapter 4.
- ³⁵⁰ Selkirk to Coltman, 23 August 1817, SPPAC 3974.
- ³⁵¹ Selkirk to Lady Selkirk, 7 September 1817, reprinted by John Perry Pritchett in CHR, 406-407.
- ³⁵² Selkirk to Lady Selkirk, 15 November 1817, CHR.
- ³⁵³ Selkirk to Lady Selkirk, 16 December 1817, CHR.
- ³⁵⁴ Charles Francis Adams, ed., *Memoirs of John Quincy Adams, IV* (Philadelphia, 1875), 19 December 1817, p. 29.
- ³⁵⁵ Selkirk to John Quincy Adams, 22 December 1817, *Canadian Historical Review*, xvii (1936), 421-3.
- ³⁵⁶ Selkirk to A. Colvile, 28 December 1817, CHR.
- ³⁵⁷ Selkirk to Lady Selkirk, 31 December 1817, CHR.

- 358 London, printed by B. McMillan, 1817.
- 359 Selkirk to Lady Selkirk, 10 January 1818, CHR.
- 360 Martin, Lord Selkirk's Work, p. 140.
- 361 Gene Gressley, "Lord Selkirk and the Canadian Courts," *North Dakota History*, XXIV (1957), 89-105, especially p. 94.
- 362 Lady Selkirk to Andrew Colvile, 13 February 1818, SPPAC, HBCT, 740-1.
- 363 Selkirk to Lady Selkirk, 10 January 1818.
- 364 N.F.G. Uniacke (Attorney-general of Lower Canada) to Selkirk, 9 February 1818, SPPAC, 4520.
- 365 W. Coltman to Selkirk, 10 February 1818, SPPAC, 4521-3, 4455-63.
- 366 Selkirk to Committee of Hudson's Bay Company, 14 February 1818, SPPAC, 4536.
- 367 Report of the Trials of Char/es De Reinhard and Archibald M'Le!/an, for murder... (Montreal, 1818).
- 368 James Montgomery to _____, 8 May 1818, SRO, GD 51/1/197/65.
- 369 Duke of Buccleuch to Sir James Montgomery, 16 May 1818, SRO, GD 224/579.
- 370 James Montgomery to Lord Melville, 20 May 1818, SRO, GD 51/197/64.
- 371 Lord Melville to Lord Home, 15 June 1818, SRO GD 51/197/70.
- 372 Andrew Amos, *Report of Trials in the Courts of Canada Relative to the Destruction of the Earl of Selkirk's Settlement on the Red River* (London, 1820). Both sides hired stenographers from New York at great expense, and published transcripts of those trials which they felt brought the greatest propaganda advantage. The transcripts, both published and in manuscript in the Selkirk papers, are some of the fullest available for the period, and a remarkable source for legal historians.
- 373 William L. Jenks, "The Earl of Selkirk in Michigan Courts," *Michigan Magazine of History*, XII (1928), 662-668.
- 374 Patrick Brode, *Sir John Beverley Robinson: Bone and Sinew of the Compact* (Toronto, 1984), 46-48.
- 375 Brode, *John Beverley Robinson*, p. 48.
- 376 John Strachan to Mr. Gray, editor *Montreal Herald*, 8 September 1818, Ontario Archives, Strachan Letter Book, 1812-26.
- 377 Andrew Amos, *Report*, p. xxiii.
- 378 Selkirk to Lady Selkirk, 9 November 1818, Ontario Archives. For the Pulteney settlement, see H. I. Cowan, *Charles Williamson: Genesee Promoter and Friend of Anglo-American Rapprochement* (Rochester, NY, 1941).

- ³⁷⁹ Selkirk to John Greig, 2 December 1818, Ontario Archives. See also Selkirk, Sketch American Scheme, Ontario Archives.
- ³⁸⁰ John Halkett to Lord Bathurst, 30 January 1819, SPPAC, 5776-5854. This letter was subsequently reprinted in *Correspondence in the Years 1817, 1818, and 1819, between Earl Bathurst, and J. Halkett, Esq. on the Subject of Lord Selkirk's Settlement at the Red River, in North America* (London, John Brettell, n.d.). See also Henry Goulburn to John Halkett, 9 February 1819, SPPAC 5854-56.
- ³⁸¹ Selkirk to Lord Hopetoun, 2 February, 1819, SPPAC, 5860.
- ³⁸² *Caledonian Mercury*, 20 March 1819.
- ³⁸³ Reprinted as *The Memorial of Thomas Earl of Selkirk* in this volume.
- ³⁸⁴ See the text reprinted in this volume. Like most of Selkirk's later writings, this one was privately circulated. Simon McGillivray felt strongly enough about this item to prepare a lengthy confutation. See McGillivray to Liverpool, 2 June 1819, British Museum Add Mss 38380, ff 19-21.
- ³⁸⁵ See the texts reprinted in this volume.
- ³⁸⁶ Lady Katherine Halkett, in lost manuscripts, quoted by Martin, p. 163.
- ³⁸⁷ *Substance of the Speech of Sir James Montgomery, Bart. in the House of Commons, on the 24th of June, 1819, on bringing forward his motion relative to the Petition of Mr. John Pritchard of the Red River Settlement* (London, J. Brettell, 1819). A handwritten note on one copy of this item reads "Not published."
- ³⁸⁸ *Papers relating to the Red River Settlement*, 12 July 1819.
- ³⁸⁹ John Morgan Gray, *Lord Selkirk of Red River* (Toronto, 1964), p. 319.
- ³⁹⁰ William Wilberforce to Selkirk, 26 July 1819, SPPAC 6361-5.
- ³⁹¹ Selkirk to James Wedderburn, 19 July 1819, SPPAC, A27, p. 923.
- ³⁹² This copy has a title page listing its printer as J. Brettell and a publication place (London) and date (1820). It also has a stamp reading "St. Mary's Isle. Kircudbright." The writing style of this production does not sound like Selkirk, and besides, it could not have been written before June of 1819, when the papers were tabled, and by this time Selkirk was far too ill to produce such a complex work. The work's pugnacious tone sounds more like John Halkett. Like other late defenses of Selkirk's conduct, it was probably suppressed by the family after his death.
- ³⁹³ Selkirk to Andrew Colvile, 8 January 1820, SPPAC, A27, p. 973A.
- ³⁹⁴ See my article "Lord Selkirk and Manitoba History," *Manitoba History*, 2 (1982).

IN the Territories of the Hudson's Bay Company, an Establishment for the Instruction of the Indians might be formed with a prospect of more extensive success, than in any other part of the British Dominions in North America. In Canada there are already Missionaries, maintained at the expence of Government, for the religious and moral instruction of the Indians within that province. In Nova Scotia and New Brunswick, the Indian tribes are almost extinct; and nothing remains of them, but some scattered families, among whom there is no opportunity for any extensive improvement. But in the extensive countries which are situated to the north of the boundaries of Canada, and to the west of Hudson's Bay, numerous tribes are to be found, some of which are in circumstances highly favorable to their progress in civilization.

In the Ontario Archives is a small fifteen page pamphlet lacking a title page proposing a system of education for Indians in the territories of the Hudson's Bay Company. While attribution of this pamphlet to Selkirk can only be tentative, there are some good reasons for assigning its authorship to him. In the first place, the watermark on the paper is 1814, indicating a publication date of 1814 or 1815, exactly the time the Company was discussing the question in its governing committee. Secondly, the printer was J. Brettell, Selkirk's favourite printer and the man responsible for printing most of his work. Thirdly, the style is perfectly consistent with Selkirk's writings, although the sample in this case is fairly short. Finally and perhaps most significantly, the proposal being made is very much in keeping with Selkirk's overall position for the "improvement" of special groups of people within the larger society, since it emphasizes the need for education without total acculturation, and seeks to preserve the essentials of the native way of life within the framework of schooling, a relatively unusual position for most advocates of Indian education.

Untitled Pamphlet on Indian Education

In the Territories of the Hudson's Bay Company, an Establishment for the Instruction of the Indians might be formed with a prospect of more extensive success, than in any other part of the British Dominions in North America. In Canada there are already Missionaries, maintained at the expence of Government, for the religious and moral instruction of the Indians within that province. In Nova Scotia and New Brunswick, the Indian tribes are almost extinct; and nothing remains of them, but some scattered families, among whom there is no opportunity for any extensive improvement. But in the extensive countries which are situated to the north of the boundaries of Canada, and to the west of Hudson's Bay, numerous tribes are to be found, some of which are in all circumstances highly favorable to their progress in civilization.

The Hudson's Bay Company have always been disposed to promote education among the Natives: but their attention has been chiefly directed to the children of half-blood, reared about their Factories, in consequence of the connection of their European servants, with Indian women. Though the

Company have been liberal, in affording opportunities of instruction to these children, there has been no systematic plan adopted for the purpose; and as it has been left to the discretion of their chief officers, the object has not always been equally attended to.³⁹⁶ More might certainly have been accomplished, if there had been a separate fund specifically set apart for the purposes of education.

Of the many attempts which have been made by benevolent individuals and associations, for the instruction and civilization of savages in various parts of the world, a very few only have succeeded: but by an attentive comparison of the methods which have proved successful, and of those which have failed, we shall arrive at principles, upon which we may act with confidence in future undertakings.

One very common cause of failure has been the attempt to inculcate religious and moral instruction, without a sufficient basis of the habits of civilization. The Jesuits and other Missionaries, by great address and uncommon perseverance, have sometimes succeeded in persuading savage tribes to adopt the Christian Religion; but in all cases where they have confined their attention solely to this object, their instructions have proved to be completely superficial; and their proselytes have relapsed into their original ignorance and idolatry, as soon as the care of the Missionaries has been withdrawn or relaxed.³⁹⁷

In those cases where attention has been paid to introduce the improvements of civilized life, as well as the light of religion, many failures have arisen from an attempt to do too much at once - to convert a set of complete savages immediately into a civilized society. The children of Indians have in some instances been taken from their parents at an early age, and have received a complete European education, but these lads upon arriving at manhood, and returning among their countrymen, have generally relapsed into all the habits of savage life. In a few instances the result has been different, but not more satisfactory - Some one or two Indians, educated at great expence and trouble, may have remained among the European Settlers, associating with them only, and in no degree contributing to the progress of improvement among the natives in general.

From these facts, it appears clear, that no effectual progress can take place in the civilization of the Indians, unless it be made by a whole tribe together, or at least by such a number as may form a society among themselves, and by the effect of mutual example, preserve the improvements which they have acquired. In a nation of wandering hunters, it would serve little purpose to convert one of them into a complete farmer, while the rest remain with their habits unchanged. But if any considerable number can be induced to make an attempt at cultivation, even on the smallest scale, an important point will be gained.

The natural progress of civilization has always been very slow, and if we look back to the early history of the most distinguished nations of Europe, we find that they have advanced from barbarism to civilization, by steps so minute as to be almost imperceptible at the time; and that these have succeeded each other so gradually as to occupy centuries. This progress may be accelerated in some degree, but there is no probability of any solid benefit unless we follow the order of nature. A very small improvement, generally diffused among a whole tribe of Indians, and firmly established by custom, will facilitate the introduction of farther improvements; and thus a great change may be ultimately effected, though an attempt to accomplish the whole at once, could lead to nothing but disappointment and disgust.

Of all the Protestants who have attempted the introduction of Christianity, among savage tribes, the Moravians have been among the most successful; and their practice, especially of late years, has approached more nearly to these principles than that of any other Missionaries.³⁹⁸ Another very remarkable instance of the success of the methods here recommended, is to be met with in the benevolent exertions of the Quakers of Philadelphia, not many years ago, among the Indians of the Ohio.³⁹⁹

The Indians that inhabit the Territories of the Hudson's Bay Company, are almost all wandering tribes, or scattered families, that subsist entirely by hunting and fishing, and have no fixed habitations. From the precarious nature of their subsistence, families are frequently reduced to the greatest extremity of distress; and the irregularity of their wandering life, is extremely unfavorable to the formation of any good habits among the rising generation. To a set of people in this state, the most important of all improvements would be to make them apply to the cultivation of the ground, so that they might obtain a less precarious supply of provisions.⁴⁰⁰ This improvement naturally leads to the establishment of fixed habitations; and though the men must be expected to remain attached to their accustomed pursuits of hunting and fishing, their families will be relieved from many immediate hardships; and the greater regularity in their mode of life will afford an opportunity for forming their children to habits of industry and steady application, which are utterly unattainable by those who are brought up in their present style of life. The probable effects of this change upon the moral improvement of the Indians, are too evident to require illustration.

With a view to the practical accomplishment of these objects, two different plans may be proposed: One is to employ Missionaries to live among the wandering Indians, to gain their confidence, and to take every opportunity of persuading them to adopt the practices, which are of most importance to their welfare. The other method is to establish a school, in

which young Indians may be instructed, and then sent back among their parents and friends, to practise the arts which they have been taught.

A combination of these two methods would certainly be more effectual than either of them by itself. In some central situation, where provisions can be most easily procured, a school should be established for the instruction of the youth; and at the same time opportunities may be found, to impress on the tribes at large, a sense of the importance of the objects recommended to them.

The number of Indians that can be received in the school, must of course depend on the amount of the fund, that can be appropriated to the object. Even though the number should be small, effects of great consequence may be accomplished, if a judicious selection be made; for the young men, who obtain the benefit of instruction, will probably become leading men in their respective tribes; and their example may therefore have a very extensive effect.

In the education of these Indians, the course of instruction must be very different from that of an ordinary school, and should approach more to the system of a School of Industry; in which, agriculture and the mechanic arts must be among the principal objects. In guiding the Indians towards the habits of civilized life, one of the most essential requisites is to excite among them a general desire for improvement. With this view, their instruction must be directed to objects, of which the utility may be evident to the rudest savage. It is of great importance, that the young men, who are educated at the proposed establishment, should be conspicuously superior to those who have not had the benefit of instruction. They must not therefore be allowed to forget those accomplishments of savage life, without which they would be despised. They must be sent back, possessed of as much dexterity in hunting and fishing, as their companions; and their additional acquirements should be such as are most likely to be valued. Reading or writing will gain but little credit to one of these young men; but if he has learned to mend a gun, he will be highly respected in his tribe; and others will become ambitious of obtaining the same opportunities of improvement. The point of most essential importance, is to inure them, as far as possible, to habits of foresight and persevering industry; and to let them know from experience, the facility of cultivating the ground, as well as the great advantages of the practice.

The English language should be a primary object; both as it will serve as a vehicle for farther instruction, and as it will furnish a common medium of communication, between the Indians of different nations; and thereby tend, in a great degree, to obviate their dissensions. Nothing indeed could have so much effect in softening their animosities, as the institution of a school, in which Indian boys of every different language will be led to

associate as companions. With this view it is a fortunate circumstance, that the various nations of Indians in the Territories of the Hudson's Bay Company, are, at present, generally in a state of peace. Though they entertain strong prejudices against each other, no violent hostilities prevail, except among some of the remotest of the tribes.

To the study of English, may perhaps be added a little of reading and writing, with the first elements of arithmetic: but these are objects of secondary consideration; and it may be a question, whether it would not be more prudent, to defer for some time any attempt to introduce this course of instruction. It must be kept in mind, that among these Indians the youth are scarcely accustomed to the smallest degree of restraint from their parents; and it would hardly be possible to make them submit to that sort of controul, which is exercised over children in our schools. Much address must therefore be used, to induce them to give a willing attention to the objects of primary importance; and it would be dangerous to make too severe a demand upon their patience. Their exertions must be kept alive by the attraction of novelty, and by great variety in their occupations. Of sedentary study, a very small portion only can be ventured; and it will be necessary to indulge them with large intervals of recreation, to be employed in their accustomed pursuits of hunting and fishing. On the other hand, as it is desirable to extend the benefits of instruction to as great a number of the Indian youth as possible, no long period, therefore, can be allowed to each individual; and that period ought not to be dissipated, by attempting too many objects at once. Upon the points of more essential consequence, all the progress that can be expected, may perhaps be gained in the course of one year, or two, at the utmost, if the efforts of the teachers be concentrated upon the primary objects only. If, with a view to more complete instruction, a few lads are to be kept at school for a long time, the number who can partake of the benefits of the institution, must be proportionably diminished.

It must be evident that the management of such an institution, will require talents of a very different class, from those of an ordinary schoolmaster - Much of the success of the plan will depend on its being entrusted to a man fully qualified for the task, and the salary ought therefore to be liberal. A knowledge of the languages spoken by the Indians in these Territories, would be a desirable qualification; but it is not to be expected that this should be found combined with the other more essential requisites. A man, who is zealous in the undertaking, may soon acquire a sufficient acquaintance with these dialects; and in the mean time he may have the assistance of subordinate teachers, who are familiar with the Indian languages. Persons sufficiently qualified for this purpose may be found among the more elderly of the servants of the Hudson's Bay

Company, who have long resided among these Indians. Such men may be employed not only as assistant teachers in the school, but also to visit the wandering tribes, and to call their attention to the utility of the improvements recommended to them. In process of time, it may perhaps be advisable to employ missionaries to reside constantly among the natives; but in the outset, occasional visits may be sufficient; especially as the officers at the Company's trading posts, may have some influence in persuading them to commence the cultivation of the ground.

The children of the Company's European servants cannot be received as free scholars on the proposed establishment, but considerable advantages may arise, if a school for their instruction be connected with the Indian establishment. Most of the children of half-blood, are acquainted both with the English language, and with the dialect of some native tribe; so that they may save a great part of the expence of interpreters, and may be employed, according to the new systems of education, in the office of monitors.⁴⁰¹ The parents of these children will pay for their board and education, and the annual premium may be fixed at such a rate, as will in some degree exceed the expence. The profit which will thus accrue to the master, will render it the more easy to find a person of adequate abilities to undertake that important charge.

The Hudson's Bay Company are much disposed to promote these benevolent purposes; and though they cannot undertake the whole expence, they have expressed their readiness to co-operate, by instructing their officers to take every opportunity of promoting the objects in view. The Company have also agreed to assign a sufficient portion of good land, for raising provisions for the support of the establishment, and also to provide all the necessary buildings.

For the salaries of the master and his assistants, and the other pecuniary expences of the proposed establishment, funds must be procured from some other source. Expectations had been entertained that the object would be taken up by a corporation possessed of considerable revenues, which are destined to purposes of this kind, and at present not specifically appropriated.⁴⁰² Though these expectations have been disappointed, the friends of humanity will not despair of accomplishing the object by other means. Those who are disposed to give it their countenance are requested to communicate their names and address to _____
_____ who will call a meeting, whenever

it is ascertained that the object is likely to meet adequate support.

FINIS

References

- ³⁹⁶ The Hudson's Bay Company, in conjunction with the Church Missionary Society, finally did dispatch the Reverend John West as missionary and teacher in 1820. For his own account of his activities, consult his *The Substance of a Journal during a Residence at the Red River Colony, British North America; and Frequent Excursions among the North-West American Indians in the Years 1820, 1821, 1822, 1823* (London, 1824).
- ³⁹⁷ For the Jesuit experience, see Cornelius J. Jaenen, *Friend and Foe: Aspects of French-Amerindian Cultural Contact in the Sixteenth and Seventeenth Centuries* (Toronto, 1976).
- ³⁹⁸ For the Moravians, see George Henry Loskiel, *The History of the Moravian Mission among the Indians in North America, from its Commencement to the Present Time* (London, 1840), and Edmund A. de Schweinitz, *The Life and Times of David Zeisberger: The Western Pioneer and Apostle of the Indians* (Philadelphia, 1870). According to a recent scholar, "Of all eighteenth-century Indian missionaries, the Moravians, or United Brethren, produced the greatest number of converts and Indian communities loyal to Christian principles." Henry W. Bowden, *American Indians and Christian Missions: Studies in Cultural Conflict* (Chicago, 1981), p. 157.
- ³⁹⁹ For the Quakers, see Rayner W. Kelsey, *Friends and Indians, 1655-1917* (Philadelphia, 1917), and *Some Account of the Conduct of the Religious Society of Friends toward the Indian Tribes* (London, 1844). For Protestant missionary attitudes in the United States in this period, consult Robert F. Berkhofer, Jr., *Salvation and the Savage: An Analysis of Protestant Missions and the American Indian Response, 1787-1863* (n.p., but Lexington, Kentucky, 1965).
- ⁴⁰⁰ Attempts by government and private agencies to settle the Indians as agriculturists dominated most Indian policy during the first half of the nineteenth century in both the United States and British North America.
- ⁴⁰¹ Selkirk was obviously familiar with recent developments in educational theory and practice, particularly the ideas of Joseph Lancaster, in his *Improvements in Education, as it Respects the Industrious Classes of the Community* (London, 1805). For the monitorial school movement in general, a system in which bright pupils were taught in ways that enabled them to teach others in the classroom, see Carl F. Kaestle, comp., *Joseph Lancaster and the Monitorial School Movement: A Documentary History* (New York, 1973).
- ⁴⁰² Presumably the Church Missionary Society.

OSSINIBOIA.

THE Territory of Ossiniboia is situated on the West and South of the great Lake Winipic ; it is watered by the two branches of the Red River, by River Dauphin, and other considerable streams. It extends from latitude 52° 30' southwardly to the boundary of the United States, near the source of the Mississippi. The climate is remarkably salubrious, and has a general resemblance to that of Canada, but is far less subject to deep snows.—The general aspect of the country is level, varied only by hills of gentle acclivity, except where the steep banks of rivers intervene ; and it lies on a basis of limestone, which is here, as in most other parts of the world, the concomitant of a fertile soil.—To the eastward of Red River, and near the shores of Lake Winipic on every side, is a woody country, thickly covered with the various species of timber common in Canada ; but in other parts, sur-

The original of the following pamphlet, lacking a title page, is to be found in the Ontario Archives. The final page lists the printer as J. Brettell, and the date of publication was probably 1815. This production was obviously intended to serve as a prospectus for potential investors in the colony. It is not to be confused with the prospectus answered in 1816 by John Strachan in A Letter to the Right Honourable the Earl of Selkirk. That prospectus, prepared in 1811, was privately circulated among a few of Selkirk's associates, but somehow came into the hands of the North West Company, which used its contents frequently as evidence of Selkirk's foolishness.

Ossiniboia

The Territory of Ossiniboia is situated on the West and South of the great Lake Winipic; it is watered by the two branches of the Red River, by River Dauphin, and other considerable streams. It extends from latitude 50 degrees 30 minutes southwardly to the boundary of the United States, near the source of the Mississippi. The climate is remarkably salubrious, and has a general resemblance to that of Canada, but is far less subject to deep snows. - The general aspect of the country is level, varied only by hills of gentle acclivity, except where the steep banks of rivers intervene; and it lies on a basis of limestone, which is here, as in most other parts of the world, the concomitant of a fertile soil. - To the eastward of Red River, and near the shores of Lake Winipic on every side, is a woody country, thickly covered with the various species of timber common in Canada; but in other parts, further to the west, there are vast tracts of open grassy Plains. These plains form a singular contrast to the close and uninterrupted woods, which, in the uncultivated parts of Canada and the adjoining colonies, overspread the whole face of the country. The difference appears to have arisen from the practice of setting fire to the grass every year, towards the end of summer. By this practice, which prevails among the Indians in these western parts, and has probably continued for a long series of ages, the woods have been destroyed, except where the moisture of the soil has prevented the fire from spreading. Spots of woodland, more or less extensive, occur frequently in the midst of the plains; and the banks of the rivers and creeks are generally

wooded. The plains are frequented by innumerable herds of buffaloe, and would afford to settlers the benefit of pasturage to any extent. The trials of cultivation which have already been made, leave no room for doubt, that every species of agricultural produce, commonly raised in Britain or in any part of the North of Europe, may be cultivated in Ossiniboia, without incurring the expence of clearing away the woods, as in other parts of America.

This Territory is included within the Charter of the Hudson's Bay Company, to whom the property of the land is ganted in the most ample manner by the Crown. The Company have lately executed a conveyance of this part of their Territory for the purpose of settlement, reserving only their exclusive right to the Fur trade; and full power is granted to the settlers to export any produce of their lands, by way of Port Nelson to London, and to bring back goods of any kind required for the use of the settlement.

A right is reserved to the Company to charge duties not exceeding five per cent. *ad valorem*, or the rates paid at Quebec, on all exports and imports; but the revenue arising from these duties is always to be applied to purposes of public utility, and in particular to the improvement of the road, and river navigation from Lake Winipic to Port Nelson.

Notwithstanding the difficulties arising from the late war with America, a settlement has already been commenced, in pursuance of this grant. It is situated at the confluence of Red River, and Ossiniboyne River; where the first colonists arrived in autumn 1812. - There are at present between fifty and sixty European settlers, occupying distinct allotments of land at the principal establishment, besides two or three detached settlements, formed of Canadians, who had previously followed a wandering life like the Indians, but who, upon obtaining a permanent tenure of land, have been induced to apply, in some degree, to agriculture.⁴⁰³ - The last advices from the settlement were dated in July, (1814), when the harvest was about to commence, and the crops of every kind were luxuriant and promising. - The only article which had been planted on an extensive scale, was the potatoe, of which the produce was likely to be very abundant. From the peculiarity of the situation, combined with unfortunate accidents, the supply of seed corn had been scanty; but every kind of grain which had received a fair trial, had succeeded, even beyond the most sanguine expectation: and there is every probability that the next harvest will afford a supply fully adequate to every demand. Hitherto the principal support of the Colonists has been derived from the spontaneous produce of the country; of which the abundance is singularly great; particularly of fish and buffaloe.⁴⁰⁴

In order to carry more completely into effect the views of settlement intended by the Company, it is in contemplation to lay out a number of

Townships, adjacent to the lake and the principal navigable rivers, each to be three miles broad in front, and to extent back about five miles, so as to contain at least ten thousand acres of land. To a few gentlemen of property agreeing to go out and settle, townships will be granted upon the sole condition of establishing a stipulated number of settlers upon their lands, within a limited period of time. From absentees who wish to become Proprietors, a payment in money will be received in lieu of all such conditions. The townships which are now to be disposed of, will be charged at only four hundred pounds; after payment of which, the proprietor will be liable to no farther demand whatever, on account of his land, nor to any expences but such as are completely at his own option. For the accommodation of persons who may be inclined to subscribe lesser sums, several townships will be divided, and disposed of in halves or quarters.

One-half of the money received for all townships to be granted within twenty years, is to be vested in Trustees, as a Fund applicable to the general improvement of the Colony. The Trustees are to have power to assign two hundred Acres out of every township for the use of a clergyman, and fifty acres for a schoolmaster; and also in all cases where the proprietor of the township has not established settlers upon it, the Trustees are to be authorized to dispose of five hundred Acres, in lots of not more than one hundred Acres to a family, but on condition of their residing on their respective lots, and keeping open a road through the township. Any payment received from the settlers for these lots is to go into the general fund under the management of the Trustees.

In most of the British colonies, where settlements have been carried on by the proprietors of large grants of land, great inconvenience has been experienced from the conduct of some, who without doing any thing for the improvement of their own property, have, in a very unfair manner, deprived others of the just reward of their exertions. It has been frequently known, that after one proprietor had brought out settlers from Europe, and supported them at great expence during their first difficulties, and had thus established a thriving tenantry on his lands, in the confidence that his expences would be reimbursed by the rents, which these settlers had stipulated to pay, this expectation has been completely disappointed by a neighbouring proprietor, who, by the offer of lands at a cheaper rate, has seduced away a whole body of tenantry. It is evident that, if such a practice be allowed to prevail, the exertions of individual proprietors must be completely paralyzed. For the general interest of the colony, it is necessary to check such unfair interference.⁴⁰⁵

With this view it is proposed, that when any people are sent out from Europe, at the expence of a particular proprietor, or receive pecuniary assistance, to enable them to establish themselves as settlers, the

stipulations under which this assistance is given, should be distinctly recorded before a magistrate; and that when, in this way, a settler agrees to place himself under the patronage of one proprietor, he should not be allowed to enter into any transaction for the purchase of land from another, until the conditions, under which he has received assistance, have been completely fulfilled.

In order to prevent the evasion of this regulation, it will be adviseable, that for some years to come, a limitation should be put on the quantity of land, that each proprietor may alienate to any settlers, except those who go out under his own patronage. Such a restriction will be very useful, in another respect, in preventing that excessive depression in the value of land, which in the infant state of a colony, is apt to rise from the want of a due proportion between the quantity of land in the market, and the demand for it. - Experience has shewn, that when the price of land is excessively low, the settlers form no local attachments to their property, and fall into unsteady wandering habits, very prejudicial to moral improvement. On the other hand, it is more for the interest of the proprietors to be enabled to dispose of a part of their land at a fair price, than to have an unlimited power of alienation, without an adequate demand.

Upon these principles it is proposed that a distinction should be made between the ordinary *Township Lands*, and the *Settling Lots*. A Register is to be kept of Settling Lots, parcelled off from any Township, for the purpose of being alienated to settlers: and when any lands are entered in this Register they are to become alienable without restriction; but the ordinary lands not so registered, are not to be separated from the property of the Township. Each proprietor will have the power of registering annually a certain extent of Settling Lots; and this privilege will be extended in favour of those, who have taken active measures for bringing settlers to their lands.⁴⁰⁶

The precise extent of land to be admitted to registry, must be a matter of farther consideration; but perhaps it may not be far from a fair proportion, if on each township the proprietor be allowed to parcel off fifty acres annually; and that if a proprietor sends out settlers from Europe under his patronage, he should be allowed over and above the ordinary privilege, to parcel off one hundred acres in the first instance, and twenty acres annually thereafter, on account of every family so brought into the colony.

It is not proposed that these restrictions should be continued any longer than the period, during which the Trust Fund is to participate in the price of all Townships that are disposed of. Neither will they extend to prevent a proprietor from alienating his township whenever he pleases; the purchaser taking it under the same limitations as to the parcelling off of land, as if it had remained in the hands of the original proprietor.

It is well understood that the value of landed property in America does not depend, as in Europe, merely on the annual revenue arising out of the produce, but in most instances upon the profit expected from re-selling it at an advanced price.

A large tract of waste land, without an inhabitant, and lying at a distance from any settlement, may appear a worthless property. It does not indeed produce an annual income; but the capital invested in the purchase is rapidly increasing in value, without expense or trouble to the owner. In a country where provisions are superabundant, and wages high, early marriages prevail, and the natural increase of population is rapid. The inhabited districts annually send out swarms of young men, who advance into the unoccupied waste, and purchase small lots of land, which they proceed to clear and cultivate, as the readiest means of providing for a family. Thus in process of time cultivation continually encroaches on the wilderness; and lands which were purchased for a trifle, while the settlements were at a distance, may be sold off at a high price, when the progress of population has brought them near. Innumerable instances might be quoted, in almost every colony in America, of tracts of land, purchased at a few pence per acre, having been sold again, after the lapse of some years, at as many dollars or even pounds.⁴⁰⁷

To every person who is acquainted with America, the profit arising from such speculations is familiar. But in the United States, the value of unoccupied land is now so fully understood, that the opportunities of making a successful speculation are comparatively few; the most favourable being pre-occupied by capitalists on the spot. The opportunity which occurs in Ossiniboia, is owing to its peculiar circumstances. It is so distant from the older settlements, that, in the ordinary course of things, population cannot be expected to spread into it for a long period of time. For this reason, notwithstanding the natural advantages of the country, the owners of the land are willing to part with it for a small consideration. Trifling as the price of four hundred pounds for ten thousand acres must appear, it would perhaps be fully adequate to its value, if nothing could be done to accelerate the progress of population towards this remote situation. But the systematic employment of an adequate capital, to be expended in removing the first difficulties of an infant settlement, may place this tract of land in circumstances as advantageous to the proprietors, as if it were in the immediate vicinity of populous colonies. The expence might be too great for an individual, but may be defrayed with ease out of the funds to be vested in the Trustees.

It is proposed that these funds, should be applied, principally in the way of loan, to assist settlers, who without some such aid might be unable to effect the purchase, on which they are bent, and who, in consideration

of this support, will readily agree to settle in the situation that is pointed out. By means of this encouragement, useful settlers might be found among various different classes in the United Kingdom. Among others it may be proper to notice particularly one considerable body of people, who will not only be disposed cheerfully to acquiesce in the terms of this proposal, but who, without some such aid, would be in circumstances deserving of great commiseration.⁴⁰⁸

The effects which have arisen in the Highlands of Scotland, from the abolition of the system of Clanship, and the adoption of an oeconomical plan of managing landed property, have been fully explained to the public.⁴⁰⁹ The great change which has been going on for half a century in that part of the Kingdom is not yet completed: and of late years its progress has been such as to press with redoubled severity on the poor tenantry, who are from time to time, dispossessed of their farms, in order to make way for a farther extension of sheep farming. In the earlier stages of this progress, the tenantry who were to be removed, were in general possessed of a considerable stock of cattle, by the sale of which they were enabled to defray the expence of their passage to America. At present, there are great numbers who have not adequate means for that purpose.

Upon many large estates in the North of Scotland, sheep farming has been introduced in a progressive manner, under an idea that all the former population might be retained. The highest mountains were first converted into sheep pastures, including a few insulated farms situated among the remoter vallies. The more extensive vallies and the lower parts of the country were left in the former state of occupancy, in the hands of small tenants, who were crowded a little closer together, to make room for those who had been removed from their former possessions. Patches of improveable ground on the lower declivities of the mountains, were brought into cultivation to support this additional population: but the pasturage was necessarily circumscribed: and on every new lease, more and more of the hill pasture has been taken away from the small tenants, and added to the Sheep farms. Thus the stock of cattle, that each family had the means of keeping, has been more and more reduced: their capital has gradually dwindled away; and the same individuals, who twenty or thirty years [ago] had a considerable stock, are now possessed of a small number only. When one of these populous vallies is now to be converted into a larger grazing, the tenantry who are to be removed, are not so wealthy as in former times. A few individuals among them may have sufficient means of undertaking a voyage to America; but a far greater proportion, though possessed of some capital, cannot command the sum that is necessary.⁴¹⁰ The sale of their stock of cattle may often produce two-thirds or three-fourths of the money required for the passage of their family. But, if they have not the whole, the

undertaking is beyond their reach; and however small the deficiency may be, they are reduced to a situation in which their remaining pittance is soon dissipated.

Upon most of the estates, where these changes are now progressively taking place, it is customary to lay out portions of two or three acres, of arable or improveable land, to which the privilege of grazing one cow, upon an adjacent common pasture, is annexed. These portions of land, are provincially termed crofts: and upon the sea coasts, where the people are accustomed to fishing, the possessors have in some instances become industrious and thriving; but in the inland situations their condition is, in general, very miserable. To introduce among them new branches of industry, to which they are totally unaccustomed, is no easy task; and at the best it is but a dreary and discouraging prospect, to a man who has been accustomed to a large range of mountain pasture, and to look upon his cattle as the only desirable source of riches, to be reduced to one cow, and obliged to commence the toilsome improvement of a moor or moss, in which his portion can never exceed two or three acres. Even for this trifling accommodation the small tenants are in a great measure indebted to the humanity of their landlords, who are reluctant to drive away entirely the old population of their estates; but who have little reason to expect, that under these circumstances, their industry will become productive of much benefit to themselves or to those under whom they live.

Most of the settlers, who are already established on Red River, are from a district, to which these observations peculiarly apply; where, by repeated divisions and subdivisions, the portions of ground occupied by the tenantry are now much reduced; and where there are several thousand families, who are little else than a burden on the proprietors, and who must necessarily be removed, in the course of no long period of years, if the lands are to be brought under an economical system of management. These people, though possessed of little acquired skill or well-directed industry, have many of the most essential qualities for a settler in a new country. They are, for the most part, hardy, frugal, and persevering, of sober and steady habits, and strongly impressed with religious principles. The settlers already at Red River have made so favourable a report of the country to their friends, that many are anxious to follow them: and there can be no doubt, that a great number of people from these districts, would become settlers, if they could obtain a small degree of assistance, to defray the expences of their passage. There are great numbers of families, to whom the loan of twenty or thirty pounds, would make all the difference, between a state of comfortable independence, and one of degradation, rapidly declining into hopeless poverty.⁴¹¹ Proceeding upon the principle, that the Fund under the management

of the Trustees, should be applied to the temporary accommodation of emigrants of this description, arrangements must be made for collecting the debts due by them, in reasonable and convenient instalments, for receiving the surplus produce of their lands in payment, and conveying it to a market where the value may be realized. Thus the funds advanced for the assistance of one set of emigrants will be replaced, and ready to be applied to support others in like manner. To the extent of the capital subscribed, there will be a continual influx of settlers into the colony, while the funds applicable to this purpose, instead of diminishing, may be expected to increase, both by the interest, chargeable on the loans advanced to emigrants, and by the rents, payable to the Trustees, for those lots which they have a right to assign to settlers.

It may be imagined, however, that the remote and inland situation of Red River will not admit of the settlers sending any produce to market, on such terms as to provide for the reimbursement of the advances made to them. But the inland situation of the settlement is by no means so insuperable an obstacle to its success: - and means may be found of conveying produce to the sea-coast, at such a rate as will leave a very fair remuneration to the farmer.

The expences incurred by the fur traders, in the present unimproved state both of the river navigation, and the road by land, between Port Nelson and the interior, afford no criterion of that which may be sufficient for the carriage of goods under a better system. - When Canada was first acquired by the English, the River St. Lawrence above Montreal, was considered nearly in the same light in which Nelson River may now appear. - Even since the settlement of Upper Canada by the Loyalists, it was deemed impracticable to convey produce to market from the remoter parts of that province; - yet, of late years, flour, beef, and pork have been brought to Montreal, even from Detroit. If the attention of the settlers in Ossiniboia be directed to articles of higher value, in proportion to their bulk and weight, there can be no doubt of their success.

From Port Nelson to Red River, there are two routes, nearly equal in length. - One is by the River Nelson, a stream not much inferior to the St. Lawrence in magnitude, but interrupted by several falls and rapids, on account of which the boats now used must be small enough to be moved on rollers over the carrying places. It appears, however, that by far the greatest proportion of these obstructions are concentrated in one part of the river, not exceeding fifty miles in extent, and that both above and below there are great tracts of deep and moderate current, free from any obstruction. - It is therefore probable that this river may be improved into a much more useful navigation than it has hitherto been, especially for bulky articles, descending the stream.

The other route, by Hayes River, has been more carefully examined, and it is calculated, that by means of improvements now in the course of execution, the expence of carriage from Lake Winipic to Port Nelson may be reduced to five pounds per ton at the fullest computation; and may probably be accomplished for much less.⁴¹² - To this must be added about per ton for the carriage across the Lake. When prices are high in the European markets, these charges would not be a bar to the exportation even of flour, beef, or pork, considering the extremely small expence of raising these articles upon the fertile plains. - Tallow may be procured on Red River in such abundance, and at so cheap a rate, that in any state of the markets in Europe, it will bear this expence of carriage. - Wool is an article on which a charge of six or seven pounds per ton, can never form a serious bar to exportation. A breed of the best merinos has already been introduced on Red River; and as the same breed has been naturalized in Sweden, and even in Iceland, there can be no doubt of their being soon inured to the climate. The plains that now feed the buffaloe may afford pasture to innumerable herds of sheep, and from the small quantity of snow on Red River, they will require but little provender in winter.⁴¹³

The cultivation of Hemp and Flax may supply another valuable commodity, which can bear the burden of a considerable charge for carriage. This indeed is a cultivation, which cannot be expected to succeed extensively, except in an inland situation. The attempts to introduce it in our maritime Colonies have been unsuccessful, chiefly because the facility of exportation has induced the farmers to prefer more bulky commodities, of easier cultivation, and to which, from habit, they are more partial. There is the more reason to expect that hemp may be raised with success, as the soil and climate of Ossiniboia appear to bear a near resemblance to those of the Ukraine, and the other Russian provinces, from whence the chief supplies are now drawn. As soon as this branch of industry is properly understood by the settlers on Red River, it may be advisable that the quit-rents to be reserved upon new allotments of land, should be made payable in hemp; and with some attention on the part of the Trustees, to encourage the cultivation, and to introduce the best methods, it is probable that, as the settlement advances, hemp will become one of its chief staples, and that the colony may thus become entitled to a large share of the protection and encouragement, which our Government have always been disposed to afford to this favourite national object.⁴¹⁴

After the subscription is closed, so as to ascertain the amount of the Fund, which is to be under the management of the Trustees, their first steps will be to establish an agent in those districts from whence the emigrants are chiefly to be expected; and another at the settlement; and to provide one or more ships, to be regularly employed between Great Britain

and Port Nelson, to carry out the settlers, and to bring back the produce of the settlement.

The Agent in Scotland will have to make arrangements with the emigrants, and to superintend their embarkation; to make a selection among those who may offer themselves, to receive as much of their passage money as they have the means of paying, and to take regular obligations for the balance. - The price of passage must be fixed at such a rate, as will afford a fair and full compensation for all expences which the conveyance of the emigrants will incur. This, as well as the number that can be received, must be determined by the Trustees from year to year, according to circumstances.

The Agent at the Settlement, will have to collect the debts due by the settlers, and for that purpose to receive from them any species of produce, which can be realized at a European market, and will bring such a price, as to leave a surplus, after paying all charges of conveyance, &c. &c. The amount of this surplus is the criterion for calculating the net original value of each species of produce at the settlement; according to which the agent will be directed to give credit to the settler for his payments. Every article will be valued at a fair price in money; but the whole transaction may be carried on without the intervention of any circulating medium.

The produce so received must be prepared for the market, and conveyed to Port Nelson, to be shipped for England, by return of the vessels that bring out the annual accession of settlers. These arrangements must be carried on under the direction and superintendence of the principal agent at the settlement with such assistance as experience may prove to be necessary.

In the infancy of the settlement, the ships that carry out the settlers, will be taken up for the homeward freight by the Hudson's Bay Company, to bring home timber, of which several cargoes may be supplied annually by one of their establishments on the Bay. The Company also require a considerable supply of provisions for their servants employed in the fur trade; and this will secure an advantageous market for the surplus produce of the settlement, so long as the quantity is too small to afford a sufficient homeward freight for a ship.⁴¹⁵

From the extreme facility of cultivation on Red River, such emigrants as have been alluded to, will have no hesitation to pay an annual quit-rent for their lands, at the rate of four or five pounds of clean hemp per acre, or an equivalent in wool, wheat, or other produce. No industrious settler can find any difficulty in paying such a quit-rent; and it is in fact more advantageous to the settler to obtain clear lands at this rate, than a gratuitous present of a lot entirely covered with wood, on which four or five pounds per acre must be expended before the soil can even receive the

rays of the sun; and where fifteen or twenty years must elapse, before it can be disencumbered of the roots and stumps, and all the obstacles to cultivation, from which the land on Red River is by nature free. Nothing therefore but an adequate population is wanting to render these lands highly valuable to the proprietors.⁴¹⁶

By means of the arrangements, of which a sketch has been given, the conveyance of emigrants to this settlement may be effected at a moderate price, probably not materially different from that which must be paid for a passage to any other part of America; and when the superior advantages of the soil of Ossiniboia are more generally understood, the settlers will not be limited to those who require the aid of a loan. - At all events, the Fund vested in the hands of the Trustees will be the means of bringing a constant influx of people; and with the prospects arising from the natural increase of population, the value of land will soon rise in proportion to its natural advantages. There can be no doubt that in the course of a few years the five hundred acres, which the Trustees have a right to dispose of, out of every Township, may be occupied by at least five or six families; and in almost any part of America, where the population amounts to this proportion, on every ten thousand acres, it would be thought a great bargain to obtain a large tract, even of wood land, at one or two dollars per acre: nor is this extraordinary, as the purchaser may have the prospect of selling it off again in a few years, in small lots, at five, six, or eight dollars.

In these circumstances any Proprietor, who may not be inclined to take the trouble of parcelling out his lands to settlers, will have no difficulty in selling off his Township, entire and undivided, at such an advanced price, as will be an ample indemnification for the loss of some years' interest on his original Subscription. Those who are not anxious to realize their money soon, will find the value of their lands increasing continually upon their hands, without trouble or the necessity of any personal exertion. To persons who wish to lay up a provision for an infant family, so advantageous a mode of vesting money, without any risk, does not perhaps often occur.⁴¹⁷

APPENDIX A.

An anonymous letter was inserted in the *Quebec Mercury* in October last (1814), and copied into some of the English newspapers, stating that these people were not only treated with the utmost cruelty and injustice, but neglected, and left in a starving condition; and at the same time representing the climate of Red River, as precluding the possibility of their obtaining a subsistence by agriculture.⁴¹⁸ This publication made no impression in Quebec or Montreal, where it was universally ascribed to a certain

association of Fur-traders, who conceive this settlement to be prejudicial to their interest, and make no secret of their desire to obstruct its progress. As the motives of their hostility are not so well understood in England, it may be proper to enter into some detail, in order to place in a just light the circumstances which have been misrepresented; and when the true state of the fact is compared with the colouring which has been given to them, it will be seen how little attention is due to any farther allegations from the same quarter.

1. As to the settlers being neglected and left to starve, it may be sufficient to refer to the books of the storekeeper (now in London[]) from which it appears, that between the 1st of Nov. 1812, and the 17th of March following, buffaloe beef, and venison of the moose and red deer, was served out to the settlers, to the amount of 29,217lb.; and as the number of people of all ages did not quite amount to one hundred, this makes an average of more than 2lb. per day of fresh meat to every individual; besides which several other articles were issued, particularly 4,967lb. of pemican, a preparation made by the Indians from the most nutritious parts of the meat. During the summer months, the settlers had always a superabundance of fish; but as it was distributed immediately from the hooks and nets, without being taken into store, no exact account was kept of the quantity. During the second winter, many of the settlers had a considerable supply of potatoes raised by themselves: besides which there was also a distribution of 24,000 lb. of fresh meat, and 7,800 lb. of pemican, the number of people being nearly the same as during the first winter.

These distributions were not made in daily rations; but from time to time, as the supplies came in, leaving to every family to manage it for themselves. A few thoughtless individuals, having wasted their allowance, while supplies were coming-in in superabundance, had but a scanty portion, during some of the intervals of comparative scarcity, to which a supply, dependent on the chase, must necessarily be subject. But the utmost hardship that arose from it was, that they had to part with some more superfluities of dress to purchase meat from their more provident neighbours. This is the whole foundation of the tale of famine; and during the second winter, there was not even one day of scarcity to build a story upon.

2. With respect to the climate and soil of the Red River country, a multitude of authorities might be referred to, among which a few only shall be selected. The first is a letter from a gentleman, who has been for many years employed to manage a branch of the Fur Trade there, on account of the North-West Company of Montreal. He had received the strongest assurances of promotion in their service; but he judged it more

advantageous to settle in the Colony lately formed in that country; and accordingly set out from Montreal, a few days after the date of the letter, with the intention of proceeding to Red River, and establishing himself there as a settler. He is brother to a very respectable manufacturer in Dean Street, Southwark.

SIR,

Montreal, 4th October 1814.

In answer to your queries, concerning the climate and natural productions of Red River, I have the honour to present you with the following statement:

I have resided thirteen years on Red River, and have always been in the habit of cultivating its soil; and from experience can take upon myself to say, that the climate is much the same as in Upper Canada; that is, the winters are of a shorter duration, and much milder, than those experienced at Quebec.

Last summer [1813] I had water melons sown in the open ground on the 4th of June, which were ripe early in September; the largest weighing 13 lbs. The musk melons and cucumbers were as large, and as well flavoured, as I ever met with at a fruit shop in London. Turnips sown on the 25th of June, were fit for the table about the middle of August. In October one of them weighed 14 1/4 lbs. One bushel of potatoes will produce from forty to fifty bushels.

Wheat, barley, and rye I have only seen in small quantities; but I am of opinion, that no country will produce a more abundant crop, or with so little trouble, as on Red River.

The natural produce of the soil, is wild flax, wild rice, cherries, pears, raspberries, strawberries, grapes, bush cranberries, currants, plums, crab apples, and different roots, which the Indians prepare as food. The plains likewise abound with medicinal herbs and roots. Salt springs are very common; and the sugar maple is to be found in every point.

I need not mention the immense herds of buffaloe that graze on the plains, or the number of elk and moose deer that inhabit the woods.

A line, with sixty hooks, set across any part of the river, will give you from sixty to a hundred catfish per day, each weighing from 9 to 25 lbs. besides, sturgeon and many other fish peculiar to North America, may be taken in great abundance with nets. In the fall and spring, wild fowl of almost all descriptions are very common. The general price of a buffaloe, as large as an English ox, is from twenty to thirty rounds of ammunition, or from three-fourths to one pound of tobacco.

But the real value of the country, is the fertility of its soil, and the facility that nature offers to the industrious of obtaining the reward of his labour. Here a luxuriant soil only asks the labour of the ploughman: not a root or stump requires to be taken up. THE LANDS ARE ALREADY CLEARED. The plains present you with a pasturage of many hundred miles in extent; and your horses and cows (except those required to be milked), may be left out all winter. In truth, I know of no country that offers so many advantages: an exceeding wholesome climate, a fertile soil, fish, flesh, and fowls in abundance; and sugar and salt for the trouble of making them. In fact, all the necessaries and all the luxuries that are useful to mankind, are to be found there. Society only is wanting.

I trust, my good Sir, you will pardon the cursory manner in which this is written. Being on the eve of my departure, I hope will plead an excuse; and believe me, though hastily written, the foregoing statements are strictly correct. I have the honour to be,
&c.&c.

JOHN PRITCHARD⁴¹⁹

The following letter is from Mr. Donald M'Kay, who is now residing in the North of Scotland, and was formerly for many years employed in the Fur Trade, first from Canada, and afterwards in the service of the Hudson's Bay Company.⁴²⁰ It is addressed to the Earl of Selkirk, and dated February 1812.

In obedience to your Lordship's commands, I shall begin with the nature of the climate of the country you wish to describe, and Red River in particular, now called Stone Indian River.⁴²¹

I have wintered there four years, and during that period, found that it was far milder than in Canada. I have wintered in Montreal three years, and two at Point Claire, 13 miles above Montreal, and River St. Lawrence did not break open till April, and Red River breaks in March, and not half the snow falls on Red River: the soil is better than in Canada. Besides other advantages, Red River hath buffaloes, deers of different kinds, and in the fall and spring, geese, swans, wivies, ducks, heath hens, partidges, rabbits, &c. Sturgeon, and many other kinds of fish in the spring; the buffaloes do not come lower than Fort des Eppinette, below Brandon House. Red River enters Lake Winipic at its south end on the west side, in lat. 53, long. 99;⁴²² its course are S.W. to lat. 50, long. 109, when it turns to the N.W. at the bottom of the little Missouri, which course are S.W. till it comes to the east end of the Stony Mountain, and it is 24 miles to cross that hill to the great Missouri, which joins

the Mississippi 45 miles above the Illinois and New Orleans, in the Gulf of Mexico. When I was there in 1780, I have seen tribes of Indians that never saw any European before, and some as fair and clean as some Europeans; the Shivetoons in particular, the Mandales, Soulliers, Flying Big-bellies, and some Snakes; whose Horses are very beautiful and swift; and who treated me with the utmost civility and hospitality. Every tribe has a different language, but has interpreters all of them. The white beaver is in this River, and small crocodiles.

Red River is almost clear from wood on the north side, except along the river itself for about 40 miles from Lake Ouinipique or Winipeg; on the south side are woods of different sorts up to a great distance: and River au More (now called Red River) joins Red River⁴²³ 50 miles from the Lake; its source comes from the border of River St. Peter and Mississippi. There are famous fishing places at its bottom for barbot or catfish and sturgeon. Fort Dauphin has two rivers, River la Bish and Swan River, the soil as about Lake Winipeg; these rivers enters into little Winipeg, opposite the Islands of St. Martin in the middle of great Winipeg, and, River du Tremble opposite to that on the east side of the lake. The south end of the lake breaks open a month before the north end will. It is all woods about the lake, and the soil light in some places. The distance from York Fort to Winipeg is 350 miles, and 24 carrying places, some very trifling, and could be cleared with little trouble. But to enter minutely into a detail of the nature of this country, would need a whole volume, therefore shall conclude with having the honour of being &c. &c.

DONALD M'KAY

The above have been selected as the testimony of gentlemen who, being well acquainted with other parts of British America, are qualified to form a judgment of the comparative advantages of Ossiniboia. The same may be said of Miles M' Donell, Esq. Governor of the new colony on Red River, a gentleman who has passed most of his life in Upper Canada, and is well acquainted with the agriculture of all parts of that province.⁴²⁴ The subjoined extracts from his letters will serve not merely to give an idea of the country, but of the state of the settlement. The first letter is dated July 1813.

The Country exceeds any idea I had formed of its goodness. I am only astonished it has lain so long unsettled. With good management, the buffaloe in winter, and fish in summer, are sufficient to subsist any number of people, until more certain supplies are got out of the ground. The River has amply fed us, and about 200 people in the neighbourhood, since

the beginning of June. The land is most fertile, and the climate extraordinarily healthy. The fever and ague, so prevalent in other parts of America, is here unknown.

The country on the west side of the river, from above Deadman's River, throughout, is all a plain, with a belt of wood, on the river's edge, of irregular depth, from 1/4 to 2 or 3 acres. In many places the plain reaches to the river-bank. On the east side it is well wooded; the wood consists of oak, elm, poplar, liard, or cotton wood, ash, maple, &c. &c. There is no pine or cedar. Rivers falling into the Red River are generally wooded on both sides.

Our crops from bad culture, and the seed being old, do not promise great returns. The winter wheat being sown late, has totally failed, as also the summer wheat, pease, and English barley - of all these, there must be new seed sent us. The appearance of the potatoes, promises good returns. - The Indian corn has almost totally failed, from a great drought after planting.

The next extract is from a letter dated July 25, 1814.

I arrived from York Fort 15th October last. - The harvest had been secured, which consisted chiefly of potatoes; the people had returns of 45 or 50 kegs for each one planted. I had only about 15 for one, owing to the carelessness of the servants in attending to the culture and digging of them. The globe turnips were of an extraordinary size; the Swedish turnips also produced well. Our oats grew well; but from being late sown, part were overtaken by the frost before they were ripe. Wheat, pease, beans, Indian corn, rye, and hemp, entirely failed. The seed of these were old, and the few grains that came up were, from bad tillage, soon overcome by weeds. * * * * *

There have been about seven kegs of barley, four of wheat, five or six of oats, a quantity of Indian corn and buck-wheat, and nearly three hundred kegs of potatoes put in the ground in our settlement: - the whole looks more luxuriant and promising: - very different from the crops of last year. We have had green pease, a fortnight ago. I ate new potatoes yesterday - size of walnuts; and some of our barley will be fit to reap a week hence. Of potatoes I expect we shall have as many as all the people, now here and to come, can consume; and I am in hopes there will be a sufficiency of seed grain, of the kings we have, for all the people next year.⁴²⁵

The following extracts are from the letters of two young men who have no acquaintance with other parts of America; but they are not destitute

of interest, as they not only give some idea of the sentiments of the settlers, but may in some degree shew whether they are treated in the unjust and inhuman manner, which the Quebec libeller has represented: - Mr. John M'Leod writes to a friend in Scotland, under date July 22nd, 1814.⁴²⁶

***This is a very agreeable department. I can take a ride, and visit the settlers at pleasure. I yesterday dined with Mr. and Mrs. M'Lean:⁴²⁷ he has his crops in as forward a state as ever I saw at home: - his barley and wheat are both in ear, and will be ripe in eight days hence: he has fifty returns of potatoes last year, and it promises no less this year. The soil is very productive and exuberant, but very much incommoded with flies in summer, and cold in winter. In summer I have seen the thermometer at 90 degrees above the cypher, and in winter 35 degrees below the cypher, 67 degrees below the freezing point. The people that came out as settlers here has encountered and surmounted many hardships, but they are getting on gradually. All the Lewis lads has been in the Colony's service. I saw B. Bethune the other day, and asked him if he intended going home this ship time: - he told me, if he got his wages a little augmented, he would serve another contract. In this country, people are esteemed according to their merits and good behaviour.

Mr. Archibald M'Donald writes, under date 24th July 1814:⁴²⁸

Coming up from York Fort, the young settlers behaved remarkably well, and soon acquired a pretty good idea of the falls and rapids we had often to ascend; came to Jack River in nineteen days, remained one day only, and then carried on through the Lake, but still was not able to get to the settlement till 21 st June. On the morning of the following day got for the new settlers forty-two bushels of potatoes, to plant for themselves immediately, which was finished in the course of three days. Their own lands were now to be measured off, so as to get them settled without loss of time. Captain M'Donell very judiciously ordered their lands to be given them downwards from the settlement, along the west side of the river; but they, upon grounds that the upper part of the river must be better lands, would rather go farther up the country, not once thinking of the hazard they would run from the natives, by throwing themselves so far from any protection.⁴²⁹ But I am pretty well convinced the scheme did not originate with themselves, as they were highly taken up with the appearance of the country the very first day we arrived. However they agreed to take their allotments where first proposed.***

They are now all settled in their respective lots, and most of their houses in a fair way of building - indeed some were roofed. - It is their own advantage how soon they have them finished, as there is but few men left here when the captain and all the boats are off: and he wishes to give these people every encouragement, by giving them employment as often as he can. Captain M'Donell has ordered that ten or twelve horses that he has here, may be distributed among the new settlers whenever they wish for them.***

Of the productiveness of the soil of Red River, an idea may be formed from the following extract from the Journal kept, in the year 1813, at Brandon House, a trading establishment of the Hudson's Bay Company, where the cultivation of the ground is very far from being a principal object of attention.⁴³⁰

The little barley (three quarts) that was sown in our garden, 14th May, was cut down 15th August, and produced thirty-four gallons of clean corn: - the ground is the nineteenth part of an English acre.

This is in the proportion of ten quarters to the English acre, or nearly seventeen bolls to the Scottish acre.

With a view to ascertain with more precision the nature of the climate of Red River, thermometers and other instruments were sent out four and five years ago, with instructions for taking an accurate series of observations. But from the remissness of the officers to whom they were intrusted, this intention has been very imperfectly executed; and the journals hitherto received are full of large blanks. Ever since the observations on the effects of extreme cold, which were made at Churchill Factory, by instructions from the Royal Society, thermometical observations have been made in many parts of Hudson's Bay; but the officers have directed their attention to the winter only; and their observations stop precisely at the time, when to an agriculturalist they are most interesting.⁴³¹

In searching for materials to supply this deficiency, the only document that has yet been discovered is a Journal of very old date, kept by Anthony Hende, one the first of the Company's servants, who explored the interior country beyond Lake Winipic.⁴³² Though he had no instruments, his observations may perhaps convey as distinct an idea of the general nature of the climate, as if they had been made with more apparatus, and scientific precision. - He left York Fort on the 26th June, 1755, and on the 9th July arrived at Lake Winipic: he then proceeded westward up the Saskatchewan, on the 22nd passed Basquiau, on the 28th left the River and proceeded by land, and on the 13th of August entered the plains. He passed the winter

1753	Wind.	Weather.	1753	Wind.	Weather.
June 26	W.	fine	Aug. 9	S.W.	moderate
27	W.	fine	10	N.	fine
28	S. & S.W.	fine	11	W.	fine
29	N.	fine	12	W.	fine
30	N.	fine	13	W.	strong gale
July 1	N.W.	rain and thunder	14	W.	moderate
2	N.W.	fine	15	N.E.	fine
3	S.	fine	16	W.	fine
4	N.W.	fine	17	S.W.	fine
5	W.N.W.	fine	18	N.W.	fine
6	E. by N.	fine	19	W.	fine
7	E. by N.	fine	20	W.	fine
8	S.W.	fine	21	N.W.	fine
9	S.W.	fine	22	N.E.	fine
10	N.W.	fine	23	N.E.	fine
11	N.	wind and rain	24	N.W. by N.	fine
12	S.W.	continuance of rain	25	W.	fine
13	S.	moderate	26	N.W.	fine
14	S.W.	fine	27	S.	fine
15	E.	fine	28	N.W.	blowing weather
16	E.	fine	29	W.	fine
17	S.W.	fine	30	W.	fine
18	S.W. by S.	fine	31	N.W. by N.	blowing rainy
19	S.W. by S.	fine	Sept. 1	N.W.	cold raw
20	N.E.	fine	2	N.W.	fine
21	W.	fine	3	N.W.	blowing rainy
22	W.	fine	4	N.E.	fine
23	S.W.	blowing strong, with rain	5	W.	fine
24	S.	fine	6	W.	fine
25	S.	fine	7	W.	fine
26	S.	fine	8	S.	cloudy, with rain at times
27	S.	fine	9	W.	fine
28	S.W.	fine	10	N.W.	fine
29	N.W.	fine	11	N.W.	fine
30	S.W. by S.	fine	12	N.E.	cold raw
Aug. 1	N.W.	fine	13	W.	fine
2	N.E.	fine	14	S.W.	fine
3	S.	sultry hot	15	S.W.	fine
4	N.W.	fine	16	W.	rainy
5	S.	fine	17	W.	rainy
6	calm.	sultry	18	N.W.	rainy
7	N.	hot sultry	19	N.W.	fine
8	N.W.	strong gale, with thunder, lightning and rain.	20	N.W.	fine
			21	S.	fine
			22	W.	fine
			23	N.W.	fine

* Aug. 12.—Hazle and cherry trees loaded with ripe fruit.

† Aug. 21.—Many ripe berries and cherries.

‡ Sept. 1.—Indians living on berries.

§ Sept. 23.—I cannot describe the fineness of the weather, and the pleasant country I am now in.

1753	Wind.	Weather.	1753	Wind.	Weather.
June 26	W.	fine	Aug. 9	S.W.	moderate
27	W.	fine	10	N.	fine
28	S. & S.W.	fine	11	W.	fine
29	N.	fine	12	W.	fine
30	N.	fine	13	W.	strong gale
July 1	N.W.	rain and thunder	14	W.	moderate
2	N.W.	fine	15	N.E.	fine
3	S.	fine	16	W.	fine
4	N.W.	fine	17	S.W.	fine
5	W.N.W.	fine	18	N.W.	fine
6	E. by N.	fine	19	W.	fine
7	E. by N.	fine	20	W.	fine
8	S.W.	fine	21	N.W.	fine
9	S.W.	fine	22	N.E.	fine
10	N.W.	fine	23	N.E.	fine
11	N.	wind and rain	24	N.W. by N.	fine
12	S.W.	continuance of rain	25	W.	fine
13	S.	moderate	26	N.W.	fine
14	S.W.	fine	27	S.	fine
15	E.	fine	28	N.W.	blowing weather
16	E.	fine	29	W.	fine
17	S.W.	fine	30	W.	fine
18	S.W. by S.	fine	31	N.W. by N.	blowing rainy
19	S.W. by S.	fine	Sept. 1	N.W.	cold raw
20	N.E.	fine	2	N.W.	fine
21	W.	fine	3	N.W.	blowing rainy
22	W.	fine	4	N.E.	fine
23	S.W.	blowing strong, with rain	5	W.	fine
24	S.	fine	6	W.	fine
25	S.	fine	7	W.	fine
26	S.	fine	8	S.	cloudy, with rain at times
27	S.	fine	9	W.	fine
28	S.W.	fine	10	N.W.	fine
29	N.W.	fine	11	N.W.	fine
30	S.W. by S.	fine	12	N.E.	cold raw
31	N.W.	fine	13	W.	fine
Aug. 1	N.W.	fine	14	S.W.	fine
2	N.E.	fine	15	S.W.	fine
3	S.	sultry hot	16	W.	rainy
4	N.W.	fine	17	W.	rainy
5	S.	fine	18	N.W.	rainy
6	calm.	sultry	19	N.W.	fine
7	N.	hot sultry	20	N.W.	fine
8	N.W.	strong gale, with thunder, lightning and rain.	21	S.	fine
			22	W.	fine
			23	N.W.	fine

* Aug. 12.—Hazle and cherry trees loaded with ripe fruit.

† Aug. 21.—Many ripe berries and cherries.

‡ Sept. 1.—Indians living on berries.

§ Sept. 23.—I cannot describe the fineness of the weather, and the pleasant country I am now in.

1736	Wind.	Weather.	1736	Wind.	Weather.
Dec. 27	S. and W.	frosty night, warm day	Feb. 4	N.	moderate
28	} W. to N.	blowing, snowing, freezing	5	} S. & S.W.	clear sharp
29			6		
30			7		
31			8		
Jan. 1			9		
2	} W. by N.	moderate freezing	10	S.W.	warm
3			11	S.	fresh gale, with drift and snow
4	} W. by S.	blowing snowing	12	S.	moderate
5			13	S.W.	moderate
6	} S.	sharp freezing	14	W.	moderate
7			15	S. and	moderate
8	} N.E.	clear moderate	16	S.W.	moderate
9			17	S.W.	moderate
10	} N. and N.W.	cold freezing	18	S.W. by S.	variable
11			19	and S.W.	
12	} N.W.	cold	20	S.W.	snowy
13			21	W. by N.	fine
14	} W.	moderate freezing	22	N.W.	moderate
15			23	W.	moderate
16	} N.W.	moderate	24	W.	thawing
17			25	S.W.	fine
18	} W.	blowing freezing	26	S.W.	fine
19			27	W.	moderate
20	} N.E. to N.W.	variable	28	W. to	snow at times
21			Mar. 1	N.E.	
22	} W.	moderate	2	S.E.	moderate
23			3	S.E.	moderate
24	} from W. by S.	moderate freezing, with snow at times	4	N.W.	fine
25			5	S.W.	fine
26	} to N.	times	6	• • • • •	• • • • •
27			Apr. 23	S.	rain at times
28	} W.	fine moderate	24	} S.	very warm
29			25		
30	} N.E.	fine	26	} N.W.	fine
31			27		
Feb. 1	} S.W.	fresh gales with snow at times	28	S.	fine
2			29		
3	} N.N.		30	S.	fine
4			May 1	S.	fine

* Jan. 11.—The winter is now set in good earnest.
 † Jan. 18 to 21.—I observe the bad weather is of no continuance, and the cold is nothing like so severe as at York Fort. I have had nothing on my feet yet but a bannel sock, and buffalo-akin shoes with the hair inwards.
 ‡ Feb. 10.—Walked in snow shoes for the first time.
 § March 4.—Travelled on the river: the water running on the ice.
 ¶ March 5.—It thaws so much, that our sledges are in the water all the way.
 ¶ March 6 to April 22.—Weather for the most part moderate, and when we had blowing weather it was of no continuance.
 By the middle of April the snow all gone, and the creeks and ponds broken open.
 ** April 23.—River broke open.
 †† April 24 to 27.—Musquetoos plenty, many grey geese and swans flying.

1756	Wind.	Weather.	1756	Wind.	Weather.
May 2	S.	fine	May 25	S.E.	rain at times
3	S.	pleasant	26	N.E. by N.	fine moderate
4	N.	fine	27	S.W.	fine
5	S.	fine	28	N.W.	rain, thunder and lightning
6	S.	rain at times	29	S.	fine
7	S.E.	fine	30	S.	warm
8	N.W.	fine	31	S. by W.	fine
9	N.	moderate	June 1	N.E.	blowed strong
10	W.	fine	2	S.	fine
11	S.	fine	3	N.E.	fine
12	S.	fine	4	N.E. by N.	strong gale
13	N.W.	fine	5	S.W.	fine
14	N.E.	fine	6	N.W.	fresh gale
15	S.W.	fine	7	S.W.	fine
16	N.W.	clear blowing	8	S.W.	fine
17	N.E.	fine	9	N.E.	rain at times
18	S.E.	fine	10	S.	small rain
19	N.E.	close	11	S.	fine
20	S.E.	fine	12	S.	fine
21	S.E.	fine	13	N.E.	foggy
22	S.E.	fine	14	E.	fine
23	S.E.	fine	15	N.	fine
24	S.E.	rain at times			

among the Indians about latitude 53 degrees or 54 degrees, considerably to the north of Red River. He set out on his return in May; and on the 3rd June he entered Lake Winipic, and on the 23rd arrived again at York Fort.⁴³³ - His Journal contains a daily notice of the state of the weather, which is here extracted in the form of a table; and every remark, which occurs in the-Journal, to throw any light on the general state of the season is subjoined as a note at the bottom of the page.

Though none of the more recent journals kept in the interior, give so connected a view of the seasons for a whole year, as Mr. Hendey's, yet a number of interesting particulars may be collected from them occasionally.

Mr. Peter Fidler, who wintered at Swan River, in latitude 52° 20';, in the year 1795-6, observed that the river froze over on the 8th November, and broke up again on the 14th April. The snow was all melted before the 10th. Swans, ducks, &c. appeared on the 3rd. From the 15th to the 30th of April, the average of the thermometer, observed about the middle of the day, was 57 degrees; and it was occasionally as high as 72 degrees or 73 degrees.⁴³⁴ The same gentleman another year in descending Ossiniboine River, observed on the 2nd of May, when in latitude 50° 30' that all the trees, except the oaks, were nearly covered with foliage. In 1814, at Brandon House, in latitude 49° 42', he observes as a proof of a remarkably late spring, that no leaves had appeared on the 4th of May. The ice did not breakup that season till the 21st of April. On the 23rd June

of the same year, Mr. Fidler observed, that the potatoes were in flower, and the barley shot into ear. At Brandon House maple sugar is usually made towards the end of March, and about the middle of that month the snow is generally melting fast, and the ground bare in many places.

In 1812, Mr. Edwards, on the route from York Fort to Red River, observed the thermometer in the mornings and evenings in the month of July to be generally from 55 degrees to 65 degrees: on three days only it was a little below 50 degrees.⁴³⁵ He did not make any observations in the middle of the day. In August, the thermometer observed at the same hours, was in general from 60 degrees to 75 degrees, and hardly ever so low as 50 degrees. - In September, the morning and evening observations were in general from 50 degrees to 65 degrees; - once as low as 42 degrees. In the middle of the day, about one or two o'clock, it was often 80 degrees.

At the Settlement on Red River during the first half of October, the thermometer in the morning and evening was generally from 40 degrees to 50 degrees: on the 13th in the morning it was as low as 31 degrees: during this period, it was seldom above 60 degrees, even at this mid-day observation. In the latter part of this month, the range of the thermometer was from 30 degrees to 40 degrees. On the 31st was the first severe frost; and on the 5th of November the river was frozen over.

The period of its breaking up the following spring is not noticed; but from other documents it is known that on the 18th April boats were navigating the river. Mr. Edwards's Journal closes on the 17th of May; and during the last fortnight of his observations the average of the thermometer at mid-day is 75 degrees: for the preceding fortnight, viz. in the latter part of April it is 53 degrees. On the 11th May, it is remarked that the trees are looking green.

In winter the frost is very intense, so that after a continuance of North or North-West winds, it is sometimes so cold that at night even mercury is frozen. This is very rare on Red River; at Swan River, in winter 1795-6, it happened three times. It is observed however, that the most intense frost is generally accompanied by a calm, or very light airs, so that the cold is not so much felt as might be expected from the state of the thermometer. Even in January, men travel considerable distances through the wilderness, and sleep in the open air without danger. The weather is generally of a cheerful and pleasant character. By Mr. Fidler's observations in winter 1795-6, during a period of 148 days from November to March, 76 days were clear uninterrupted sunshine, and 44 days fair, but the sky more or less clouded: the days on which snow or rain fell, including every shower, however slight, amounted to 28. In winter 1813-14, he observed in like manner 25 days, on which more or less snow or rain fell. He observed 10 days of drifting winds during the former winter, and 15 during the latter.

Mr. Fidler always measured the snow minutely, when new fallen, and in these two winters he scarcely ever records a fall of more than two or three inches. The different falls added together, for the whole of winter 1795-6 amount to 24 inches; and for 1813-14 to 28 inches. On the 5th March, 1814, he observed the snow to lie on a level 15 inches deep: about the same period the ice on the river measured 20 inches thick. To those who are acquainted only with the climate of England, this may appear a great thickness; but in most parts of Germany it would be thought moderate.

APPENDIX C.

The Hudson's Bay Company are engaged in establishing a chain of intermediate posts, between Port Nelson and Lake Winipic; from which two great advantages will arise. It will admit of a communication being carried on in winter, by means of sledges drawn by horses, in the manner practised in Canada, and in all the northern countries of Europe. It will also admit of the navigation in summer being managed in a more oeconomical manner. At present the boats carry but a small load, because there is one part of the river much interrupted by falls and rapids, where small and light boats are the only description that can be used; but this is only in a very small proportion of the whole tract; in other parts there are extensive lakes which would admit of large barges, and rivers of a smooth and equal current, where boats of considerable burden might easily be used. With the establishment of men stationed at these intermediate posts, various different kinds of craft may be used in different parts of the route, and the cargo may be removed from one boat to another, as circumstances render it convenient. The same men may be employed in winter to drive sledges, and convey goods from stage to stage along the same route.⁴³⁶

Of the practicability of this method, the following letter, addressed to the Earl of Selkirk, contains the testimony of a gentleman of the first mercantile abilities, who during a residence of many years in Upper Canada, has had ample experience on the subject: -

In answer to your Lordship's queries respecting the practicability of conveying goods by sledges in winter at a moderate expence, I have to observe, that recent experience in Canada has fully ascertained this point. I have known many instances of goods being brought in that way from Montreal to Niagara and Detroit. These sledges are generally drawn by two horses, and loaded with from 12 to 15 cwt. besides the driver; and they travel at the rate of from 35 to 45 miles per day. The road between Kingston and Niagara is frequently rough

and hilly; and I am of opinion, that on a level road, or along the ice of a river or lake, a pair of horses could easily draw a load of 15 cwt. at a rate of 45 miles per day, for a continuance. If the business is to be carried on upon a large scale, the plan of having relays of horses, stationed at the distance of a day's journey apart, will be the most advisable: these stages need not be nearer than 40 miles. Every driver ought to have a third horse, both as a reserve in case of accidents, and to enable him to give rest to every horse occasionally. With this there can be no doubt of his being able to make three trips per week, carrying about 14 cwt. to the next stage, and bring back an equal weight each time.

I have the honour to be, &c.
THOMAS CLARK⁴³⁷

The distance from York Fort to Lake Winipic, measured along all the bends of the rivers, is nearly 400 English miles. If, according to Mr. Clark's computation, this be divided into ten stages of forty miles each, an establishment of seventy men, will allow seven to each stage; and at three trips per week they may carry twenty-one loads of 14 cwt. so that the whole establishment should convey about 15 tons up from York Fort to Lake Winipic, and 15 tons down, for every week of winter weather adapted for this occupation. In the climate of York Fort, at least twenty weeks may be reckoned of clear and steady frost, after making every reasonable allowance for occasional interruptions from heavy falls of snow, drifts, or other weather of unusual severity. At this rate the winter's work will amount to 300 tons conveyed each way. With respect to the summer, in [it] has been calculated, and by a very accurate and intelligent officer of the Hudson's Bay Company, that seventy men, employed in navigating boats of a suitable description, may, at a moderate computation, carry 120 tons from York Fort to Lake Winnipic, in the course of the summer, and bring down an equal quantity.

The expence of this establishment will consist chiefly in the wages of the men employed. Horses can be procured at a very low rate from the Indians of the plains, who possess great numbers. There are many at the trading posts of the Hudson's Bay Company, purchased by the common labourers for their own use or amusement; and it is thought a high price when 30 or 40s. is paid for a horse. During the summer there is hardly any work for the horses, which may therefore be turned out to pasture with very little attendance; provender for the winter may be raised by the labour of the men who are to drive them. Though the principal part of the men's time has been accounted for, there is an intermediate season, which is not reckoned upon, either for the boat navigation, or for the sledging in winter. For several weeks in spring, after the ground is thawed, navigation cannot

be carried on, upon account of the floating ice, which encumbers the lakes. In autumn also, there is a period, after the navigation is interrupted by the commencement of the winter frosts, and before they are sufficiently confirmed, for the ice to be safely trusted to. These intervals, may amount to ten or twelve weeks, on the whole; and though part of this time will be required for collecting fire wood, and other domestic objects, a part of it may certainly be appropriated to the cultivation of the ground. It is not proposed to attempt that of grain, which may be brought from the settlements in the interior, at a cheaper rate than it could be raised in the country below Lake Winipic, where the soil and climate are not so favourable. But there can be no difficulty in raising a sufficiency of potatoes, parsnips, turnips, and other such articles, for the support of cattle in winter. Oats may be sown to be mown before they are quite ripe, and given to the horses in the shape of hay. The natural meadows, which are found in some parts of the route, will afford a very easy supply of provender; and after a sufficiency of ground has been cleared, hay may be procured in all parts. By one or other of these articles of winter food, there can be no doubt that the horses may be maintained without any very great sacrifice of the men's labour. - Each man will have to provide the winter provender of three horses, for which purpose it can hardly be thought necessary to allow more than one third of his summer's work, over and above the time which may be spared in spring and autumn. - Upon this supposition, the quantity of carriage performed in summer, may be reduced from 120 tons to 80; and that of the whole year to 380 tons: but of the downward carriage about 40 tons may probably consist of provisions brought from the interior, for the maintenance of the men employed.

The prime cost of these provisions will be very small. Supposing that grain may be raised on Red River for the prices that are usually paid in time of peace in Upper Canada or the Genesee country, the quantity required for a yearly ration will hardly exceed £3 per man. From the abundance and cheapness of buffaloe meat, (as stated by Mr. Pritchard, Appendix A.) no great additional sum will be needed for supplying a ration of animal food. The grain may be sent by water carriage to the Depot at the outlet of Lake Winipic. The beef should be brought in winter frozen, by a continuation of the sledge road; and as the distance from the plains to the Depot is about half of that from York Fort, the expence may probably be in the same proportion, between £2 and £3 per ton. A very ample yearly ration of all kinds of provisions will not exceed 10 cwt. per man, or 35 tons for 70; so that even if the whole were to be brought by sledges, the expense of carriage to the Depot would only be about £100; and this added to the prime cost will not raise the total expence of these provisions to more than 4 or £500.

Supposing the wages of the men employed to be at the same rate as

are commonly paid by the Hudson's Bay Company, they may amount to £1,600, viz. Fifty ordinary labourers, at £20 per annum; ten steersmen and overseers, at £35; and ten at £25; making the whole expence about £2000, besides an annual supply of horses to keep up the stock, the annual tear and ware of boats, and their apparatus, &c. &c. These items it would be difficult at present to ascertain with minute accuracy, but it is not probable that they would exceed 4 or £500; so that the exper.ce of conveying 340 tons down from Lake Winipic and 380 tons up, may be about £2500, i.e. about £3.10s per ton. In reckoning it therefore at £5 per ton, a sufficient latitude has been allowed to cover very considerable errors of calculation.

In estimating the wages at the rate now currently paid by the Hudson's Bay Company, the calculation certainly is not stated in the most favourable view that it might admit. These are the wages paid to labourers, who are sent out under indenture for a period of years, and who have no view but to return home after saving a little money. From the nature of the ordinary occupations of the Fur Trade, hardly any labourers have hitherto been sent out by the Company, except single men: but the proposed employment is perfectly well suited for married men with families. Many such, who are desirous of emigrating to Red River, and who have not adequate pecuniary means, might be found willing to engage for a term of years, at wages very much below those usually paid by the Hudson's Bay Company; and though an additional expence must be incurred for the maintenance of their families, this would be far from overbalancing the diminution of the money wages, when the settlement is so far advanced as to furnish an abundant and cheap supply of provisions.⁴³⁸

APPENDIX D.

The boundless extent of pasturage in the plains of Red River may afford a source of immense profit to sheep farmers, in the progressive increase of their stock, which may be multiplied in a rapid manner, by keeping all the ewes as long as they will continue to breed. It is well known that ewes may bear lambs for at least five or six years, before they are too old; though in Europe, where the land is already fully stocked, they are generally sold to the butcher at a much earlier age. But in a situation where the extent of pasture of superabundant, and where the object of the farmer must be wool rather than mutton, his sheep ought to be preserved as long as nature will allow. From the subjoined tables it will be seen that a farmer, beginning with one hundred ewes, and preserving all their produce, may, at the end of ten years, be possessed of a flock from which he may shear annually from twelve to eighteen hundred fleeces, and that this stock may

still go on, doubling their numbers in the course of every three or four years.

As the settlers may be furnished with rams of the finest breed of merinos, and a supply may be procured of ewes of the second or third cross, there can be no doubt that their wool, when thoroughly washed, will be worth in London at least four or five shillings per pound, and the fleeces may be expected to weigh on an average about three pounds of clean wool.⁴³⁹

From the expences of bringing the wool to market and realizing its value, it may be necessary to deduct nearly one shilling per lb. A bag of wool, containing 200lbs. may be reckoned as half a ton by measurement. This quantity of Spanish wool is packed into a bulk of 22 cubic feet with the help of a very moderate degree of compression; but there can be no doubt that by more powerful means, the bulk of the package might be still farther reduced: in the opinion of a person of great experience such a bag might easily be compressed into the space of 15 feet. It is therefore a full allowance to reckon it as half a ton. Allowing a shilling per lb. or £10 per bag; and supposing the expences of carriage from Red River to the sea, and of freight to London to amount together to £7 (i.e., £14 per ton,) there will remain £3 per bag to cover other mercantile charges. It will be seen in Appendix C. that the inland carriage may be effected for £6 or £7 per ton; and £7 is a fair allowance for freight; for vessels have been chartered for the voyage to Hudson's Bay and back to London, at a freight of from £9 to £10 per ton, of which about one-third may be defrayed by the outward cargo.

Allowing a shilling per lb. for all expenses on the wool, there will still remain ten or twelve shillings per fleece as the net value to the farmer: and it cannot require much argument to shew, that this will afford a very ample remuneration for his expences, when he has nothing or a mere trifle to pay for his land.

In calculating the progressive increase of a flock of sheep, the only point of difficulty is to judge what allowance ought to be made for casual losses by disease or accident; which will be very different, according to the mode of management, and the degree of attention on the part of the farmer. If the sheep are to remain exposed to the winter storms, as in the mountains of Scotland, and to gather their subsistence from the herbage beneath the snow, considerable losses must be expected; but if a sufficient supply of winter provender is laid up, and cots be erected as a refuge for the sheep in severe weather, the losses will be proportionably very moderate. While the numbers of the flock are yet small, it will be very easy for the farmer to pay this degree of attention to them. It may require experience to determine whether this management can be continued advantageously with a numerous flock. If it should be judged too expensive, the sheep may certainly find their

subsistence in the plains without artificial shelter. We have the testimony of Mr. Pritchard (Appendix C.) that cattle may be kept in that manner, and it is known that the Ossiniboine Indians keep numbers of horses for which no provender is ever laid up. There is no reason to suppose, that in this mode of management, a flock of sheep would sustain greater losses than in the mountains of Scotland. There is indeed a greater intensity of frost in Ossiniboia; but it is seldom from the direct effects of cold that sheep perish, and there is no animal, even of the arctic regions, that is better clothed than a merino sheep. The chief danger arises from drifting snows, which are more frequent and severe in the mountains of Scotland, than they appear to be in the level plains of Red River; and the sheep are far more exposed to danger from this cause in a barren mountainous pasture, where they must be allowed to wander singly over a great space of ground, than in a situation where the herbage is more abundant, and where the flock may therefore be concentrated under the eye of the shepherd.

It will indeed be necessary in Ossiniboia, that the sheep should be so concentrated at all seasons of the year, on account of the necessity of protecting them from the wolf. They cannot be allowed to wander by themselves, as in our mode of management, but must be kept together and watched by shepherds, as they are in those parts of the continent of Europe, where wolves abound, and indeed in almost every part of the world, except Great Britain. This circumstance requires a greater degree of attendance than in our sheep farms. In Spain a shepherd is allowed to every 200 sheep; but this attendance serves not only to protect the flock from the wolf, but also to obviate other accidents, to which they are exposed when they are scattered among our mountains. If therefore a full allowance of shepherds be employed, it is probable that the casual losses of a flock in Ossiniboia will be less than in a mountain flock in this country, but even if the loss be reckoned at the highest rate, that is warranted by experience in Scotland, the result of the calculation will be sufficiently encouraging.

In very exposed and unfavourable situations, it is understood that an attentive farmer may expect to lose from 5 to 10 per cent. of his young sheep, viz. the lambs of the preceding season, and from 2 to 5 per cent. of other sheep. The subjoined tables are calculated on these data. In the first, the loss is taken at the highest rate, and is supposed to be 10 per cent. annually on the young sheep, and 5 per cent. on the rest of the flock. In the second table, the loss is calculated at 6 per cent. on the young sheep, and 3 per cent. on the rest.

It will be observed, that by one of these calculations the stock doubles in about three years, and by the most unfavourable in four years. The former, however, is far from shewing the greatest degree of rapidity with

which a sheep stock may be made to multiply. By the care and attention which may be given to a small parcel of sheep, the losses may be kept much lower than in the most favourable of these calculations. If plenty of succulent food be provided for the aged ewes, they may continue to breed for some years longer; and by a careful preservation of the twins, a greater proportion of lambs may be reared. But as these refined attentions cannot easily be applied on a large scale, they are not reckoned upon. The subjoined tables are calculated on data which may be realized with a numerous flock, by any farmer of competent skill and attention to his business.

In both tables, it is supposed that the farmer begins with a stock of one hundred ewes, all young; and that a lamb is annually reared from each ewe, the twins being in sufficient numbers to balance the lambs which may be lost in the weaning [weaning] season. It is supposed that the ewe lambs may be brought in to have lambs again at the age of two years; and that every ewe is to breed for five seasons before it is put off as too old. In the second table, one-half of the ewes are supposed to breed for six seasons. The first column shews the number of ewes that may be expected to bring lambs each year; the second, those which have bred the full number of years, and must therefore be deducted from the breeding stock before next season. This is found by taking the number of gimmers which have been brought into the breeding stock in the fourth preceding year, and deducting the supposed annual loss during the intermediate seasons.⁴⁴⁰ The third column shews the amount of casual losses, which may be expected among the other breeding ewes, and is calculated by deducting the sum in the second column from that in the first, and applying to the remainder the assumed proportion of loss. The fourth column shews the number of ewes which may be expected to survive and to have lambs the next ensuing season; calculated by adding together the sums in the second and third columns, and deducting the amount from the first. The fifth column shews the number of ewe lambs which may be expected to be reared each year, being one-half of the number of ewes in the first column. The sixth column shews the amount of losses which may be expected among these ewe lambs, according to the assumed proportion. This sum being deducted from that in the fifth column, gives the number which may be expected to survive the winter, and to remain next year under the denomination of *gimmers*, or yearling ewes: this number appears in the seventh column, but in the line immediately below that in which they are stated as lambs. The eighth column shews the loss which may be expected among these gimmers during the second winter; and this being deducted gives the number of young ewes which may be expected to produce lambs the ensuing year, as in the ninth column. This number, added to that of old ewes in the fourth column, gives the total number of ewes

which are to breed the next season, as in the following line under the first column.

The tenth column shews the total number of fleeces which may be shorn from the whole flock. It is formed by adding the number of gimmers in the seventh column to that of the breeding ewes in the first, and doubling the sum; on the supposition that the wedders will be equal in number to the ewes. A correction is necessary for the first six or seven years, during which the original stock of ewes remain without any corresponding number of wedders; but after that first stock is wornout, the wedders will be as numerous as the ewes, if they also are kept to the full age which nature will allow; which ought to be done in a situation where wool is the principal object.

TABLE II.

Loss on Lambs, supposed.... 6 per Cent.
 — on other Sheep 3 per Cent.
 Half the Ewes to breed for six Seasons.

Year.	1	2	3	4	5	6	7	8	9	10
	Breeding Ewes.	Old Ewes to go off.	Lambs on the first.	Remain to breed next Year.	Five Lambs reared.	Lambs on Five Lambs.	Gimmers.	Loss on Gimmers.	Gimmers to breed next Year.	Fleeces.
1st	100	0	3	97	50	3	0	0	0	100
2nd	97	0	3	94	48	3	47	2	45	191
3rd	139	0	4	135	69	4	45	1	44	274
4th	179	0	5	174	90	5	65	2	63	397
5th	237	44	6	187	116	7	85	3	82	556
6th	269	43	7	219	135	8	109	3	106	713
7th	335	20	9	296	162	10	127	4	123	904
8th	419	38	11	370	220	13	152	5	147	1,142
9th	517	45	14	458	258	14	207	6	201	1,448
10th	659	60	18	581	330	20	244	7	237	1,806
11th	818	79	22	717	409	23	310	9	301	2,256
12th	1,018	100	27	891	509	31	381	11	373	2,804

FINIS.

TABLE I.

Loss on Lambs, supposed.. 10 per Cent.
 — on other Sheep..... 5 per Cent.
 Ewes to breed for five Seasons.

Year.	1	2	3	4	5	6	7	8	9	10
	Breeding Ewes.	Old Ewes to go off	Loss on the rest.	Remain to breed next Year.	Ewe Lamba reared.	Loss on Ewe Lamba.	Glammery.	Loss on Glammery.	Glammery to breed next Year.	Fleeces.
1st	100	0	5	95	50	5	0	0	0	100
2nd	95	0	5	90	47	5	45	3	42	185
3rd	132	0	7	125	66	6	42	2	40	258
4th	165	0	8	157	82	8	60	3	57	365
5th	214	81	7	126	107	11	74	4	70	495
6th	196	0	10	186	98	10	90	5	91	584
7th	277	34	12	231	138	14	88	4	84	750
8th	315	32	14	269	157	16	124	6	118	878
9th	387	46	17	324	193	20	141	7	134	1,056
10th	458	56	20	382	229	23	172	9	164	1,262
11th	546	74	24	448	272	27	206	10	196	1,504
12th	644	68	29	547	322	32	216	12	234	1,780

References

- ⁴⁰³ Selkirk here assumes that his instructions to settle these people have been executed.
- ⁴⁰⁴ The original footnote reads, “See Appendix A.”
- ⁴⁰⁵ Selkirk obviously reflects his experience with Prince Edward Island, where inactive proprietors had greatly restricted the development of the colony.
- ⁴⁰⁶ Selkirk had given a good deal of thought to this matter because of his problems on Prince Edward Island, and this proposal was one which might equally have been applied to the Island.
- ⁴⁰⁷ Such profit, of course, is what Henry George would later label the “unearned increment” in his famous book *Progress and Poverty*.
- ⁴⁰⁸ The wars with the French were at this point virtually wound down, and Selkirk - like the government - was thinking about a return of pressures for emigration in the United Kingdom. He was here anticipating government policy. See H. J. M. Johnston, *British Emigration Policy 1815-1830: “Shovelling Out Paupers”* (Oxford, 1972).
- ⁴⁰⁹ The original footnote reads: “Observations on Emigration, and the State of the Highlands, by the Earl of Selkirk.” This work was reprinted in volume one of this collection.
- ⁴¹⁰ Selkirk later in 1815 calculated a cost of passage of 6 to 7 pounds per passenger to his own colony; see Selkirk to John McDonald, 1 September 1815, SPPAC, 1638-1651.
- ⁴¹¹ The district to which Selkirk is referring is the Kildonan region of the Sutherlandshire estates of the Duke and Duchess of Sutherland. For these clearances, consult Eric Richards, *The Leviathan of Wealth* (London, 1973), and Richards’ *A History of the Highland Clearances: Agrarian Transformation and the Evictions 1746-1886* (London and Canberra, 1982), 284-362. See also his *A History of the Highland Clearances Volume 2: Emigration, Protest, Reasons* (London, Sydney, Dover, N.H., 1985).
- ⁴¹² The original footnote reads, “See Appendix C.”
- ⁴¹³ The original footnote reads: “See Appendix D.”
- ⁴¹⁴ John Strachan was particularly critical of Selkirk’s proposed concentration on wool and hemp in Red River. See his *A Letter to the Right Hon. the Earl of Selkirk, on his settlement at the Red River, near Hudson’s Bay*, especially
- ⁴¹⁵ Selkirk was thus integrating his colony’s trade with that of the Hudson’s Bay Company under the new system which he and Andrew Colvile had introduced in 1811.
- ⁴¹⁶ The problem was that North American settlers were not accustomed to paying quitrents, and where attempts were made to collect them, such as on Prince Edward Island, they

were met with much hostility. See, for example, Philip Buckner's sketch of Sir Charles Douglas Smith in *Dictionary of Canadian Biography, VIII* (1985), 823-828.

⁴¹⁷ Such an approach to encouraging settlement, of course, led Selkirk's opponents on both sides of the Atlantic to label him little more than a "land-jobber," and the charge was not unjustified.

⁴¹⁸ *Quebec Mercury*, October 8, 1814.

⁴¹⁹ For biographical information on Pritchard (1777-1856), see *Dictionary of Canadian Biography, VIII* (Toronto, 1985), 713-715.

⁴²⁰ Probably "Mad Donald" M'Kay (fl. 1786-1812) who was on the Saskatchewan in service of the North West Company in 1786, entered the service of the HBC in 1790, and retired to Britain in 1799. Selkirk had contacted M'Kay in connection with his recruiting for the HBC, hoping that M'Kay could reassure potential employees about the country. But he found M'Kay totally unreliable. Nevertheless, contrary to the family record noted by W. S. Wallace in his "A Biographical Dictionary of the Nor'westers" appended to his *Documents Relating to the North West Company* (Toronto, 1934), p. 473, M'Kay did not die in 1810 but was still alive in 1812.

⁴²¹ The original footnote reads: "More properly *Ossiniboine River*, the original name, of which *Stone Indian* is an awkward translation."

⁴²² The original footnote reads: Since Mr. M'Kay left that country, the topography has been ascertained with more accuracy by astronomical observations; from which it appears that the mouth of Red River is in latitude _____, and longitude _____."

⁴²³ The original footnote reads: "Of the two branches of Red River, the south is the largest and properly called Red River, although Mr. M'Kay, and some other of the traders, give that name to the west branch, or *Ossiniboine River*."

⁴²⁴ Miles Macdonell (1767-1828) was born in Inverness-shire, Scotland, and emigrated with his parents to New York in 1774; the family retired to Upper Canada as Loyalists at the outbreak of the American Revolution. Miles had some military experience and had farmed without much success in Upper Canada, but he found his Roman Catholic background a drawback to advancement. But "mere farming," he wrote in 1804, "will hardly support my family in the manner I would wish." He came to Selkirk's attention upon recommendation of his cousin, Alexander Macdonell, and was named governor of Assiniboia in 1811. See *Dictionary of Canadian Biography, VI* (Toronto, 1987), 440-444.

⁴²⁵ The correspondent is Miles Macdonell.

⁴²⁶ John M'Leod (1788-1849) was born in Stornoway, entering HBC service in 1811 and heading the post at the forts of the Red River in 1814, where he defended the post against the Nor'westers. He was promoted to chief trader in 1821, served some years in the Columbia Department, and retired in 1848, dying in Hochelaga, Lower Canada.

44 *The Collected Writings of Lord Selkirk 1799-1809*

- ⁴²⁷ Mr. and Mrs. Alexander M'Lean (or McLean) were Scottish farmers brought out by Selkirk in 1812 to demonstrate what experienced farmers could do agriculturally in Red River. M'Lean was killed at Seven Oaks in 1816.
- ⁴²⁸ Archibald M'Donald or McDonald (1790-1853) was born in Glencoe, Scotland, and was a personal protege of the Earl of Selkirk, who sent him in 1813 with the original Kildonan settlers as second in command. M' Donald was closely connected with Red River and the Hudson's Bay Company, serving as chief trader for the latter in Fort Langley and Fort Colvile in the Columbia department. See Jean M. Cole, *Exile in the Wilderness: The Biography of Chief Factor Archibald McDonald, 1790-1853* (Don Mills, 1979).
- ⁴²⁹ The Red River runs north to Lake Winnipeg, and so the upper part of the river would be to the south of the settlement.
- ⁴³⁰ No Brandon House Journals for 1813-1814 survive in the Hudson's Bay Company Archives.
- ⁴³¹ Check reference to observations and Royal Society.
- ⁴³² Four different copies of the Hendey journals - but no original - survive in the Hudson's Bay Company Archives; see E.2/4, ff. 35-60; E.2/6, ff. 10d-38d; E.2/11, ff 1-40d; and B.239/a/40. A printed version, edited by L. J. Burpee and entitled "York Factory to the Blackfoot Country - the journal of Anthony Hendry, 1754-55," is in *Royal Society of Canada Transactions*, 3rd ser., 1(1907), sect. II, 307-64. See also, G. Williams, ed., *Andrew Graham's Observations on Hudson Bay, 1767-91* (London, 1969).
- ⁴³³ For Hendey (or Henday or Hendry) and his travels, see *Dictionary of Canadian Biography*, (Toronto, 1974), 285-287, and J. G. MacGregor, *Behold the Shining Mountains, Being an Account of the Travels of Anthony Henday, 1754-55, the First White Man to Enter Alberta* (Edmonton, 1954).
- ⁴³⁴ For Peter Fidler (1769-1822), furtrader and surveyor, see *Dictionary of Canadian Biography*, VI, 249-252. His journal is in HBC Archives, E.3/2, ff. 80-81d.
- ⁴³⁵ Abel Edwards was appointed first surgeon of the colony by Selkirk, accompanying the original party of 1811. For his observations, see SPPAC, 907-910.
- ⁴³⁶ Although this paragraph has the appearance of the promoter, both Selkirk and the Hudson's Bay Company had been actively working on improving the route between York Factory and Red River since 1812, both in terms of water navigation and by the establishment of the posts mentioned in the text.
- ⁴³⁷ Clark (ca. 1770-1837) was a resident of Sandwich, in Upper Canada, and had been employed by Selkirk as his agent for his estate at Baldoon since 1810. He was a prominent merchant in Upper Canada. See *Dictionary of Canadian Biography*, VI, 147-150.
- ⁴³⁸ As usual, Selkirk assumed that emigrants brought to North America could be held to

contracts which pegged their labour below market rates, and would remain in isolated settlements in the process.

⁴³⁹ The original footnote reads: "A specimen of wool has been brought from Red River, the produce of the sheep sent out to establish the Merino breed: it is estimated by an eminent wool broker, that, when scoured, it will be worth upwards of seven shillings per lb."

⁴⁴⁰ The original footnote reads: "In the second table the medium is taken between the number of gimmers brought in on the fourth, and on the fifth preceding year."

A SKETCH
OF THE
BRITISH FUR TRADE
IN
North America;
WITH
OBSERVATIONS
RELATIVE TO
THE NORTH-WEST COMPANY
OF MONTREAL.

BY
THE EARL OF SELKIRK.

SECOND EDITION.

LONDON:
PRINTED FOR JAMES RIDGWAY,
OPPOSITE BOND STREET, PICCADILLY.

1816.

As the following "Advertisement" suggests, Selkirk completed his analysis of the fur trade hastily in the summer of 1815, when he and his family departed for Montreal. The first edition was published by James Ridgway in London early in 1816, and a second edition appeared under the same publisher's imprint a few months later. An American edition was published in New York in 1818, and a French translation by a Montreal lawyer named Hugues Heney with the title Esquisse du commerce de pelleteries des Anglois dans l'Amerique septentrionale, avec des observations relatives a la Compagnie du Nord-Ouest de Montreal was published by James Brown in Montreal in 1819. We have chosen to reprint the London second edition, which corrects some minor typographical errors from the first.

A Sketch of the British Fur Trade

ADVERTISEMENT

The Author of the following pages has been prevented from paying that degree of attention to the details and arrangement of his subject, which its importance required. But he experienced much interruption in the progress of his work, and could only bestow upon it a divided attention. - He was called away from England to a remote part of the British dominions, for the purpose, not only of defending his own rights of property from threatened infringement, but also to give his personal support to a considerable body of individuals, who, in a great degree, looked up to him for protection, and against whom a train of premeditated and violent aggression has been committed by their fellow-subjects. He has, in consequence, been laboriously and anxiously occupied in obtaining evidence for the purpose of bringing the facts before a court of justice, and in endeavouring personally to effect such measures as might prevent the threatened repetition of the outrage. These circumstances, he is confident, will prove a sufficient excuse with every candid reader for the deficiencies in a Sketch that has been hastened by the wilful misrepresentation of others, but which will probably be followed by a work of a more comprehensive description. Incomplete,

however, as the present one is, it will be found to contain matter well deserving of the early attention of the Public.

I. Remarks on the respective systems adopted in Canada prior and subsequent to the Cession of that Colony to Great Britain. - General View of the Canadian Fur Trade. - Origin and Constitution of the North-West Company of Montreal.

The commercial benefits which were expected to accrue from the Fur Trade in Canada, formed the principal object in the original settlement of that colony.⁴⁴¹ For a long period that branch of trade furnished the chief employment of the colonists; but of late years the progress of population, and the increase of wealth, have given rise to other and more valuable branches of traffic.⁴⁴² The Fur Trade, however, still constitutes an important branch of Canadian commerce. An inquiry into the principles on which this trade has been conducted may be interesting, in many respects, not only to those who are connected with the colony, but to all who have turned their attention to the commercial resources, and colonial prosperity, of the British Empire: and the inquiry may be the more important, because the mode in which the Fur Trade is conducted does not appear to be generally understood, or justly appreciated, even in Canada.

While that province was in the possession of France, the Fur Trade was carried on under a system of exclusive privileges.⁴⁴³ In each district of country, or nation of Indians, a licence was granted by the governor of the province, assigning to some favoured individuals the privilege of trading within the prescribed limits. The persons who obtained these privileges were generally officers of the army, or others of respectable family connection. Whatever were the motives in which this system originated, there can be no doubt that it contributed, in a very great degree, to the main object of the French government in their transactions with the Indian nations of America: *viz.* to establish and extend their political influence.⁴⁴⁴ Whoever possessed the exclusive trade of a district was the only person to whom the Indians could apply for such articles as an intercourse with Europeans had introduced among them; and, independent of the ordinary transactions of barter, the natives had frequently occasion to solicit favours which they could only expect from the indulgence of the privileged traders. These were generally men of liberal education, who knew how to promote the views of government; and they had the greater anxiety on this head, as it was well known that if any of them abused their privileges, or otherwise failed in

promoting the general objects expected from them, their exclusive rights would be withdrawn. The conduct of the traders was at the same time closely watched by the Missionaries, whose anxious attention was directed to prevent the abuses which had been found to arise from the sale of spirituous liquors among the savages; an object in which they appear to have been in general zealously seconded by the Provincial Government.⁴⁴⁵

This system appears to have been wisely adapted to increase the comforts, and improve the character, of the natives; as a proof of which, we need only compare the present state of the Indians in Canada, with that in which they stood immediately after the conquest of that province by Great Britain, at which period populous villages existed in many districts, where at present we meet only two or three wandering families, and these addicted to the most brutal excesses, and a prey to want and misery.

A few years after the conquest of Canada, the former system of traffic with the Indians was laid aside, as inconsistent with the received principles of freedom of trade; and, with the exception of one district, no more exclusive privileges were granted. After the trade was thrown open to the public, the first adventurers who arrived in the Indian country made very large profits, and this circumstance soon gave rise to a keen commercial competition, the result of which, however, was very different from that which would have taken place in a civilized country, where the effect of rivalry tends only to compel the trader to supply his customers with better goods, and on more reasonable terms.⁴⁴⁶ Among the Indians it was found that a profuse supply of spirituous liquors was a shorter and more certain mode of obtaining a preference, than any difference in the quality or price of the goods offered for sale.⁴⁴⁷ The ungovernable propensity of the Indians to intoxication is well known, and it is easy to imagine the disorders which would arise, when this propensity was fostered by unbounded temptation. But, to comprehend the full extent of the mischief, it must be recollected, that these rival traders were scattered over a country of immense extent, and at such a distance from all civil authority, as to lead them to believe that the commission of almost any crime would pass with impunity. In such a situation every art which malice could devise was exerted without restraint, and the intercourse of the traders with each other partook more of the style of the savages by whom they were surrounded, than of the country from which they had sprung. The only difference was, that their ferocity was mixed with a greater portion of cunning. Direct personal violence was perhaps seldom resorted to, because it was more easy to succeed when the object was disguised, and effected through the agency of the Indians. Those of the natives who had formed a connection with one trader might be led by him to believe the most atrocious calumnies of another, and to credit the most absurd tales of his hostile and wicked designs; and, under the

influence of continued intoxication, there was no pitch of fury to which an Indian might not be roused, nor any act of ferocity which he might not be impelled to commit. Mr. Henry, one of the first British subjects who engaged in the Canadian Fur Trade, in the very interesting account which he has published of his Travels and Adventures, observes, that on his arrival at the Grand Portage on Lake Superior, in the year 1775, "he found the traders in a state of extreme reciprocal hostility, each pursuing his own interests in such a manner as might most injure his neighbour. The consequences," he adds, "were very hurtful to the morals of the Indians." (page 239).⁴⁴⁸ The same facts are stated more at large by Sir Alexander M'Kenzie, who, in his Account of the Fur Trade, (prefixed to his Voyage through North America,) states, that "this trade was carried on in a very distant country, out of the reach of legal restraint, and where there was a free scope given to any ways or means in attaining advantage. The consequence was, not only the loss of commercial benefit to the persons engaged in it, but of the good opinion of the natives, and the respect of their men, who were inclined to follow their example; so that with drinking, carousing, and quarrelling with the Indians along their route, and among themselves, they seldom reached their winter quarters; and if they did, it was generally by dragging their property upon sledges, as the navigation was closed up by the frost. When, at length, they were arrived, the object of each was to injure his rival traders in the opinion of the natives as much as was in their power, by misrepresentation and presents, for which the agents employed were peculiarly calculated. They considered the command of their employer as binding on them, and however wrong or irregular the transaction, the responsibility rested with the principal who directed them: - this is Indian law." (page x.)⁴⁴⁹ The agents here alluded to, were the Coureurs des Bois, whom the Author had previously described, (page ii.) as French Canadians, who, by accompanying the natives on their hunting and trading excursions, had become so attached to the Indian mode of life, that they had lost all relish for their former habits, and native homes. Of these people the Author remarks, that they often brought home rich cargoes of furs, but that during the short time requisite to settle their accounts with the merchants, and procure fresh credit, they generally contrived to squander away all their gains. He adds, that "this indifference about amassing property, and the pleasure of living free from all restraint, soon brought on a licentiousness of manners, which could not long escape the vigilant observation of the missionaries, who had much reason to complain of their being a disgrace to the christian religion, by not only swerving from its duties themselves, but by thus bringing it into disrepute with those of the natives who had become converts to it." Sir Alexander M'Kenzie goes on to state, that from this conduct of the traders and their

servants, the winter was passed among them in a continual scene of disagreement and quarrels; that the natives could entertain no respect for persons who conducted themselves with so much irregularity and deceit; that from the consequences of this licentious conduct, the traders were in continual alarm, and frequently laid under contribution by the Indians, - in short, that matters were daily becoming worse and worse, so that the merchants who furnished the traders with goods, and participated in their adventures, became disgusted with their ill success, and were with difficulty persuaded to continue their advances. The same Author specifies a few individuals, who, from greater precaution and good sense, were more successful than others, but observes, that these partial advantages "could not prevent the people of Canada from seeing the improper conduct of some of their associates, which rendered it dangerous to remain any longer among the natives. Most of them who passed the winter at the Saskatchewan, got to the Eagle Hills, where, in the spring of the year 1780, a few days previous to their intended departure, a large band of Indians, being engaged in drinking about their houses, one of the traders, to ease himself of the troublesome importunities of a native, gave him a dose of laudanum in a glass of grog, which effectually prevented him from giving further trouble to any one, by setting him asleep for ever. This accident produced a fray, in which one of the traders and several of the men were killed, while the rest had no other means to save themselves but by a precipitate flight, abandoning a considerable quantity of goods, and near half the furs which they had collected during the winter and spring. About the same time, two of the establishments on the Assiniboin River were attacked with less justice, when several white men and a greater number of Indians were killed. In short, it appeared that the natives had formed a resolution to extirpate the traders; and, without entering into any further reasonings on the subject, it appears to be incontrovertible, that the irregularity pursued in carrying on the trade has brought it into its present forlorn situation." (*page* xiii. xiv.) "The traders," he adds, "were saved from the indignation of the natives, only by the ravages of the small pox, which at this period spread among the Indians like a pestilence, and almost depopulated the country. By this calamity, the traders were rescued from personal danger, but the source of their profits was cut off, and very few peltries were to be obtained. Even such of the natives as escaped the contagion, were so alarmed at the surrounding destruction, that they were dispirited from hunting, except for their own subsistence." In this deplorable state of things, it is not wonderful that the traders should have been (as the Author states) very much reduced in number, and that the merchants in Canada, who supported them, having foreseen that the continuance of such proceedings would be altogether fatal to their interests, should have been inclined to form a junction for carrying on the

trade in partnership. Accordingly, during the winter 1783-4, these merchants formed an Association under the name of The North-West Company, in which the leading persons were Messrs. B. and J. Frobisher, and Mr. Simon M'Tavish, by whose influence chiefly the coalition had been brought about. The main principle of the arrangement was that the separate capitals of the several traders were to be thrown into a common stock, in consideration of which, each individual held a proportionable share of the combined adventure. In the arrangement of this co-partnership, difficulties were found, from the claims of some individuals (chiefly Messrs. Pangman and Gregory), who were not satisfied with the shares assigned to them, and who, refusing to concur in the coalition, continued to carry on a separate trade. This retarded for some time the formation of a general union, and, after that was effected, it was again dissolved by differences of a similar nature. This led, in the year 1798, to a great secession from the North-West Company, and to the formation of a New Company (known in Canada by the name of The X.Y. Company), which traded for some years in competition with the former establishment. A coalition, however, was at length effected between these rival bodies in the year 1805, at which time the North-West Company took its present shape. - The means by which this Association acquired a preponderance which has enabled the Company to secure to themselves so extensive and lucrative a trade, will be found well deserving of public attention.⁴⁵⁰

After the junction of the Old and New North-West Companies, the whole concern came to be divided into a hundred shares, of which a considerable proportion is held by the mercantile houses in London or Montreal, which had contributed the capital for the companies; and other shares are held by individuals who are termed *wintering partners*, and who take upon themselves the charge of managing the affairs of the Company in the interior. Of seventy-five shares assigned to the Old Company, thirty are held by one house at Montreal, the successors of those who planned the original coalition in 1783. Of twenty-five assigned to the New Company, eighteen or nineteen are appropriated to the different houses in Montreal or London, which had contributed a capital for the undertaking. All the remaining shares are distributed among the wintering partners, some of whom possess one share, and some two. The partners hold a general meeting every summer, at the rendezvous at Fort William, at the Grand Portage on Lake Superior, where all matters are decided by a majority of votes, every share giving one vote, and the absentees voting by proxy. At this meeting, the operations to be carried on during the succeeding year are arranged, and the station to be assigned to each individual is determined; the accounts of the former year are settled; and every partner brings a

statement of the transactions of the department which has been under his charge.

When a wintering partner has served for a certain number of years, he is at liberty to retire from the concern; and, without doing any further duty, to receive not only his share of the capital of the Company, but also, for seven years, to draw one-half of the profits of the share which he had held. Upon his retiring, the vacancy is filled up by the election of a new partner. The candidates for this situation must have served the Company for a certain number of years as clerks, of whom a great number are employed under the direction of the wintering partners, and are entrusted with the command and immediate management of one or more trading posts situated in the interior. The election of a new partner is decided, like the other affairs of the Company, by the majority of votes at the general annual meeting of the partners: and, as the conduct of the new partner may affect in a material degree the personal interest of every one who has a right to vote in the election, it is not likely that the choice should fall upon a person destitute of those qualifications which are considered requisite for promoting the common interest. No candidate can have much chance of success, unless he be well acquainted with the nature of the trade, the character and manners of the Indians, and the mode of acquiring influence with them. He must also be of an active disposition, and likely to pursue with perseverance and vigour any object that can tend to promote the interest of the Company. The hope of obtaining the envied station of a partner, being kept alive among all the senior clerks, excites among them an activity and zeal for the general interests of the concern, hardly inferior to that of the partners themselves. They act under the immediate inspection of those who have a direct interest in the result of their management, and are sensible that all their ability must be exerted to secure the favour of their superiors. Every wintering partner watches closely the conduct of the clerks who are under his immediate command; he is excited to this vigilance, not merely by the common interest in which he participates as a partner, but also by feelings of personal responsibility. He comes to the general meeting to give an account of the transactions of his department; and the praise or the censure of his associates is dealt out to him, in proportion to the profit or loss which has occurred in the trade under his direction, and to the success, or failure, of the plans entrusted to his management.

Nothing certainly could be devised more admirably calculated than this system, to infuse activity into every department of so extensive a concern, and to direct that activity, in the most effectual manner, and with complete unity of purpose, towards the common interest. But however much this community of interest among all the partners, and the responsibility thus imposed upon each individual, tend to keep alive an

active attention to the Company's affairs, it must be admitted that they are by no means calculated to produce much respect for the rights of others: - On the contrary, the very nature of the Association, and the extensive range which their operations embrace, cannot fail to produce an *esprit de corps* not very consistent with the feelings of propriety and justice. - This observation will be found particularly applicable to the wintering partners. In the common intercourse of civilized society the necessity of maintaining a fair character in the estimation of the public forms a continued check to that inordinate stimulus of self-interest which too often causes individuals to deviate from the principles of honour and honesty. But a wintering partner of the North-West Company is secluded from all society, except that of persons who have the same interests with himself; and if, in the pursuit of these, he should be induced to violate the rules of justice, he must feel that he is not likely to be judged with extreme rigour by the only persons for whose approbation he is solicitous. The civilized world is at so great a distance, that he cannot be very deeply affected by the chance of his conduct meeting with public reprobation; and he naturally flatters himself that his proceedings will never be investigated, or that if they should, there are so many persons to share in the responsibility, that it cannot fall very heavily on himself. In these remote situations, the restraints of law cannot operate as in the midst of a regular society. - When a plaintiff has to travel thousands of miles to find the court from which he is to seek redress, and when witnesses are to be brought from such a distance, at a vast expense, and to the total interruption of their ordinary pursuits, it must be a case of extraordinary importance, which would induce even a wealthy man to encounter the difficulty of obtaining it.^{4s1} Every wintering partner, therefore, must naturally be aware of the extent of his power over individuals who are not rich enough to contend with the whole Association of which he is a member; and if under these circumstances, acts of injustice and oppression be committed against weaker neighbours, however greatly they are to be regretted, they cannot form a subject of much surprize.

Thus, from the very nature and organization of the Company, a conclusion may reasonably be drawn as to the line of conduct which they are most likely to pursue. That indeed may be varied in a certain degree by the personal character of the individuals at the head of the concern; but even supposing that these were men of the most honourable principles, and incapable of countenancing a systematic violation of justice, it would be with the greatest difficulty that they could restrain this tendency in others. If, upon an investigation of facts, we found that these acts were only committed occasionally, and that the individuals guilty of them had been discountenanced, it would be fair to consider the leading partners as inclined to check, rather than to encourage, the irregularities arising from

the circumstances in which the wintering partners are placed. But, on the other hand, if acts of this description are found to be frequent, and even customary, - if a conduct of the same nature and tendency be pursued year after year, and in departments situated at a remote distance from each other, - if acts of illegal violence are allowed to pass without any mark of reprobation; and still more if promotion is given to those who have been guilty of them, can it be doubted that there exists a regular concerted plan of systematic oppression, carried on with the consent and approbation of those who have the chief active direction of the affairs of the Company? - and, if so, we may be sure that those who do not concur form a minority who have not the power to oppose any effectual check to the unprincipled conduct of their associates.

II. Public claims or pretensions of the North-West Company. - Conduct of the Company as it relates - to their Servants, - to the native Indians, - to private Traders who have come into competition with them.

The activity and enterprize of the North-West Company have been loudly vaunted. - Every method has been adopted to make it be believed that they, and they only, are capable of carrying on the Fur Trade with success; - that they have been the means of conferring essential benefits upon the native Indians; and that their efforts have materially contributed to promote the commercial prosperity of Great Britain. They have extended the Fur Trade, we are told, into regions previously unexplored, and have thereby opened new and extensive markets for the commercial enterprize and manufacturing industry of the kingdom.⁴⁵² - On this it may be shortly observed, that their whole export of British goods for the supply of these extensive regions amounts only to about £30,000 a year.⁴⁵³ They who assert that this is an important encouragement to the manufacturing industry of Great Britain must do so with an intention to impose upon the ignorance of others, or must be grossly ignorant themselves of the commercial resources of the empire. Trifling, however, as is the total amount of the trade, when considered in the scale of national objects, it cannot justly be said that even this pittance is wholly owing to the exertions of the North-West Company. With respect to the greater proportion of it, they have only changed the course of the trade, bringing home by the way of Montreal those returns which would otherwise have reached England by a different and more direct channel. Before the existence of the North-West Company - before the first

British trader had penetrated from Canada to the North-West, (as it is technically called) the natives of those regions were supplied with British goods, and their furs came to England, by the way of Hudson's Bay.⁴⁵⁴

In proof of this assertion we may produce the narratives of the Canadian adventurers themselves. Sir Alexander M'Kenzie, though very far from being inclined to eulogise the Hudson's Bay Company, bears testimony to this fact. In speaking of Mr. Frobisher's expedition in the year 1775, into countries previously unexplored by the Canadians, he mentions that at Portage de Traite, on the banks of the Missinipi, or Churchill River, he met the Indians with their canoes full of valuable furs, on their way to Fort Churchill, (in Hudson's Bay,) and that it was with some difficulty he could induce them to trade with him. The Author omits to add that these Indians had received supplies on credit the year before from the Hudson's Bay Company, on the faith of their assurance that they would bring down the produce of their winter's hunt to pay their debts; so that the trade from Canada to this quarter commenced by stimulating the natives to an act of fraud. Their reluctance to trade with Mr. Frobisher is to be ascribed to the scruple which they felt to break their engagement; - a feeling which does honour to their character before they had been corrupted.⁴⁵⁵ The innocence and integrity of these Indians, at that time, is illustrated by what the same Author mentions of Mr. Pond, who wintered a few years afterwards among them.⁴⁵⁶ Having collected a greater quantity of furs than he had the means of carrying away with him, he left the surplus in one of his winter huts, and found them there the following season, in the same state in which he had left them.

Mr. Pond's expedition to that country is mentioned by Sir Alexander M'Kenzie as the first discovery of Athabasca; a country, he says, hitherto unknown but from Indian report. Many years, however, before this, a servant of the Hudson's Bay Company had been sent into the interior to invite the Indians of that district to come to trade at Churchill Fort, and Sir Alexander M'Kenzie himself admits that Mr. Pond saw in Athabasca a vast concourse of Knistineaux and Chippewayan tribes, who used to carry their furs annually to Churchill (*page* xii. xci.)⁴⁵⁷

It has been said, however, that the system of the Hudson's Bay Company was not calculated to supply the wants of the natives in an adequate manner, nor to push the trade to the full extent of which it was capable. The practice of the servants of that Company was to remain at their factories on the coast, to which the natives resorted from the interior to trade, coming down the rivers in spring to dispose of the produce of their winter hunt, and returning in autumn with those supplies of English manufactures which they had received in exchange. When the traders from Canada had penetrated into the interior, and established trading houses

in the vicinity of the Indians, the latter were of course glad to be spared the trouble of a long journey, and preferred making their purchases at home. The Hudson's Bay Company were therefore under the necessity of abandoning their ancient system, and of establishing trading houses in the interior as well as their rivals. These changes may be more congenial to the natural indolence of the Indians, but that they are upon the whole more eligible is much to be doubted. If the old system of the Hudson's Bay Company has been generally condemned, it is owing to the subject not having been clearly understood, nor the effects of that system duly appreciated. It is true that the North-West Company, in assuming merit for their own commercial exertions, have accused the Hudson's Bay Company of great negligence in not having established trading houses in the interior at an earlier period. - But there is no solid foundation for this charge. - It is well known that the best season for hunting all the fur-bearing animals is in winter. In summer the fur is universally of inferior quality, and this too is the season when they rear their young. For both these reasons it is desirable that the hunting should be suspended during the summer months, and this was effectually secured, when all the best hunters, all the young and active men of the Indian tribes, were engaged in a distant excursion. There was therefore a material advantage in requiring them to leave their hunting grounds in summer, and come to the factories on the coast for a supply of European goods. While this was the practice, no furs were brought home, but of prime quality: and as the beavers and other valuable fur-bearing animals were protected from injury during the most critical time of the year, the breed was preserved, and the supply was plentiful.⁴⁵ Now that the traders remain constantly in the interior, the Indians are tempted to continue their hunt throughout the year. They are too improvident to abstain from killing the breeding animals, or the young brood. The cub is destroyed with the full-grown beaver; and the natural consequence is, that these valuable animals, formerly so numerous, are rapidly approaching to the point of complete extermination. Districts in which they once abounded, and from which large supplies were formerly obtained, now produce few or none.

To aggravate this evil, the North-West Company have adopted the practice of employing a number of young men, from the Indian villages in Canada, to go up to the various districts in the interior, as hunters, paying them at a stipulated rate for the furs they obtain. They say that these men are much superior as hunters; but as they judge the merit of a hunter entirely by the number of furs which he brings in, it is probable that a great part of this apparent superiority depends on these strangers having their whole time at command for hunting, and not having the burthen of providing subsistence for their families. Part of their success may also be

owing to the indiscriminate manner in which they extirpate the animals in a country where they have no permanent interest, destroying all without distinction, whether young or old, in season or out of season. The miserable natives, overawed by the warlike reputation and power of the strangers, and dreading the more durable resentment of the North-West Company, witness this destruction without daring to resist; but they complain bitterly that their country is thus wasted, as if it were overrun by fire. While this system of destruction is going on, it cannot be doubted that there must, for a time, be an increase in the annual return of furs obtained; but it is not less evident that the commercial wealth of the empire will be proportionately decreased.

The public pretensions of the North-West Company to the merit of having extended the Fur Trade are of no recent date; but to this claim they have lately added others, grounded on their alleged services in the defence of Canada during the late war. - With respect to these claims it is somewhat singular, that the one which appears to be best founded has been least noticed.

The public service to which I particularly allude, occurred immediately on the breaking out of the war with America, when it was discovered that the stores of the Indian Department were almost empty; that nothing had been provided for the presents which it was thought necessary to make to the Indians, in order to obtain their co-operation, and that if they were to wait for supplies from England, the season would be lost. In this dilemma the only resource that occurred was to apply to the North-West Company, whose warehouses were amply stored with the usual assortment of goods intended for their trade in the interior. In such circumstances, the generality of merchants might have thought themselves justified in making Government pay an extra price for the accommodation which was required. The leaders of the North-West Company, however, did not take this course. - They threw open their stores, and desired the superintendents of Indian affairs to take what they pleased, under no other stipulation than that of replacing the goods in kind, on the arrival of the supplies to be sent out by Government from England. It appears singular, however, that although the Provincial Government seemed, in some measure, to evince its gratitude for this service by immediately afterwards appointing the principal partner of the North-West Company a member of the Legislative and Executive Councils of the Province, it did not take the natural method of giving public thanks to the Company, and making known to the world the important service they had rendered to the colony.⁴⁵⁹

The North-West Company have also claimed merit with the public, on the subject of the capture of Michilimackinack; - an event certainly

of as high importance as any that occurred during the progress of the late war. It is well known that on the commencement of hostilities with America, the regular troops in both the Canadas amounted to a very trifling number; the militia were hardly organized, and the disposition of a great part of them was considered as problematical. The Americans had collected a numerous, and apparently well-appointed army, which was advancing against Upper Canada, as to a sure conquest. The undaunted boldness and admirable conduct by which General Brock stemmed this torrent, has met the deserved meed of his country's warmest approbation. But in the critical circumstances in which he was placed, - circumstances so difficult that it is matter of astonishment how he was able to extricate himself, - it must be evident that success would have been impossible, if he had been deprived of any material part of his small force. Of that force the Indians formed a very important branch, and contributed in the most essential manner to the capture of General Hull. It cannot be doubted that the immense apparent superiority of the Americans must have created feelings of apprehension and doubt in the minds of the Indians, as well as of the white inhabitants of Canada; and if these feelings had led them to hesitate and stand aloof, the probability is that General Brock must have been overwhelmed; and that the success of the Americans at the outset would have deterred the inhabitants of Canada from all further resistance. The boldness and decision with which the Indians came forward may therefore be considered as among the primary causes of the preservation of the Province; and it is certain that the brilliant success of the British forces at Michilimackinack had a most powerful effect in confirming the confidence, and securing the attachment, of those among the Indians who had felt any disposition to waver.⁴⁶⁰

The importance of that achievement, therefore, cannot be doubted. It is no less certain that the regular troops at St. Joseph would have been quite inadequate to the attempt, if they had not had the co-operation of the Fur Traders, who were fortunately there at the time, with a considerable number of canoe-men in their service, whom they brought forward, and with whom they most gallantly assisted in the attack. To their spirited conduct the highest credit is therefore justly due for a stroke which in a great measure secured Canada, but for which the North-West Company of Montreal has received unmerited praise. The fact is, they had no share in that enterprize. That blow was effected by persons engaged in the trade to the Mississippi and other districts beyond Michilimackinack, and totally unconnected with the North-West Company.

Those to whom the honour of this achievement is due have been too much disregarded, and justice requires that the public should be better informed on the subject. Among the individuals who exerted themselves

on the occasion with so much spirit and ability, the first place is generally allowed to Mr. Robert Dickson, who, besides his own men, brought forward a strong body of Sioux Indians, whose example had a most important effect in encouraging the Indians of the neighbourhood.⁴⁶¹ Mr. John Askin took the command of the Ottawa Indians, and Mr. Jacob Franks assisted Mr. Dickson with the Sioux. The Canadian *voyageurs*, or canoe-men, were formed into three companies of volunteers, or militia, of which Mr. Lewis Crawford acted as colonel; Mr. Toussaint Pothier, as major; Messrs. John Johnson, Charles Ermatinger, and John Baptist Nolan, as captains; Joseph Porlier, Paul Lacroix, Joseph Rolette, and Xavier Brion, as lieutenants. Mr. Henry Forrest took the command of the Brig Caledonia, with the assistance of Mr. John Law as his lieutenant: the captain of that vessel being an American, had refused to act; the vessel was the property of the North-West Company, and with five of the common sailors, formed the whole of the contribution of that Company to the success of the expedition. Nevertheless it was repeatedly stated in the English newspapers, that a small detachment of the 10th Battalion of Royal Veterans, under Captain Roberts, with the aid of the traders and voyageurs in the service of the North-West Company, had captured Michilimackinack! The agents and partners of the Company at London could not fail to observe these statements, yet they never took any steps to undeceive the public, or to disclaim, for those with whom they were connected, praises to which others were justly entitled.

Another ground on which the North-West Company assumed the merit of superior exertions for the public service in the late war, is to be found in the formation of the *Voyageur Corps*, by which the public was led to imagine that the Company had, at their own expense, brought forward a body of their servants to be enrolled as volunteers for the defence of the Province; and it was naturally supposed, that this could not be done without material inconvenience to their own concerns. It may be remarked that in the commercial business of the North-West Company, a set of canoe-men (or voyageurs), to the number of three or four hundred, are employed every summer in conveying goods between Montreal and Lake Superior. The articles required for the supply of the Company's trading posts are carried by these people as far as the rendezvous at the Grand Portage, where they meet the others who have wintered in the interior, and from whom they receive cargoes of furs, to bring down to Montreal. In this voyage, and the incidental services required at the place of rendezvous, the men are employed for four or five months; they are engaged at stipulated wages for the trip, but after the canoes are brought back to Montreal, their contract is completed, and the North-West Company have no more concern with, or authority over them, than they have over any other natives of

Canada. It was of these men, over whom they represented their influence to be unbounded, that the Company offered to raise a corps; and accordingly the Governor-General issued an order to the following purport. "Il a plu à son Excellence le Gouverneur-General, d'ordonner à John M'Donell, Ecuyer, d'enroller les noms de toutes personnes residentes dans les Paroisses de La Pointe Claire, &c. &c.; à Messrs. A. N. M'Leod, et James Hughes, Ecuyers, d'enroller les noms des Voyageurs dans les Paroisses de St. Ours, &c. &c.; à M. William M'Kay, Ecuyer, d'enroller des Voyageurs dans les Paroisses de La Norraye, &c. &c.; à M. Pierre de Rocheblave, Ecuyer, d'enroller les noms des Voyageurs dans les Paroisses de La Prairie, &c. &c.; qui sont actuellement Voyageurs, ou qui l'ont ete autrefois, et les faire passer à Montreal pour le ler d'Octobre, pour en former un Corps, qui sera nomme le Corps des Voyageurs, sous le commandement de William M'Gillivray, Ecuyer."⁴⁶² The persons pointed out in this arbitrary manner were compelled to serve, though under the Militia Act no compulsory enrollment was authorised, except of those elected by ballot. - The measure was evidently of material advantage to the North-West Company. During the period the men were not employed in the Company's service, they received pay from Government. And when the navigation opened in the spring, they were ready at a moment's call to proceed in their usual service as canoe-men to the Company, which was thus saved the necessity of looking out at that season for the requisite servants to be engaged for the summer trip. Even in time of peace, this occasioned some trouble and expense; but during the war, when so great a proportion of the peasantry of Canada were occupied in military duties, the difficulty of finding men for ordinary civil employments was greatly increased. All this, however, was to be avoided by the ingenious invention of the *Voyageur Corps*. - The North-West Company, therefore, are far from being entitled to that praise of superior patriotism and devotion to the public service in the late war, which has been thus assumed by them; and although, if the first of the services above alluded to had stood by itself, considerable merit must certainly have been admitted, yet when it is coupled with the advantages arising from the formation of the *Voyageur's Corps*, and other circumstances, we may certainly be allowed to doubt whether the unreserved offer of their stores to the Indian Department at the commencement of the war ought to be set down as an act of public spirit, or as a well-judged speculation.

Having thus noticed the claims of that Company with respect to the public, let us next see what their conduct has been with regard to individuals. These may be classed into, - First, their servants in the interior. - Secondly, the native Indians. - And lastly, other private traders who have been engaged in the Fur Trade in the same country with

themselves or in their vicinity. - With respect to the first class, we may begin with the testimony of an enlightened foreigner, of whose impartiality no doubt can be entertained.

Count Andreani travelled through America in 1791, and in the course of his tour visited the Grand Portage, where he had an opportunity of learning the mode of conducting affairs in the North-West, with more facility than those travellers who receive their information at Montreal.⁴⁶³ Speaking of the North-West Company at that time, he says, in his Journal, “Comme les employes sont payes en marchandises, on comprend par le prodigieux profit que fait la Compagnie sur leur vente, combien les salaires lui coutent peu. Tous ces employes achètent d’elle leurs besoins; celle-ci tient avec eux un compte ouvert; et comme tous hivernent dans l’interieur, et generalement au-dela du Lac Winnepeg, le rum qu’ils boivent, les couvertures et les draps qu’ils donnent a leurs femmes, etc. etc. leur reviennent fort cher. Ces employes sont generalement libertins, ivrognes, depensiers; et la Compagnie n’en veut que de cette espece. Telle est la speculation sur leurs vices, que tout employe qui temoigne dans ses dispositions economie et sobriete, est charge des travaux les plus fatiguans, jusqu’a ce que par une suite de mauvais traitements, on ait-pu le convertir a l’ivrognerie et a l’amour des femmes, qui font vendre le rum, les couvertures, et les ornemens. En 1791 il y avoit neuf cents des employes de la Compagnie qui lui devaient plus que le produit de dix a quinze annees de leurs gages a venir.” (Voyages dans l’Amerique, par la Rochefoucould Liancourt, Vol. ii. p. 225, Paris, An 7.)⁴⁶⁴

In corroboration of this statement, we may refer to the accounts (already noticed) which Sir Alexander M’Kenzie has given of the uncontrolled dissipation and licentiousness of those who were employed in carrying on the Fur Trade in the interior.⁴⁶⁵ Indeed it is well known in Canada how very few of the voyageurs in the service of the North-West Company ever realise any property, though employed for a long period of years, at wages nominally double or treble the annual rate of wages in the Province. So far indeed from saving money, or bettering their condition in this service, there are many of them who leave their families in great distress, and never remit any part of their wages, for the support of their wives and children. Strangers travelling through Lower Canada must be struck with the frequent appearance of beggarly hovels, bespeaking a degree of poverty seldom to be met with in other parts of America, and which seems difficult to be accounted for, in a country where labour is highly paid, and fertile land may be had at a very low price. It will be found on inquiry, that these habitations are usually occupied by the families of voyageurs employed in the North-West, and who seldom or ever remit any thing for their support.⁴⁶⁶ And yet the North-West Company claim merit

for the encouragement they give to the industrious population of Canada, and boast of the number of men employed by them in the Indian trade as a great public advantage!

The “speculation upon the vices” of their servants is not to be considered as an abuse which may have crept accidentally into the business of the North-West Company. It is an essential part of their system; and without which the Company could not exist on its present footing. The number of men whom they employ is greater than the profits of the trade could afford, if their wages were to be paid in hard cash. The trade might no doubt be carried on in an economical manner with a smaller number of servants; but this would be fatal to the interests of the Company in another respect. It will appear in the sequel of these pages, that it is chiefly by means of this excessive number of men, that they are enabled to maintain a monopoly throughout a vast extent of the most valuable beaver countries. Being therefore under the necessity (as they deem it) of employing a greater number of servants than they can adequately pay, their trade would soon cease, unless they could have recourse to such means for payment of their wages as those described by Count Andreani.

The extent to which this system is carried, and its importance to the interests of the Company, may be judged by a few facts of public notoriety. The number of voyageurs in the service of the North-West Company cannot be less than 2,000. Their nominal wages are from £30 to £60, some as high as £80, or even £100 - the average cannot be less than £40, and is probably higher; so that the sum total of wages must be 80, or 90,000£. The gross return of their trade seldom exceeds £150,000, and when the cost of trading goods, and all the expenses of the concern are taken into consideration, it must be very evident that the Company could never afford, out of this sum, to pay such an amount of wages. To obviate this difficulty their servants receive goods, the real value of which cannot be accurately known without a reference to the books of the Company; but in the opinion of persons of the best general information, the prime cost of the goods so employed cannot exceed £10,000 sterling.⁴⁶⁷ From one article a judgment may be formed of the rest. Spirits are sold to the servants of the Company in the interior, at the rate of eight dollars per quart, which cost the Company little more than one dollar per gallon at Montreal; so that when a servant becomes addicted to drinking spirits (no very uncommon case), it is an easy matter to add £10, or £20, to his nominal wages.

It is accordingly considered as an essential point of duty in the master of a trading post, to take care that the men, under his command, shall have as little as possible of their wages to receive in cash at the end of the year.⁴⁶⁸ The management of the trade with the Indians is reckoned an easy

task, in comparison with the management of the Canadian servants. The methods described by Count Andreani, as used in order to convert the latter to drunkenness and debauchery, are by no means the whole of the resources that are employed for this purpose. Whenever any of their servants begins to indulge in habits of expense, credit is allowed him with unbounded facility, till he is deeply involved in debt to the Company. When this has been accomplished he is in complete bondage; and no alternative is left him but absolute submission to his employers, or a gaol. He must therefore submit to every imposition, which his superiors may think fit to practise upon him. - It should also be remarked that the object of involving the men in debt to the Company is greatly promoted by the custom of calculating by a peculiar currency, (called *North-West Currency*,) in which money is reckoned at only half the value it bears in Canada; one shilling being equal to two of the ordinary money of the Province.⁴⁶⁹ The men who are engaged at Montreal, have their wages calculated according to the established legal currency, but every article which they receive from the Company in the interior is charged at the North-West Currency. A man is told the price of some article that he wants, and compares it perhaps with the prices at the store in his native village; but when his account comes to be stated in the Company's books at Montreal, every pound is converted into two. Those who know how little education falls to the lot of the peasantry in Canada, and how incapable they are in general of any thing like calculation, will not be surprised, that, by this device, they are led on to expenses beyond their means.⁴⁷⁰ - It is evident, however, that the North-West Company must act with a considerable degree of caution, from the necessity they are under of obtaining continual supplies of new servants from Canada. - It is requisite, therefore, in order to blind the ignorant and uncalculating peasantry of that Province, that the system which the Company pursue with respect to their servants in the interior should be in a great measure concealed, and their conduct accordingly, with regard to that class of individuals, partakes more of cunning than of violent oppression.

The case is different with respect to the Indian inhabitants of those countries in which the Fur Trade is carried on. Among them a material distinction is to be observed between different tribes. Those who inhabit the plains of the Saskatchewan, Red River, and other fertile districts, can obtain such abundance of buffaloe and game, that they are seldom in want of provisions.⁴⁷¹ They can associate together in numerous bands, and are of a bold, warlike character, which is not the case with those who inhabit the more sterile parts of the country to the East of Lake Winipic, and also the North on Churchill River, and in Athabasca.⁴⁷² These districts are rocky and full of swamps, well adapted for the habitation of the beaver,

but they do not abound in the larger species of game. The subsistence of the Indians there is both scanty and precarious; their numbers are consequently small, and it is seldom that more than a single family can find means of subsisting at one place. Living in this scattered manner, they are timid from a consciousness of their own weakness, and dare not resent those insults which could not be safely offered to the Indians of the plains. It is among the natives of these barren districts that the most valuable furs are collected, and from these stations the North-West Company are most anxious to exclude all competitors. To effect this, the timid character of the natives affords them a great facility. If any one of these Indians ventures to sell a beaver skin to a trader who is not of the North-West Company, it is a crime for which he is sure to experience the severest vengeance; and the natives are utterly unable either to resist, or to procure redress for any violence which may be thus exercised against them. In those districts of which the North-West Company have, for any length of time, had almost exclusive possession, the dread of their resentment is sufficient to deter the Indians from affording the slightest assistance to any stranger; - even to converse with him is an offence which they dare not commit in the presence of a servant of that Company.

It is not often that the Company think it necessary to advance any excuse to palliate these outrages; but if circumstances should require a justification, a pretext is always at hand. The Indian is alleged to be indebted to the North-West Company, and the furs in question to be due to them in payment of his debt. It is the established custom of the fur traders to supply the Indians with goods on credit, exacting from them a promise to deliver, in return, a stipulated number of beaver skins, or an equivalent in other furs. From the improvident character of the Indians, there are few of them, who, on the approach of winter, are not in want of supplies, without which they cannot proceed to their hunting grounds: - and, not having the means of making immediate payment, the produce of their winter hunt is anticipated, and pledged to the traders. It may well be imagined, that the traders incur a very great risk of bad debts; and this, no doubt, is one cause of the excessive disproportion between the intrinsic value of the goods which are sold to the Indians, and of the furs which are obtained in exchange. The facility, however, with which the Indians obtain this sort of credit is very pernicious, and nothing would contribute more to their improvement and permanent welfare, than the discontinuance of this custom, and the substitution of direct barter.⁴⁷³ If, however, one set of traders are in the habit of giving credit to the Indians, their competitors cannot refuse to do the same; and those who, like the traders of the North-West Company, have the superiority of direct force, find it for their interest to keep up the practice, as tending to rivet the subjection in which they

hold the Indians. These traders, acknowledging no submission to any magistrate, ask for no other authority than superior strength to take the property of their debtor, and think themselves entitled to add personal correction, if the Indian should hesitate to comply with the demand. The oppression which arises from this summary mode of proceeding is chiefly felt where there is a competition among different traders. If there be no competition, some sort of regularity is observed; the trader being then sure of obtaining all the produce of the country, finds it for his interest to give the hunter some encouragement to be industrious; and though the Indian receives but a small price for his furs, he at least obtains something to supply his wants. But when a rival trader steps in, the Indian may be tempted, not only to carry his furs to a better market, but to neglect the payment of the debts which he has already incurred; and the bare suspicion of such an intention is deemed a sufficient excuse for every sort of violence on the part of those who have the power in their hands, and who take upon themselves to be judges in their own cause. Numerous instances might be given of Indians being plundered of their property, and of personal violence being exercised towards them by the Canadian servants and traders, for no other offence than that of having presumed to trade with others, who offered them a better price for their furs. Though this is generally done under some pretence of debt, instances are common of the most brutal and atrocious violence, when no such pretence could possibly be alleged. One or two may be mentioned as strikingly illustrative of their general policy in this respect, and of the means they adopt to keep the natives in subjection.

In the year 1796, one of the gentlemen of the North-West Company had been killed near Cumberland House, by a particular band of Indians. From the timid character of the Indians in that quarter, and the insults to which they have been in the habit of continually submitting, it is more than probable that they must have been driven to this act of desperation by some extraordinary provocation. However that might be, it was thought of essential consequence to the North-West Company that the act should not pass unpunished. - One of the Indians supposed to be guilty, was overtaken by a party of the Company's servants, commanded by Mr. M'Kay, the partner in charge of the department, who, taking upon himself the office of executioner, as well as of judge and jury, levelled his gun, and shot the offender dead upon the spot.⁴⁷⁴ Another Indian of the same band was taken alive; a sort of mock trial was held, in which three partners of the North-West Company condemned him to death; and he was immediately hanged on a tree in the neighbourhood of the trading post.

In the year 1802, the Old North-West Company had a station outpost at Pike River, on the banks of Lake Superior, occupied only by three

Canadians. In the course of the winter, an Indian from whom the people of this post had received important assistance during the preceding season, being reduced to the last extremity from want of food, sent two of his daughters to petition for assistance. Some fish were given to them, but the supply was so inadequate to the wants of their family, that they were afraid to return. Being unable otherwise to effect their object, they watched the opportunity when one of the Canadians was at a distance from the house, and the other two were off their guard; killed one of them, and wounded the other, who made his escape. They afterwards killed the third who had been absent, and robbed the house of all the provisions it contained.

In the following year, posts were established near the same place by the two rival Companies. That of the Old North-West Company was nominally under the command of a clerk, who was much too young and inexperienced for such a charge, and accordingly allowed himself to be governed by one of their bullies (or *battailleurs* as they are technically termed) of the name of Comptois. A person of the like description, named Roussin, was employed at the trading post of the New Company. In the course of the winter, an Indian, of the name of Wandegocau, came to trade, and brought with him one of the two women who had committed the murder in the preceding winter, and whom he had since married. In consequence of this, Comptois and Roussin consulted together, and being resolved to revenge the death of their countrymen, told the Indian and his wife to prepare for death. Wandegocau remonstrated, saying that he had no hand in the murder, and that if his wife had been guilty, they ought not to punish him. He also reminded Comptois that he had himself saved his (Comptois) life on a former occasion, when in extreme distress for want of provisions; and, that to obtain a supply, he had prevailed upon Wandegocau to conduct him nearly a hundred miles through a mountainous and rugged country to the Grand Portage. The Indian reproached Comptois with his ingratitude, and could hardly be persuaded that he meant really to carry his threats into execution. His remonstrances were in vain. Comptois and Roussin remained inexorable; and, in presence of six or eight of their countrymen, as well as of the clerk who had the charge of the post, they proceeded to carry their resolution into effect, and butchered Wandegocau as well as his wife.⁴⁷⁵

In the year 1807, Mr. Peter Fidler was sent by the Hudson's Bay Company from Churchill Factory, to explore a part of the country through which it was supposed a more advantageous communication might be opened into Athabasca.⁴⁷⁶ He was employed on this occasion merely as a surveyor, and did not attempt to carry on a trade with the natives of those countries through which he passed. - Nevertheless, as his survey extended into a district which the North-West Company were desirous of

monopolizing, their jealousy was excited, and one of their servants, named La Roque, a noted battailleur, was dispatched to follow his route. This ruffian having discovered the Indian who had served as guide to Mr. Fidler through part of his route, attacked him for this breach of his allegiance, beat him severely, and left him with two of his ribs broken.⁴⁷⁷

It would be a disgusting task to detail the numerous and continued acts of violence exercised in the most illegal and tyrannical manner against the wretched natives of these districts; and, after what has been stated, it must be superfluous to make any remarks on the total inattention of the North-West Company to the moral and religious instruction of the people under their control, whether with reference to their Canadian servants, or the native Indians within those districts of which the Company have so long had the exclusive occupation. It would be well if nothing more than inattention could be laid to their charge on that score. - But it is an indisputable fact, that the native Indians have been growing more deficient in every estimable point of character from the time that Canada fell under the Protestant Government of Great Britain. The cause of this lamentable and humiliating fact can no longer be a mystery, when it is known that the immediate management of these people has been left without control in the hands of men who speculate upon the vices of their servants. This matter is not one of those in which the whole blame should be thrown on the wintering partners. Those connected with them in London have lent themselves to counteract measures which might have tended to reform the habits, and ameliorate the condition, of the native Indians. It is well known, that the propensity of the natives to intoxication is one of the most serious bars to their civilization; and that if an effectual restraint could be put on the sale of spirituous liquors to the Indians in British America, it would contribute most essentially to their welfare, and progress in the arts of civilized life. It is evident that this can only be effected by a general regulation, to which all the traders should be obliged to conform. Such a regulation has been enacted several years ago by the American Government with the happiest effects, having laid the foundation for the benevolent exertions of a society of Quakers in Philadelphia, who have succeeded in exciting a spirit of regularity and industry, formerly unknown among the Indian tribes residing on the waters of the Ohio. The very interesting account, which has been published of their proceedings, induced some of the friends of humanity in England to propose an attempt of the same kind among the Indians within the British boundaries.⁴⁷⁸ - As a preliminary, it was suggested that an Act of Parliament should be applied for to restrain the sale of spirituous liquors to the Indians in British America. This proposal was communicated to the Directors of the Hudson's Bay Company, who not only expressed their hearty concurrence in

the proposition, but addressed a set of queries on the subject to their principal officers in Hudson's Bay, calling for information as to the consequences to be expected from it. The answers to those queries expressed a decided opinion, on the part of these officers, that the trade would not suffer by the measure; that it might at first excite some dissatisfaction among the Indians, which would very soon pass away, and that the ultimate consequences could not fail to be most beneficial to the native inhabitants, and to contribute, in a material degree, to the comfort and security of all who resided among them.⁴⁷⁹

The proposal was also communicated to the agents and partners of the North-West Company in London, who strongly opposed it.⁴⁸⁰ The arguments alleged in support of their opposition were as feeble as could well be imagined, but they were supported by a degree of influence which rendered it necessary at that time to drop the further prosecution of the measure, and to wait till the public mind should appear to be more alive to so important and desirable an object.

The evils which had been experienced from excessive competition among the Fur Traders, prepared the way (as we have seen) for the formation of the present North-West Company, and it now became the main object of that Association to exclude, by every means in their power, all other adventurers from the trade. - The individuals who had associated enjoyed no rights that were not equally open to every British subject, and they well knew that to apply to Parliament for any exclusive privilege of trade would be useless. Their great object, therefore, was to maintain their exclusive possession as long as they could, and, having no legal title to prevent others from trading within the same districts, they hoped to exclude them by means of prior possession, and superior numerical force. In fact, the same measures continued to be pursued which had prevailed during the earlier periods of the commercial rivalry in Canada. These measures of obstruction are adverted to by Sir Alexander M'Kenzie, who informs us that when Messrs. Pangman and Gregory,⁴⁸¹ dissatisfied with the arrangements entered into at the first coalition of the North-West Company, had engaged several other persons (and among these, Sir Alexander himself) to join in a separate undertaking for a trade to the Indian country of Athabasca, they found that in the prosecution of it they had to encounter not only the natural difficulties that were opposed to them, but every other which their opponents, who were already in possession of the trade of the country, could throw in their way. "But," observes Sir Alexander, "after the severest struggle ever known in that part of the world, and suffering every oppression which a jealous and rival spirit could instigate; after the murder of one of our partners, the laming of another, and the narrow escape of one of our clerks, who received a bullet

through his powder-horn in the execution of his duty, they were compelled to allow us a share in the trade. As we had already incurred a loss, this union was, in every respect, a desirable event to us, and was concluded in the month of July 1787." *Page* xix. xx.⁴⁸²

It is evident that the Author is reluctant to enter into minute details of the violence practised by those, who, in consequence of this coalition, had become his partners. He mentions enough, however, to shew the determined spirit of monopoly which existed among them from the first, and we shall see, in the sequel of these pages, how the same jealousy, which obstructed the enterprize of Mr. Pangman and his associates, has been directed against subsequent attempts of a similar description.

In the year 1801, Mr. Dominic Rousseau of Montreal, sent a canoe and four or five men, under the charge of Mr. Hervieu, his clerk, to Lake Superior, with an assortment of goods, calculating that he should dispose of them to advantage among the servants of the North-West Company, during their annual assemblage at the Grand Portage on Lake Superior.⁴⁸³ Small as this adventure was, it excited the jealousy of the North-West Company.⁴⁸⁴ Hervieu pitched his tent, and opened his shop, at the distance of about a gun-shot from their fort, or trading post; but it was not long before he was accosted by some of the partners, and particularly by Mr. Duncan M'Gillivray,⁴⁸⁵ who peremptorily ordered him to quit the place, telling him, that he had no right to come there. Hervieu questioned the right of the North-West Company to the exclusive possession of the country, and said that he would not go away unless they shewed a legal title to the land. After some altercation, to avoid further disputes, he agreed to remove his encampment to another spot, which was pointed out to him, but before he had time to effect this, Mr. M'Gillivray returned with Mr. Archibald Norman M'Leod,⁴⁸⁶ another of the partners, and ten or a dozen of their inferior clerks and servants, and accosted him in a still more arrogant style than before. M'Gillivray, adverting to Hervieu having questioned the title of the North-West Company to the country, told him that he should see their title, and drawing his dagger, struck it into Hervieu's tent, and tore it from top to bottom. M'Leod then pulled down the tent altogether; overturned a chest containing Hervieu's merchandize; with the most violent threats ordered him to be gone; and naming a place a little farther in the interior, told him, that if he were there he would cut his throat. The same gentleman assaulted one Durang, an interpreter in the Company's service, and took from him a tent which he had purchased for his own use from Hervieu. With all the solemnity of a public execution, they cut it in pieces, and after publicly exhibiting it in this state, made a bonfire of it, as a warning to the servants of the Company of the consequence of purchasing from the intruder.

In consequence of these outrages, Mr. Hervieu was under the necessity of returning to Montreal, a distance of thirteen or fourteen hundred miles, without having disposed of one-fourth part of his goods, for all of which he could have found a ready sale, if he had not been so molested. Indeed, there was a considerable part of what he had sold which the purchasers refused to pay for after they saw the manner in which he had been treated by their employers.

Mr. Rousseau brought an action against Mr. M'Gillivray in the court at Montreal, and recovered damages, which were assessed at £500; a sum, which in all probability was barely sufficient (if it was sufficient) to compensate for the direct pecuniary loss which he had sustained. It could not possibly indemnify him for the profit which he had reason to expect, and was a mere trifle to the North-West Company, in comparison with the benefit of maintaining their monopoly, and of deterring others from attempting a similar interference. In England a jury would hardly have overlooked that consideration, but in consequence of the French law, which still prevails in civil causes in Lower Canada, no jury was impanelled on this case, and the damages were assessed by the court.

In the year 1806, Mr. Rousseau again attempted a trading adventure to the Indian country. He entered into partnership with a Mr. Delorme, whom he dispatched from Montreal with two canoes loaded with goods for the interior. Mr. Delorme proceeded as far as Lake Superior, and, in order to avoid collision, he there took the old route by the Grand Portage, which the North-West Company had then abandoned. When he had advanced a few days' journey through the intricate and difficult country beyond Lake Superior, he was overtaken by Mr. Alexander M'Kay, a partner of the North-West Company, with a number of men, who went forward along the route by which Mr. Delorme was to advance, and proceeded to fell trees across the road, at the portages, and on all the narrow creeks by which they were to pass.⁴⁸⁷ They soon accomplished such a complete obstruction, that Mr. Delorme with his small party, found it impossible to open a passage for his loaded canoes. His adventure being thus entirely frustrated, he left his goods, and made his retreat with his men only. On his arrival at Fort William, the trading post of the North-West Company, he found Mr. M'Gillivray, by whose direction these obstructions had been made.⁴⁸⁸ To him Delorme presented the keys of the packages which he had left, and remonstrated on the unjustifiable manner in which he had been treated; but his appeal was fruitless. Finding that no redress could otherwise be obtained, Mr. Rousseau brought an action of damages against the Company; but the case did not come to a trial, a compromise having been offered and accepted. The North-West Company agreed to pay for the goods which Delorme had left beyond the Grand Portage, at the invoice

price as valued at Montreal. By this, Mr. Rousseau lost all the wages of the men, and other expenses he had incurred in the outfit, but he thought it advisable to accept the compensation, however inadequate, rather than trust to the chance of obtaining justice in the courts of law.

These cases deserve particular attention, because they afford striking proof how difficult it is for those who have only seen the members of the Company who reside at Montreal or London, to form a judgment as to the conduct of the North-West Company in the interior. The outrages alluded to, it should be observed, were not committed by obscure clerks, or by *batailleurs*, whose acts might be disavowed. Mr. M'Leod, whose language to Hervieu evinced so little decency or respect for the laws of his country, is not only a leading partner of the Company, but also a Justice of the Peace for the Indian Territory! and Mr. Duncan M'Gillivray (since dead), was nephew of the gentleman then at the head of the North-West Company, and was himself the acknowledged agent of the Company, in which capacity he took the lead in all the proceedings at the general meeting of the wintering partners.

Mr. Rousseau was the private merchant who ventured, singly and unsupported, to send goods into the North-West. At an older date, many other respectable individuals of Montreal had been engaged in that trade in the countries most accessible from Canada, to the North of Lake Superior, and other districts, but which they were forced to abandon, in consequence of a series of outrages of the same character as those practised against Mr. Rousseau. Some of these gentlemen have quitted the Fur Trade altogether, and others have directed their attention to Michilimacinack and the South-West, where the trade has always been more open to free competition.

Of these traders, however, few ever attempted to stretch into Athabasca, or the remoter Indian countries towards the North-West. Very soon after the formation of the North-West Company, it became evident that no unconnected individual could have any chance of success in these distant countries, and that to carry on trade there, in competition with that body, would require a scale of operations as extensive as theirs, and an establishment of men capable of contending with them at their own weapons. It was on these principles that the New North-West, or X. Y. Company was formed in the year 1798.⁴⁸⁹ This undertaking was powerfully supported in point of capital; and was conducted by gentlemen of great experience in the Indian trade, and far superior in point of capital; and was conducted by gentlemen of great experience in the Indian trade, and far superior in point of talents to most of their antagonists. It was not, however, an easy matter for them at once to form an establishment on so

large a scale as that of the Old Company. In addition to the natural difficulties of such an undertaking, they had to contend against every obstruction which their rivals could throw in their way. - Among other obstacles the Old North-West Company not only engaged a much larger number of men than they had ever employed before, but also paid pensions to all the experienced voyageurs, who had already retired from their service, on condition that they should not enter into the employment of their rivals. From this and other causes, the latter Company were always much inferior in point of numbers at their wintering posts in the Indian country, in consequence of which they experienced from their rivals great violence and oppression. From the remote situation, and the difficulty of tracing evidence with legal precision, in a country altogether destitute of police, it would have been useless to have attempted to procure redress in the Courts of Law. The cases were therefore never brought judicially before the public, and, in consequence of the coalition which has since taken place between the two Companies, it is not now an easy matter to trace out particular facts and circumstances. - The injured party and the aggressors are equally desirous of throwing a veil over the atrocities which took place during their quarrel. - Since they have been united, it is no longer for the interest of either, that the public at large should understand the mode in which business is conducted in the Indian country.

If indeed the state of these remote countries could be expected to attract so much of public attention, as to become the subject of Parliamentary inquiry, there can be little doubt but that much evidence might yet be collected, as to the proceedings which occurred during these disgraceful contests, and that the result would not only illustrate, in a very striking manner, the principles upon which the monopoly was attempted to be maintained, but would also afford full proof of the necessity of Government adopting some effectual measures to prevent the continuance of those illegal proceedings which have so frequently occurred in that distant quarter of the British empire.

III. Conduct of the North-West Company towards the Hudson's Bay Company. - Remarks upon the latter Company. - Observations upon their Charter, and rights of jurisdiction. - Operation of the Canada Jurisdiction Act. - Suggestions with respect to the better Settlement of various part of British North America.

From the period when the Fur Traders of Montreal came into contact with the servants of the Hudson's Bay Company in the interior, they evinced towards them the utmost hostility. In addition to the advantages they possessed from their general superiority of numbers, they usually employed, for their purposes, men of the most abandoned characters, who, as Sir Alexander M'Kenzie expresses it, "considered the command of their employer as binding on them, and however wrong or irregular the transaction, the responsibility rested with the principal who directed them." - An instance occurred in the year 1800, which may afford a specimen of their atrocity.

Mr. Frederick Schultz, a clerk of the Old North-West Company had, in the year 1800, the command of a post established near Lake St. Ann, or Nipigon.⁴⁹⁰ Among his men, was one of the name of Labau, a fine young lad, about nineteen years of age, who understood English, and had in the course of the preceding winter become intimate with the servants of the Hudson's Bay Company, who occupied a post near the same place. In the spring, when the traders on both sides were preparing to leave their wintering ground, Labau resolved to join the Hudson's Bay people, and go down with them to their Factory on the coast. Schultz, having received intelligence of this, sent his interpreter to order Labau to return to his duty, and to remind him that he was in debt to the North-West Company. In answer to this message, Labau promised to remit the money that he owed to the Company, but declared that he would not remain any longer in their service. This answer being reported to Schultz, he said with vehemence, that if the scoundrel would not come back willingly, he would compel him. He then took his dagger and carefully whetted it, and having dressed himself in his best attire, went over to the Hudson's Bay post, where he found Labau, and asked him, in a furious tone, whether he would come with him; Labau was intimidated, and hesitatingly answered Yes; but, watching his opportunity, endeavoured to escape out of the room. Upon this, Schultz drew his dagger, and aimed a blow, which Labau in vain tried to avoid. He was stabbed in the loin, and died the same evening.

Labau was much beloved by his fellow-servants, and the conduct of Schultz occasioned such murmur among the servants of the North-West

Company, assembled at the rendezvous at the Grand Portage, that it was not thought advisable to employ him any longer in that quarter. This, however, was the only notice taken of this savage murder. Schultz came down in the canoes of the North-West Company to Montreal, where he remained at large, and unnoticed for some months. He was afterwards again taken into the service of that Company; but employed in a different part of their establishments, where his conduct was not so well known. He continued in the employment of the Company for several years, and is now living undisturbed in Lower Canada.

After the coalition of the Old and New North-West Companies, and the expulsion of all private adventurers from Canada, the Hudson's Bay Company became their only rival to the North and West of Lake Superior. From that time, the ferocious spirit which had been fostered among the clerks and servants of the two Companies by six years of continual violence, was all turned against the Hudson's Bay Company: and there is reason to believe not only that a systematic plan was formed for driving their traders out of all the valuable beaver countries, but that hopes were entertained of reducing that Company to so low an ebb, as in time to induce them to make over their chartered rights to their commercial rivals.⁴⁹¹ Accordingly for several years a train of the most unprovoked aggression has been carried on against the servants of this Company. A few instances may be mentioned which will give the reader some idea of the North-West Company's mode of conducting a *commercial competition*.

In May 1806, Mr. William Corrigan, a trader in the service of the Hudson's Bay Company, was stationed with a few men at a place called Bad Lake, within the limits of Albany Factory, (in the Hudson's Bay territory,) and near a post occupied by a much larger number of men, commanded by Mr. Haldane, a partner in the North-West Company.⁴⁹² Five of the Canadians in his service, watching their opportunity, broke into Mr. Corrigan's house about midnight, when he and his men were in bed. The villains immediately secured all the loaded guns and pistols they could find. One of them seized Mr. Corrigan, and, presenting a pistol to his breast, threatened to shoot him if he made any resistance. The others in the mean time rifled the store-house, and took away furs to the amount of four hundred and eighty beaver. Mr. Corrigan went immediately to Mr. Haldane (whom he found up and dressed), and complaining of the conduct of his servants, demanded that the stolen property should be restored. Haldane answered that "he had come to that country for furs, and that furs he was determined to have." His men were allowed to carry these furs as their own property, to the Grand Portage, where they were sold to the North-West Company, and formed a part of their returns for that year. A similar robbery took place at Red Lake in the same spring, at another trading

house, also under the charge of Mr. Corrigan, and which was forcibly entered by eight of the Canadians, armed with pistols and knives, who threatened to murder the servants of the Hudson's Bay Company who were there, and carried off furs to the amount of fifty beaver. Not long after this, they again forcibly broke open the same warehouse, and robbed it of a considerable quantity of cloth, brandy, tobacco, ammunition, &c. &c.

In autumn 1806, John Crear, a trader in the service of the Hudson's Bay Company, (also on the establishment of Albany Factory,) occupied a post with five men at a place called Big Fall, near Lake Winipic.⁴⁹³ One evening a party of Canadians in two canoes, commanded by Mr. Alexander MacDonell, then a clerk of the North-West Company, arrived and encamped at a short distance.⁴⁹⁴ In the following morning four of Crear's men set out for their fishing grounds, about a mile off; immediately after which Mr. MacDonell came to the house with his men, and charging Crear with having traded furs from an Indian, who was indebted to the North-West Company, insisted on these furs being given up to him. On Crear's refusal Mr. MacDonell's men broke open the warehouse door. William Plowman, the only servant that remained with Crear, attempted to prevent them from entering; but one of the Canadians knocked him down, while another presented a gun at Crear himself. MacDonell having prevented him from firing, he (the Canadian) struck Crear in the eye with the butt end of his gun, which covered his face with blood, and felled him to the ground. Mr. MacDonell himself stabbed Plowman in the arm with a dagger, and gave him a dangerous wound. The Canadians then rifled the warehouse: the furs being taken in summer were of little value; but they carried off two bags of flour, a quantity of salt port and beef, and some dried venison, and also took away a new canoe belonging to the Hudson's Bay Company. In the following February MacDonell sent one of his junior clerks with a party of men, who again attacked Crear's house, overpowered him, beat him and his men in the most brutal manner, and carried away a great number of valuable furs. They also obliged Crear to sign a paper, acknowledging that he had given up the furs voluntarily, which they extorted with threats of instant death if he should refuse. Mr. Alexander MacDonell has lately been promoted to the station of a partner in the North-West Company.

In the year 1808, Mr. John Spence of the Hudson's Bay Company, commanded a post fitted out from Churchill Factory, at Rein Deer Lake, in the neighbourhood of which there was a station of the North-West Company, commanded by Mr. John Duncan Campbell, one of the partners.⁴⁹⁵ In the course of the spring, William Linklater, in the service of the Hudson's Bay Company, was sent out to meet some Indians, from whom he traded a parcel of valuable furs.⁴⁹⁶ He was bringing them home

on a hand sledge, and was at no great distance from the house, when Campbell came out with a number of his men, stopped him, demanded the furs, and on being refused, drew a dagger, with which he cut the traces of the sledge, while at the same time one of his men took hold of Linklater's snow-shoes, tripped him up, and made him fall on the ice. The sledge of furs was then hauled away to the North-West Company's house. - Campbell offered to Mr. Spence to send other furs, in exchange for those which he had thus robbed him of: but they were of very inferior value, and the latter refused the compromise. The furs were carried away, and no compensation ever made.

On another occasion at Isle a la Crosse Lake, (in the year 1805,) the same Campbell attacked two of the servants of the Hudson's Bay Company, and took a parcel of furs from them in the same way: some of the men from the Hudson's Bay House came out to assist their fellow-servants, but were attacked by superior numbers of the Canadians, and beat off with violence and bloodshed.

In the year 1809, Mr. Fidler was sent with a party of eighteen men, from Churchill Factory, to establish a trading post at Isle a la Crosse, near the borders of the Athabasca country, but within the territories of the Hudson's Bay Company. He remained there for two years, sending a detachment of his people to Green Lake and Beaver River. During the first winter he had some success, but afterwards he was effectually obstructed. On many former occasions, the officers of the Hudson's Bay Company had attempted to establish a trade in this place, which is in the centre of a country abounding in beaver; but they had always been obliged to renounce the attempt. The methods used with Mr. Fidler may explain the causes of this failure.

Mr. John M'Donald had been Mr. Fidler's competitor during the earlier part of the winter, but (not being inclined to set all principles of law and justice at defiance,) was removed, and relieved, first by Mr. Robert Henry, and then by Mr. John Duncan Campbell. The North-West Company having been established for many years at Isle a la Crosse without any competition, had obtained what they call the *attachment* of the Indians, that is to say, they had reduced them to such abject submission, that the very sight of a Canadian was sufficient to inspire them with terror. In order that this salutary awe might suffer no diminution, the post at Isle a la Crosse was reinforced with an extra number of Canadians, so that the natives might be effectually prevented from holding any intercourse with the traders of the Hudson's Bay Company, and that the appearance of so very superior a force, ready to overwhelm and destroy him, might deter Mr. Fidler from any attempt to protect his customers. A watch-house was built close to his door, so that no Indians could enter unobserved; a party

of professed *battailleurs* were stationed here, and employed, not only to watch the natives, but to give every possible annoyance, night and day, to the servants of the Hudson's Bay Company. Their fire-wood was stolen - they were perpetually obstructed in hunting for provisions - the produce of their garden was destroyed - their fishing lines taken away in the night time, and their nets, on which they chiefly relied for subsistence, cut to pieces. The ruffians who were posted to watch Mr. Fidler, proceeded from one act of violence to another, and in proportion as they found themselves feebly resisted, they grew bolder, and at length issued a formal mandate, that not one of the servants of the Hudson's Bay Company should stir out of their house; and followed up this with such examples of severity, that Mr. Fidler's men refused to remain at the post. They were compelled to leave it, and the Canadians immediately burnt his house to the ground.

From the few specimens above submitted, the reader may form a tolerable judgment of the methods by which the North-West Company may be expected to counteract any person who shall interfere with their interest; and it can no longer be a mystery, how, without any legal rights, except those which are open alike to all British subjects, they have contrived to maintain the exclusive possession of so lucrative a branch of trade.

They have endeavoured to palliate their aggressions against the servants of the Hudson's Bay Company by recriminating upon their competitors. - This was to be expected. Where facts could not be denied, no other resource seemed so convenient as recrimination. Indeed they have attempted, by this mode, to justify acts of still greater atrocity than most of those above adverted to; but as these are now in a regular train of judicial inquiry, (in consequence of which the facts will be brought before the public at a more proper time, and in a more regular form,) it would not be advisable at present to detail them. If it be true, however, as the North-West Company, in their spirit of recrimination, allege, that the Hudson's Bay Company are as bad as themselves, there is surely the more reason for a serious inquiry on the part of Government. The charge, however, appears to be without the slightest shadow of probability. The servants of the Hudson's Bay Company have always been too inferior in point of numbers to their antagonists in the interior, to have made it at all prudent for them to commit acts of aggression. Besides, their object has always been indubitably lawful, while the aim of their antagonists has been to exclude them from their legal rights.

An additional circumstance may also be noted, which makes it extremely improbable that the Hudson's Bay Company should have at any time been so prone to aggression as their opponents. Till within these few years the officers of that Company had always paid by fixed salaries, and

had no direct interest in the extension of the trade, or increase of its returns. This circumstance alone is perhaps sufficient to account for much of that comparative remissness (with respect to the prosecution of the Fur Trade) which the Company has been accused of. Their officers in the interior had never that spur to activity which stimulated the wintering partners of the North-West Company, all of whom had a direct personal interest in the advancement of the Canadian Fur Trade, and had under them numerous clerks and servants eagerly watching opportunities to obtain the approbation of their superiors, and rather courting, than avoiding, occasions of personal danger. The allegations, therefore, of the North-West Company are rather curious when they charge the servants of the Hudson's Bay Company, at one and the same moment, with apathy, and with aggression! If it be admitted that the latter Company did not hold out a sufficient stimulus of self-interest to prompt their servants in the interior to exertion in the cause of their employers, it is surely not very probable, that, without any such inducement, the same servants would be disposed, by aggression, to incur the risk, if not the certainty, of personal danger from their more numerous and more powerful opponents.⁴⁹⁷

When we consider also the constitution of the Hudson's Bay Company at home, it appears still more unlikely that any aggression should originate from those employed in their service. The management of the Company's affairs (as in other chartered bodies of a similar description) is entrusted to a Board of Directors in London, who attend to the concerns of the Company more from a principle of duty to their constituents, than from the expectation of any great personal benefit likely to arise from their exertions. Each of them individually has avocations of higher interest, than what arises from his connection with the Hudson's Bay Company. He can only therefore occasionally bestow his attention on their affairs. The partners of the North-West Company, on the contrary, have generally their whole property embarked in that concern. - At least this is the case with the wintering partners, and with all those who, in Canada, take an active management of their affairs. It is natural, therefore, that their undivided attention should be directed to the interest of the body with which they are connected, and that they should pursue such interest with a degree of keenness and avidity, which cannot be supposed to actuate the Directors of the Hudson's Bay Company, who, from the circumstances of their situation, must have too much regard for their own character, to sanction their servants in acts of violence. Besides, in the service of the latter Company, every thing of importance is transacted by written instructions from the Directors, and it is not likely that they would commit themselves by any instructions, even of a doubtful nature. On the other hand, their officers dare not act in any essential point without written instructions,

which, if they disobey, would be held by the Directors a sufficient ground of dismissal from their service. Thus, by the constitution of the Hudson's Bay Company, there exist very important checks, which cannot fail to restrain their officers from acts of aggression; while at the same time they have not the same temptation as the partners and clerks of the North-West Company to commit them.⁴⁹⁸ The truth of these remarks may be illustrated by a few facts which cannot be contradicted.

At a very early period after the establishment of the Hudson's Bay Company, they fixed a standard to which their officers were instructed to trade with the Indians; pointing out the quantity of every kind of trading goods, that were to be given in exchange for a beaver skin, or any other fur. Notwithstanding the variations which have taken place in the circumstances of the country, and in the comparative value of different species of furs and of European goods, the Company adhered to this standard with scarcely any variation, till within a few years of the present time. Although this cannot be quoted as a proof of judicious attention to their own interests, it certainly evinces the moderation of their views; for the standard thus laid down by the Hudson's Bay Company was more favourable to the Indians, than any which has been adopted by other traders. Even in those parts of the Indian country, where there is the freest competition,⁴⁹⁹ the traders do not supply the Indians on the same moderate terms, as the Company prescribed to their officers, at a period when they had an uncontested monopoly, and when the Indians of all the countries round Hudson's Bay had no other market. With such scrupulous attention was this rule adhered to, that in one of the publications brought out against the Company, at the period of Mr. Dobbs's attack upon them, it is enumerated among the instances of misconduct, that some of their factors had deviated from this standard, and traded on terms less favourable to the Indians; and this is spoken of as a practice "big with iniquity," though it does not appear that any one ever went so far as to charge the Company's goods at one tenth part of the price at which similar articles are now bartered with the Indians by the North-West Company in Athabasca.⁵⁰⁰

In like manner the Hudson's Bay Company long ago laid down a tariff of prices at which their servants were to be supplied out of their stores, with any articles which they required for their own use. To this rule they adhered without deviation, till, from the change of times, and depreciation in the value of money, the prices in the tariff came to be in many instances lower than the manufacturer's prime cost. This error was rectified by varying the prices so as to bear a proportion to the original cost of the goods, but the rates at which they are charged to the Hudson's Bay Company's servants are still so moderate, that they do not exceed the

ordinary retail prices in England, and do not amount to one-half of those charged in the country stores of almost any part of Canada. Their officers, therefore, can have no temptation to encourage dissipation and expense among the men. On the contrary, much attention is requisite to prevent the men from abusing the indulgence which is allowed to them. Some of them have been known to receive goods under pretence of requiring them for their own use, and to make a profit by selling them again to the servants of the North-West Company, if not to the North-West Company themselves. The necessity of guarding against this species of fraud is indeed a small evil, in the eyes of any man of a liberal mind, in comparison with those which would arise from the prevalence of irregular habits among their servants. So far from "speculating upon their vices," the Hudson's Bay Company have uniformly expressed the strongest desire to preserve moral and religious habits among their people; nor have their efforts for this purpose been without effect. Every impartial person acquainted with the Indian trade is ready to acknowledge that, with respect to sobriety, orderly behaviour, and steady adherence to their moral duties, the servants of the Hudson's Bay Company are much superior to any other class employed in the same business.

The peasantry of Lower Canada, from among whom the servants of the North-West Company are drawn, are for the most part well disposed, so long as they remain in their native country. - Though not remarkable for persevering industry, they are far from being deficient in attention to their moral and religious duties. A few years, however, of service under the North-West Company in the interior, is in general sufficient to undermine the innocence of their habits, and it is seldom that they return home without being much corrupted. No such effect can be observed among those who return to their native country (chiefly Orkney and the North of Scotland) after a period of service under the Hudson's Bay Company. Without undervaluing the effects which arise from their native character and early education, it can hardly be denied, that some credit is due to the Company and their officers, for preserving that character unimpaired. If *they* also had made their arrangements in the manner described by Count Andreani, so as to derive a profit from the vices of their servants, and had given a constant preference to drunkards and spendthrifts, rather than to sober and steady men, there can be little doubt, that they would soon have brought about a corresponding change in the habits of their people.

Another proof of the moderation of the Hudson's Bay Company, and of the honourable views by which they are governed, may be derived from their ready and cordial concurrence in the plan, already adverted to, for imposing a legislative restriction on the sale of spirituous liquors to the Indians.

Upon the whole, it must be sufficiently evident, that the extensive countries occupied by the North-West Company are in a state which calls aloud for the attention of the British Legislature; and that the honour of the nation cannot fail to be tarnished, if the outrages now practised be allowed to go on without effectual check or interference. Before entering, however, into the consideration of what measures should be adopted to remedy these evils, it may be necessary to inquire what has already been done by the Legislature in the view of ameliorating the condition of these remote countries.

The only Act of the British Legislature which appears to relate to them, is that of 43 Geo. III. cap. 138, commonly called the "Canada Jurisdiction Act," and, in that Province, known by the name of the "Act of 1803." This was passed after the formation of the New North-West Company, in consequence of some violent proceedings that had taken place between their servants and those of the Old Company, and which had ended in bloodshed. The professed object of this Act is to remedy a defect of the law arising from the circumstance that some parts of British America were not within the limits of any British colony, so that offences committed there could not be tried by any jurisdiction whatever. In order to remedy this evil, the courts of law in Canada are allowed to take cognizance of any offences which may be committed within certain districts, termed in the Act the "Indian Territories." This vague term has been used without any definition to point out the particular territories to which the Act is meant to apply. From the preamble it would appear, that the persons who drew it up were ignorant of the existence of any British colony in North America, except Upper and Lower Canada; and an argument has been maintained, which, under the denomination of Indian Territories, would include not only those of the Hudson's Bay Company, but New Brunswick, Newfoundland, and Nova Scotia. There are, however, extensive tracts of country to which the provisions of the Act unquestionably do apply; viz. those which lie to the North and West of the Hudson's Bay territories, and which are known in Canada by the general name of Athabasca. It was here that the violences which gave occasion to the Act were committed, and these are the only districts in which that total defect of jurisdiction, described in the preamble of the Act, was to be found. The necessity of an enactment for bringing these territories under the cognizance of some established British Judicature cannot be denied; but the propriety of giving it to the courts of Canada is not so evident.

It seems to have been supposed that these districts had a natural connection with Canada, and were inaccessible to British subjects by any other route than that of Montreal. But this is very far from being the case. The route by way of Hudson's Bay is much shorter and easier than that

by way of Canada, and there is no reason to suppose that the trade of these countries must always centre in Montreal. The Hudson's Bay Company have certainly as good a title to trade into Athabasca as the merchants of Canada, and even if they should not choose to avail themselves of this right, a trade might be carried on by others from England through that channel. Though at present the road is within the exclusive territory of the Hudson's Bay Company, it might be thrown open to the public by Act of Parliament, or the right might be communicated by the Company to other British merchants by private agreement. In any one of these cases the fur traders from Canada might come into contact in Athabasca with others trading directly from England. If differences should arise between them, and lead to acts of violence or oppression, the cases, as the law now stands, must be tried in Montreal, a distance of three or four thousand miles; and thither the parties must repair by an inland navigation far more tedious and difficult than a voyage to England. By this route, however, the canoes of the Canadian traders necessarily pass up and down every season. To them there can be no difficulty in conveying their witnesses to Montreal, and (in the case of a criminal prosecution) should it be a Canadian who is brought down to that place for trial, he is there in the midst of his friends and connections, with his employers at hand, anxious to defend his cause, and to see that no advantage is lost in the prosecution of it. - But how is it with the English trader, who is dragged down by this route to take his trial in a place where he is an utter stranger; - in the midst of his enemies; - where his employer may probably not have a correspondent to pay the smallest attention to his interest; - and where he cannot bring down a single witness for his defence, except at an enormous expense and inconvenience? In fact the disparity is so extreme that it may almost be considered as amounting to a total denial of justice towards any person not connected with Canada.

It has been before observed, that the Act of 1803 was passed in consequence of some violent proceedings which had occurred between the Old and New North-West Companies. The immediate case which gave rise to it, is not unworthy of attention.

In the winter 1801-2, Mr. John M'Donald managed the affairs of the Old North-West Company in the Athabasca country.⁵⁰¹ Mr. Rocheblanc those of the New Company, in the same district.⁵⁰² Mr. M'Donald had under his command a clerk of the name of King, an experienced trader, of a bold and active character, and of a Herculean figure.⁵⁰³ Mr. Rocheblanc's assistant was Mr. Lamotte, a young man of a respectable Canadian family, of a spirited and active disposition, but much younger, and of less experience among the Indians, and not to be compared to King in point of personal strength.⁵⁰⁴ In the course of the winter, two Indians arrived as deputies from a band, with which both parties had had

transactions, to inform the traders that they had furs ready at an encampment, at the distance of four or five days' march. King was sent with four men, to collect those due to the Old North-West Company; Lamotte, with two men, for those due to the New Company. Both of them were charged to use the utmost diligence, and to defend the rights of their employers with courage. They set out accordingly on their mission, and great activity and address were used by each to get the start of the other, but without success on either side. When they reached the Indian encampment both parties proceeded to collect the furs due to them; but King, by means of the superior number of his assistants, got possession of all the furs, except one bundle, which was delivered to Lamotte by the same Indian who had come as delegate to the New Company. King then came to Lamotte's tent, accompanied by all his men armed, and peremptorily demanded that bundle also, threatening violence, and declaring his intention to take the furs by force, if they were not given up to him. Lamotte was determined to defend the property of his employers to the last extremity, and warned King, that if he ventured to touch the furs, he should do it at his peril. King, nevertheless, was proceeding to put his threats in execution and to seize the bundle, when Lamotte pulled out his pistol and shot the robber dead on the spot. King's men would have revenged his death, but the Indians interfered, and expressed their opinion that he had merited his fate.

Though it would be difficult to quote an instance of homicide more decidedly justifiable, all Canada rung with the clamours of the Old North-West Company against this murder, as they chose to term it. It was upon this occasion that the Act of 1803 was obtained, under the idea that the case could not be brought to trial, though it might undoubtedly have been tried at Westminster under the Act of Henry VIII. Every effort was subsequently used by the North-West Company to take Lamotte, but it was not till the spring of 1805 that he fell into their hands. He was brought to a trading-post, commanded by Mr. Archibald Norman M'Leod, where he was kept for a considerable time in the most rigorous confinement, subjected to every insult, and experiencing every species of severity and privation. But, before he was brought down to Montreal for trial, the coalition between the two companies had taken place: he was liberated, and no legal proceedings instituted against him.

Only one case has been brought to trial under the Act of 1803; and the circumstances relating to it deserve particular notice. Indeed the whole transaction which gave rise to that trial, and the singular proceedings connected with it, are of a description scarcely to be equalled in the judicial annals of any age or country.

In the autumn of 1809, Mr. William Corrigan acted as a trader in the

service of the Hudson's Bay Company, at a post which he occupied near Eagle Lake to the North of Lake Superior. On the 15th of September, a party of the North-West Company established an encampment about forty yards from his house, under the command of one Aeneas MacDonnel, a clerk of the latter Company.⁵⁰⁵ The same evening an Indian arrived in his canoe to trade with Corrival, and to pay a debt which he owed him. He was not able, however, to defray the whole amount, and Corrival told him he would take the canoe in part payment. This the Indian consented to, but requested that it might be lent to him for a few days, when he would return with it. This was agreed to, and the canoe was brought up to Corrival's house, where the Indian remained all night. Next morning he received some more articles in advance, such as clothing for his family, ammunition for his winter hunt, &c; and when he was going away, three of Corrival's men were sent down to the wharf, with the canoe and the goods. This being observed from the North-West Company's encampment, MacDonnel immediately went down to the lake, armed with a sword, and accompanied by a Canadian, named Adhemar, armed with a brace of pistols. - Upon pretence that the Indian was indebted to the North-West Company, they proceeded to seize and drag away the canoe with the goods, to their own wharf, when Mr. Corrival observing them, ordered two of his men, James Tate and John Corrival, to go into the water, and secure the canoe and the property. They proceeded to obey his orders, when MacDonnel drew his sword and struck two blows at Tate's head. The latter was unarmed, and, in order to guard his head, raised his arm, which was in consequence severely cut across the wrist. He then received another deep wound in his neck, immediately below his ear, which felled him to the ground. Adhemar at this time had seized John Corrival, (who was also unarmed) and presenting a cocked pistol to him, swore that if he went near the canoe, he would blow his brains out. Several of the Hudson's Bay Company's servants who were near the spot, observing what was going on, and perceiving that the rest of MacDonnel's men were collecting with arms, ran up to their own house, which was only about forty or fifty yards from the Lake, to get weapons for the defence of themselves and their fellow-servants. MacDonnel next attacked John Corrival, who, to escape from him, ran into the Lake; but finding the water too deep, he was soon obliged to make a turn towards the shore, when his pursuer made a blow at him with his sword, cut his arm above the elbow, and laid the bone bare. He followed this up with a tremendous blow at his head, which Robert Leask, one of Corrival's men, fortunately warded off with the paddle of the canoe, which was cut in two by the blow, as stated upon oath by Leask in his affidavit. MacDonnel then attacked another servant of the name of Essen, making a blow at him with his sword, which, however, only struck his hat

off: but in making his escape, Essen fell in the water, and before he could recover himself, another Canadian of the name of Joseph Parisien, aimed a blow at his head with a heavy axe, which missed his head, but dislocated his shoulder, so that he could make no use of his arm for two months afterwards. MacDonnel and Adhemar, the one with his drawn sword, the other with his pistol, continued to pursue several other of Corrival's servants towards their house, when one of them, named John Mowat, whom MacDonnel had previously struck with his sword, and was preparing to strike again, shot MacDonnel on the spot.

Mr. Corrival immediately got his party up to the house, had every care taken of those who were wounded, and consulted with his men about the best mode of securing themselves from further attack. In a few hours Adhemar the Canadian, sent off a light canoe to Lake Sal, where Mr. Haldane of the North-West Company (under whom MacDonnel had been placed) was stationed. Another canoe was also dispatched to Lac La Pluie, to a Mr. M'Lellan, under whom Adhemar himself had acted.⁵⁰⁶ On the 24th Haldane arrived in a canoe with ten men, and on the following day M'Lellan also made his appearance in a canoe with about the same number, all armed. They shortly afterwards came to the gate of the stockades with which Corrival and his party had barricaded themselves, and demanded the person who had shot MacDonnel. Corrival told them that he had not seen MacDonnel shot, and could not say who the person was who killed him. They answered him by declaring that if the person was not immediately delivered up, they would either shoot every one of them, or get the Indians to kill them, were it even to cost them a keg of brandy for each of their heads. In order to prevent further bloodshed, Corrival then told them, that three of them might enter within the stockades, and fix upon the person if they could, and that he would call out all his men for that purpose. This was accordingly done, and they fixed upon Edward Mowat. Corrival told them it could not be him, as he was in the house at the time MacDonnel was shot. John Mowat then stepped forward, saying, he was the man, and that he would do so again in his own defence. He then voluntarily agreed to surrender himself, and it was settled that two of Corrival's men should be taken down with him to Montreal as witnesses in his behalf. James Tate and Robert Leask volunteered for that purpose, and it was stipulated that if Mowat was taken down straight to Montreal, the two witnesses should be carried along with him, but if he was detained till the spring, one of them should be sent back to Eagle Lake, and that Mr. Corrival himself should go to Montreal as a witness in his room.

These precautionary measures having been thus taken, Mowat and his two witnesses proceeded to the North-West Company's encampment, where the former was put in irons. Next day, Adhemar, with six men,

together with the prisoner, and his witnesses, set off for Lac La Pluie, where they arrived on the 2nd of October. From that day till the 19th, Mowat was kept generally in irons from six in the morning till eight in the evening. On the 19th they were taken off, but were replaced on the 26th, and although he had neither the means nor the inclination to make his escape, they were kept on during the night. This treatment continued till the 14th of December. During the whole winter he was kept in close confinement, and his witnesses themselves were subjected to much insult and indignity, and were obliged to submit to every species of drudgery and labour, in order to obtain a bare subsistence.

On the 26th of February, 1810, Leask was sent back to Eagle Lake from Lac La Pluie, as had been agreed upon. On the 25th of May, Mr. Corrigal arrived at the latter place from Eagle Lake; on the 29th Mowat and Tate were sent off with Adhemar for the North-West Company's rendezvous at Fort William, on Lake Superior; and two days afterwards Corrigal was dispatched for the same place. They all arrived there on the 9th of June, when Mowat was immediately imprisoned in a close and miserable dungeon, about six or eight feet square, without any window or light of any description whatever.

On the 21st of June Mr. Angus Shaw, a partner of the North-West Company, and a magistrate for the Indian territory (under the Act of 1803) arrived at Fort William from Montreal.⁵⁰⁷ Next day Mowat was ordered to be brought before him, guarded by three men with muskets and fixed bayonets. The prisoner became a little restive at this summons, and refused to go, saying, that he did not want to be taken before any magistrate till he arrived at Montreal. He was, however, dragged out of his dungeon, and brought before the magistrate, who, being unable to extract any thing from his mute and stubborn prisoner, ordered him to be taken back to his prison and put in irons.

From the 22nd of June, to the 10th of July, canoes went off almost daily to Montreal. The witnesses repeatedly requested that they should be sent down there, but in vain. During that period they were not allowed to hold any communication with the prisoner, being only permitted to look into his cell, at the time his allowance of victuals was handed to him. On the 10th, Tate got an opportunity of speaking to him. Upon inquiring how he was treated, Mowat said he was well off for food, but that he was kept in hand-cuffs from seven o'clock every evening till nine in the morning. After this the prisoner fell sick, and when Corrigal and Tate were informed of it, they went to see him, but were refused admittance. He grew worse on the 16th, and sent for Tate, who found him in a most lamentable state, his arms cut with his fetters, and his body covered with boils. He had asked for medicine, but got none, though there was a doctor in the place. From

this time Tate continued to visit the prisoner as often as he could, dressed his sores, washed his linen, &c. &c. and on one occasion procured for him some medicine. On the 26th M'Lellan, and the person who had the custody of Mowat, told Tate that the prisoner wished to see him. They all went together, when Mowat advised Tate to try and make his escape with Corrigal, for, as to himself, he believed they meant to keep him there to murder him. M'Lellan assured him that that was not the case; that there was a magistrate on the spot, and that justice would be done him. The prisoner remonstrated on their keeping him there in irons, and not sending him down at once to a place where he could be tried. On the 5th of August, they brought Mowat's knife and razors to Tate, saying, they could not trust them with him any longer, as they thought he was growing deranged. Tate, however, continued occasionally to visit and assist him till the 17th of August, when he was brought out of his dungeon to be sent off to Montreal. In taking him out he fell down on the ground from weakness; and, when they were assisting him into the canoe, he again fell head-long in the bottom of it among the luggage, and cut his face with his hand-cuffs. - This was the twentieth canoe belonging to the North-West Company which had left Fort William for Montreal during their stay at that place.

On the 20th of August, Corrigal and Tate were also sent off from Fort William in different conveyances, and on the 18th of September, Tate arrived at Montreal.

The day after his arrival, a servant of the North-West Company, whom he had known during the time he was at Lake Superior, came in search of him, and told him that Mr. M'Gillivray of that Company wished much to see him.⁵⁰⁸ He accordingly went with him to one of the Company's warehouses - but finding that gentleman was not there, he requested to be conducted to him. He was told to wait, as Mr. M'Gillivray was immediately expected. In a few minutes he heard some of the people who were at work in the warehouse, say, "here he comes, here he comes." Tate turned round on the landing place of the staircase where he stood, in order to make way, as he thought, for Mr. M'Gillivray, but, to his astonishment, found it was a constable, who laid hold of him, and told him he was his prisoner! He was immediately taken before a magistrate, and committed to the common goal, "for aiding and abetting one John Mowat in the murder of Aeneas MacDonnel," &c. &c. &c.⁵⁰⁹

Mr. Corrigal, the other witness, arrived at Montreal on the 27th of September, and, about a quarter of an hour after his arrival, was also committed to prison on a similiar charge.

Thus were these men entrapped, who had volunteered to be taken down to Montreal (a distance of at least fifteen hundred miles) as witnesses in behalf of Mowat, who had, on that condition, peaceably

delivered himself up at Eagle Lake. Mowat and his two witnesses were utter strangers in Montreal, and it was evident that if the former was to be deprived of the testimony of Corrigal and Tate, no other witness could be expected to appear in his favour. In order, therefore, entirely to preclude the accused from obtaining their testimony to clear him of the crime which had been laid to his charge, the ingenious device was resorted to of indicting his witnesses as being themselves concerned in his guilt!

Corrigal and Tate, (the former of whom had been four months, and the latter a year, in the detention of the North-West Company,) remained in prison in Montreal about six months, and during most of that time, they, as well as Mowat, experienced great distress and want. During part of that period, however, they excited the commiseration, and received the charitable aid of some benevolent individuals of that place.

The Hudson's Bay Company, it should be observed, had, at that time, no agent or correspondent at Montreal, or at any place in Canada. It was not till the end of November that the Directors heard of the prosecution thus carried on against their servants, when immediate steps were taken for their protection, and able Counsel engaged for their defence. Mowat and his witnesses were indicted for murder. The Grand Jury found a true bill against Mowat, but none against the others. These were, in consequence, discharged, and were thereby rendered competent witnesses at Mowat's trial which fortunately had not taken place before their liberation. Had the attempt to preclude them from giving evidence succeeded, it is not unlikely that a more fatal sentence would have been pronounced against the prisoner than that which awaited him. In England it has been generally supposed that it is almost impossible, at least extremely improbable, that an innocent man should be convicted; but the guards which are placed by the law of England for the protection of the innocent, are strengthened and secured by circumstances which, unfortunately, are not always to be found in a different and more contracted scale of society. When, in a town of such limited population as Montreal, there exists an extensive commercial establishment, giving employment to a large proportion of the tradesmen of the place, and including a great number of partners, who form a principal part of the society, and who are connected by marriage or consanguinity with almost all the principal resident families, it is not unreasonable to suppose that it may be difficult to find either a grand or a petty jury totally unconnected with that Association; and that even the bench itself may not be altogether free from bias in cases wherein the interests of that Company might be eventually concerned. In the case of Mowat, it is well known that several partners of the North-West Company were upon the grand jury which found the bill of indictment; and out of four judges, who sat upon the bench, two were nearly related to individuals

of that Association. In the course of the trial circumstances occurred, which could not have taken place in a court of justice in England, without exciting indignation from one end of the kingdom to the other. The counsel for the prisoner was repeatedly interrupted in his cross-examination of the witnesses for the prosecution, by the judges prompting the witness, and helping him to preserve his consistency. One of these witnesses, however, did, on his cross-examination, acknowledge facts totally inconsistent with the evidence which he had given upon his examination in chief, and upon this, one of the judges interrupted the counsel in an angry tone, and reproached him for having made the witness contradict himself. It was with great *difficulty* that the advocate for the prisoner could obtain leave to address the jury on the point of law, and to explain the distinction between murder and justifiable homicide. His argument was repeatedly interrupted from the bench; and, notwithstanding the clearest evidence that MacDonnell began the fray in the most unprovoked and unprincipled manner, - that he was engaged in an act of direct robbery, and that he was threatening the lives of Mowat and his fellow-servants at the time he was shot; it was the opinion of the bench, that the man who killed him was guilty of *murder*, and such was their charge to the jury. After a consultation of fifteen or sixteen hours, the jury brought in a verdict of *manslaughter*.

Among the minor irregularities in the proceedings, it may be observed, that no sufficient evidence was produced as to the place, where the act was committed, being within the jurisdiction of the court. The spot must in fact have been, either within the limits of Upper Canada, or of the territory of the Hudson's Bay Company; but in consequence of the very short time which the counsel had to prepare themselves, they were not sufficiently instructed to take the objection, which they might have done, to the jurisdiction, and no notice was taken of it from the bench.

Mowat was sentenced to be imprisoned six months, and branded on the hand with a hot iron. Immediately before the expiration of this imprisonment, viz. in September 1811, (two years from the date of his first being put in irons at Eagle Lake), those persons at Montreal, who had interested themselves about him, and who had strenuously exerted themselves in his behalf, did every thing in their power to prevail upon him to present a petition to the President of the province, in order to have the remaining part of his sentence (the burning on the hand) remitted. A petition was drawn up for that purpose, and the jury were induced to join in the object of the application. But, notwithstanding every attempt to persuade him to sign it, Mowat remained stubborn and inflexible. No persuasion could bend him. He declared that he would ask no favour in

a country where he had been so unjustly condemned, and he was accordingly burnt in the hand in pursuance of his sentence.⁵¹¹

The circumstances of the whole of this case evince such an abuse and perversion of the intentions of the British Legislature, that one cannot but hope, that as Mowat's trial was the first which occurred under the Act of 1803, so it may be the last. By its operation, that Statute only tends to confirm and augment the despotism of a trading company, the partners of which, till recently, have been exclusively nominated Magistrates for those countries which have been so vaguely described in the Act. It places in the hands of a commercial association a dangerous weapon, by which they are enabled to crush almost every one who comes in competition with them: because, nothing can be more easy than to invent a plausible subject of accusation, which may serve as a pretext for sending off a rival trader, hundreds, even thousands of miles to Montreal. The person aggrieved may indeed have his remedy by an action for false imprisonment, and after two or three years have passed in law proceedings, he may be ready to resume his trade; but in the mean time the North-West Company have got rid of a competitor; and if the damages be assessed on the same principle as those adjudged to Mr. Rousseau, they will form but a very small drawback to the advantage of preserving their monopoly unimpaired during the interval.⁵¹²

When we consider how little is known in England of the local circumstances of our colonies in North America, it will not appear surprising that so injudicious an Act of Parliament should have passed the Legislature. The only persons consulted on the subject of the introduction of the Bill, were the partners and agents of the two Fur Trading Companies of Montreal, whose interests upon this point were completely united, and who were not very likely to suggest that other parties might also have an interest in the question. The Hudson's Bay Company in particular, as I have been informed, never received any intimation of such a measure being in contemplation. According to established usage, and to those principles of justice and fair dealing which are held sacred by the British Legislature, an opportunity should undoubtedly have been allowed to that Company to state their claims, and point out where the provisions of the Bill might have militated against the rights of their Charter, if such indeed could at all be affected by its enactments. Yet the advocates of the North-West Company have gone so far as to maintain that the Act not only extends to the Hudson's Bay territories, but that it has the effect of taking away the rights of jurisdiction conferred by the Charter. That those who suggested this Act might have entertained a secret view to this object, is by no means unlikely, but they will probably find the attempt to make it bear that interpretation fruitless. It is unnecessary, however, to enter upon

that point. But before quitting this subject, it may be proper to offer some observations upon the general policy of those clauses in the Hudson's Bay Charter, by which the jurisdiction of their territory is vested in the Company.

Those rights of jurisdiction which in the feudal times were so frequently annexed to private property, are now generally abolished, or if, in any instances, they still exist in Great Britain, they are justly considered as the remains of a rude and barbarous system. Against any new establishment of the same description a strong prejudice must naturally be felt; and the objection is perfectly just wherever such jurisdiction would interfere with the ordinary administration of justice in the King's Courts. But among the colonial possessions of Great Britain, there are situations where it would have no such effect, and where, in fact, there is no alternative between having a private jurisdiction, or no jurisdiction at all. Generally speaking, this must be the case wherever a colonial establishment is formed by individuals without any assistance from the public purse. Such establishments are now very rare; but they were not so at the period when the Charter of the Hudson's Bay Company was granted. Nearly about the same date (1670) other large provinces in America were granted by the Crown to individuals, or to companies, who undertook to colonize them at their own expense; and it was then no uncommon circumstance, that individuals of the highest rank should be concerned in speculations of this nature.⁵¹³ All the most flourishing colonies in British America were established on this principle. Maryland and Pennsylvania are well-known instances; Carolina, New Jersey, Connecticut, New Hampshire, and Maine, were settled on the same plan; not to speak of the original colonies of Virginia and New England, which were first established by private speculators, though the Crown afterwards assisted in their support. In some of these cases the territory was granted to individuals, and the jurisdiction reserved to the Crown; in others, the right of jurisdiction was granted along with the territory. Where the jurisdiction was reserved, the Crown was to be at the charge of providing for the administration of justice; but where it was thought not advisable that this expense should be borne by the public, the right of jurisdiction was delegated to the proprietors of the soil. This arrangement was a matter of necessity; for if the Government had neither provided for the administration of justice, nor enabled the grantees of the Province to do so, it would have been utterly impossible to have formed colonies on any just principle of policy or civilization. Where justice could not be administered by the immediate officers of the Crown, the natural course was to delegate the task to those who, from their rights of property, had a superior degree of interest both in the maintenance of good order, and in the general prosperity of the province. The persons who were subjected to this

delegated jurisdiction had in all cases a right to appeal to the King in Council - a check which was sufficient to prevent any gross injustice or oppression towards the colonists; and if the institution was not theoretically perfect, it seems at least to have been the best that the circumstances of the case could admit of. Though in some instances the rights of jurisdiction thus conferred by the Crown, were afterwards taken away by Act of Parliament, that measure was never resorted to, but upon proof of misconduct and mal-administration. In some provinces (Pen[syl]vania and Connecticut for instance) the jurisdiction established by their respective charters, continued to be exercised in a satisfactory manner, till they ceased to be colonies of Great Britain.⁵¹⁴

From these observations, it will be sufficiently evident, that the jurisdiction vested in the Hudson's Bay Company was, under the circumstances of their case, a necessary accompaniment to the grant of territory which the Charter conferred on them. If that jurisdiction should be abused, it may be taken away, as others have been; but it would by no means be analogous to the usual mode of proceeding in the British Legislature, if such a step were to be taken without inquiry, and without giving the Company an opportunity of being heard in their own defence; still more were it to be effected without the slightest proof of mal-administration in the Company, or abuse of their Charter, but merely by the oblique operation of an Act of Parliament passed for a totally different purpose. If the officers of the Hudson's Bay Company had been guilty of misconduct in the exercise of their jurisdiction, we may be sure that the North-West Company would not have allowed it to remain unobserved. They have never, however, ventured to bring forward any charge of this kind before the tribunal to which the cognizance of such matters properly belongs; and, till they take this step in a manly and distinct manner, no attention can be paid either to anonymous charges, or to the avowed accusations of interested parties, brought forward extra-judicially, and vaguely asserted without daring to come to issue on the proof. There is, therefore, no reason to admit that the Hudson's Bay Company have hitherto done any thing to warrant a forfeiture of their privileges. If, however, any paramount consideration of public interest should ever require the abolition of the rights of jurisdiction conferred by the Charter, it cannot be done without substituting in its room some less objectionable system of judicature; and much reasoning cannot be required to shew that such system must not be looked for in enactments similar to those of the Act of 1803.

We have already noticed the extreme hardship and injustice of having *criminal* offences tried at Montreal, when the cases occur in remote parts

of the Indian country. If this be the case with the *fur traders*, how much greater must the hardship be on the *settlers*, who now hold, or may hereafter possess lands, by grant or permission from the Hudson's Bay Company. To men of this description it will, in most cases, be an absolute impossibility to undertake a journey to Montreal at their own expense; and if that is to be the nearest place where redress for injuries can be legally obtained, they can have no alternative but to submit to every outrage, or, like the savages, to take redress in their own hands. Every man who has acted as a magistrate must be aware of the multitude of petty offences which can only be judged of on the spot where they occur, and which no one would think of carrying to a distant tribunal; yet, if petty injuries cannot be speedily redressed, the probability is, that, by retaliation and a succession of mutual violence, provocation may be aggravated, till the deepest crimes, and murder itself be the result. The necessity of a local jurisdiction is no less evident, in respect to matters of civil right. Can it be supposed that such questions as a disputed boundary between two farms; - the recovery of a debt of eight or ten pounds; - or the damages occasioned by the trespass of a horse or a cow into a neighbour's corn-field, are to be referred to a tribunal at the distance of two or three thousand miles? If, therefore, the powers of jurisdiction vested in the officers of the Hudson's Bay Company are to be taken away, a local judicature must be established and supported at the public expense. If the public are satisfied to incur this charge, the Company are not likely to feel any great reluctance in giving up the administration of justice into better hands. That privilege can be to them nothing but a burthen which the necessity of the case obliges them to undertake, but which they cannot be anxious to retain, if other and sufficient means be found of enforcing a due regard to the laws of England.⁵¹⁵ It may be doubted, however, whether a new establishment, calculated effectually to accomplish this object, would be at all acceptable to the North-West Company. It has evidently been their aim to have no administration of justice that would at all interfere with their immediate trading interests. Superiority of numbers and of physical strength has proved to be their only rule of right. But as they cannot expect a formal recognition of that code, or hope to obtain a sweeping repeal of the Law of England in their favour, they will probably attempt to continue their monopoly by means similar to those they have hitherto exerted to maintain it. If a choice were to be made between two plans of judicature, their interest, if we may judge of the future from the past, must lead them to prefer that which is most likely to be inefficient; and to no new measure can we hope for their cordial approbation, unless it would admit of being perverted into an engine of oppression, like their favourite Act of 1803,⁵¹⁶ or would tend to confirm that system of jurisprudence which Sir Alexander

M'Kenzie so emphatically describes - "this is Indian law."

In as far as this question affects the interest of the agricultural settlers, who hold lands by grant from the Hudson's Bay Company, it may perhaps be advanced, that no attention whatever ought to be paid to them; for it appears that the advocates of the North West Company have made the singular discovery, that it is highly impolitic, and injurious to the interest of the public, that these territories should be colonized at all! Indeed they have not only advanced this paradox theoretically, but have, by means of their servants, clerks, and partners, stepped forward in a very *energetic* manner, to give practical effect to their doctrine. The methods used for this purpose we shall not now detail, as the facts will come soon under the cognizance of a court of justice, and the proofs be submitted to the public. - Suffice it to say, that, from the first moment when the Hudson's Bay Company made a grant of land for the purpose of forming an agricultural settlement upon an extended scale within their territories, the North-West Company avowed the most determined hostility to the undertaking. The settlement in question having been formed in a district, which had been exhausted of valuable furs by the extirpation of the beaver, and the settlers, by the very tenure of their lands, being also debarred from interfering in the Fur Trade, it may appear extraordinary that any set of traders should have entertained such a determined animosity against its establishment.⁵¹⁷ Nothing surely can be imagined more harmless in itself than the occupation of a farmer; nor does it at first appear very obvious how his peaceable industry should interfere with the Fur Trade, particularly as the settlement alluded to is at a great distance from any valuable hunting grounds. But, to those who have considered the system of the North-West Company in all its bearings, the mystery will soon be solved. The key to this, as well as to all the rest of their conduct, is to be found in the leading object of their association, - the maintenance of exclusive *possession* where they have no exclusive *right*. In this view they are jealous of every establishment which can be formed within the range of their grasping monopoly. Whatever may be the nature or object of that establishment, if it be independent of the North-West Company's control, it will shew to the miserable natives, that those who compose this Association are not the sole and absolute masters of the country; and a permanent agricultural settlement would tend more effectually than any other to destroy the notion of their irresistible power. A rival trading post may be overawed by superiority of numbers; the native Indians may also be kept in miserable subjection by superior force; - but when a body of industrious farmers have once been firmly established, the natural growth of population in a favourable and fertile situation, must soon put it out of the power of any lawless combination of traders to overawe and insult them. It must also

be evident, that a flourishing settlement of that description will necessarily bring along with it, in due time, an effective police, and a regular administration of justice; than which, nothing can be a greater object of dread to men who maintain a commercial monopoly by the habitual exercise of illegal violence; - men to whom no code is acceptable but the law of the strongest - and who never will be fully satisfied unless the extensive regions in the North-West of America continue in the exclusive occupation of the savage Indians, the wild beasts of the forest, and themselves.⁵¹⁸

The prospect of seeing the law of England introduced into the heart of the Indian country has proved to be the principal motive for all the rancour of which the settlement on Red River has been the object; but it has been aggravated by the consideration of the effect which this establishment is calculated to produce on the interests of the Hudson's Bay Company. It seems, therefore, to have been a fixed determination in the conclave held by the North-West Company's partners at their rendezvous at Lake Superior, to effect the destruction of the settlement by one method or another, before it should arrive at maturity.

Many of those connected with the North-West Company were extremely unguarded in their expressions of inveterate hostility against this infant colony at its commencement, but as their real motives could not be acknowledged, it was necessary to assign an ostensible pretext, and they did not scruple to avow that they objected to the colonization of the country, because it would interfere with the Fur Trade. Indeed, they not only asserted that it would ultimately prove the destruction of their own commercial concern, but that of the Fur Trade generally, including that of the Hudson's Bay Company itself. With a surprising degree of disinterested benevolence they expressed their pity for their commercial rivals, who, they said, were so totally ignorant of their own interests as to allow a regular settlement to be formed on their lands, and determined to save them from the ruinous consequences of such folly! They forgot, however, that the Hudson's Bay Company are not only merchants engaged in the Fur Trade, but also proprietors of a very extensive tract of land; and that they are entitled to judge for themselves how far their interest as proprietors may be allowed to modify, or even to guide their conduct as fur traders.

It is a little extraordinary that at the present day it should be brought forward as a charge against the Hudson's Bay Company, that they are attempting to colonize their territory, when, seventy years ago, it was made a charge against them, that they had not then colonized it; and when on that ground an attempt was made to annul their Charter, by persons who had petitioned the crown to have part of the Hudson's Bay territory

granted to themselves. At that time, the Attorney and Solicitor-General, (Sir Dudley Ryder and Mr. Murray,) reported their opinion that "considering how long the Hudson's Bay Company had enjoyed and acted under their Charter without interruption, they did not think it advisable for his Majesty to make any express or implied declaration against the validity of it, till there was some judgement of a court of justice to warrant it; and the rather because if the Charter was void in either respect, there was nothing to hinder the petitioners from exercising the same trade which the Company then carried on." They also reported their opinion "that as to the supposed forfeiture of the Company's Charter by nonuser or abuser, they thought the charges, on a consideration of the evidence laid before them, either not sufficiently supported in point of fact, or in a great measure accounted for by the nature and circumstances of the case. -519 The crown lawyers at that time seem not to have doubted that it was the duty of the Company to improve their territories as far as circumstances would admit: - and it certainly is a very curious doctrine which is now inculcated, namely, that those to whom the Hudson's Bay territory was granted should be precluded from even attempting to improve it, because others conceive or pretend that such improvement would be against the interest of the grantees themselves!

If there were any solid ground for thinking it inconsistent with the public interest, that the territories of the Hudson's Bay Company should be colonized, it might become a question with Parliament, whether the rights of property vested in the Company ought to be purchased from them; but where is the motive that could be alleged to justify such an interference? The preservation of the Fur Trade? And what is this Fur Trade, for which this sacrifice is to be made? A trade of which the gross returns never exceeded £300,000,⁵²⁰ and often not £200,000. A branch of commerce which gives occasion to the exportation of 40, or 50,000£ of British manufactures! A trade, in which three ships are employed! This is the mighty object, for which, not only the rights of private property are to be invaded, but a territory of immense extent, possessing the greatest natural advantages, is to be condemned to perpetual sterility!

It has been the policy of the North-West Company, in pursuance of their object of excluding all other British subjects from these territories to represent the extensive tract of land, stretching from Lake Superior to the Pacific Ocean, and to the Northern extremity of the Continent, as altogether a wild and uninhabitable region bound up in perpetual snows. - Nothing can be more wide of the truth. - Not only in the territories of the Hudson's Bay Company, but even in Athabasca, and still more in New Caledonia, beyond the Rocky Mountains, there are most extensive tracts of fertile soil, which, from the temperature of the climate, are

perfectly capable of advantageous cultivation. In so vast an extent of country, there must, of course, be great varieties of climate; but there is a breadth of at least twelve or fifteen degrees of latitude, as fit to be inhabited as many of the well cultivated countries of the North of Europe; and within this range, extensive districts may be found that are preferable both in soil and climate, to any of the remaining British Colonies on the continent of North America. It is a very moderate calculation to say, that if these regions were occupied by an industrious population, they might afford ample means of subsistence to more than thirty millions of British subjects; and these immense resources of national wealth are to be lost sight of for ever, for the sake of a trade to the gross amount of 200, or 300,000£. per annum!

Even if we should look no further than to the Fur Trade alone, it is evident that the national interest will not be promoted by an adherence to the system of the North-West Company. It has been observed above, that their object is to obtain a great immediate return of furs, without any regard to its permanent continuance. Their tenure of the country is too precarious to encourage them to make any present sacrifice for the maintenance of an undiminished produce in future. A war of extermination is therefore carried on against all the valuable fur-bearing animals. The diminution of their numbers is already very sensible, and in no long period of time, the beaver may be nearly extirpated, unless some means be taken for their preservation; and it is evident that this can never be effected, except on the principle of exclusive landed property, by which the Indians may be encouraged to a less destructive method of following the chase. On this point the interest of the Hudson's Bay Company, and that of the Indians within their territories, is completely united with that of the public, while the gigantic system of *poaching*, carried on by the North-West Company, is no less injurious to the public, than it is to the Indians who are the occupiers, and the Company who are the proprietors, of the Iand.⁵²¹ It has been observed that the North-West Company brings bands of Indian hunters from Canada, who destroy all before them, and will soon leave the country incapable of affording either a subsistence to the wretched natives, (who never cultivate the ground,) or a valuable trade to the Hudson's Bay Company. If the rights of landed property vested in the Company were effectually protected, it would be their interest to prevent this cruel encroachment on the native Indians, and to assign to each of them separate hunting grounds on a permanent tenure; so that if they would take pains to preserve the breed of beaver, and other valuable animals, they might be sure of deriving benefit from their own moderation and foresight. Upon this principle there can be little doubt that many districts now exhausted of furs might be restored. The beaver would be preserved with

nearly the same care as a domestic animal, and it is easy to imagine how much they might then be expected to multiply. After appropriating to agricultural improvement all those parts of the Hudson's Bay territory which are well adapted to it, the refuse, or remainder of the lands might, certainly, under a system of exclusive property, be made to produce more furs than are now obtained from the whole extent of their country.

These observations may be applied not only to the territories of the Hudson's Bay Company, but to all the unappropriated Indian countries within the British dominions in North America, in every part of which it seems of essential consequence to the welfare of the Indians to give them a permanent tenure of their hunting grounds, as nearly as practicable on the footing of private property.

The evils which now press so severely on the miserable natives of Athabasca and the remote Indian countries, as well as those within the Provinces of Upper and Lower Canada, are radically owing to the premature attempt to establish a system of free trade. We have seen the manner in which this attempt led, first, to all the evils of anarchy, and then, as a natural consequence, to the establishment of a ferocious despotism in the hands of a Trading Company. It would be an insult to the understanding, as well as to the heart of the reader, to suppose that any doubt can remain, as to the propriety of putting down the power of such an Association. - The question is, how to prevent the renewal of the same tyranny in other hands.

It appears that the British Government acted on mistaken views when the old system of the French was abolished. - It would be advisable that we should retrace our steps, and re-establish that system, with such modifications as may adapt it to the principles of our own government. For this purpose, let the whole extent of Indian territory, (from the boundaries of the townships which are laid out for settlements in Upper and Lower Canada, to the extremity of the British dominions,) be divided into districts of a convenient extent. Let the Hudson's Bay Company be confined within the bounds of the property legally vested in them. Let the rest of the Indian districts be leased for a period of years nearly in the manner which is now practised as to the district of Lower Canada called the "King's Posts," - assigning to the lessees the exclusive trade of their respective districts, together with any other emoluments that can be derived from the paramount rights of landed property during the period of their lease, but under such regulations as may protect the Indian natives from oppression, and preclude them from the use of spirituous liquors which has proved the greatest bane to their improvement.

The rents of the districts within Lower and Upper Canada ought to be added to the rest of the revenue of these two provinces. The revenue

derived from the remote districts of Athabasca, and other parts which have no immediate or natural connection with Canada, may form a separate fund, applicable to the protection and improvement of these respective districts. Two-thirds of the rent might perhaps be appropriated to defray the expense of a small corps of fencibles, or militia, to be raised for the special purpose of maintaining the police of these remote possessions, supporting the rights of the lessees, and defending the country from any marauding attack to which it may be exposed. The remainder of the fund might be applied to defray the expense of missionaries, to be stationed among the Indians, not only for their religious and moral improvement, but to combine this object with their instruction in agriculture and the domestic arts, and to watch every opportunity of exciting among them a spirit of industry. These missionaries would form a check against any attempt, on the part of the lessees, to tyrannize over, or to deprive the Indians of the rights reserved to them.

In the mode of letting the leases, it might be advisable to depart from the example of the King's Posts, and, instead of public auction, to adopt the method of sealed offers, requiring that every tender shall specify the whole of the partners concerned in making it, so that the persons to whom the different offers are referred, may have an opportunity of rejecting any that come from traders of a notoriously bad character. The lessees may be made to understand, that any marked instance of misconduct would be a ground of exclusion on any future occasion. This would have an important effect in putting a restraint on their behaviour, more particularly as they would naturally expect rival traders to be on the watch, to note every instance of misconduct, and take advantage of it at the expiration of the leases.

With these measures it would be necessary to combine a complete revision of the Act of 1803, and the establishment of a system better adapted for the fair and effectual administration of justice. The basis ought to be laid in the establishment of a resident local magistracy in the hands of the lessees, and the missionaries, who may be authorised to determine immediately, and on the spot, all questions of small consequence, combining this system with an arrangement for bringing the more important causes (such as may arise between the lessees of different districts), as speedily and directly as possible, to the great and pure fountain of English Law at Westminster, without passing through the muddy channel of colonial judicature.

FINIS

References

- ⁴⁴¹ Modern scholars might dispute Selkirk's assertion here; see, for example, Marcel Trudel, *The Beginnings of New France 1524-1663* (Toronto, 1973).
- ⁴⁴² In general, see Fernand Ouellet, *Social and Economic History of Quebec, 1760-1850* (Toronto, 1980).
- ⁴⁴³ For a general description of the workings of the French fur trade, see Harold A. Innis, *The Fur Trade in Canada* (rev. ed., Toronto, 1956). But consult also William J. Eccles, "A Belated Review of Harold Adams Innis's *The Fur Trade in Canada*," *Canadian Historical Review*, LX (1979), 419-44.
- ⁴⁴⁴ Most modern scholars would agree that Selkirk here
overemphasizes the extent to which the French were able to
exercise their monopoly through licensing.
- ⁴⁴⁵ Again, Selkirk overemphasizes the success of the government in controlling matters, especially in the so-called Brandy Trade. See, for example, J. E. Lunn, "The Illegal Fur Trade Out of New France, 1713-1760," in *Canadian Historical Association Annual Report* (1939), 61-76.
- ⁴⁴⁶ For modern scholarly accounts of the changes in the furtrade after 1763, consult E. E. Rich, *The Fur Trade and the Northwest to 1857* (Toronto, 1967), 130-185; Arthur J. Ray, *Indians in the Fur Trade: their role as hunters, trappers and middlemen in the lands southwest of Hudson Bay 1660-1870* (Toronto, 1974), 94ff.
- ⁴⁴⁷ For recent analyses, see Ray, *Indians in the Fur Trade*, and Arthur J. Ray and Donald Freeman, "Give Us Good Measure": *An Economic Analysis of Relations between the Indians and the Hudson's Bay Company before 1763* (Toronto, 1978), 192-197.
- ⁴⁴⁸ Alexander Henry, *Travels and Adventures in Canada and the Indian Territories between the years 1760 and 1776* (New York, 1809).
- ⁴⁴⁹ Alexander Mackenzie, *Voyages from Montreal, on the River St. Lawrence, through the Continent of North America, to the Frozen and Pacific Oceans; in the Years 1789 and 1793; With a Preliminary Account of the Rise, Progress, and Present State of the Fur Trade of that Country...* (London, 1801).
- ⁴⁵⁰ For the North West Company, see Marjorie Wilkins Campbell, *The North West Company* (Vancouver, 1983); Gordon Charles Davidson, *The North West Company* (New York, 1967); W. Stewart Wallace, ed., *Documents Relating to the North West Company* (Toronto, 1934); L. R. Masson, ed., *Les bourgeois de la Compagnie du Nord-Ouest...* (Quebec, 1889-1890).

- 451 The British government attempted to deal with these questions in 1803 with the passage of the so-called Canada Jurisdictions Act, which made the courts of Upper and Lower Canada responsible for the obtaining of justice in the western territories. This legislation, of course, became one of the major bones of contention between the Hudson's Bay Company (which denied that the act applied to territory in their charter) and the North West Company backed by the Canadian governments (which insisted the act did apply. In general, see A. S. Morton, "The Canada Jurisdiction Act and the North-West," *Transactions Royal Society of Canada*, 3rd set., 32 (1938), 121-138.
- 452 See, for example, *On the Origin and Progress of the North-West Company of Canada, with a History of the Fur Trade...* (London, 1811).
- 453 The export figures were doubtless discovered by Selkirk in what are now the Customs House Papers in the Public Record Office, Kew (London), particularly C.H. 10, vol. 1-28. What he does not add, of course, are the goods exported to Canada and re-exported to the fur trading territories, or goods manufactured in Canada and exported.
- 454 In 1792, for example, the exports of British manufactured goods to Hudson Bay were officially listed at 44,940.18.5 pounds, and in 1814 as 9,006.6.11 pounds. Selkirk's argument is a purely mercantilist one, from the British perspective.
- 455 For Benjamin Frobisher and his trading activities, see *Dictionary of Canadian Biography* (hereafter DCB), IV, 276-278.
- 456 For Peter Pond (1739/40-1807), see *DCB*, V, 681-686.
- 457 The reference is to Samuel Hearne (1745-1792) who travelled into the Athabasca territory to the Coppermine River and on to the Arctic Ocean from 1770-1772 and founded Cumberland House in Saskatchewan in 1774. See *DCB*, IV, 339-342 and Hearne's *A Journey from Prince of Wales's Fort, in Hudson's Bay, to the Northern Ocean ... in the years 1769, 1770, 1771 & 1772* (London, 1795).
- 458 For the destruction of fur and game animals, see Arthur Ray, *Indians in the Fur Trade*, 117-136.
- 459 This service remains unnoticed in any of the recent secondary literature on the North West Company. The principal partner of the North West Company mentioned by Selkirk is William McGillivray. See Marjorie Wilkins Campbell, *McGillivray: Lord of the Northwest* (Toronto and Vancouver, 1962).
- 460 For another version of Michilimackinac, see Pierre Berton, *The Invasion of Canada 1812-1813* (Toronto, 1980), 108-112.
- 461 For Robert Dickson, later an ally of Selkirk, see L. A. Tohill, *Robert Dickson: British Fur Trade on the Upper Mississippi: A Story of Trade, War and Diplomacy* (Ann Arbor, 1927).

- 462 Order General for levy of Corps Voyageurs, 22 September 1812, SPPAC, 502-3.
- 463 Count Paolo Andreani (1763-1823) was a member of a noble Milanese family who lived much of his life in Switzerland. A typical scientist of the period, he was interested in all aspects of natural and mechanical phenomena, but is best remembered for his work on flying machines. See *Dizionario Biografico Degli Italiani, III* (Rome, 1961), p. 128.
- 464 Duke Francois Alexandre de La Rochefoucould Liancourt, *Voyage dans les Etats-unis d'Amerique, fait en 1795,1796et 1797*, 8 vol. (Paris, 1799), translated as *Travels through the United States of America*, 2 vol. (London, 1799).
- 465 See Mackenzie, *Voyages from Montreal*, noted above.
- 466 For a discussion of the French habitants in Lower Canada and the fur trade, see Allan Greer, *Peasant, Lord, and Merchant: Rural Society in Three Quebec Parishes 1740-1840* (Toronto, 1985), esp. 177-193.
- 467 For further information on numbers, wages, and debts, see Davidson, *The North West Company*, 232-235; Harold Innis, *The Fur Trade in Canada*, 236-243. In 1805 the North West Company employed 1,610 men, 1,090 of them in the Athabasca. Both Davidson and Innis provide independent evidence to support Selkirk's statements- about this aspect of Company operations.
- 468 Whether the situation in the Hudson's Bay Company was very much different is a matter which Selkirk does not address.
- 469 This process of devaluating currency was endemic in colonial North America and was hardly peculiar to the North West Company. See, for example, S. E. Dawson, "Old Colonial Currencies," *Canadian Antiquarian & Numismatic Journal 1:1* (1872-3), 3-16.
- 470 Selkirk here follows Count Andreani, who may have received his information from Peter Pond.
- 471 The literature on these Indians is extensive. In general, see Arthur Ray, *Indians in the Fur Trade*. Also useful is David G. Mandlebaum, *The Plains Cree: An Ethnographic, Historical, Comparative Study* (1940, republished Regina, 1979).
- 472 For the eastern Indians, see Daniel Francis and Toby Morantz, *Partners in Furs: A History of the Fur Trade in Eastern James Bay 1600-1870* (Kingston and Montreal, 1983), esp. 3-16. For the Athabasca groups, see James W. Vanstone, *Athapaskan Adaptations: Hunters and Fishermen of the Subarctic Forests* (Chicago, 1974).
- 473 What Selkirk means by direct barter is a system without credit. While he was probably correct that credit worked to the detriment of the Indians, the system employed by the Hudson's Bay Company was not exactly free from disadvantages. See Ray and Freeman, "Give Us Good Measure."

- 474 For William McKay (1772-1832), see Wallace, ed., *Documents*, p. 474.
- 475 For Eustache Roussin, see A. G. Morice, ed., *Dictionnaire Historique des Canadiens et des Metis Francais de l'Ouest*, second ed., (Montreal 1912), p. 266; for Comptois or Comtois see Morice, p. 69.
- 476 For Peter Fidler (1769-1822), see J. G. MacGregor, *Peter Fidler: Canada's Forgotten Surveyor. 1769-1822* (Toronto, 1966).
- 477 Selkirk's original footnote reads: "In the course of his survey, Mr. Fidler had planted a few sets of potatoes, to supply seed for any people whom the Hudson's Bay Company might send to form a permanent establishment. Even this germ of improvement could not pass unnoticed. La Roque and the servants of the North-West Company rooted out and destroyed the plants." For this incident, see MacGregor, *Peter Fidler*, p. 167.
- 478 See *Observations on a Proposal for Forming a Society for Promoting the Civilization and Improvement of the North-American Indians within the British Boundary* (Toronto, 1807), which argued "a limitation on the Fur Trade is no more inconsistent with the freedom of commerce than the abolition of the Slave Trade." (p. 19).
- 479 Selkirk's original footnote reads: "The statements returned by the officers of the Hudson's Bay Company, in consequence of the queries transmitted to them, expressed in the strongest manner the lamentable effects produced among the natives by the use of spirituous liquors. No moderation in that respect is ever to be expected from them, and when an Indian is intoxicated, there are no bounds to his fury. In that state they commit the most horrid murders, often sacrificing their wives and children. The Indian women are also much addicted to the use of spirituous liquors when they can obtain them; the evident consequence of which is, that their children are often left in the greatest want and misery."
- 480 For an account of the meeting at which the proposal was presented by a member of the North West Company, see Edward Ellice, *A Narrative of Occurrences in the Indian Countries of North America: Connected with the Earl of Selkirk, the Hudson's Bay and the North-West Companies* (Montreal, 1818), vi-x.
- 481 Peter Pangman (1744?-1819) retired from the fur trade in 1794 and retired to Lower Canada. One of his mixed-blood sons, known as "Bostonnais" Pangman, was an active leader of the mixed bloods against Red River in 1816. See *Dictionary of Canadian Biography*, V, 656-657. John Gregory (1751-1817) was a partner with Normand McLeod in a company which opposed the North West Company from 1783-1787, when it merged with its rival. He later became a member of McTavish, Frobisher and Co., and retired from the trade in 1806. See *Dictionary of Canadian Biography*, V, 390-391.
- 482 See above.
- 483 For Hervieu (or Hervieux), see Morice, ed., *Dictionnaire Historique*, 2nd ed., p. 131. For Rousseau, see E. Z. Massicotte, "Dominique Rousseau, maitre orevre et negociant en pelleteries," *Bulletin des recherches historiques*, XLIX (1943), 342-348.

- 484 For this incident, see A. S. Morton, *A History of the Canadian West to 1870-71* (London, 1939), 508-509.
- 485 For Duncan McGillivray (d. 1808), see *Dictionary of Canadian Biography*, V. 530-532.
- 486 For Archibald Norman McLeod (fl. 1796-1837), see Wallace, ed., *Documents*, 480-481.
- 487 Alexander McKay (d. 1811) was the son of Loyalists who entered the North West Company service before 1791 and became a partner in 1799. In 1810 he joined the Pacific Fur Company and was killed by Indians near Nootka in the summer of 1811.
- 488 Duncan McGillivray was at this time a partner in McTavish, Frobisher, and Company, and an agent at Fort William.
- 489 The term "XY Company" was applied to an enlarged New North West Company after 1800. It was joined by Alexander Mackenzie in 1802. See Wallace, ed., *The North West Company*, 18-20.
- 490 Little is known about Schultz. But see Victor Lytwyn, *The Fur Trade of the Little North* (Winnipeg, 1986), 73-88 for his earlier career.
- 491 Selkirk's original footnote reads: "The Charter of the Hudson's Bay Company was granted by King Charles 11. in the year 1670."
- 492 For this incident, see Lytwyn, *The Fur Trade*, p. 113. William Corrigan (b. 1778) entered the HBC service in 1794, enlisting from Birsay, in the Orkneys. John Haldane was born in Scotland, joined the XY Company in 1798, and was later assigned to Red River. He was made Chief Factor of the Columbia District upon the merger in 1821, retired in 1827, and died in Edinburgh in 1857.
- 493 See Lytwyn, *The Fur Trade*, p. 116 for this incident. John Crear was born in 1775, and entered HBC service from Stromness as a labourer. He was later assigned to Great Fall Post in 1806/7.
- 494 Alexander (Greenfield) MacDonell (d. 1835) was the same man who was in charge of the Red River department for the North West Company after 1814.
- 495 John Spence was born in 1778 in the Orkneys and joined the HBC as a labourer in 1808. John Duncan Campbell (1773-1835) was born in New York, and came with his Loyalist parents to Upper Canada. He entered North West Company service before 1799, and was admitted a partner in 1803, serving mainly at English River. He retired in 1821.
- 496 William Linklater was born in 1771 in the Orkneys and was assigned in 1799 to Ile-a-la-Crosse, now in Saskatchewan.

- 497 Selkirk's original footnote reads: "Within these few years a change has taken place in the management of the Hudson's Bay Company's affairs, on the principal of allowing to their chief officers a considerable participation in the profits of their trade. It was found absolutely necessary to adopt some step of this sort, as nothing short of such a measure could be sufficient to stem the torrent of aggression, with which they had been assailed by the North-West Company; and their absolute ruin must be ensured, if some effectual means had not been taken, not only to rectify some of the abuses which had crept in under the former system, but also to rouse their officers to a more effectual resistance of the lawless violence practised against them."
- 498 For a comparison of the constitutions and operations of the two rival companies, see Harold Adams Innis, *The Fur Trade in Canada: An Introduction to Canadian Economic History* (rev. ed., Toronto, 1956), 149-262.
- 499 Selkirk's original footnote reads: "In the South-West, and towards the Mississipi."
- 500 For the trading policies of the Hudson's Bay Company, consult Ray and Freeman, "*Give Us Good Measure.*" "
- 501 John McDonald of Garth (1774?-1860) was born in Scotland and joined the North West Company as an apprentice in 1791, becoming a partner in 1800. He served at Fort des Prairies (1806-8), at Red River (1809-11) and on the Columbia 1811-1814, where he received the surrender of Astoria in 1813. Because of a withered arm, he was known as "Le Bras Croche." He retired to Upper Canada in 1815. See his "autobiographical notes" in Masson, *Les bourgeois de !a Compagnie du Nord-Ouest, II*, 3-59.
- 502 Selkirk has the name wrong here. It should be Pierre Rocheblave, one of the partners of Forsyth, Richardson, & Co., expanded in 1798 and nicknamed by the Nor'Westers the "Little Company" or the "Potties" (from the French for a small pot). See Morton, *The Canadian West to 1871*, p. 509.
- 503 This was James King, described by A. S. Morton as "a former XY bully whom the North West Company had enticed into their service." (p. 513).
- 504 This man was Joseph Maurice Lamothe. The incident and its repercussions are described at length by Morton, *The Canadian West*, 512-515.
- 505 Probably a brother of Alexander Macdonell, who had been stationed at Lac Seul since 1803. See Morton, *The Canadian West*, 525-6, for further information on this incident.
- 506 Lac la Pluie was more commonly known as Rainy Lake.
- 507 Shaw (d. 1832) was a Scot long involved in the fur trade, becoming a partner in the North West Company in the late 1790s. At this time he was a member of McTavish, McGillivrays, and Company. He shortly thereafter retired from the active trade, but was arrested by the Hudson's Bay Company in 1819. His firm continued to be Montreal agents of the HBC after the union of 1821 until its failure in 1825, and he died at New Brunswick, New Jersey. He married a sister of William McGillivray.

- 508 I.e., William McGillivray.
- 509 Selkirk's original footnote reads: "the charge of *aiding and abetting* (in the murder) as it was irregularly specified in the commitment, was laid upon the oath of Joseph Parisien! - The reader may recollect that this miscreant had been amongst the most ferocious of the party who had made the attack at Eagle Lake, and by a blow with his felling axe, had almost killed John Essen, who was unarmed, and had fallen in the water."
- 510 By 1812, the Hudson's Bay Company was apparently using John Coltman and Company as its Montreal agents. See A. Lean to John Coltman Esq. & Co., 4 March 1812, HBC Archives, A5/5.
- 511 Selkirk's original footnote reads: "After his discharge, Mowat proceeded from Canada to the United States, in order to return to England, but has never since been heard of. He is supposed to have been drowned by the breaking of the ice, in one of the rivers he had to cross in his way."
- 512 Selkirk's original footnote reads: "See Rousseau's Case, above."
- 513 Selkirk's original footnote reads: "The following were the original Grantees named in the Hudson's Bay Company's Charter, viz. 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 Vyners, Knights and Baronets. - Sir Peter Colleton, Baronet. - Sir Edward Hungerford, Knight of the Bath. - Sir Paul Neele, Kniht. - Sir John Griffith, and Sir Philip Carteret Knights. - James Hayes, John Kirk, Francis Millington, William Prettyman, John Fenn, Esquires. - and John Portman, Citizen and Goldsmith, London."
- 514 For the general accuracy of Selkirk's summary of jurisdiction, if not confirmation of his conclusions, see Charles M. Andrews, *The Colonial Period of American History*, 4 vol. (New Haven, 1934).
- 515 As events transpired, the Hudson's Bay Company retained the administration of justice in its territories until they were transferred to Canada. See George St. J. Stubbs, *Four Recordors of Rupertsland* (Winnipeg, 1967).
- 516 "An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada," 43 George III c. 138, is reprinted in full in E. H. Oliver, *The Canadian North-West: Its Early Development and Legislative Records, Minutes of the Councils of the Red River Colony and the Northern Department of Rupert's Land* (Ottawa, 1914), 1282-4.
- 517 Selkirk's original footnote reads: "The settlement alluded to was established a few years ago on the banks of the Red River (near its junction with the Ossiniboyn River) to the South of Lake Winnipic."

- 518 Selkirk here ignores the fact that the settlement at Red River was in the centre of the North West Company's transportation and communication system, as well as at the heart of its western provisioning.
- 519 See "Copy of the Attorney and Solicitor General's Report on the Petition of Mr. Dobbs to the King in Council dated 10th August 1748," HBCA, E18/1, fo. 133. Arthur Dobbs, High Sheriff of the County of Antrim and member of the Irish House of Commons, was interested in trade and the Northwest Passage. In 1735 he persuaded the Company to search for the passage north of Churchill, but failure to find anything convinced him of the insincerity of the company's commitment to exploration. Convinced that the route to the east could be pursued by dissolving the Company's charter, Dobbs organized the "North West Committee" to finance another voyage in 1745. Its failure and Dobbs' continued attacks on the company culminated in a petition to incorporate the North West Committee with a charter similar to that of the Hudson's Bay Company. Dobbs finally was defeated in 1749, when a parliamentary enquiry concluded that there was no case for annulling the charter and opening the trade. See Desmond Clarke, *Arthur Dobbs Esquire 1689-1765* (London, 1958), and E. E. Rich, *The History Of the Hudson's Bay Company 1670-1870*, vol. I (London, 1958), 558-586.
- 520 Selkirk's original footnote reads: "This estimate does not include the value of furs obtained by the merchants of Canada from districts lying within the territory of the United States.
- 521 For later conservation efforts of the Hudson's Bay Company, see Arthur J. Ray, "Some Conservation Schemes of the Hudson's Bay Company, 1821-1850: An Examination of the Problems of Resource Management in the Fur Trade," in *Journal Of Historical Geography*, 1(1975), 49-68.

THE
MEMORIAL
OF
THOMAS EARL OF SELKIRK.

TO

**HIS GRACE CHARLES DUKE OF RICHMOND, KNIGHT OF THE MOST NOBLE ORDER OF THE GARTER, CAPTAIN GENERAL AND GOVERNOR IN CHIEF IN AND OVER THE PROVINCES OF LOWER CANADA, UPPER CANADA, NOVASCOZIA, NEW-BRUNSWICK AND THEIR SEVERAL DEPENDENCIES, VICE ADMIRAL OF THE SAME, GENERAL AND COMMANDER OF ALL HIS MAJESTY'S FORCES IN THE SAID PROVINCES OF LOWER CANADA AND UPPER CANADA, NOVASCOZIA AND NEW-BRUNSWICK AND THEIR SEVERAL DEPENDENCIES, AND IN THE ISLANDS OF NEW-FOUDLAND, PRINCE EDWARD, CAPE BRETON AND BERMUDA,
&c. &c. &c.**

MONTREAL:
PRINTED BY NAHUM MOWER,
.....
1819.

This item, from the collections of the University of Toronto Library, was printed in Montreal in 1819 by Nahum Mower. It is not included in any of the standard bibliographies and is not mentioned by any of Selkirk's previous biographers, although it represents Selkirk's most complete attempt to construct a narrative of events surrounding his Red River colony and to explain his conduct, as well as to criticize William Coltman's handling of his commission. The work was written by Selkirk upon his return from Red River in the winter of 1817/18 and completed in October of 1818, while his health was still good, and was submitted to the Duke of Richmond before his departure for England in December of 1818. The University of Toronto Library copy contains a few handwritten emendations, not in Selkirk's hand. No attempt has been made to provide full annotation of the documentation employed by Selkirk for this item, since it would involve citations to hundreds of documents in the Selkirk Papers and in other collections published and unpublished, many of which we hope to reprint in future volumes. But this "Memorial," the printed version of which was doubtless intended for private circulation to interested parties, does represent Selkirk's fullest apologia for his actions, and should be read in conjunction with William Coltman's official report tabled in the House of Commons in 1819 and Samuel Hull Wilcocke's *A Narrative of Occurrences in the Indian Countries of North America* (London, 1817), which offers the North West Company version of most of these events.

The Memorial of Thomas Earl of Selkirk

To His Grace Charles Duke of Richmond, Knight of the Most Noble Order of the Garter, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Novascotia, New Brunswick and their several Dependencies, Vice Admiral of the same, General and Commander of all His Majesty's Forces in the said Provinces of Lower Canada and Upper Canada, Novascotia and New-Brunswick and their several Dependencies, and in the Islands of New-Foundland, Prince Edward, Cape Breton and Bermuda, &c. &c. &c.

The Memorial of Thomas Earl of Selkirk,
RESPECTFULLY SHEWETH,

That in the year 1811, your memorialist obtained from the Hudson's Bay Company for a valuable consideration a conveyance of a tract of land

situated on Red River, being a part of the Territory granted to that Company by Royal Charter: your memorialist had previously consulted several of the most eminent Counsel in London, who concurred in opinion, that the title was unquestionably valid; and he had good reason to believe that a similar opinion has been expressed to His Majesty's Government by the Attorney and Solicitor General of England.⁵²²

By the terms of the conveyance, your memorialist was bound to settle a specified number of families on the tract of land conveyed to him: and your memorialist as well as all persons holding lands under him were debarred from interfering in the fur trade. Notwithstanding this restriction, your memorialist was early apprized that any plan for settling the country in question, would be opposed with the most determined hostility by the North West Company of Montreal; and threats were held out by the principal partners of that association in London, that they would excite the native Indians to destroy the settlement. In order to obviate this danger, your memorialist instructed his agents to use their utmost endeavours to conciliate the good will of the native Indians, to make a purchase from them of the land requisite for the settlement, and also to abstain from all interference with the servants of the North West Company, except in so far as it should be unavoidable in self-defence. But as it was probable that the influence of the North West Company might be sufficient to mislead the native Indians, it was thought necessary to provide the settlers with the most effectual means of defence, which the local situation of the country would admit.

In pursuance of the condition of his grant, your memorialist sent out a small party of men to commence a settlement. They reached the Red River in autumn of the year 1812, and were followed shortly after, by several families of emigrants. These people were under the direction of Miles Macdonell, Esq. who had been appointed Governor of the District under a provision of the Charter of the Hudson's Bay Company. From the circumstances under which the settlement had been undertaken, an intercourse of mutual accommodation naturally arose between the settlers and the traders of the Hudson's Bay Company; but the establishment was in every respect, completely distinct from the trade of that Company.

During the first two years after the arrival of the settlers, various clandestine machinations were carried on by the partners and clerks of the North West Company to excite the jealousy of the Indians, to debauch the servants employed on the establishment, to stir up discontent among the settlers, and to prevent them from obtaining supplies of provisions from the natural produce of the country. There can be no doubt that this was done by desire of the partnership, not only from the continued and systematic manner in which the intrigues were carried on, but also from

direct evidence of these instructions given by some of the partners, and from a letter of one individual of the greatest influence among them then residing in London, pointing out to his associates in the interior of this Continent, the absolute necessity of preventing the colonization of Red River - The obstructions thus superadded to all the usual difficulties of an infant settlement, would have been sufficient to defeat the undertaking entirely, if the natural advantages of the country had not been very great. But in spite of every obstacle, the establishment was on the point of taking firm root.

Within a few months after the arrival of Mr. Miles Macdonell, the jealousy which had been instilled into the minds of the Indians, was entirely removed, and they became zealously attached to the settlement. In the second year after the arrival of the settlers, their crops (though sown under very unfavorable circumstances) were so abundant as to leave no probability of their being forced to abandon the country from want of provisions - another year of uninterrupted industry would have rendered them independent of any resources except the produce of their own farms. At the same time the favorable reports which they had sent home to their friends as to the fertility and salubrity of the country, the abundance of game, and the facility of cultivation, had operated to attract other settlers, and in the course of the ensuing year, there was reason to expect a considerable increase of numbers, so that the establishment would have become too strong to be attacked by open violence with any prospect of success.

It was in these circumstances that the partners of the North West Company at their annual meeting in the year 1814, determined to adopt more effectual measures for destroying the settlement, before it should be too late to make the attempt. For this purpose they sent instructions to collect from various quarters a set of men whom they judged fit instruments for acts of violence, viz: the sons of their Canadian, and other servants by Indian women, a great number of whom are reared about their trading posts. These men are bred up in the most entire dependence on the Company, and had been always employed in their service in the same manner as their Canadian servants from whom they were never distinguished till the period alluded to. It was then for the first time that they were taught to consider themselves a separate tribe of men, and distinguished by a separate name, with the view of ascribing their violences to the native Indians. These half-breeds (or Bois Brules as they were now to be called) have been described as a Nation of independent Indians: but they are in fact with very few exceptions in the regular employment and pay of the North West Company, mostly as canoemen, some as interpreters and guides, and a few of better education as clerks.

The latter are the progeny of partners of the Company, at whose expence most of them have been brought up, and through whose influence they may look to be themselves partners. These are the chiefs of this "New Nation."

These men being accustomed to live at a distance from the restraints of civilized society, were ignorant of any law but that of the strongest: or, if they had any idea of the punishments denounced by law against robbers and murderers, the mode of life to which they were habituated, led them to feel confident of escaping from the hand of justice. But they were not allowed to entertain any apprehension on this head, as their superiors constantly inculcated on their minds, that the North West Company had sufficient influence with his Majesty's Government, to screen from punishment any persons who might commit crimes by their direction. They have even been led to believe, that the Company had authority for all that they did, and were actually identified with the Government.

A great number of these half-breeds were collected at Red River in the spring of the year 1815, and were led on from one act of violence to another, till they ended in hostile attacks, openly and regularly carried on against the colonists, and repeated until they succeeded in driving them away from the place, and effecting the destruction of the settlement. As a preparatory step to these measures, Mr. Duncan Cameron, the partner of the North West Company in charge of their affairs on Red River, took his station in the immediate vicinity of the settlement, and laboured assiduously through the whole of the winter, to seduce the settlers to desert their engagements and go to Canada, where they were assured that the North West Company would procure for them gratuitously, not only lands, but also provisions, tools, cattle and every other accommodation they could desire. He gained over some leading individuals by the promise of direct pecuniary rewards, and used every artifice to gain popularity with the others, and to excite discontent against the gentlemen in charge of the settlers. When bribery and flattery would not prevail, intimidation was resorted to. Stories were invented and circulated to terrify the ignorant strangers, with the idea that the Indians had expressed the most vehement hostility, and were determined to assemble in the spring to massacre all those who should not avail themselves of the opportunity of escaping in the canoes of the North West Company.

By the assiduous use of these means of corruption and intimidation, a majority of the settlers were gained over to enter into the views of the North West Company, and their ringleaders were then secretly instructed to avail themselves of a favourable opportunity, to carry off some swivels and other small pieces of artillery.⁵²³ By this robbery the settlement was deprived of the only means of defence by which superior numbers could have been repelled, and the North West Company, being then confident

in the indisputable superiority of their force, commenced a train of undisguised violence, which continued without interruption for nearly three months, directed against all the settlers who did not chuse to join their party, and which ended in driving them away from Red River, burning their houses, and laying waste their fields.

Among the pretexts for these violences, it had been alleged that they were justifiable on the principle of retaliation, because the Governor of the settlement had, in the preceding year, seized a quantity of provisions belonging to the North West Company. Though it can hardly require any argument to demonstrate the injustice of retaliating upon the innocent settlers, for any act of their Governor, yet, as the seizure in question has been much misrepresented, and great importance has been ascribed to the occurrence, it may be proper to explain the circumstances under which it took place.

In all the British Colonies, Governors have occasionally exercised the power of laying an embargo on the exportation of provisions, in cases of urgent necessity in order to obviate the danger of famine. In the month of January 1814, Mr. Miles Macdonell deemed it necessary to adopt this measure, and to prohibit, for a period of twelve months, the exportation of provisions from the District over which he had been appointed Governor. He had reason to believe that, in addition to the settlers then under his charge, a considerable number of emigrants were to arrive from Europe in the course of the ensuing season, and he had ascertained that the people, then at the place, had not the means of raising a crop sufficiently abundant for the wants of all these additional inhabitants. It was therefore evident that it would be necessary still to have recourse to the natural resources of the country, and of these, the North West Company were endeavouring to deprive the settlers. For the purpose of distressing them and creating an artificial scarcity, the servants of the North West Company, being well supplied with fleet horses, were ordered to drive away the Buffaloe from the hunters of the settlers, who not being well mounted were in the habit of hunting these animals on foot, by cautiously approaching them unobserved.⁵²⁴ These orders were given soon after the canoes of the North West Company arrived from Fort William in autumn, and were acted upon through the whole course of the winter. The settlers had experienced these obstructions continually for several, months before Mr. Macdonell resolved upon the embargo.

When he issued his Proclamation on the subject, in the month of January 1814, the North West Company avowed their detemination to disregard it, and to carry out their provisions by force, treating the authority of the Governor with derision. The latter had no alternative but to enforce his orders, and to seize the provisions which their servants were

employed in carrying out of his district. As soon however as the partners in the country had adopted a more becoming language, he evinced in the clearest manner that he had no view to distress them, or to injure their trade; for, upon the proposal of a conciliatory arrangement made by some of the partners, and on their agreeing to acquiesce in his authority, even under protest, he consented to do every thing necessary for their accommodation, and in fact restored, and allowed them to export out of the district, as much of the provisions which had been seized, as they considered necessary for their trade for twelve months, engaging at the same time to pay for the remainder. Whether Mr. Macdonell's conduct was right or wrong, he alone was responsible for it. The seizure was made under regular warrants issued in his official capacity as Governor of the district, and if he acted wrong, those who were injured had a legal remedy open to them, and might have obtained his removal by Petition to the King in Council. Instead of resorting to this plain and obvious course of proceeding, the only legal and constitutional mode of bringing the question to issue, they availed themselves of their superiority of numbers, to which they attempted to give a shew of legal authority by the help of a warrant issued by one of their own partners, a Magistrate for the Indian Territories, for the arrest of Mr. Macdonell. The sole purpose of this arrest was to remove him from the establishment under his charge, and to leave the settlers a more easy prey to the violence which was meditated against them. This warrant, originally issued by Archibald Norman Macleod, did not even profess to be grounded on the seizure, or (as it has since been called) the robbery of provisions belonging to the North West Company, but was simply for having worn arms, and this too, in a country where it is not only the general custom to wear arms, but where the partners and clerks of the North West Company in particular, are never seen without them. Such was the warrant under which Mr. Macdonell was taken, and removed from the district over which he had been appointed Governor under the authority of a Royal Charter. He was brought down a prisoner to Montreal, after having been purposely detained at Fort William for several months, so as not to arrive till after the close of the criminal term of the Court of Kings Bench in September. Mr. Alexander McKenzie of the North West Company, who had brought him down from Red River, and kept him during the whole passage in rigorous confinement, then set him at liberty, and had the effrontery to pretend that he had never been a prisoner.⁵²⁵ As he was now removed from the place where they dreaded his influence, the North West Company would willingly have waived any further proceedings, but as Mr. Macdonell shewed a determination not to allow the business to drop in silence, they had recourse again to their Justice of Peace, and it was not till then that Mr. Macleod thought of making the

seizure of the provisions the ground of a warrant for felony, which was issued and executed at Montreal. At the ensuing session of Oyer and Terminer, held in place of the criminal term of the Court of King's Bench in March 1816, Mr. Macdonell was present and demanded his trial, but the prosecutors were not ready to proceed. He was put under recognizance to appear at the subsequent term, though the total absence of any legal ground of accusation must have been evident to the law officers of the Crown. The North West Company themselves, in a pamphlet published by their agents in England, admitted that by the advice of eminent counsel, they had abandoned the prosecution.⁵²⁶ Nevertheless, they continued at Montreal to carry on vexatious proceedings against Mr. Macdonell, and it was not till the month of May last, that the law officers of the Crown declared their intention of finally dropping the prosecution.

While the North West Company were congratulating themselves on the idea of having finally destroyed the settlement of Red River, the people, who had been driven away, were joined in their place of refuge by some other settlers, with whose assistance they returned and re-occupied their farms. In this undertaking they put themselves under the guidance of Mr. Colin Robertson, a gentleman who had been employed by the Hudson's Bay Company for other objects, but who, in this case of unforeseen exigency, undertook the arduous charge of re-establishing the settlement.⁵²⁷ The circumstances did not admit of his waiting for instructions from your memorialist, who did not receive any information of the state of affairs, till many months afterwards. Mr. Robertson was joined in the beginning of winter, by a considerable number of families who had sailed from Scotland before any intelligence of these disturbances. At the same time Mr. Robert Semple arrived in the country, having been recently appointed by the Hudson's Bay Company, Governor of their Territories, and invested with all the authority which their charter confers.

Notwithstanding the devastation which had been effected the preceding spring, Mr. Robertson found means of procuring subsistence for the people of whom he had taken charge, and of putting the settlement in a respectable state of defence. He was welcomed with the strongest demonstrations of joy by the Indian natives, and found no difficulty in conciliating the good will of the Canadians, of whom several reside in the country in a wandering manner, and, from not being in the regular service of any traders, are called free Canadians. Among these people were several half-breeds, who, not being in the immediate employment of the North West Company, did not express the slightest disinclination to the colonization of the country.

At the time of Mr. Robertson's arrival, there were but few of the servants of that Company in the neighbourhood, as their canoes had not

yet returned from Fort William, and during this interval there was every appearance of peace and harmony. But on the arrival of Mr. Duncan Cameron and Mr. Alexander Macdonell, by whom the outrages of the preceding spring had been conducted, a great change was immediately observed, and it soon appeared that new preparations had been set on foot, to accomplish in a more effectual manner the extermination of the settlement.

The crimes, which had been committed by Duncan Cameron during the preceding season, had been of the most flagrant description. On evidence of these transactions, bills of indictment have been found against him in the Courts of Montreal for three capital felonies, besides other crimes and misdemeanours.⁵²⁸ These crimes were of sufficient notoriety, to justify any individual, who might think fit to incur the responsibility, in arresting and sending him in custody to this Province. The gentlemen in charge of the settlement were desirous to avoid carrying matters to extremity, but the arrogant and lawless conduct adopted by Alexander Macdonell immediately, upon his arrival at his wintering ground, on River Qu'appelle, and the open violence with which he treated the servants of the Hudson's Bay Company at a neighbouring post, where they were inferior in numbers, proved that some strong measure was necessary to preserve any semblance of peace in the country. Cameron was accordingly arrested in the month of October, but, on his engaging to put a stop to all hostile proceedings on the part of his associate at River Qu'appelle, and agreeing also to restore the arms of which the settlement had been robbed the preceding spring, he was set at liberty, without the smallest interruption to his trade, or interference with the property under his charge.

By this measure the hostile attempts of the North West Company against the settlement, were checked for a time. The arms of which Mr. Robertson recovered possession, were of great consequence in putting the settlement in a more respectable state of defence, but several of the most valuable pieces of artillery had been removed to other posts of the North West Company, some to River Qu'appelle, and others to River Winnipic. Notwithstanding the professions and promises of Cameron, his associates evaded or refused to deliver up these arms, and, during the whole course of the winter, they were diligently employed in preparing to strike a decisive blow against the settlement in the ensuing spring.

They took their measures not only to engage all the half-breeds at Red River, who were not previously engaged in their service, but also to collect at River Qu'appelle, as many as could be assembled from the more remote posts of the North West company, even at the distance of seven or eight hundred miles. Though these preparations were carried on with all possible secrecy, and though Cameron and Macdonell attempted to disguise their

views under the most earnest professions of a peaceable disposition; yet in the month of March, their intentions became so evident, that Governor Semple and Mr. Robertson could no longer shut their eyes to the danger which menaced the settlement. It was therefore determined again to arrest Duncan Cameron, and to take effectual measures to bring him to trial for his crimes, for which purpose Mr. Robertson entered his fort on the 17th March, and effected his arrest. He found on his table an unfinished letter to one of his partners in an adjoining district, explaining his plans for the destruction of the settlement, and desiring his partner to send some of his Indians to assist him, assuring them that they "might make a very good booty if they went cunningly to work."

The information thus obtained, determined Mr. Robertson to adopt a further measure, in order to acquire a more complete knowledge of the plans in agitation against the settlement. A messenger was daily expected, conveying letters from the partners of the North West Company in the interior, to their associates, and particularly to the agents at Fort William. Mr. Robertson caused the messenger to be stopped, and in presence of one of the clerks of the North West Company, desired the bag to be opened, and the letters from Alexander Macdonell at Qu'appelle to be produced, declaring that if these did not disclose any criminal purpose, none of the other letters should be touched; and the messenger should be allowed to proceed. These letters, however, contained distinct and unequivocal evidence, of the violent and sanguinary designs which were about to be carried into execution for the destruction of the settlement; and Mr. Robertson being thus led to examine the other letters, discovered that the partners of the North West Company in the more distant posts, were contributing their aid to these schemes of destruction. The whole dispatches were therefore detained, and it was determined by Governor Semple, to send them to England for the information of his Majesty's Government, and of the Parliament of Great Britain.

At this time the greatest part of the settlers, and particularly the women and children, were passing the winter at an outpost called Pambina, where they were under the charge of a gentleman (also of the name of Macdonell,) who had arrived with Governor Semple, and had been appointed Sheriff of the District.⁵²⁹ He had observed that recently after the arrival of Alexander Fraser and Charles Hesse, two clerks of the North West Company, from River Qu'appelle, the half-breeds in the Neighbourhood had exhibited unusual marks of a hostile disposition; and distinct information had been obtained that Fraser and Hesse, together with Peter Pangman, had been using the most violent means to deter the free Canadians from hunting for the supply of the settlers.⁵³⁰ The intelligence obtained from the intercepted letters, having been communicated to him,

Mr. Macdonell thought it necessary to arrest Pangman, Fraser, and Hesse, all of whom had been concerned in the outrages and crimes committed by the servants of the North West Company, the preceding spring.

Pangman being in charge of their trading post, was desired to name some of his men to take charge of their property. Mr. Macdonell declared that for the security of the people under his charge, he must put the arms and ammunition in safe custody, till the disturbances should be at an end; but that no other property should be touched, and that no obstruction should be given to the servants of the North West Company, in carrying on their trade. Pangman, however, refused to appoint any person to act in his place, and desired his men to abandon the post and provide for themselves. Mr. Macdonell seeing a quantity of valuable property thus left exposed to pillage, ordered it to be removed into a place of security in his own fort.

In like manner Duncan Cameron after his arrest, was desired to name one of his clerks to conduct the trade, and to receive the debts due by the Indians to the North-West Company, and he was assured that none of their property should be removed, except that the arms and ammunition were to be placed in safe custody. But in consequence of the information which the intercepted letters had disclosed, Governor Semple deemed it necessary to station a few men as a guard to prevent any improper use being made of the fort. This interference Cameron pretended to consider as an insult to the North-West Company, and gave directions that his clerks and men should join Alexander Macdonell at Qu'appele, abandoning the property under their charge. Governor Semple soon after ordered Cameron to be taken into custody to a post of the Hudson's Bay Company, where he might be more in security; and also ordered the property which had been abandoned at Pambina, and at the fort where Cameron had been arrested, to be conveyed to the same place, expressing his intention of delivering it to the North-West Company, whenever they should restore some property belonging to the Hudson's Bay Company, of which they had taken possession in Athabasca.

About the same time he liberated Pangman, Fraser, and Hesse, who had been arrested at Pambina, contenting himself with merely requiring from them as security for their good behaviour, an engagement not to take part in any measures of hostility against the settlement. The crimes of which they had previously been guilty, were much more than sufficient to justify their detention; and, in consenting to their liberation, Governor Semple acted with ill judged lenity. He expected that the forbearance and mercy with which he treated these men, would excite in them some feelings of gratitude, and shew to the half-breeds in general, the

moderation with which he was disposed to act: But he knew not the men in whose favor his lenity was exercised, these individuals were among the most active in all the scenes of violence which succeeded. They went immediately to join Alexander Macdonell at Qu'appelle, and their influence among the other half-breeds, was of material service in enabling him to execute his sanguinary designs.

Upon this occasion Governor Semple wrote to Macdonell to explain, that the measures he had taken were dictated solely by the necessity of self defence, and that if Macdonell and his associates did not offer any further violence to the servants of the Hudson's Bay Company at Qu'appelle, or elsewhere, no obstruction should be given to the passage of the North-West Company's boats or canoes in going out of Red River; a declaration which was repeated on other occasions, both by Governor Semple and Mr. Robertson. But proposals of a conciliatory nature were offered to Macdonell in vain; his half-breeds were assembling from the most distant posts of the North-West Company, and he was assured of being able to overwhelm the settlement by superior force. He did not trust to this alone. He knew that the settlers depended for the means of subsistence, during the ensuing summer, on the provisions which had been collected in his immediate vicinity at Qu'appelle, and that the Hudson's Bay Company also depended, in a great measure, on these for the supply of their servants. They had a great quantity of provisions in store at their post where they were very few men; and though Governor Semple sent up some additional men, to assist in conveying these provisions down the River, yet their numbers were altogether inadequate to oppose the army of half-breeds, which had been assembled at the post of the North-West Company. Macdonell, however, continued to the last, his hypocritical professions, and about the beginning of May, addressed to Mr. Robertson, a letter full of plausible expressions of friendly views.⁵³¹ Three days after the date of this letter, his half-breeds attacked the servants of the Hudson's Bay Company by force of arms, took them prisoners, and seized the whole of the property under their charge, and in particular, the provisions on which the subsistence of the settlers depended.

After this blow, Macdonell no longer disguised his intentions to destroy the settlement. He invited the Indians to join his expedition, and declared that if the Settlers dared to resist, the ground should be drenched with their blood. He encouraged his men by the prospect of plunder, and even promised to give up the women of the settlement to gratify their brutal lusts. His whole force being assembled, he proceeded in military array from Qu'appelle towards the settlement. The half-breeds on horseback, passed through the plains along the rivers, escorting the boats which conveyed the provisions, and other property of which he had robbed

the Hudson's Bay Company, as well as that which he had obtained by trade from the Indians. On the 1st June, he arrived at Brandon House, a post of the Hudson's Bay Company, where he sent a party of his men to force their way into the fort, to seize the property it contained, and carry it to a neighbouring post, occupied by one of his clerks. Of this plunder, some trifles were distributed among his men, but all the most valuable articles were deposited in the stores of the North-West Company. From thence Macdonell proceeded on his march to a place called Portage des Prairies, where he remained with most of the Canadians in his service; while he sent forward sixty or seventy half-breeds on horseback to the settlement, under the command of Cuthbert Grant, a clerk of the North-West Company who had acted a conspicuous part in all the violences of the preceding year, and who was now brought forward in the character of the "great Chief of the new Nation."⁵³²

Before the taking and plundering of Brandon House, Governor Semple could hardly be inducted to believe, that the North-West Company would venture to set the laws of their country so completely at defiance, as to make an open attack on the settlement; but after receiving that intelligence, he could no longer doubt that such an attack was determined on: and in order that his attention might not be distracted, and his force divided by the necessity of maintaining two separate posts, he resolved to demolish that which had lately been occupied by the North-West Company, and to employ the materials in rendering his own more tenable. This work was but partially effected when intelligence was brought by an Indian, that Grant and his party were on their way, and would attack him in the course of two days. A considerable body of native Indians of the Sauteux or Chippawa tribe, who were encamped in the neighbourhood, on hearing this intelligence came and offered to take up arms in defence of the settlement; but Governor Semple declined their services, being unwilling under any circumstances to employ Savages against his countrymen.

The intelligence brought by the Indian proved to be correct, and at the time that he had predicted in the afternoon of the 19th June, a party of horsemen were observed marching directly towards the middle of the settlers' habitations, which began at the distance of a mile from the fort and extended two or three miles along the river. Most of the families had removed to the fort upon the alarm given by the Indian; but many of the men were averse to quit their agricultural labours, and still remained on their farms. The Governor having expressed his anxiety about these people, took his fowling piece and was preparing to go out. All the men in the fort, by a spontaneous movement, and without any orders, were taking their arms to follow him, when he desired them to remain, telling them that

he was not going to fight, but merely to see what were the intentions of these horsemen, and that it would be sufficient that twenty men should follow him. Twenty five was the number that actually went out with him, including seven of the gentlemen who usually messed at his own table. They had not gone far, when they met some of the settlers flying in terror towards the fort, and learnt that the half-breeds had taken some of their friends prisoners. In their alarm they said that the half-breeds had carts and cannon, and at the suggestion of one of the settlers, the Governor sent to the fort for a field piece. Anxious however to come to a parley with the half-breeds, and to enable the rest of the settlers to escape, he continued to advance, still under the unfortunate mistake of supposing that these people might listen to reason.

Grant in the mean time perceiving this small party, collected his men, and dividing them into two bodies, galloped up with one division directly against Semple; while he ordered the other to make a circuit in the plain, so as to cut off his retreat to the fort.⁵³³ The two parties of horsemen closing in from opposite sides, surrounded him in the form of a semicircle, leaving no opening except towards the river. At this moment Grant sent a Canadian of the name of Boucher to summon the Governor to surrender, Boucher accosted him with the most insulting language and gestures, which even in that perilous situation, Semple could not brook. With an expression of indignation, he took hold of the bridle of Boucher's horse: the latter leaped down, and ran off towards his comrades, who immediately commenced firing, by which Semple himself and a great proportion of his party were wounded, and several killed on the spot. A few straggling shots only were returned, and as the half-breeds still continued to keep up a constant fire, Semple called out to his men to provide for their own safety: three only succeeded in making their escape, some others made the attempt, but were shot in their flight. The wounded men were lying on the field incapable of resistance, and calling out for mercy, when the half-breeds came up, and butchered them with the most horrid imprecations, stripping them of their bloody clothing, and in several instances, mangling the bodies in wanton cruelty. The half-breeds were not the only men engaged in this massacre: a Canadian of the name of Francois Deschamps was among the most active, and collected a large booty from the person of those he had despatched. One gentleman only, of the name of Pritchard, who had formerly been in the service of the North West Company, was saved through the interference of a Canadian, who had great difficulty in protecting him. This was the scene which has been called "a battle," "an affray," "an unfortunate occurrence."

In the course of the same evening, Mr. Pritchard was sent by Grant, to summon the settlers at the fort to surrender. With no small difficulty

he had obtained a promise that their lives should be spared, and that they should be allowed to leave the country, provided they would give up all the property belonging to your memorialist, or to the Hudson's Bay Company. The settlers saw that resistance would be unavailing, and on the day following the massacre, Grant, at the head of the murderers, took possession of the fort and the property it contained, in the name of the North West Company. It was not long before his masters arrived to sanction his proceedings, and appropriate the plunder to their own use.

The news of the victory obtained by Grant, with the slaughter of more than twenty of the "English," was speedily communicated to Macdonell, at Portage des Prairie, and was received by him, and the clerks under his command, with shouts of joy and exultation. Having thus "cleared the way," as he termed it, Macdonell proceeded with the remainder of his men, to receive possession of his conquest, and was soon after joined at the fort, lately occupied by the settlers, by an assemblage of partners and clerks of the North West Company, coming from various and distant quarters, with great numbers of armed men. At their head, was Mr. Archibald Norman Macleod, who is not only a partner, but one of the agents, or (as their own publications have lately announced, as the more proper appellation,) directors of the North West Company of Montreal; and being deputed by Mr. William McGillivray, and the other heads of the "concern," had set off at the first opening of the navigation, and travelled with the utmost possible expedition, with the view of completing the work of destruction, before any intelligence could reach the settlers, of the arrival of your memorialist in Canada, or of his intention to visit Red River.⁵³⁴

In the course of the preceding winter, one Lagimoniere⁵³⁵ had been sent by Mr. Robertson with letters to your memorialist, informing him of the re-establishment of the settlement. He had set out in the month of October, and brought intelligence of the arrest of Duncan Cameron, and of the conditions on which he had been liberated. This intelligence transpired at Montreal, and was received with expressions of indignation by the agents, or directors of the North West Company, who, as usual, again resolved to punish this violation of what they were pleased to call the "honor of their concern." The sum of the information brought by Lagimoniere, amounted simply to this, that Cameron had been arrested on account of the crimes he had committed the preceding spring; (those crimes, on account of which, three bills of indictment have since been found against him by the Grand Jury of Montreal,) but that he had been liberated on a promise of good behaviour, after having given up the stolen property in his possession. It is evident that this proceeding could not affect the interests of any fair traders, or the honor of any set of men, except Cameron's associates in crime. But, in pursuance of their

accustomed policy, it was necessary to adopt prompt measures, to put down every attempt at resistance.

On the arrival of Macleod, at Fort William, he sent orders to intercept Lagimoniere, who was on his return to Red River, with letters from your memorialist for the gentlemen who had undertaken the charge of the settlement, and by the persons hired to execute these orders, Lagimoniere was robbed of his personal property, as well as of his dispatches. The letters were conveyed to Fort William, where they were opened and perused by the agents and partners, and afterwards found by your memorialist in the place where they were deposited, having been pointed out by Mr. Daniel Mackenzie one of the partners.

At the same time that Macleod issued his orders for the robbery of Lagimoniere, he transmitted instructions to the persons in charge of the North West Company's trading posts, in the district of Fond du Lac, to raise as many Indians as they could prevail on, to meet him at the rendezvous at Red River, promising that their services should be amply rewarded. These were the same Indians of whom Duncan Cameron was writing at the time he was arrested, and to whom he was assuring abundance of plunder, provided they went "cunningly to work." In the same spirit, Macleod assembled the Indians of Lake la Pluie, and promised them ample rewards to induce them to accompany him to war, against the enemies of the North West Company on Red River.

At a fort of the North West Company, near the mouth of Winipic River, Macleod armed his party with some of the artillery, of which the settlement had been robbed the preceding year, and proceeding onwards to Red River, he was joined at the appointed rendezvous, near the mouth of that River, by eight or ten of his partners, who assembled from their trading posts, in various distant quarters, each of them bring his quota of men. Macleod and his associates remained some days at their place of rendezvous, to arrange their preparations for storming the fort of the settlement: but the success of Macdonell's measures, spared them this danger. They were met in Red River by the settlers, who, after the massacre of the 19th of June, had experienced the usual humanity of the North West Company, in being compelled to abandon their farms, and to withdraw towards Hudson's Bay, and had been allowed, out of their own stores, a sufficiency of provisions for five or six days only. On their approach, Macleod's party took to their arms and set up the war-whoop. They found, however, that their enemy consisted chiefly of women, children, and helpless old men, unarmed, and totally destitute of the means of defence. In the most brutal language, Macleod ordered them to go on shore, where they baggage was again rifled. The principal object was to recover the intercepted letters: these could not be found; but every paper that could

that could be discovered, was seized, and even the account books of the settlement, were detained, for the avowed purpose of creating inconvenience to those who had the management of its affairs.

Macleod, under pretext of his commission as a Magistrate for the Indian Territories, aggravated his tyrannical proceedings, by a mockery of the forms of justice, and confined as prisoners, several of the settlers, against whom no offence could be alleged. Mr. Pritchard was served with a subpoena to appear as a witness at Montreal, in virtue of which, he was put under rigorous confinement as a prisoner. Mr. Bourke, who had been severely wounded, was put in irons and treated with insult as well as cruelty: his irons were put on so as to prevent him from dressing his wound, and no assistance was given to him.⁵³⁶ The prisoners were left in the custody of some of the half-breeds, who had massacred their friends, and from whom, they themselves had narrowly escaped with their lives; and, under a guard of this description, they were sent off towards Fort William. The remainder of the settlers were allowed to proceed towards Hudson's Bay, with only a small remnant of provisions, not sufficient for their subsistence during one fourth of their route to the nearest post, where they could expect to obtain any supplies. Before dismissing them, Macleod required that they should take an oath, never to return to Red River; but this the gentleman in charge, indignantly refused. After this, Macleod proceeded to the fort of the settlement, where he was received triumphantly by the half-breeds under Grant, to whom in the name of the North West Company, and in presence of a numerous assemblage of his co-partners, he returned thanks for the important services which they had rendered, and promised them suitable rewards: part of these were immediately distributed, but, as he had not sufficient supplies at the time, he assured them that the rest should be sent by the canoes of the company in the autumn. After this, Macleod and his associates proceeded to view, what they called "the field of battle," accompanied by the men who had achieved the massacre, each of whom described the deeds of blood which he had individually committed, and was rewarded by expressions of approbation. The blood-thirsty Deschamps was presented to Macleod by Macdonell, and extolled as a fine, vigorous, old man. The Indians of the neighbourhood, whose attachment to the settlers remained steady and unaltered in every reverse of fortune, had buried the unfortunate victims on the spot where they had fallen; but this had been imperfectly done, and the corpses being torn up by the dogs, lay mangled and half-devoured on the field, where they afforded matter of exultation and laughter to the partners of an association, who, at a distance from the scene of their crimes have obtained the reputation of respectable merchants.

The property of your memorialist was appropriated to the use of the

North West Company, by Macleod and his partners; several articles of value, which were not adapted to their purposes, they carefully destroyed, particularly a schooner, which had been built for the navigation of Lake Winipic. Some sheep, of the finest breed of Merinos, which had been brought from England at a great expence, were killed, and served up at their table: most of the breeding cattle shared the same fate. Many valuable tools, and implements of agriculture, were broken up, and employed as old iron. Several articles were distributed as gratuities to their followers: but all which could be of value as trading goods, or as stores for the service of their trading posts, were reserved for the use of the North West Company, and entered among the inventories of their property.

Having thus secured the plunder of the settlement, Macleod and his associates, returned to Fort William, leaving Grant and the half-breeds to keep guard during the summer at Red River, with instructions to fire upon the settlers or traders of the Hudson's Bay Company, if any of them should presume to return. They also stationed a strong party at the mouth of Winipic Rivere, composed in general of half-breeds. This party was under the command of Charles De Reinhart, too well known for the murder of Keveny, who was instructed to prepare the pieces of artillery which they had brought from the settlement, and to point them so as to sink any canoe or boat which should attempt to pass.⁵³⁷ Your memorialist being expected to arrive in person, a party of half-breeds were instructed to lie in ambush near the River Winipic, to fire upon his canoes when they should be embarrassed in the rapids, and to aim particularly at the guides and steersmen, so as to set the canoes adrift, by which means, the whole of the crews and passengers must have perished.

Having taken these precautions, to prevent the work of destructon from being again repaired, Macleod returned to Fort William, along with the other partners of the North West Company, who had joined him at Red River. At Fort William, they met with Mr. William M'Gillivray, and other agents of the Company, from Montreal. In order to obviate the discontent, which the Indians on Red River were likely to feel, at the expulsion of the settlers, an uncommonly large assortment of goods was prepared for that department. This contained, not only the gratuities which Macleod had promised to the half-breeds, in addition to those which he had distributed, but also, an unusually liberal allowance of various articles for each of the men who had assisted in the massacre of the 19th of June. The supplies for the trade were more than double of the amount usually sent to Red River, by the North West Company, and far beyond the value of any returns that could be expected.

Having thus provided for the department which they considered as the key to their dominion, the North West Company turned their attention

to that of which the monopoly was most valuable. In the preceding year, the Hudson's Bay Company had resumed the plan of forming establishments in Athabasca, which they had attempted on many former occasions, but had always been prevented by the lawless violence of the North West Company.⁵³⁸ The means which had been used to obstruct them on this last occasion, were such as to make humanity shudder. A brigade of canoes proceeding up Peace River, had fallen short of provisions: they had expected to procure a supply from the Indians, but all the natives had been carefully removed to a distance by the North West Company. When threats had not proved sufficient, actual violence had been employed to drive them away from the route of the canoes. Disappointed in this expectation, the servants of the Hudson's Bay Company had attempted to procure food for themselves, by hunting the buffaloe in the adjacent plains; but they had been watched by a party of men, always on the alert, to drive off the animals, and prevent them from approaching within gun-shot. By these means a party of eighteen men had been reduced to perish by famine; and a much large number had been obliged to surrender all the property in their charge, as the only condition, upon which they could obtain a supply of food.

Notwithstanding this misfortune, the servants of the Hudson's Bay Company had succeeded in some other parts of Athabasca, and apprehensions were entertained of their gaining a firm footing. Macleod was therefore dispatched to expel them in an effectual manner. On his arrival he declared that the conduct of his associates, the preceding year, had been too lenient and timid, and gave orders, that none of the native Indians should be permitted, in any part of the district, to approach the posts of the Hudson's Bay Company. Under the pretext of his authority, as a magistrate, he compelled their servants to submit to the most cruel tyranny. On different occasions, he took prisoners nearly a hundred men, detained them in custody for months without intermission, often exposed to distress for want of provisions; and at length, as the price of their liberty, required to sign an engagement and to take an oath, not to return into that country, except in the service of the North West Company. When they refused to comply with this demand, he kept them three days without food, till hunger compelled them to submit.

Mr. Clarke, who had the principal charge of the Hudson's Bay Company's establishment in Athabasca, was repeatedly arrested, and compelled to deliver up the property of his employeers, as the price of his liberation; and after he had been despoiled of all he had in charge, he was kept in rigorous confinement for a period of eight months.⁵³⁹ This was done under the pretext of a warrant from Macleod, but no attempt has ever been made to substantiate any charge of criminal conduct against him. At

the time that Macleod was about to leave the country, Mr. Clarke demanded that he should be taken to Canada, and brought before the proper tribunal; but, instead of this, he was sent away with one of his clerks in the opposite direction towards the remotest establishments of the North West Company, so as to be out of sight of any other British subjects. He was forced to embark in a canoe, among the crew of which were two half-breeds, of whom, one was known to entertain a personal animosity against him. He had good reason to believe that a plan had been arranged for murdering him and his fellow prisoner, and those would probably have been effected if they had not shewn an extraordinary degree of vigilance, as well as determination.

The conduct of Macleod was imitated by his partners in the other parts of Athabasca, where undisguised acts of robbery and arson were committed, all under pretext of retaliation, a pretext for which the North West Company are never at a loss, when a crime is to be committed. It is an established maxim among them, that they have a right to take redress at their own hands for any act of which they think fit to complain, and this principle is not only acted upon by the subordinate partners, but systematically prescribed as their rule of conduct, by the head of the "concern," a member of the Legislative Council of this Province.⁵⁴⁰ It certainly cannot require much comment, to shew the consequences which are to be expected, when a body, so powerful as the North West Company, are allowed to determine at their own pleasure, the proper measure of compensation for any injury which they may suppose, or alledge to have been committed against them, and to give the name of retaliation to any crime, which they may find it for their interest to perpetrate: to devastation, to robbery, to arson, and to murder.

The outrages which have been detailed, are so extraordinary, that some hesitation may naturally be felt, in supposing them possible. It may seem incredible, that such a tissue of atrocities, should be the work of men professing the christian religion, and enjoying the respectable character of British merchants. The Indian trade, as it has been hitherto carried on from Canada, though certainly contemptible as a national object, is the whole fortune of those who are engaged in it, and among those who profit the most by the present system, are several individuals of the highest station in this Province. But the impressions which have been diffused, as to the extent and importance of the trade of the North West Company, and their services to the British Government, are extremely mistaken. It is only by a constant use of the arts of deception, and much arrogance of pretension, that they preserve an external appearance, calculated to impose upon strangers. If, however, the North West Company were all they wish to be thought, no one would put them in comparison with the East-India

Company of Amsterdam, under whose auspices, and for whose benefit, the massacre of Amboyna was perpetrated.⁵⁴¹ The motives for the massacre of Red River were precisely the same; to maintain by means of violence and intimidation, a monopoly which is not yet secured by law, yet a monopoly by which the native Indians are held in worse than Turkish slavery, and an extensive and valuable country is condemned to endless sterility. The North West Company, though invested with no right but those common to every British subject, have succeeded for more than thirty years past, in excluding all others from the extensive countries to the North and West of Lake Superior. All the Indian countries, the North West Company arrogate to themselves as their own territories, and consider the entrance of any others of His Majesty's subjects, from whatsoever quarter, as an invasion of their rights. In order to repress such attempts, open violence is systematically employed against every intruder, with no other reserve than the caution necessary to avoid committing the principals of the "concern." From the immense distance of any courts of justice, the subordinate agents in these acts of violence have hitherto been assured of impunity, but it is evident, that as soon as agricultural settlements shall be firmly established in these countries, together with those institutions of religion, law, and police, which must accompany a civilized population, such a system of ferocious violence will no longer be practicable.

By the arrival of Lagimoniere at Montreal, early in the year 1816, information had been received of the re-establishment of the settlement at Red River after its first destruction, and the expulsion of the settlers in summer 1815: but your memorialist was sufficiently acquainted with the views and principles of the North West Company to be aware that their machinations were not at an end; and, in these circumstances, he renewed the application, which he had already frequently made, to Government for protection to the settlers. It is demonstrable that the mere appearance of His Majesty's troops, even a serjeant and ten men, stationed at Red River, would have been sufficient to prevent all the sanguinary outrages, which have been described. But, notwithstanding the assurances which your memorialist had received, from the Secretary of State for the Colonial department, as far back as the month of March 1815, that orders had been sent to Canada for granting the protection which he had desired, no attention was paid to the applications which he made to the commander of the forces in this Province, to carry these orders into effect. Your memorialist however, being compelled by every principle of humanity, as well as duty, not to abandon his people to their fate, and being unable to obtain any protection from the public force of Government, was under the necessity of taking measures to guard against the impending danger, and to enable the settlers to provide for their own defence. Under these circumstances, an opportunity presented itself of

adding to the population of the settlement a number of men, upon whom the North West Company and their half-breeds could have no chance of making any impression. Among the troops disbanded on the conclusion of the war, were two Swiss Regiments, in which were several officers, who were desirous to settle in America, but who did not consider it advantageous to remain in Canada, on the conditions proposed by Government. Many of the men also had no desire to return to Europe, but were averse to undertake the laborious task of opening a farm in the midst of the woods. The offer of lands cleared by the hand of nature, and ready for immediate cultivation, determined a number of them to give a preference to Red River. The other encouragements, offered to them by your memorialist, were to be as nearly as possible the same as those, which should be allowed by Government to the men of the same corps, who established themselves at the settlements in Upper or Lower Canada. The only difference was, that they were to receive monthly wages for the time occupied by the voyage to Red River, and until they would be put in possession of their lands.

In the beginning of summer 1816, your memorialist set out for Red River, with a number of these settlers, accompanied by four officers of the late Regiment de Meuron, who proposed also to settle at Red River. Only one of these gentlemen was under engagement to your memorialist, for any permanent services: the others wished to see the country, before they would determine to establish themselves as settlers. Your memorialist had arranged his plans, with a view of passing to the west of Fort William, by the River St. Louis, to Red Lake, where, in pursuance of the directions which he had sent by Lagimoniere, to the gentlemen in charge of the settlement, he expected to find a supply of provisions, and other accommodations for the continuance of his route. On his way your memorialist touched at Drummond's Island, and while he was there, a Council was held by the officers of the Indian department, at which Lieut. Col. Maule of the 104th Regt. Lieut. Col. M'Kay, superintendant of Indian affairs, and others were present. A Chippewa Chief of Sandy Lake, declared before the Council, that he had been offered rewards by some of the North West Company, to make war against the settlers at Red River. He also stated, that he had been offered a reward to cause some persons conveying letters to Red River, to be pillaged of their dispatches, or killed in case of resistance: but that he had refused the rewards, offered in both cases: that nevertheless, a man named Lagimoniere had shortly after, been brought in a prisoner, by some Ottawa Indians and a Negro. Your memorialist had not had any previous intimation, of the robbery of Lagimoniere, and this circumstance, added to the other disclosures of the Indian Chief, gave rise to very serious apprehensions. A short time

afterwards, your memorialist reached the outlet of the Lake Superior, where he first received information of the deplorable fate of governor Semple, and of the new destruction of the settlement at Red River, and also, a confirmation of the intelligence of the Indian Chief, with respect to the messenger Lagimoniere. By these events, his plans were necessarily much deranged, but he determined to persevere in his attempt to reach Red River, so as to bring relief, if possible, to the settlers, and to develop the true history of their calamities.

The River St. Louis still appeared to be the easiest route for your memorialist to arrive at Red River, and he therefore sent forward a few canoes to that quarter, with a view of obtaining a supply of provisions, and other necessaries from the Indians; but he determined to go himself, in the first place, to Fort William, with the rest of the people who accompanied him, in order to obtain more accurate information as to the events which had taken place at Red River. He understood that several persons connected with the settlement, had been brought out as prisoners, and he had no doubt that from them and other persons, then at Fort William, much important evidence might be obtained. To every one who understood the character of the North West Company, it was evident, that no effort would be spared to suppress the truth, and to deter their servants from making any disclosures. It seemed probable, however, that these obstructions might be overcome, if the authority of a magistrate were vigorously interposed, and effectually supported. The settlers, who accompanied your memorialist, were in sufficient numbers to repress any open resistance to the execution of the law. But your memorialist tho' qualified as a Magistrate for Upper Canada, as well as for the Indian territories, was averse to act in a case in which he might be supposed to be biassed: and therefore anxiously entreated two very respectable magistrates, for the Western District of Upper Canada, Mr. Askin of Drummond's Island, and Mr. Ermatinger of the Falls of St. Mary, to accompany him to Fort William.⁵⁴² Their avocations did not permit them to undertake this duty. Mr. Johnston, who also resided at the Falls of St. Mary, was a Magistrate for the Indian territories, but not being qualified for the Western district, it was not supposed that he could legally act: and there was no other Magistrate within the distance of several hundred miles, except one, whose age and habits would have disqualified him from the voyage, even if his character had been of sufficient respectability, to render his assistance desirable.⁵⁴³

Your memorialist had thus no alternative, but to act upon his own responsibility, or to lose the only opportunity which was likely to present itself, for detecting the real authors of a conspiracy, the object of which had been accomplished, in the destruction of an infant settlement, and the

massacre of its governor with twenty of its inhabitants. He accordingly proceeded to Fort William, where he obtained the liberation of Messrs. Pritchard and Pambrun, who had been brought away from Red River as prisoners, though without any accusation against them. From these gentlemen and others, he obtained a distinct and connected narrative of the occurrences of the preceding season. The facts related by them, were corroborated by the testimony of two half-breeds, in the service of the North West Company, who gave information that in the course of the preceding winter, they had been solicited to assist in the attacks meditated against the settlement, which they had refused at the risk of their master's severe displeasure; they knew also, of rewards having been promised to those who did consent, and of these rewards having been in fact distributed to them, with many other circumstances, which shewed that the partners of the North West Company then at Fort William, as well as several others had been privy to the designs of Alexander Macdonell, and had concurred in rewarding and protecting those, who, under his instructions, had perpetrated the massacre of the 19th of June.

With this evidence before him, your memorialist could not hesitate, as to the propriety of issuing his warrants, for the arrest of these partners, and for securing their papers. An effort was made to oppose the arrest, but, on the call of the peaceofficers for support, Captain D'Orsonnens of the late Regiment de Meuron interposed, and soon repressed this attempt at resistance.⁵⁴⁴ His conduct, upon this occasion, exhibited much coolness and moderation. If a little more time had elapsed, there is every probability, that the intended measures of resistance, would have been more effectually organized, and that the warrants could not have been executed without bloodshed. But while the promptness of Capt. D'Orsonnens prevented this result, he allowed no unnecessary violence to be committed, and the men who assisted, behaved with the most exemplary regularity.

Your memorialist incautiously consented, that the gentlemen who had been thus arrested, should return to their respective rooms in the fort, the same evening, without taking adequate precautions for watching their proceedings. In consequence of this misplaced indulgence, it was found the next morning, that the seals which had been put on their papers, were in several instances broken, and that many papers had been burned. Information was also received, that a large quantity of arms, and ammunition had been taken out of the ware-houses, and concealed. Upon a search, they were found in a barn, eighty stand of arms, covered with hay, most of them newly loaded with ball, and ready for immediate use. Several barrels of gun-powder were also found, concealed in an adjacent meadow, so that no doubt could be entertained, of the existance of a design, to arm the servants of the North West Company, to rescue the partners who had

been arrested, and in all probability to commit new atrocities. Your memorialist on this evidence, felt it necessary to take effectual precautions, for the immediate safety of his people, which could only be done by securing the Fort.

Upon the examination of the prisoners, they all agreed in denying the charges; but the evidence which had been obtained from other quarters, left no doubt of the propriety of sending them in custody under warrants of commitment. That your memorialist did not act on light grounds in taking this step, is sufficiently evident from the fact, that indictments for crimes of the highest order, have been found by a grand Jury, against every individual of those who were committed by him on that occasion, and also against many more of their associates.⁵⁴⁵ Along with the prisoners, evidence was transmitted of their participation in these crimes, substantiated by such affidavits, as in England, would certainly have been deemed sufficient for detaining them in custody, and corroborated by strong documentary evidence. Nevertheless, they were all admitted to bail, under recognizances of trifling amount. That this was not the result of a fair examination, into the nature and extent of the evidence against them, may be collected from the fact, that bail was accepted for the appearance of the prisoners from day to day, before there had been time for any examination into the evidence. A Writ of Habeas Corpus had been sued out before the prisoners arrived in Montreal, and they conveyed directly to the house of the Chief Justice, to be bailed in this unusual manner, before even a return had been made to the Writ.⁵⁴⁶

Among the partners who had been arrested at Fort William, was Mr. Daniel Mackenzie.⁵⁴⁷ This partner had sent to inform your memorialist, that he was the last person from Red River, and could give information of consequence, respecting the transactions at that place. The numerous other examinations which your memorialist was engaged in taking, were more than sufficient to occupy his attention; and, as there seemed reason to suppose Mr. Mackenzie less deeply implicated in criminal transactions than his associates, his examination with respect to the information which he had declared himself to possess, was deferred until after their departure. Mr. Mackenzie then gave information of several important circumstances. Mr. James Grant, another of the partners, who was afterwards arrested at Fond du Lac, and brought to Fort William, together with William Morrison, a confidential clerk of the North West Company, also made important disclosures.⁵⁴⁸ With the exception of Mackenzie and Grant, the examination of the partners had taken place, while they were completely under the inspection of the agents or directors from Montreal. These agents or directors of the North West Company, are not only partners entitled to a large share of the profits, but have the command of all the pecuniary

resources of the Company, and possess the means of exercising an unbounded influence and controul over the other partners; so that under their eye, no disclosure, prejudicial to the interest of the "concern," could possibly be expected. The conspiracy which had now come to light, had been carried on in such a manner, that none, but the partners of the Company, could be privy to many of the most material transactions; and the disclosures of Mackenzie and Grant, afforded a sufficient proof that further information might have been obtained, if the law officers of the Crown had taken the proper means for that purpose; or had treated those connected with the North West Company, in the same manner as any other individuals, against whom, evidence of the same weight had been obtained.⁵⁴⁹ But the precipitate liberation of these persons, when brought to Montreal, effectually prevented any disclosures on their part. Many of these individuals were so conscious of their own guilt, that they had no expectation of such lenity, and could only ascribe it to the influence of their principals with Government. The liberation of men, whose criminality was well known to their associates, seemed to afford a practical proof of the influence, to which the leading partners of the North West Company pretended. Confiding in this, all who had been engaged in the same criminal conduct, were relieved from apprehensions, as to the legal consequences of their crimes; and taught that they had only to dread the vengeance of the North West Company, which would follow any disclosure of the truth.

The information obtained at Fort William, and communicated to the Governor in Chief, appeared to your memorialist, to mark in so distinct a manner, the character of the North West Company, that he could entertain no doubt of some decisive interposition on the part of Government, effectually to check the perpetration of crimes by an association, which, under the disguise of trade, had for so many years carried on a system of piracy.

The representations of your memorialist on this subject, and his urgent solicitations for the interposition of Government, appear to have had some weight in determining the Governor in Chief, to appoint commissioners to enquire into the disturbances in the Indian territories. But, in order to give due effect, to this measure, it ought to have been accompanied by others, of a more decisive character. The whole trade of the North West Company has been carried on, for a long series of years, in disregard of the Royal Proclamation of 1763, and they have also fortified their establishments and armed their people, in a manner which is prohibited by many acts of Parliament, to any British subject not authorized by Government. The facts which had been communicated by your memorialist, pointed out the necessity of enforcing these laws, and of putting an end to the habitual infringement of them, by an association, who are so constituted as to evade

all responsibility, for the acts committed under their direction. It was well known in particular that Fort William had been established by the North West Company on Crown lands, without any grant or title, and fortified without licence or authority. Your memorialist confidently expected, that a party of troops would have been ordered to take possession of the place in the King's name, and could never have supposed that His Majesty's Government would acquiesce in the restitution of a place of strength, to men who had made use of it as a harbour for incendiaries and assassins, and a receptacle for their plunder.

The information which your memorialist had obtained at Fort William, though of great importance, led him to feel confident that in the interior, evidence still more decisive might be obtained. For this reason, he was anxious to proceed as soon as possible; and not less so on account of the settlers, as to whose safety, after they were driven from their homes at Red River, he felt extreme anxiety. In order to obtain intelligence with regard to them, he sent Mr. Pritchard in a light canoe, to proceed, with all possible expedition, to their intended place of refuge. Mr. Pritchard had received at the same time for distribution, the proclamation issued by Sir John Sherbrooke, of the 16th of July, 1816, which it was supposed would have operated as a protection against any violence; but his canoe was stopped by the servants of the North West Company at Lake La Pluie, and he was forced to return, after being detained a prisoner for several days. Information had in the mean time been received, of the preparations of the half-breeds under the command of Macdonell and his associates, to intercept your memorialist and the new settlers, by lying in ambush at the rapids. It was evident therefore, that the greatest caution was necessary in prosecuting their journey, and that those men, who thus continued to set at defiance the authority of the proclamation, could not be considered in any other light, than as rebels in open insurrection against the laws and government of their country. In this view, your memorialist considered it as the duty of every good subject, to prevent their receiving any supplies of arms or ammunition, to be employed against the lives of their fellow subjects: and he, therefore, did not hesitate to stop the canoes of the North West Company; from proceeding to Red River, whither they were prepared to carry, not only the usual supplies for the Indian trade, but a large assortment of goods, set apart to redeem the promises, which had been made to the half-breeds, by Macleod and his copartners.

Though anxious to arrive without delay at Red River, your memorialist was under great embarrassment as to the means of conveyance. The new settlers though tolerably well accustomed to boat navigation, were unpractised in the management of canoes, and could not proceed without a considerable proportion of experienced canoemen. With this description of

men, your memorialist was ill provided, as a great proportion of those who had been engaged for his service, as well as others in the service of the Hudson's Bay Company, had been enticed to desert at an early period of the season: or, being terrified by the intelligence of the bloody transactions at Red River, had refused to proceed according to their engagements: so that even upon his arrival at the Falls of St. Mary, your memorialist had been exposed to unexpected difficulties in this respect. By information received from Fond du Lac, of the obstacles now to be expected on that route, he was led to prefer the ordinary one by Lake La Pluie, notwithstanding the preparations of the North West Company, for obstructing the passage of the River Winipic. He sent forward under the direction of Captain D'Orsonnens, as many of the people as he could provide with means of conveyance; and with the remainder he was under the necessity of remaining at Fort William, till further means could be procured.

Capt. D'Orsonnens proceeded without obstruction as far as Lake La Pluie, when he was again warned by the Indians of the hostile preparations of the North West Company on River Winipic, and where he also received information of the murder of Owen Keveny; an earnest of the fate, which was to be expected by any one, who should presume to enter the Indian territories, unprotected, or without the approbation of the North West Company. At this place Capt. D'Orsonnens arrested Charles de Reinhart, who confessed himself the most active, though perhaps he was not the most criminal, of the murderers of Keveny, and sent him to Fort William, with two of the principal witnesses against him and his accomplices. Though he had evidence that the clerks of the North West Company at Lake La Pluie, had used their endeavours to conceal this murder, he did not arrest them, as he might have done with propriety. With their consent he put in safe custody, the arms and ammunition which they had at the place, and which were sent for by Macdonell, as a supply for the halfbreeds.

The season was so far advanced, that the people with Capt. D'Orsonnens could not proceed any farther by water, and he was preparing to erect buildings for his winter quarters; but the clerk in charge of the North West Company's fort, being warned, that it was built on lands belonging to the Hudson's Bay Company, and that legal steps would be taken to eject him from the possession, so that he might be under the necessity of removing, thought it more expedient to give it up at once, and made a proposal to dispose of the property at the place. This was accepted, and he accordingly delivered whatever he had not the means of taking away, and removed with his men, leaving the place to be occupied by those who accompanied Capt. D'Orsonnens.

In the beginning of winter, that Gentleman was joined by Mr. Miles

Macdonell, who still held his commission as Governor from the Hudson's Bay Company, and with him a plan was concerted for proceeding by land to the settlement. The fort, from whence the settlers had been driven after the massacre of the 19th of June, was occupied by Mr. Archibald Maclellan, a partner of the North West Company, together with several other persons concerned in the murder of Owen Keveny. They were aware of Capt. D'Orsonnens' arrival at Lake La Pluie, but they thought it impossible that he should attempt a winter journey on foot, some hundred miles through a woody country, where no supplies of provisions were to be found. However, Capt. D'Orsonnens and Mr. Macdonell found means of passing through this wilderness. Guided by friendly Indians, they reached and entered the fort of the settlement, before any alarm of their approach had been given, when Maclellan and other persons concerned in the murder of Keveny, or in those of the 19th of June, were taken into custody.

Mr. Macdonell immediately sent a messenger, to obtain intelligence as to the fate of the settlers, and to apprise the survivors that they might return in safety to Red River. From the circumstances in which they had set out, almost destitute of provisions, and the inhospitable nature of the country, in which they had been obliged to take refuge, the greatest apprehensions were entertained that they might have fallen a prey to famine: but in this extremity, they had not been abandoned by Providence. Though none of them had been previously acquainted with the business of fishing, their nets afforded them a sufficient supply of food. Mr. Macdonell, the Sheriff of the district, who had continued to take charge of the colonists, set out on receiving the message, and arrived soon after at Red River, with a few young men. They had come three hundred miles over the ice of Lake Winipic, leaving the women and families to follow, after the navigation should open. Early in the spring, these men again applied themselves assiduously to the cultivation of their fields, and several of those who had arrived with Capt. D'Orsonnens, were equally intent upon that object: but their industry was exerted under great disadvantages, in consequence of the necessity of a constant watch against the incursions of the half-breeds. On two different occasions, Cuthbert Grant was sent down from Qu'appelle with a strong party, for the purpose of surprising the fort, or of cutting off the supply of provisions. By unremitting vigilance these malicious intentions were defeated, and the only mischief which Grant could effect, was to kill two out of the small number of breeding cows that still remained, and to carry off two or three men, who had been sent from the fort to bring in provisions. The zealous attachment of the native Indians, prevented any inconvenience from scarcity. The gentleman in charge of the settlement had no goods to pay them for their labour, yet

they continued to hunt for the supply of their friends; and, on one occasion when the half-breeds were expected to arrive in great force, they were so apprehensive, lest the fort should be in danger from want, that they hauled the meat on sledges from a considerable distance, a species of labour to which the Indians of that nation had never before been known to submit.

Your memorialist was informed toward the end of winter, of the success of the settlers, in regaining possession of the lands on Red River, and of their having secured several of the persons, concerned in the outrages of the preceding year. He was at the same time, informed of the critical situation in which the settlement still continued, in consequence of the settlers not being in sufficient numbers to repel the violence, threatened by the half-breeds in the service of the North West Company. Your memorialist was, therefore, extremely anxious to remove the rest of his people to Red River. A part of them had gone on snow shoes from Fort William in the middle of Winter, and waited at Lake La Pluie till spring: for the remainder your memorialist, with some difficulty, found means of conveyance, so as to set out on the first opening of the navigation, and in the month of June, he arrived with them at Red River.

The settlement was now in sufficient strength, to bid defiance to all the halfbreeds, whom the North West Company could possibly bring against it: Alexander Macdonell of the North West Company, had set out from Qu'appelle, apparently with the intention of acting over again the scenes of the preceding year[,] but, on his arrival at Portage des Prairies, he did not think it prudent to make the attack. He therefore took an unfrequented route with a single canoe, to the rendezvous of his partners, leaving the half-breed servants of the North West Company to proceed down the River, with the boats in which the provisions which he had collected at Qu'Appelle were embarked. These men encamped near the settlement, where they remained quiet, finding their numbers too weak at the moment to have again recourse to violence, with any prospect of success. One hundred and forty of the native Indians had actually assembled in the neighbourhood, for the express purpose of protecting the settlers.

Such was the state of affairs in the interior at the time of the arrival of Mr. Coltman as commissioner of special enquiry, and Magistrate for the Indian Territories. Of the appointment of that gentleman, your memorialist had heard only a short time before he left Fort William, and he looked for his arrival in the interior, with sanguine expectations, that his exertions would effectually put an end to the existing disturbances, and provide for the future security of the persecuted settlers of Red River. No one could be more sensible than your memorialist, of the necessity of some interference on the part of Government. No individual on this side of the Atlantic, had

so deep an interest in the reestablishment of peace and respect for the laws in these territories, and he had seen enough of the state of the country, to be assured how small an effort would be sufficient to effect that object, provided the authority of Government were properly interposed.

It was known, that Mr. Coltman was on a footing of intimacy with several of the leading partners of the North West Company, but the reputation which he enjoyed, did not allow it to be supposed, that he would be biassed by motives of private friendship, to disregard the duties of the office which he had undertaken. It was generally understood, that Mr. Coltman insisted on the revocation of the commissions of all other Magistrates for the Indian Territories, as an indispensable condition of his acceptance of the appointment, and that he also insisted on the nomination of Mr. Fletcher as his colleague and legal adviser.⁵⁵¹ These appointments took place about the end of October, 1816. On leaving Quebec, the commissioners professed great anxiety to proceed as speedily as possible, on their journey; but notwithstanding the advanced season, they delayed several days at Montreal.

From Montreal, Mr. Coltman and his colleague proceeded to York, in a canoe of the North West Company, constantly accompanied by one of the partners as agent for that Company, tho' no agent for your memorialist accompanied the mission. At Nottuasaga on Lake Huron, they were stopped by the ice, and returned to York, where they remained for a considerable time, in the society of three or four partners of the North West Company. Their clerks and dependants were brought forward to make affidavits, in order to shew, that the conduct of your memorialist at Fort William, had been illegal and improper. Among the witnesses who made depositions [blank] were to be found the clerks, who, in the year 1815, had been employed to distribute rewards among those who had burned the houses of the settlers, and drive them away from Red River; to arrange the accounts current between the Company and the deserters from the settlement, and to pay these men for the stolen goods which they had delivered into the stores of the North West Company: those also, who, in the year 1816, had entered in the books of the North West Company, the inventories of the property of your memorialist, of which, Cuthbert Grant had taken possession after the massacre of the 19th of June, who had distributed to its perpetrators, rewards for the blood shed on that occasion, and who had made up the bales of goods, that were to have been sent for the further encouragement of these faithful servants. The Commissioners could hardly fail to discover, that the evidence, thus brought before them, was of a most suspicious character, and required a very strict scrutiny, before it could be property taken as the ground of any practical

determination. They neglected, however, the most obvious methods of obtaining information from other sources.

During their stay at York, Mr. Pritchard passed through that place, on his way from Fort William to Montreal. The Commissioners conversed with him at great length, about the ice, and the Lakes, and the Rivers, and occupied two days in taking down his answers, in writing. But they questioned him on no other subject, tho' well aware that he had narrowly escaped on the 19th of June, and that he had also been at Fort William during the transactions concerning which they were then occupied in taking depositions. Mr. Pritchard seeing the Commissioners surrounded by agents, and dependants of the North West Company, with every appearance of the most confidential intimacy, gave credit to the reports in circulation, of their having been appointed solely at the desire of that Company, at their expence, and for the purpose of promoting their interest; and he did not feel any encouragement to obtrude his testimony upon these gentlemen, unasked. But if the Commissioners had wished to scrutinize the evidence brought before them, and to investigate the real state of the facts, it is inconceivable how they should have missed the opportunity, of obtaining the extensive and important information, u: which Mr. Pritchard was possessed. They acted as if they had had no duty to perform, except to receive the statements of the clerks, and dependants of the North West Company, and to give them the appearance of authenticity, by attesting them as sworn to before the Special Commissioners. It would seem that this exparte testimony was transmitted without delay to England, and formed the groundwork of the only proceedings, in which his Majesty's government at home, has yet interfered in the affairs of the Indian Territories, viz: the orders given for the proclamation of the 3d of May, 1817.⁵⁵² The date of the dispatches on that subject, is a sufficient proof, that no report could have been received from Quebec, after the return of Mr. Coltman, or after the communication of his proceedings in Upper Canada, to the Governor in Chief. His Majesty's Government must therefore, have acted upon some report, transmitted directly from York, by Mr. Coltman, or with his concurrence, which must have been found entirely on exparte statements, as, at that period, he had abstained from examining any witnesses, except the creatures of the North West Company. It is consequently evident, that he is responsible for the misinformation, upon which His Majesty's Ministers were induced to order the Proclamation of the 3d of May, and at the same time, to give other instructions, highly injurious to your memorialist, not warranted by any part of his conduct, and extremely questionable in a constitutional point of view.

Before Mr. Coltman returned to Lower Canada, he resolved to send

a notification of his appointment to the Indian countries, charging all parties to keep the peace until his arrival. Every person who knew the characters of the respective parties, must have been aware, that such men as Alexander Macdonell of the North West Company, and his associates, would attend to these injunctions, only so far as it should be found for their interests to do so; and that where it did not suit their purposes, the partners of the North West Company would evade any compliance. It was also evident, that this notification could not possibly reach the remote districts of Athabasca, early enough to be of any use, in checking the violent proceedings of Archibald Norman Macleod, even if that person could have been supposed to pay any attention to its injunctions. With respect to your memorialist, his conduct had always been in strict conformity to the principles inculcated in this notification. But by announcing the recall of his commission as a Magistrate, the notification served effectually to frustrate the measures, which were necessary for the detection and apprehension of those, who had been concerned in the outrages of the preceding years; while no other authority was substituted, and a long interval of time was unavoidably to elapse, before the arrival of the Commissioners could enable them, to give their attention to the same object. A striking example of the consequences of this step, occurred immediately after the notification was issued. Among the persons who arrived at Fort William, along with the bearer of that document, was Mr. John Duncan Campbell, a partner of the North West Company, as to whom your memorialist had received information on oath, of his having, in the most unqualified terms, advised and ordered the half-breed servants of the North West Company, to kill Governor Semple, if they could not succeed in taking him alive. Campbell, who had fled from the execution of a warrant against him, at Montreal, might have been arrested without difficulty, but there was no Magistrate to authorise it, and every act of magistracy was strictly forbidden by the Commissioners' notification. This suborner of murder, consequently, has not been called to account, and remains at large.

The mode, which Mr. Coltman adopted for transmitting this notification to the interior, also served to promote deception, and afforded an opportunity for the North West Company, to represent the recal of your memorialist's commission as a Magistrate, as being a censure pronounced on his conduct by the Governor in Chief. The persons who were selected to convey the notification, were all in the employment of the North West Company: at the head of the deputation was a partner, who had been arrested at Michipicoton, for the robbery of an Indian messenger, who was conveying a packet of letters to the officers of the Hudson's Bay Company in the interior. Having been admitted to bail, he was entrusted by Mr.

Coltman, with his despatches, and his instructions were conveyed in a letter couched in the terms of familiar friendship. Another of the messengers was a clerk of the North West Company, whose evidence was of material importance in the legal proceedings, which were expected to come on in Lower Canada, and who had been accordingly sent down by your memorialist, as a witness. But this circumstance did not prevent Mr. Coltman from sending him away. Other persons connected with the North West Company, were added to the party, at their posts adjacent to Lake Superior; and a selection was made, of fit persons, to convey to the interior, not only the notification of the Commissioners, but also such further instructions to the servants of the North West Company, as might serve the purposes of their employers. It has been ascertained, that one of the persons thus selected by Mr. Coltman, was, in the course of the ensuing spring, actively engaged at Red River, in persuading the half-breeds to act in direct opposition, to the ostensible orders of Mr. Coltman himself.

The messengers entrusted to convey the notification, being of this description, afforded an opportunity to give an appearance of the sanction of the Commissioners, to a proceeding of a most infamous character. Mr. Henry Mackenzie, a partner of the North West Company, had been sent to Upper Canada, with two of their clerks, as convenient witnesses, to procure a warrant for the arrest of your memorialist.⁵⁵³ They applied in vain, to proper authorities at York. Their affidavits were laid first, before one of the Puisne Judges, and then before the Chief Justice, both of whom, on the facts alledged, declined granting such a warrant as was desired. Upon this disappointment, they proceeded to Sandwich, and finding no other mode of accomplishing their purpose, the two clerks, were made to swear, that eighty three fusils had been feloniously stolen by your memorialist, and others, at Fort William. Vandersluys and Mactavish, were perfectly aware that the arms in question, had been discovered in a place of concealment, had been secured under a legal warrant, and had been put in safe custody, for the purpose of preventing an attack, which was proved by evidence on the spot, to have been intended.⁵⁵⁴ By this perjury, a Magistrate for the western district, was induced to put his name to the warrant; and in order to get it executed, Mr. Mackenzie, by the offer of a considerable sum, engaged a person as Sheriff's Officer, who was sent in company with the bearer of the Commissioners' notification, so as to obtain access into Fort William, among those who gave themselves out as the servants of Government, and the messengers of peace.

Your memorialist may be here allowed to notice the extraordinary manner, in which his commission, as a Magistrate for the western district of Upper Canada, was recalled. He was informed, that this was done at the desire of the Governor in Chief, to prevent any collision of interests,

upon the same principle, on which the commissions of all the Magistrates for the Indian territories, had been recalled in Lower Canada. That measure, as it was adopted on a general principle, did not appear objectionable, and the explanations which your memorialist received from Lieut. Governor Gore, led him to believe that the corresponding measure in Upper Canada, was of the same description.⁵⁵⁵ This belief was confirmed by the public notification of the Commissioners, from which it appeared, that Messrs. Coltman and Fletcher, had been appointed Justices of the peace, for the wester District of Upper Canada, and that the commissions of all Magistrates, for that District beyond the Falls of St. Mary, had been recalled. From these explanations, your memorialist understood it to be the intention of the Government of Upper Canada, that during the continuance of the investigations, which had been referred to Mr. Coltman and his colleague, the country westward of the Falls of St. Mary, should be considered, as if it had been in the Indian territories, so as to vest the authority of Magistrates, in these gentlemen exclusively, upon the same principle, on which the Government of Lower Canada had recalled all other Commissions of Magistrates for the Indian territories, at the time that Messrs. Coltman and Fletcher were appointed to that office. This was, in fact, the only manner in which the general principle, adopted by the Governor in Chief, could be applied by the Government of Upper Canada. If Governor Gore, had considered the conduct of your memorialist, as improper, or such as to require the recal of his authority, as a Magistrate, he would undoubtedly have said so explicitly; and would neither have expressed himself, nor would have led Mr. Coltman to represent the measure, as grounded upon general principles if in effect it had been dictated by personal motives. Your memorialist therefore did not entertain a doubt, that the Commissioners were exclusively entitled to act for the Country to the west of the Falls of St. Mary. It would be disrespectful to Sir John Sherbrooke, and to Governor Gore, to suppose that this was not their intention.

The fact is, however, that the ordinary Magistrates for the Western District, with the exception of your memorialist, were allowed to retain a concurrent jurisdiction, calculated to interfere with the authority of the Commissioners: and, as in the intended operation of the Sandwich warrant, to afford opportunities for prostituting the forms of law, to the basest purposes of private interest, and personal malice.

After the above mentioned proceedings in Upper Canada, Mr. Coltman returned immediately to Quebec. Mr. Fletcher, on his way down, remained for some time at Montreal, to receive such information as might be tendered to him by the Counsel of your memorialist. They were in some embarrassment how to proceed. Mr. Fletcher did not call for information

upon any specific point, but merely intimated that he was ready to take the affidavits of any witness whom they had to bring forward. It was not easy to understand from this, the principle upon which the Commissioners were acting. If they were merely to receive the affidavits of the witnesses who offered to swear to any facts, it did not appear for what purpose it was necessary to repeat the affidavits of those who had already been examined and sworn, before the ordinary Magistrates of the place. With a view to proceedings in the Courts of law, these affidavits were as valid as any which could be taken by Mr. Fletcher; and a general discourse of all the evidence which had been obtained against the North West Company, could only serve to guide the proceedings of the accused, and to frustrate the purposes of justice. On the other hand, if Mr. Fletcher was acting as a Commissioner of enquiry, if it was his object to ascertain the truth of the averments which had been previously made before him, or of the circumstances which were publically reported, it was his province to specify the points upon which he wished to be satisfied, and to call before him, the witnesses who were capable of giving him information. The Counsel of your memorialist could easily have produced witnesses capable of refuting in a satisfactory manner, the calumnious accusations which had been brought forward with so much pains by the North West Company, in Upper Canada; but Mr. Fletcher never gave them the least intimation of any of the points which were to be cleared up. On the contrary, when some of the witnesses whom your memorialist had sent down, were brought before him, he abstained from putting any question to them, respecting the transactions, which had been the chief subject of his enquiries at York, and Nottuasaga. It was not till some months afterwards, that a pamphlet published by the agents of the North West Company, at London, disclosed the nature of these calumnies.⁵⁵⁶ No small surprise was excited, when in that pamphlet, copies were observed of affidavits taken before Messrs. Coltman and Fletcher, at York and Nottuasaga, in the month of December:⁵⁵⁷ for in the month of March following, Mr. Fletcher would not permit the Counsel of your memorialist, to take copies of the affidavits made by the witnesses whom they had brought forward, and declared that the Commissioners had followed the same rule as to all the examinations already taken before them.⁵⁵⁸

In the mean time, the exparte evidence which have been sent, as it would appear, by Mr. Coltman, from Upper Canada to England, before it could be counteracted by any evidence on the other side, had produced the desired effect on His Majesty's ministers. Instructions were sent to the Governor in Chief, to issue the Proclamation of the 3d of May. The Preamble to that Proclamation, contained allusions to the conduct of persons not particularly named, but so described, that they were generally

understood, as applying to your memorialist and his friends, coupling them with those whose hands were imbrued in the blood of their fellow subjects, as alike guilty of acts of lawless violence. The conduct described in the Proclamation, was so remote from that which your memorialist and his friends had actually pursued, that they might very well have thrown it aside as not applicable to them, but as the public prints had been previously filled with the calumnies of the North West Company, the allusions in the Proclamation could not fail to be understood as a confirmation of their accusations. Thus, without any investigation or inquiry, except the *ex parte* evidence brought before Messrs. Coltman and Fletcher, the name of Government has been lent to create an impression that the outrages at Red River, and other places in the Indian territories, have not been the result of a deliberate conspiracy against a peaceable agricultural settlement, but of mutual provocation, and of mutual violence between contending parties of traders. In this way, the authors of the Proclamation did, in effect, prejudge the whole question between your memorialist and the North West Company: for the most partial advocate of that association, cannot venture to deny, that they have been guilty of lawless violence to a tremendous extent. The only justification which they pretend to set up, is by recrimination, and the allegation that their adversaries have been equally guilty; and this allegation has been credited without proof, in the face of the undeniable fact, that more than forty British subjects have been put to death in the space of two years, by the weapons of the North West Company at Red River, and through their machinations at Athabasca, while on the other side, (unless we take into account, that one of the aggressors lost his life in the murderous attack of the 19th of June,) not a drop of blood can be laid to the charge, either of the servants of the Hudson's Bay Company, or of the settlers of Red River.

Of the specific injunctions of the Proclamation, a great part would have been unobjectionable, if they had been fairly and equitably carried into effect. But there is one point on which the Proclamation is at least unjust and unreasonable, if not illegal and unconstitutional. It directs that all forts and trading posts, are to be restored to the party in whose possession they were at the commencement of the existing disturbances, tho' it is a matter of notoriety, that several of these posts were, at the date of the Proclamation, in the possession of persons who have a legal title; while those, to whom they have been restored, cannot pretend to a title, and cannot hold the possession of any fort whatever, except in defiance of the Royal Proclamation, issued in the year 1763. The Proclamation of the 3d of May, 1817, contains, indeed, a declaration that it shall not be held to prejudge the legal rights of any parties, but it does not appear that any investigation has been instituted with a view to ascertain what those rights

are, and to put those in possession who have a valid title. If those who had been dispossessed, had been left to their regular and constitutional remedy, by petition to the King in Council, the rights of the Hudson's Bay Company, under their charter, would have been brought to the test of legal determination, in a manner for which, there is now no opportunity. Thus, through the interference of the executive Government, the Hudson's Bay Company, and those who hold lands under them, find their rights of property suspended, in an arbitrary manner, and for an indefinite period of time, in favor of men whose claims are founded only on the robust title of occupancy.

As the Commissioners had been prevented from proceeding into the interior, only by the state of the season, it was naturally expected that they would take advantage of the earliest opportunity in spring, and would be among the first, if not the very first, to arrive in the interior. If they had intimated their wish, that no other canoe should precede theirs, no one would have thought of acting in opposition to their desire, and the circumstances of the case might well have justified such a request. It was a matter of public notoriety, that the North West Company had prepared a number of canoes, chiefly manned by Iroquois Indians, whom they intended to arm and to send up, on the first opening of the navigation, to capture Fort William, in direct contravention of the injunctions of the notification sent to the interior by the Commissioners in the preceding winter. Entertaining the idea, that your memorialist could not have found means to proceed from thence, to Red River, before their arrival, the leading partners uttered the most violent threats of the revenge they were to take for the insult, which had been offered to the "concern," the preceding year. Yet was the expedition allowed to set out before the Commissioners, without even, the precaution of a recognizance to keep the peace.

After a sufficient interval of time, to allow the canoes of the North West Company to precede them, the Commissioners set out from Montreal, with every demonstration of anxiety to proceed with all practicable expedition. Mr. Gale, a barrister in Lower Canada, had consented to accompany the Commissioners as legal agent on the part of your memorialist, and of the Hudson's Bay Company; but Mr. Coltman now expressed his doubts, as to the propriety of being accompanied by an agent for one party only; and tho' he had made no objection the preceding autumn, to be accompanied by the agents of the North West Company, for weeks, and even for months, without any agent on the other side, he now declined the company of Mr. Gale, lest motives of partiality should be imputed to him. That gentleman, however, followed the same route, and came up with the Commissioners at York, from whence, they were

accompanied by Mr. Henry Mackenzie, as agent for the North West Company. His presence appeared to remove Mr. Coltman's scruples, and he now intimated, that Mr. Gale might be allowed to accompany the mission.

The Commissioners then proceeded by Drummond's Island, to the Falls of St. Mary. At this place, was a man of the name of Mackay, who had escaped from the massacre of the 19th of June.⁵⁵⁹ His deposition was taken, but Mr. Gale was not allowed to suggest any question, Mr. Fletcher objecting to it as improper, on the ground that there was no advocate on the other side. The deposition was taken in a most imperfect manner, and the Commissioners even declined to insert some facts, which Mackay stated to them of his own accord, shewing the unprincipled manner in which Mr. Archibald Norman Macleod, and Mr. William M'Gillibray had abused their authority as Magistrates. It appeared that the Commissioners considered themselves as bound to give the most unlimited support to the measures of these gentlemen; for Mackay having stated, that he had been taken prisoner by Macleod, and sent to Fort William, it was proposed by Mr. Fletcher to send him directly to Montreal, in custody as a criminal. No charge, however, had been brought before the Commissioners against Mackay, nor had any warrant been exhibited for his arrest: but Mr. Fletcher averred that since Mr. Macleod, a Magistrate, had sent him down a prisoner, it must be supposed that he had good grounds for what he had done. Mr. Coltman did not carry the matter quite so far as his colleague proposed; but though it was pointed out to him, that no offence had been laid to the charge of Mackay, and that no criminal matter appeared against him, he was put under recognizance to appear at Montreal, to answer any criminal charges which might be brought against him.

The Commissioners had been joined at Drummond's Island by an escort of the 70th Regiment, with which they had proceeded to the Falls of St. Mary. They had already consumed more time, than is usually employed by light canoes, for the whole voyage to Fort William. The expedition of the North West Company, had passed more than a fortnight before; and notwithstanding the anxiety which been expressed by the Commissioners before they left Montreal, to arrive early, in the interior, they passed several days on the portage at St. Mary's, without any apparent reason. Some clue to the motives of this delay, may perhaps be afforded by the circumstances which soon after took place.

About the same time that the Commissioners set out from Montreal, a number of canoes were despatched on account of the Hudson's Bay Company, loaded with goods for their trade, and manned in party, by Canadians, destined for their trading posts in Athabasca. The crews were filled up by men of the late Regiment De Meuron, who being desirous of

joining their countrymen as settlers, at Red River, were sent forward by that opportunity. Their engagements were made out on the same principle, as those of the men who had accompanied your memorialist the preceding season; and as some anxiety had been expressed concerning the objects of this expedition, the agents of the Hudson's Bay Company at Montreal, offered to lay the engagements of the men, and invoices of the cargoes, before the Commissioners, to satisfy them that these men were not engaged for any purpose, or in any manner, inconsistent with the spirit or the letter of the Proclamation. The Commissioners declined to enter into the enquiry while at Montreal, where it might have been made without inconvenience, but afterwards at Lachine, they stopped the departure of the canoes, in order to read the Proclamation to the men, and spent two days in examining the engagements, and other documents, before they allowed them to proceed.

These people went by the usual route of the canoes up the Utawas River, under the direction of Messrs. Archibald Macdonald and J. B. Lemoine, who in the course of their voyage, heard frequent reports, that they were to be stopped at the Falls of St. Mary, and not allowed to proceed into the interior.⁵⁶⁰ This was traced to have been announced by Mr. Angus Shaw, and other partners of the North West Company. At the falls of St. Mary, they found Mr. Gale, who had been there a few days. Mr. Fletcher was still there with the escort of the 70th regiment: Mr. Coltman had set out for Fort William. Mr. Gale upon being informed of the intention of Mr. Coltman, to proceed forward, and to leave his colleague to follow with the military escort, had also been on the point of setting out, under the idea that his professional services, would be most requisite with the Commissioner who was in advance. But he was induced to alter this determination, in consequence of an unexpected piece of information. Some persons reported to him a conversation which had taken place, between the two commissioners in their tent, respecting their intention of stopping the canoes of the Hudson's Bay Company, which were daily expected, under Mr. Macdonald.⁵⁶¹ Mr. Fletcher also, whose habitual excess in drinking, had suffered little diminution on his voyage, had repeatedly said after dinner, that he expected these Meurons would oppose his authority, and that he desired nothing better than opposition: he also said, that Mr. Coltman was induced to go forward, because he did not wish to be implicated in the business, which was about to take place, and that he was left to get through it as he best could.

Mr. Gale was much surprised by this information, as Mr. Coltman had assured him the very day before, that Mr. Fletcher was to follow without delay, with the troops, at the rate of a military forced march. He had even spoken of sending the troops forward before him, and warmly

pressed Mr. Gale to accompany him. Mr. Gale thought this rather a singular contrast to the reserve with which he had been treated, when he first set out from Montreal; and his surprise was not diminished, by the circumstance, that this invitation was first communicated to him, immediately after Mr. Coltman had been closeted for several hours with Mr. Henry Mackenzie. For many reasons, Mr. Gale was desirous to be present with Mr. Coltman, on his arrival in the interior: nevertheless, he deemed it necessary to wait at the Falls of St. Mary, till the arrival of the canoes under Mr. Macdonald, lest the measure said to be in contemplation, might be so executed as to frustrate their voyage.

A very short space of time after Mr. Coltman had left the place, these canoes appeared. Immediately on their arrival at the Portage, Mr. Fletcher came forward at the head of his military escort, and ordered Mr. Macdonald to bring to him all the arms in his possession, upon which, eight cases were produced containing fowling pieces, of the description usually sold to the Indians, packed up with other merchandise, for the trade of the Hudson's Bay Company. Mr. Fletcher having learned that the men had no arms in their own possession, ordered his soldiers to carry away these cases, which they did forcibly, in opposition to Mr. Macdonald's prohibition. Mr. Gale remonstrated on the illegality of this proceeding, and enquired the reasons for it, but received for answer from Mr. Fletcher, that he had no reason to give, that he had nothing to say as to the law, that he acted "en militaire," and obeyed orders, adding "silent leges inter arma." He then ordered the men who arrived under the charge of Mr. Macdonald to be called before him, and forbade them to proceed on their voyage, unless in his company, and under his command. Mr. Gale again enquired as to his authority, and was again informed by Mr. Fletcher, that he did not act as a Magistrate, but under his military authority. After two or three days, finding that this unwarrantable interruption to his progress was still continued, Macdonald presented a protest against the seizure of the cases, containing the fowling pieces, declaring in the same protest, his intention to proceed on his voyage in a peaceable and lawful manner, adding that if any violence were offered to impede him and his people, they would use none in return, but that Mr. Fletcher must answer for it at his peril. At the same time he represented to Mr. Fletcher that, unless his canoes were allowed to proceed without delay, their provisions would not be sufficient to accomplish their voyage. On the same day Mr. Macdonald attempted to proceed across the Portage. Though Mr. Fletcher had refused to restore the cases of fusils, and the men were therefore totally unprovided with arms, Mr. Macdonald resolved to prosecute his voyage in that defenceless state, rather than to remain consuming the provisions on which he depended for the whole voyage, and wasting them at an important season of the year.

But Mr. Fletcher stationed his troops at the head of the Portage, and having ordered them to load with ball cartridges, he forcibly compelled Mr. Macdonald's men to stop and lay down their loads, though consisting only of provisions, cloth and other ordinary goods for the Indian trade. Mr. Fletcher soon after, harranged these men, and told them that there were some persons among them, who were advising them to be guilty of high treason, by the conduct they were told to pursue. He also ordered Mr. Macdonald to be taken into custody, and kept him in confinement for the rest of the day, declaring that he would send him a prisoner in irons to Quebec. At a late hour at night, however, he was discharged without any reason having been given, either for his arrest or discharge.

After the lapse of two more days, Mr. Macdonald again protested against Mr. Fletcher's conduct, and Mr. Gale also delivered to him a written representation, stating, the consequence of any further detention of the canoes, would be the total failure of the just and lawful object of their outfit. He observed that large bodies of men, in the service of the North West Company, amounting to at least four times the number of this brigade had been allowed to pass in arms, towards the interior, without hindrance or molestation, while the servants of the Hudson's Bay Company were not allowed to proceed, even without arms. He remonstrated against the power of Government being thus exerted, to sacrifice the interests of one set of people, and to advance the purposes of another, instead of executing justice against criminals, and giving equal protection to all British subjects. To this remonstrance, Mr. Fletcher sent an answer, which was brought to Mr. Gale at midnight, by two clerks of the North West Company, in arms, announcing his determination to persist in the same conduct, pretending, that the measures which he had adopted were necessary, to prevent a violation of the peace in the interior, and declaring that the only modification to which he could agree, would be to permit the crew of one canoe to proceed unarmed. In answer to this, Mr. Gale stated, that the conduct of the men, under the charge of Mr. Macdonald, had been uniformly peaceable. That no ground whatever, could be alleged for suspecting them of any improper design, or of any disposition to take a part in lawless or turbulent proceedings; that if any ground for such a suspicion existed, Mr. Fletcher, as a Magistrate, might legally compel them to give adequate security to keep the peace; and, that if the mere circumstance of some of the men having been formerly in His Majesty's military service were sufficient ground for preventing them from going into the interior, it would have been more proper to have stopped them at Montreal or Lachine, than after they had advanced eleven hundred miles on their journey, and had arrived at a place where no supplies of provisions could be obtained for them. But from Mr. Fletcher's arbitrary

determination, there was no appeal at the Falls of St. Mary, as they would have been at Lachine, had he there ventured to pursue the same course of conduct.

Some canoes of the North West Company happened to arrive at this time, and Mr. Fletcher made a shew of stopping them also, with a view, no doubt, of having it to say, that he acted in the same manner towards both parties. But these canoes were stopped at their own post, where ample supplies of provisions were in store. Many other canoes of the North West Company had already passed, and those which Mr. Fletcher stopped, carried only a part of their supplies, while on the other hand, those under Macdonald, formed the only brigade that was to go up, for the Hudson's Bay Company.

No remonstrance appeared, but at length, after detaining the canoes a fortnight, he was pleased declare that they might proceed. On their arrival near Fort William, new difficulties were started, and with the same shameless disregard of law or justice, Mr. Fletcher again prohibited them from proceeding on their voyage; again put Mr. Macdonald in close confinement, without the slightest shadow of reason, and even gave orders that he should be shot. He did not find men disposed to obey such an outrageous order: but his extravagant proceedings occasioned, altogether, the loss of nearly a month's time, before the canoes were finally allowed to continue their voyage.

In consequence of this unwarrantable interference, the settlers destined for Red River, lost a valuable period of the season, in which they might have made very considerable progress in the construction of their houses, and in other preparations for the winter. To the Hudson's Bay Company, the loss was still more serious. The men engaged for their service, arrived at their factory on Lake Winipic, at so advanced a period of the season, that it was impossible for them to reach their ultimate destination, so that the salaries, equipments, and maintenance of upwards of fifty men for an entire year, were absolutely thrown away.

While Mr. Fletcher was thus occupied, his colleague proceeded to the interior. Your memorialist had left Fort William in charge of two gentlemen, with directions to deliver up the fort to the Commissioners as the property of the Crown. Mr. Coltman however, had allowed the canoes of the North West Company, to precede him by several weeks, and Mr. M'Gillivray on his arrival at Fort William, had forcibly taken possession of the place. Mr. Coltman took no notice whatever of the disrespect, thus shewn by the North West Company, to the injunctions of the Proclamation. At an establishment which had been formed at Point Meuron, a few miles distant from Fort William, was Mr. J. Bourke, who had been wounded by the half-breeds at Red River on the 19th of June. He had given most

important information, in an affidavit taken at Montreal, previously to the appointment of the Commissioners. Mr. Coltman saw him, but did not put any questions to him relative to the events which he had witnessed.

Mr. Coltman next proceeded to Lake La Pluie, where the North West Company had also preceded him, and in the same manner as at Fort William, had taken possession of the fort without any authority, by forcible and violent means, in defiance of the Proclamation. Mr. Michael Macdonell, who had been in charge of the post for the Hudson's Bay Company, complained to Mr. Coltman of this aggression, and stated that the partners of the North West Company, who had been guilty of it, had seized the property, not only which had been delivered up by inventories the preceding autumn, by the clerk then in charge, as before stated, but also many articles belonging to the Hudson's Bay Company, goods brought from Montreal, and provisions purchased from the Indians in the neighbourhood.^{56z} These articles were not only of considerable intrinsic value, but of incalculable importance for the immediate subsistence of the men employed at the post, and for the supply of canoes which were expected in the course of the season. Mr. Coltman gave an evasive answer, and paid no attention to the complaint, though a few days before, when at Fort William, he had spent a day in making a search at Point Meuron, on a complaint of the North West Company, that some articles which they claimed as their property were to be found there.

From Lake la Pluie, Mr. Coltman proceeded to the post at the mouth of the river Winipic. Here he found Archibald Norman Macleod, Alexander Macdonell, John Duncan Campbell and others of the North West Company, (who had been active in the atrocious scenes of the preceding year,) on the point of setting out for Red River, at the head of a hundred armed men, breathing defiance and revenge. At the moment Mr. Coltman appeared, Macleod disregarding both the Proclamation of the Prince Regent, and the notification of the Commissioners, by which he knew that his own commission had been recalled, was in the act of issuing a pretended warrant for the imprisonment of a servant of the Hudson's Bay Company, who had been accused of no offence. This man complained that Macleod and Macdonell had also used personal violence towards him, furiously attacking him with kicks and blows, but he could obtain no redress from Mr. Coltman.

The conduct of Macleod, Macdonell, Campbell and their associates, the preceding year, could not be unknown to Mr. Coltman. If indeed at this period, eight months after his appointment as Commissioner of enquiry, he could possibly be uninformed on the subject, this, of itself, would be a severe satire on his conduct: but in fact, it is known that such

evidence had been laid before him, as rendered it his duty to arrest at least two of these men. Independently of other information, Mr. Pritchard had made an affidavit before him at the Falls of St. Mary, against Macleod, as accessory to the murder of Governor Semple. At Lake la Pluie, an affidavit had been made before him, stating that Alexander Macdonell had given orders for the arsons committed at Red River, in the year 1815. With respect to John Duncan Campbell, tho' he had made his escape from the peace officers at Montreal, who had a warrant for his arrest, your memorialist, in compliance with the notification of the Commissioners, had abstained, as already mentioned, from securing him, when he arrived in company with the couriers bearing that document, at Fort William, and had contented himself with stating in a letter to the Commissioners, the circumstances and nature of the evidence against him. Nevertheless, Mr. Coltman, instead of taking any steps to prevent the escape of either Macleod, Macdonell, or Campbell, proceeded on his voyage, after passing some time in their company, without even requiring any security for their future appearance. Mr. Macleod, after parting from Mr. Coltman went to Fort William, from whence, after passing a considerable time in daily intercourse with Mr. Fletcher, he was allowed to depart to Europe. Besides the evidence against Macleod, previously in the hands of the Commissioners, Mr. Bourke, who was on the spot, tendered information against him, but Mr. Fletcher refused to notice his complaint. Macdonell and John Duncan Campbell on parting with Mr. Coltman, hastened to a remote district in the north, where they might easily evade the execution of any legal process.

Mr. Coltman, in company with four or five canoes of the North West Company, under the command of Mr. Simon M'Gillivray, one of their principal agents or directors, pursued his voyage to Red River.⁵⁶³ Near the mouth of that River, in Lake Winipic, they saw a canoe of the Hudson's Bay Company, which was engaged in conveying letters to your memorialist. Mr. M'Gillivray went in pursuit of this canoe, and having overtaken it, ordered the clerk in charge, in a menacing tone, to stop and come before the Commissioner. The manner in which he was proceeding to enforce this command, appeared more like the usual violence of the North West Company, than the impartial justice to be expected from a gentleman delegated on the part of His Majesty's Government. Conceiving therefore, that the Commissioner could not be in company, and that his name had been used only as an artifice to induce a more ready surrender, the clerk sunk his letters, before he allowed himself to be taken. When brought before Mr. Coltman, he complained of the treatment he had received, but that gentleman did not think this indecent assault, committed in his presence, and even in his name, a matter deserving of any attention.

Your memorialist at this time, had not received any distinct information, as to the previous conduct of the Commissioners, and was still impressed with the same confidence in their ability, integrity and impartiality, which the Governor in Chief had expressed when he intimated their appointment, and under the influence of which, your memorialist in answer to that communication, had pledged himself to give the most unreserved support to all their measures. In expectation of their immediate arrival, he had addressed a letter to the Commissioners, repeating to them the assurance, not only of the most prompt obedience to their authority, on the part of all persons connected with the settlement, but also of their active assistance in carrying into effect, the measures which they might have in view for the preservaion of the peace, and the restoration of good order.⁵⁶⁴ He, at the same time, thought it necessary to inform them of the representations which the North West Company had been labouring to diffuse for several months past, viz. that the Commissioners were their devoted friends, who had been appointed for the sole purpose of promoting their interest, and to caution them of the pernicious consequences of any circumstance which, however unintentionally, might tend to give credit to this idea, as it would inevitably have the effect of suppressing important evidence, and deterring witnesses from giving information against the partners of the North West Company. In answer to this letter, Mr. Coltman assured your memorialist of the attention which he should pay to its suggestions: yet he immediately proceeded up the River in a kind of procession, at the head of a brigade of canoes of the North West Company, encamped in company with Mr. Simon M'Gillivray and his partners, about half way between the Fort of the settlement, and the camp then occupied by Mr. Shaw, and the half-breed servants of the North West Company, and went to dine with Mr. Shaw the same day, in the midst of the men, who had been engaged in the massacre of Governor Semple and his people.⁵⁶⁵

The next day Mr. Coltman visited the Fort of the settlement, when Captain D'Orsonnens renewed to him the offer of his services, and assured him, that with the assistance of the settlers, he could secure any of the individuals whom the Commissioners might think proper to take into custody.

Mr. Coltman was at the same time informed, that the half-breeds who were in Shaw's camp were, with hardly an exception, the same individuals who had committed the massacre of the 19th of June. Several persons were brought to him, capable of giving evidence of their guilt, and it was suggested, that if all the persons concerned in the murders of the preceding year, were immediately arrested, it was probable that, many of those who had been misled, by the instigation of their employers, would be anxious to be received as witnesses for the Crown, and might be expected to give information of material consequence.

Mr. Coltman, however, declined receiving any evidence against the individuals concerned in the massacre, and in place of securing the persons of those who were on the spot, invited them to come to him, to give their own account of the murder, promising that none of them should be arrested, and that he would take no information against them till after a certain space of time, in which they might give their voluntary declarations. Ten days were occupied in this way, to the exclusion of all witnesses, in listening to the tales which the murderers were prepared to relate in exculpation of themselves and of their employers, and taking them down in writing, as examinations or affidavits. These people were living all the time in unrestrained intercourse with the partners and clerks of the North West Company, who had every opportunity of tutoring them how to shape their relations to the best advantage, and who would not fail to caution them against saying any thing to criminate their masters. They had more particularly the assistance of Mr. Angus Shaw, to whose advice they could not fail to show attention, as his own son is one of the principal chiefs "of the new Nation." After Mr. Coltman had committed to writing, all that these people chose to say in their own justification, they were allowed to betake themselves to the plains, where the fleetness of their horses allowed no chance of overtaking them: and then Mr. Coltman was ready to receive evidence against them.

To any person who had no object in view, except the establishment of peace and good order in the Indian country, it must have been evident, that some striking example of punishment was indispensably necessary, to check the audacity of a set of men, who had been so long accustomed to think themselves beyond the reach of the law, and to show them that they could no longer expect to put their fellow subjects to death with impunity. When an individual had been exclusively invested with the authority of Magistrate, for the express purpose of restoring order and respect for the laws, it cannot be doubted, that it was among his first duties, to select the most fit objects to be made examples, to use every exertion to effect their arrest, and to collect the witnesses necessary for their conviction, but no such idea seems every to have come into the mind of Mr. Coltman. With the exception of the murder of Keveny, in which case the Government of Lower Canada had offered a reward by public Proclamation, for the arrest of the offenders, he seems to consider himself at liberty to dispense with the performance of his duty as a Magistrate, whenever it was likely to affect the interest of the North West Company. Even with respect to the murder of Keveny, tho' Mr. Coltman professed to consider the investigation of that matter as of the greatest consequence, he neglected to secure the attendance of witnesses, whose evidence was of material importance. Among others, the personal servant of Archibald MacLellan,

who had stated circumstances, clearly demonstrated the participation of his master in the crime, was, with his consent, sent away by the North West Company, and conveyed to some of their remotest establishments. Notwithstanding the paramount importance of investigating the circumstances, relative to the massacre of Mr. Semple and his people, that enquiry was systematically deferred on the ground, that Mr. Coltman could not proceed without the professional aid of his learned colleague, Mr. Fletcher, who was at this time at Fort William, and never shewed any intention of proceeding farther into the interior. At that place, his disgusting intemperance and extravagant excesses, reflected disgrace on the Government which he represented, while his absence served as an excuse to his colleague, for neglecting the most essential duties of their appointment. The examination of witnesses, and the investigation of crimes, being thus laid aside, the object which chiefly occupied Mr. Coltman's attention, was to carry into effect the injunctions of the Proclamation, relative to the restitution of property.⁵⁶⁶

At the period when Mr. Coltman instituted an enquiry into this subject, the North West Company had forcibly taken possession of an immense amount of property belonging to your memorialist at Red River, and to the Hudson's Bay Company, both at Red River and in Athabasca, and other districts in the north. There was reason to believe that the property in Athabasca, still remained in the storehouses of the North West Company, but most of that which they had taken at Red River had been destroyed, disposed of, or removed to a distance, expressly in order that it might not be recognized or reclaimed.

On the other hand, the North West Company claimed a few articles which were in possession of your memorialist, at the settlement on Red River. Tho' they pretended to justify their robberies in Athabasca, on the ground of retaliation, they could not pretend to advance any claim whatever against the Hudson's Bay Company, except for the property which has ben abandoned by their clerks at Pambina, and at the forks of the Red River, as already mentioned. The articles in possession of your memorialist, had been sold at Fort William, and at Lake La Pluie, in the one case, by a partner of the Company, and in the other, by the clerk in charge of the post. To the validity of these sales, the North West Company objected, and as their canoes had been allowed to precede the Commissioners, they had taken possession by the strong hand of the greatest part of the disputed property, without waiting for any decision upon their claims. Nothing remained but some articles of inconsiderable amount, which had been brought to Red River. On these however, the agents of the North West Company affected to put great importance. The discussion of their claims afforded an opportunity of occupying the time

of Mr. Coltman, to the exclusion of those investigations which ought to have been his first object; and besides this, those acting for the North West Company, calculated that if they could obtain the restitution of any article, however trifling, thro' the interference of the Commissioner, this might be quoted as proof, that spoliations had been committed on their property, so as to gain credit in England for all their misrepresentations. At the same time, a restitution effected in their favour only, without any compensation of injuries which they had committed, would tend to confirm the idea generally entertained in the Indian countries, that they along enjoy the countenance and protection of His Majesty's Government.

In answer to the claims of the North West Company, Mr. Coltman was referred to the sales under which the property had been transferred, and which had not been set aside by the decision of any Court of justice. Your memorialist offered to abide by the decision of Mr. Coltman himself, provided he would investigate the matter as a judge, and hear evidence as to the facts alledged on both sides, before pronouncing as to the validity of the sales. But he declined to enter into this investigation, because he said, "it was notorious that the proclamation had been issued on the application of the North West Company, and under the impression that the sales in question, were not valid." Your memorialist remonstrated against his thus ascribing to his Majesty's Ministers, the intention of arrogating to the Executive Government, the province of the Courts of law; and of setting aside the civil rights of British subjects, in an arbitrary manner: Mr. Coltman however, insisted on enforcing the restitution which he construed the proclamation to direct, and on this principle, he ordered that, every article which could be proved to have once been the property of the North West Company, should be delivered to them.

Mr. Coltman not only gave this order, but made a point of seeing it carried into effect immediately, and without reserve. He met no difficulty in doing so, as all the articles in question were on the spot; but while he was thus attentive, to enforce in the most summary manner, the claims of the North West Company, the only means which he thought proper to adopt for the restitubn of the property, of which the Hudson's Bay Company had been robbed in Athabasca, was to give his friendly advice to the gentlemen who might be in possession of it. Even this he would not give in any ostensible document, except in general terms, and in his usual way of speaking addressed to both parties. He had previously received information, not only that several posts of the Hudson's Bay Company in Athabasca and other northern districts, had been plundered of property to an immense amount, but, also that about a hundred men, constituting nearly all their servants in these posts, had been made prisoners, deprived of their property, and were still detained in rigorous confinement, by

partners and servants of the North West Company: while it was notorious, that the latter Company, did not even pretend that their property in the northern districts had been violated, in a single instance. Nevertheless, Mr. Coltman wrote a circular letter, addressed equally to the officers of the Hudson's Bay Company in the Northern districts, and to the partners of the North West Company, recommending mutual restitution, where the spoliations had been committed only on one side. He also produced a paper to the same effect, and required the signature of the principal officers of the Hudson's Bay Company, and of your memorialist, in concurrence with that of the agents of the North West Company, as an indispensable condition, before they could obtain his interference to prove the liberation of the people who were kept prisoners, and who were in imminent danger of perishing by famine. In the hope of affording them relief, your memorialist was induced to acquiesce in signing this paper without sufficiently considering the insidious purposes which it was intended to serve. After the lapse of some months, he saw it quoted at full length in the English Newspapers, as an acknowledgement that he had authorised spoliations on the property of the North West Company. This deception is the only purpose, which this paper, or the circular letter of Mr. Coltman, has yet served, or is likely to serve. The North West Company made a shew of complying with the order, by restoring some articles of trifling consequence, while all that were important and valuable, have been appropriated to the use of the "concern."

It was observed to Mr. Coltman at the time, that, to require only the specific restitution of articles, that could be immediately found and identified, without making the parties account for the whole amount of which they had obtained possession, must give a decided advantage to the party that was in bad faith. The articles claimed by the North West Company, had been acquired by fair purchase, and were avowedly in possession of your memorialist, without any attempt at concealment; but his property which had been plundered at Red River, by the North West Company, had been disposed of, disguised or removed to a distance, so that it could not be traced or recognized. Mr. Coltman answered that the parties might have their remedy by an action at law, for the damages they had sustained. But if the parties were to be left to their remedy at law, Mr. Coltman's interference in this matter must have been improper throughout. It may fairly be presumed, that the determination of the Governor in Chief to make such an appointment, had been grounded in a great measure, on a consideration of the difficulty of bringing proof, with all the rigorous accuracy required in Courts of law, respecting transactions which have occurred, at the distance of two or three thousand miles from the place of trial. On this account, if men of real impartiality had been selected, much

benefit must have arisen from the appointment of extraordinary Magistrates, enabled by the influence of their situation, to promote many equitable arrangements, that could not come within the competency of a regular Court of law. Mr. Coltman felt all the advantage which the nature of his appointment gave him, for extorting concessions in favor of the North West Company; but it was only in their favor, that his influence was thus exerted, tho' it must have been evident, that a remedy was most particularly proper and requisite, in the case of wrongs, committed by such an association as the North West Company: an association so constituted, that the responsibility of their combined proceedings, can hardly in any case be legally fixed upon individuals, whose property can afford a compensation for the damages they occasion. Besides this, many of the injuries which the North West Company had done to the settlement, were of such a nature, that nothing but an immediate restitution in kind, could afford any adequate compensation. Breeding cattle, or sheep, were not to be purchased in the country, and were of incalculable value, in the destitute condition to which the settlement had been reduced. Almost all the live stock belonging to it, had been slaughtered for the use of the partners and clerks of the North West Company. The identical animals could not be restored, but those who had consumed them, had the means of making restitution in kind. Mr. Coltman however, did not consider such an equitable arrangement, as coming within the scope of the Proclamation, and interfered on the contrary, to add to the distress of the settlement. Among the articles claimed by the North West Company, were three horses, and a pair of draught oxen, which had been sold by their clerk at Lake La Pluie, and these Mr. Coltman ordered to be restored, tho' proof was offered to him, that upwards of eighty horses belonging to the settlement, had been taken, and appropriated by the North West Company. Proof was also offered, that a number of milch cows had been given up to Cuthbert Grant, after the massacre of the 19th of June, and that Macleod and his associates, had slaughtered and appropriated them to their own use; nevertheless, Mr. Coltman decided, that two cows which had been purchased and brought from Lake La Pluie, should be restored to the North West Company. As if they had been anxious to mark their antipathy to agricultural improvement, the agents of the North West Company, ordered one of these animals to be killed the next day. By this wanton act of destruction, added to the devastations which had been previously effected, the breeding cattle belonging to the settlement, were reduced to one male, and one female, and in the course of the subsequent winter, one of these was shot at and dangerously wounded, by a partner of the North West Company.

With the same disposition, Mr. Coltman gave his sanction to the

North West Company, in establishing a post at the forks of Red River, on the site of that which had formerly been occupied by Duncan Cameron, and which had been the focus of so many crimes. This post had been demolished by Governor Semple, as being incompatible with the safety of the settlers. It had served as a strong hold for those who had conspired to ruin the settlement, where they had armed and prepared their dependents for the perpetration of crimes, and where they had frequently sent them forth to strike terror into the families of the settlers, to interrupt their agricultural labors, to kill or drive away their cattle, to lay waste their fields, and to burn their houses. In lending his aid to the re-establishment of a post, which had been so employed, Mr. Coltman still professed that his leading object was to provide for the peace of the country, by following out the injunctions of the Proclamation. It was pointed out to him, that the situation had no peculiar advantage as a trading post, nor any recommendation, except the opportunities which it afforded of carrying on intrigues, and exciting discontent among the settlers, and (whenever the circumstances of the times would admit) of attacking them again, in more open manner. Your memorialist offered, that if the North West Company should build a trading post, at a reasonable distance from the settlement, either up the river or down, he would give no obstruction on the ground of his rights of landed property. But he remonstrated against those rights being invaded, in order to place in the heart of his settlement, a set of men who were bent on its destruction. He agreed that even admitting the power of the Executive Government, to suspend his rights of property by Proclamation, the words of the Proclamation, certainly could not be understood as applying to cultivated lands: yet did Mr. Coltman support the North West Company on the ground of former occupancy, in taking possession of the site of the former post, and also of a field, which the servants of your memorialist had sown with barley, and which then promised a most productive crop, estimated at several hundred barrels. In this place, the agents of the North West Company, under the eye of the Commissioner himself, pitched their tents, and turned their horses to graze. Your memorialist remonstrated against allowing this wanton devastation, but Mr. Coltman maintained that the North West Company had a right to the field, and of course a right to destroy the crop if they thought fit, and that he would support them in their occupancy. In another instance, he ordered the servants of your memorialist to be interrupted in cutting hay in an open meadow, upon a complaint from the North West Company, that their servants had formerly cut hay there: and upon this ground, Mr. Coltman declared that he considered them as having an unquestionable right to the meadow. The intrinsic value of the spot in question was of no consequence, but the occurrence afforded an opportunity to the North

West Company to excite doubts in the minds of the settlers, as to the validity of their title to the lands which had been allotted to them, and to quote the authority of His Majesty's Commissioner, in support of the doctrine that your memorialist had no better right than any other person.

Such matters as these, occupied the attention of Mr. Coltman almost entirely, for several weeks, and the agents of the North West Company were indefatigable in starting questions to afford him sufficient employment, without any portion of his attention being directed to the primary objects of his mission. Complaints were brought against a number of men, who had quitted the service of the North West Company, and the authority of the Commissioner was called in, to compel them to fulfil their contracts. With the exception of a few, these men peremptorily refused to return to their service, and declared that they would rather submit to any punishment which the law could inflict. Many of them stated, that they had been ordered to commit crimes, which would have subjected them to the penalties of the law: and that upon their refusal, they had been exposed to the most dreadful vengeance on the part of their masters; others had seen the greatest severities exercised on their fellow servants, in consequence of their refusal to comply with unlawful commands; and all declared that they could not consider their lives as in safety, in the service of the North West Company, unless they should submit to be the instruments of crime, whenever their masters should require it. These men were arrested upon the complaint of the agents of the North West Company, and some of them were kept in custody two days, before the Commissioner could decide on their case. His determination was, to bind them over in recognizances, to appear at Montreal before the Quarter Sessions of the Peace, to answer the complaints of their masters: a proceeding altogether illegal. It is well known, that to leave the service of a master, is not at common law, a crime, but a mere civil injury, of which, Mr. Coltman, as a Magistrate for the Indian territories, had no right to take cognizance. By a Provincial Statute indeed, particular regulations are made, respecting men who are engaged as voyageurs for the Indian countries, and the Justices of Peace in Canada, are empowered to punish them in a summary manner, for leaving their master's service. This Statute, could be of no avail in any country that is not under the authority of the Legislature of Canada; and if it had been in force at Red River, it would only have authorised Mr. Coltman to inflict a summary punishment, by imprisonment for a few weeks on the spot, instead of which, he condemned these men to quit their occupation, for the greatest part of a twelve month, some of them leaving their families at a distance of more than two thousand miles without any certain means of subsistence, and this, under pretence of being tried before the Court of Quarter Sessions, which had no jurisdiction over the offence imputed to them. It appears from this, and several other instances,

that when it was necessary to support the power, or to serve the interests of the North West Company, Mr. Coltman was not very scrupulous in keeping within the exact bounds of the authority legally vested in him, and did not hesitate to proceed without the assistance of his colleague and legal adviser, tho' the want of that assistance afforded an excuse for delaying any proceedings against those who had destroyed the settlement, and put to death so many of its inhabitants.

When at length Mr. Coltman could no longer delay the investigation of the subject, he declared that he should make it a principle, in taking the evidence that all the affidavits relating to the 19th of June, should be drawn out by himself. If this rule was proposed with the view of having these affidavits taken in a more complete manner, the precaution appears to have totally failed in its desired effect. Among other witnesses, who were examined on this subject, was a man of the name of Peltier a half-breed, who had been one of the party under Cuthbert Grant on the 19th of June, but having afterwards quitted the service of the North West Company, had given his testimony on the subject in a more unreserved manner, than could be expected from the half-breeds who had been tutored by Mr. Angus Shaw.⁵⁶⁷ This man had been twice examined by Mr. Coltman, and his affidavit being taken each time, it was not supposed that any farther information was to be expected from him. But when he was afterwards questioned by Mr. Gale, he disclosed many important facts, which had not been noticed in either of the affidavits taken by Mr. Coltman. Among the facts which that gentleman had overlooked, was this, that on the 19th of June, when Cuthbert Grant was on the point of attacking Semple's party, and had collected his own for that purpose, he told them, that if the English surrendered at once, they should spare their lives, but that if any resistance was offered, they were to fire without hesitation. He also mentioned, that a part of Grant's men, before Governor Semple had come up to them, had ridden to one of the houses in the settlement, and had there made some of the settlers prisoners. Peltier is not the only one in which similar omissions may be remarked; but with all these omissions, there was no want of care on the part of Mr. Coltman, in cross examining the witnesses brought before him, when it was necessary to scrutinize any assertion which they made against the North West Company.

Among the crimes, which were brought under the notice of Mr. Coltman, was a murder, accompanied by circumstances of extraordinary barbarity, committed on the person of an Indian by P. S. Ogden, a clerk of the North West Company, and several of his men at Green Lake, near Churchill River. A person who had been an eye witness to the murder, and upon whose evidence, a bill of indictment has since been found, stated on

oath before Mr. Coltman, that the Indian being pursued by Ogden and others, had taken refuge in the trading post of the Hudson's Bay Company, that Ogden and a number of his men in arms, had surrounded the post, and demanded that the fugitive should be given up to them, that the clerk in charge of the post, terrified by their menaces, had refused to shelter the Indian, that Ogden and his men having got him into their power, and taken his arms from him, dragged him on the ice, towards the middle of the Lake, where they stabbed him, and with brutal ferocity, mangled the corpse. Mr. Coltman however, refused to issue a warrant against Ogden, and did not take any steps for his arrest, assigning as his principal reason, that he did not know whether the government intended to consider the killing an Indian a murder or not! In this omission, Mr. Coltman appears also, to have acted on a general principle and determination, not to give any authority for securing a single individual of the criminals of the North West Company, with the exception of the murderers of Keveny, who were in custody before he arrived. He issued warrants indeed against Archd. N. Macleod and Alexr. Macdonell, but not till after he had been repeatedly pressed upon the subject, and not till it was almost a matter of certainty that they were out of reach. Among the witnesses against them was F. D. Heurter, whose testimony was so clear and decisive, that it would have left no excuse for any delay in issuing warrants, against Macleod and Macdonell, as well as many others.⁵⁶⁸ Heurter was brought to Mr. Coltman the day after his arrival at Red River, the importance of the information he could give, was particularly pointed out, and in order to save trouble, he presented a narrative which he was ready to have attested upon oath. But Mr. Coltman affected to doubt, whether the witness, having quitted the North West Company's service, and being therefore liable to an action for breach of contract, could be received as an evidence against them in a criminal case: upon this question, he desired to have the advice of Mr. Fletcher, and delayed for several weeks to take the affidavit of Heurter, in the mean time excusing himself from taking any legal steps upon his information.

After a great number of witnesses had been brought before Mr. Coltman on the part of your memorialist and of the Hudson's Bay Company, a demand was made of warrants against those who were charged with crimes by their testimony, and a list was produced of about sixty persons, partners, clerks, and servants of the North West Company, against whom there was sufficient evidence to render it his duty as a magistrate to issue warrants, of arrest, for capital felonies. Mr. Coltman did not comply, excusing himself, on the ground of the inadequacy of his means of effecting the arrest, or of conveying the accused to Lower Canada. He might at least however have issued warrants against a few of the most culpable, and most deserving of

punishment. But Mr. Coltman had laid it down as a general principle, not to put warrants into the hands of the one party against the other. As he also took it for granted, that every individual in the country, must belong to one party or the other, it is evident that on this principle the law could not be executed at all.

With respect to the individual against whom warrants were thus demanded, a few who were on the spot, or who afterwards, were met in person, Mr. Coltman was induced to put under recognizance to appear at Montreal, to answer the charges brought against them. From persons implicated in murder upon such evidence, that bills of indictment have since been found against them, he took bail in the sum of five hundred pounds. This extreme lenity and disposition to accommodate the North West Company, may be contrasted with the conduct which Mr. Coltman adopted towards others.

Charges had been brought by the agents of the North West Company, against your memorialist, and also against Captain Matthey, Captain D'Orsonnens, and Mr. Allen.⁵⁶⁹ Tho' their allegations, even as stated by Mr. Coltman, would not have proved more than a simple misdemeanor, yet he bound each of these gentlemen in recognizances of several thousand pounds, your memorialist in the sum of six thousand pounds, and two securities in three thousand pounds each. It is impossible to suppose, that he could imagine such excessive bail to be necessary for securing the attendance of the persons in question, but it served the purpose of the North West Company to create an impression, that your memorialist and his friends, must have been guilty of very heinous offences, when bail was required to such an extraordinary amount, by the same Magistrate who considered five hundred pounds as sufficient in cases of murder. These recognizances were in fact taken illegally, and Mr. Coltman was warned at the time, that in requiring them, he set at nought, all the principles of the law of England, as to the separation to be observed between the authority of different jurisdictions. This stretch of authority, he ventured upon evidence so defective, that no one bill of indictment has been found against any of the gentlemen in question, tho' the prosecutors have had ample opportunities for substantiating their charges, tho' they have made the greatest efforts to produce something like evidence, and have had very unusual assistance from the law officers of the Crown, in making the most of their materials. One insignificant charge of false imprisonment, brought before the Quarter Sessions, and already partly disposed of, by the acquittal of one of the accused, can hardly be reckoned an exception.

Accusations were trumped up, in this manner, against every individual capable of taking charge of the settlement, and all were bound in recognizances of large amount, but on a representation of the dangerous

consequences which would arise, if the settlement were left without any person qualified to direct the conduct of the inferior settlers, Mr. Coltman agreed that the recognizances of two of these gentlemen, though nominally given for March, should be allowed to stand over till another term. Your memorialist proposed that Captain Matthey should be one of these, and was given to understand by Mr. Coltman, that no practical impediment should be given to this arrangement, tho' from particular circumstances, he could not give his formal and official sanction. Upon this understanding, Captain Matthey made his arrangements for remaining at Red River. But after the lapse of several weeks, and at the moment of your memorialist's departure, Mr. Coltman declared that he had been entirely misunderstood, and that the only officer whom he could agree to leave, was Mr. De Graffenreid.⁵⁷⁰ This gentleman was anxious to return to Canada on account of urgent business, and as he was not on the spot, it could not be ascertained whether he could be induced to remain; nevertheless, Mr. Coltman was so peremptory in his determination, as to declare that unless a pledge were given, that Captain Matthey should come down to Montreal without delay, he would issue a warrant against him, and put it into the hands of the North West Company, notwithstanding his general determination not to put warrants against one party into the hands of the other. Not many days had then passed, since Mr. Coltman had refused to grant warrants against any of the servants or partners of the North West Company, tho' thirty or forty had been charged before him, as implicated in murder, by the same evidence upon which bills of indictment have been found against them, and in that number were several who had distinguished themselves by the most brutal cruelty. Leaving murderers undisturbed, Mr. Coltman thought it becoming, even to exceed the full extent of his authority, against a gentleman who was charged with a misdemeanor.

Though Mr. Coltman declared to your memorialist that he had never entertained the intention of leaving Capt. Matthey at Red River, yet upon other occasions, he explained his conduct in a manner quite inconsistent with that declaration, acknowledging that he had actually written to the Governor in Chief, to propose that Captain Matthey should be allowed to remain, but that before his letter was closed, Smith, the Sheriff's officer, had remonstrated against making this exception, and that in compliance with the wishes of that person he had altered his letter, and expressed to the Governor in Chief, his intention of leaving one of the officers of the late Regiment De Meuron, without specifying whom. Mr. Coltman did indeed, assign as another reason for not acquiescing in Captain Matthey's remaining at Red River, that he was particularly obnoxious to the North West Company, and that the best way of restoring the peace of the country, would be to bring

away all those who were most obnoxious to the opposite party. From the general conduct and views of the North West Company, it must be evident that every individual will be obnoxious to them, in exact proportion to his capacity, for resisting their lawless aggressions. But were this otherwise, it is a very singular principle, that the vindictive passions of any party, should be allowed to influence the conduct of any Magistrate.

During Mr. Coltman's stay in the Indian country, the canoes of the North West Company destined for Athabasca, passed down the River Winipic. Information had been given to him, not only as to the immense spoliations committed under the directions of Archd. N. Macleod, on the property of the Hudson's Bay Company, but also as before mentioned, that their servants to the amount of nearly a hundred men, were detained in the most rigorous confinement without the slightest legal pretext. One of these men who had made his escape, gave information, that he had left his companions on a small Island, where they had no supply of provisions, except the fish which were daily brought to them by some fishermen of the North West Company; that in the event of any accident happening to them, or a failure in the success of their fishing, the whole party must perish, and that in fact they had been frequently left for one or two days without any thing to eat. The urgent necessity of an effectual interposition of the Commissioners' authority, to put an end to such a disgraceful outrage was evident, and it was accordingly proposed to Mr. Coltman, to visit the post at the mouth of the River Winipic, and to investigate this subject. But that investigation led to no conclusion, and these canoes proceeded to Athabasca, without any measures being taken for securing the liberation of the servants of the Hudson's Bay Company, without even the precaution of any measures for the future preservation of the peace, notwithstanding the cruelties of which partners and servants of the North West Company had been guilty the two preceding seasons. Among the people who were thus allowed to pass by the Commissioner, were a number of men who had been guilty of robbery and arson. A few of these took the precaution of disguising themselves, and of assuming false names. The deception used in this case, must have been a matter of notoriety to more than a hundred men who were on the spot, yet it was sufficient to defeat the efforts of Mr. Coltman to detect the criminals.

A short time before Mr. Coltman quitted Red River, the agents of the North West Company gave him a practical proof of their influence over the half-breeds, by prevailing upon some of those to appear, for whose arrest the Government of Lower Canada had offered rewards by Proclamation. Some of these men had been in Mr. Coltman's power, when he first arrived in Red River, and if he had then thought fit to accept the proffered services of Captain D'Orsonnens, their persons might have been secured without any pledge,

direct or indirect, that they should be treated differently from other criminals. They now claimed the indulgence due to men who had surrendered voluntarily. Among their number was Cuthbert Grant, who had been guilty of such a tissue of crimes, that he would never have put himself within the reach of the law, unless he had received very strong assurances of protection. In what manner, or by whom, these assurances were given, can only be matter of conjecture; but Mr. Coltman himself, acknowledged that he considered the faith of Government as pledged to him, and treated him in a very different manner from that which was due to a man, who, during a series of years, had been engaged in the continual commission of atrocious crimes. With the evidence before him, on which six bills of indictment for capital offences, have since been found against this man, Mr. Coltman acting as Commissioner for His Majesty, and representing the British Government in the Indian territories, conferred on him the distinction of messing daily at his table, and of sleeping in his tent during the whole of his voyage from Red River.

On his arrival in Lower Canada, Mr. Coltman left Grant at one of the first villages, in custody of a clerk of the North West Company, and came forward to Montreal, to ascertain in what manner he could be disposed of, without being subject to arrest or imprisonment. The Counsel of your memorialist understanding that it was in contemplation to admit him to bail, remonstrated with Mr. Coltman, but could not convince him of the impropriety of such a step. They brought forward evidence against Grant for other crimes, but Mr. Coltman refused to issue any warrants against him. After some delay, he gave up on one of several warrants which had been signed by the Chief Justice the preceding spring; but before this could be executed, Grant had been allowed to withdraw, and could not be found. Sufficient information, however, was obtained, that Mr. Henry Mackenzie had assisted in his escape, and that gentleman was brought before the Magistrates of Police, and being put under recognizances to answer for this obstruction of justice, he again exerted his influence, and Grant was once more induced to surrender himself.

Along with Mr. Coltman and Mr. Mackenzie, an Indian of the name of Joseph, who had been present at, and concurred in the murder of Keveny, arrived at Montreal, but completely at large. The counsel for the Hudson's Bay Company applied to have him arrested, but though evidence was produced, that Joseph had been present aiding in the murder, Mr. Coltman absolutely refused to grant a warrant against him, on the ground that he had brought him down as a witness. In the Court of Oyer and Terminer, in February, a bill of indictment was found against this man, as a principal in the murder of Keveny, but nevertheless, Mr. Coltman proposed to the Attorney General, to admit him as a King's evidence, for the ostensible

purpose of convicting De Reinhard, against whom there was already a super-abundance of testimony. Joseph had been left in the mean time in the hands of the North West Company, so as to afford them every opportunity of tutoring him as to the testimony which he should give, and after he had been three Months in their care, about a fortnight before the trial of the murderers was expected to commence, Mr. Coltman directed him to be put under the care of the Missionaries, at an Indian village, near Montreal, in order that he might be instructed in the principles of religion and the obligations of an oath.

Another of the murderers of Keveny, Mainville a half-breed had been taken into custody at Red River, at the same time with MacLellan, and declared that he had committed the murder by MacLellan's orders, Mainville was sent off for Montreal, by orders of Mr. Coltman, in company with MacLellan, Pangman and Lamarre.⁵⁷¹ Your memorialist had recommended a person to have the custody of these persons in whose vigilance and determination, implicit confidence might have been reposed. Some vague charge had however been brought against him by the North West Company, and the accusation was considered by Mr. Coltman, as rendering him ineligible. That determination being given, another person was sworn in as a constable, to whom Mr. Coltman conveyed his instructions in a letter, which was to be, and was in fact, delivered to him at Drummond's Island, at which place, he was directed to take charge of the prisoners, and convey them to Montreal. From Red River to Drummond's Island, they were in charge of Lt. Austin of the 70th Regiment, who had the command of the whole party, among whom, were a few soldiers of the 37th Regiment, and also some men of the late Regiment De Meuron, who having declined to settle at Red River, had taken their passage to Canada and were employed simply as canoe men. At Fort William, the canoes stopped a few days, during which, MacLellan and the other prisoners were allowed unrestrained liberty: Mainville alone was kept in close confinement, his mother was then at the place, and it has been ascertained, that he left the greatest part of his baggage in her charge. The party was here increased by the addition of a serjeant and about twenty men of the 70th Regiment, part of the escort which had attended Mr. Fletcher during the summer at Fort William, and who on their departure, were supplied with a liberal donation of liquor. At the first point where they landed after leaving the Fort, Mainville escaped into the woods, and has been heard of no more.

It is understood that upon Mr. Coltman's arrival at Quebec, he was informed that Mr. Fletcher's conduct had not met with the approbation of the governor in chief, and that he was therefore to hold no further intercourse with him on the business of his Mission; though it does not

appear that the commission of Mr. Fletcher, as a Magistrate for the Indian Territories, has been formally recalled. It appears that Mr. Coltman having represented the necessity of legal advice, was referred to the Advocate General Mr. Pyke, and soon after, in the Month of December 1817, having obtained from the Attorney General, full authority for him to act on the part of the Crown, they proceeded together to Montreal.⁵⁷²

Shortly after their arrival, the counsel for your memorialist, and for the Hudson's Bay Company, were informed that an application on behalf of the servants of the North West Company to be liberated on bail, was to be made to the Chief Justice. This intimation was given, only the day before the matter was to be taken into consideration, without any communication of the Affidavits, upon which the application was grounded, so that no opportunity was afforded of shewing the falsehood, or insufficiency of the allegations. Of these Affidavits, one was by Mr. Coltman himself, who was present on the occasion, and Mr. Ross, one of the counsel for the North West Company, referred also to Mr. Coltman's report, as affording grounds for the application.⁵⁷³ The particulars on which he built this conclusion were not stated; and it deserves attention that several Months after this, it was stated by Mr. Coltman, that the report alluded to, had not been given in to the Governor in Chief, so that it could only be a partial communication of an intended report, that Mr. Ross could refer to. On what grounds, that communication should have been made to the advocate of the North West Company, when the report has been scrupulously kept secret from others, remains to be explained; but even if it had been completed and published, it is not easy to understand, how such report should be taken as the ground of a judicial proceeding.

Most of the persons, for whom this application was made, had been indicted for robbery, for arson, or for maliciously shooting at the settlers on Red River. Some were also under indictment for the murder of Keveny. These indictments were suggested as a bar to the liberation of the prisoners: but Mr. Ross referred the Advocate General to the arrangement that had been agreed upon at Quebec, where he said "assurances had been given by the government, that the indictments were to be waived;" and as the Advocate General still hesitated, Mr. Ross proceeded to observe that "if this was not to be done, it was useless for Mr. Coltman and Mr. Pyke to have come up from Quebec." The Advocate General at length consented to waive the indictments, with the exception only of that for the murder of Keveny, so that Cuthbert Grant remained in custody.

The counsel for your memorialist attempted to represent that the individuals whom the Advocate General was about to admit to bail, had been guilty of many other crimes, besides those for which they had been committed and asked for a delay of the proceedings till the next day, in

order to produce affidavits, as well to substantiate the other crimes of which those individuals had been guilty, as to rebut the affidavits on which the application for bail were grounded, and it was urged that by the affidavits so to be produced, it would be made evident that none of the applications for bail ought to be granted. But it was observed by the Chief Justice, that he could not recognize any private prosecutors, that the entire and exclusive management of all criminal prosecutions, belonged to the law-officers of the Crown, and that he could not, therefore, on this occasion, receive any suggestions from the counsel of your memorialist. It was then represented to him, that if he would not listen to the suggestion that had been made, as proceeding from the private prosecutor, it might be considered as addressed to the Crown officer, who, it was to be presumed, would avail himself of the offer then made to present him with additional affidavits to resist the application for bail, and would himself solicit the proposed delay till the next day. The Crown officer however, it would appear, was not anxious to be put in possession of more grounds, for the detention of the prisoners in custody, and proceeded without soliciting any delay. The bailing of the prisoners, therefore took place without further difficulty, the Advocate General giving an express consent to the bailing of several of them. It was not without surprize that the counsel for your memorialist, and the Hudson's Bay Company, found themselves excluded from any participation in this proceeding, as they had been admitted on all former occasions, in the absence of the Attorney General, to support the prosecutions in question, and when he was present, had taken part in all the discussions that had any relation to them. But it was plain that a different course of proceeding had been resolved on, before the departure of Messrs. Coltman and Pyke on their mission, and that for the success of the applications for bail, it was deemed expedient that no co-operation on the part of the private prosecutors should be admitted. There were, no doubt, urgent considerations, making it the interest of the North West Company, that the principal criminals in custody, should be liberated. The prosecutions against them had assumed a serious aspect, the witnesses necessary for their conviction, were then collected, and if the criminals had remained in custody, trials at Montreal could not easily have been evaded.

Among the persons who were liberated in this manner, were Peter Pangman, commonly called Bostonois, Seraphim Lamarre, Louis Perrault, and Joseph Brisbois.⁵⁷⁴ Pangman, a half-breed clerk of the North West Company, had been one of the most active leaders, in all the outrages committed against the settlement in the year 1815.⁵⁷⁵ At the time when he was liberated, bills of indictment had been found against him for robbery

and arson, and bills have since been found for conspiracy and murder.⁵⁷⁶ Lamarre had also been an active leader in the outrages of the year 1815, and two bills of indictment had been found against him, one for robbery, and another for maliciously shooting at the settlers, in one of the attacks made on them by the North West Company. Other indictments have since been found against him, for robbery and conspiracy. Perrault had been committed for the part he had taken in the murders of the 19th of June, for which he has since been indicted. Upon his examination, he had admitted that he had fired on the settlers, and seemed to suppose, that the orders of his employers afforded a complete justification. Brisbois had been committed for the robbery of the Hudson's Bay Company's boats, in the river Qu'Appelle, and has since been indicted for that offence, as well as for conspiracy. Among the persons bailed, were also three of the settlers, who had joined the party of the North West Company in the spring of the year 1815, and assisted in the violences committed against their own countrymen, particularly in robbing them of their means of defence, and afterwards in open attacks with fire-arms, against those who had refused to join them. Most of the individuals who were thus liberated, have since proceeded to the Indian countries, where they have been heard to boast of the protection afforded to them by Mr. Coltman, and to deride the feeble efforts of the adversaries of the North West Company to bring them to justice. Their recognizances have been generally taken in so loose a manner, that it is very doubtful whether they are valid, and for sums of inconsiderable amount, which the North West Company would not hesitate to pay, in order to procure immunity for the crimes of their dependants.

Another criminal of distinguished notoriety, was liberated some time afterwards, in a manner not only improper, but altogether illegal. One George Campbell had been among the most active tools of the North West Company, in the violences committed against the settlers in the year 1815. By the offer of a bribe, which was promised to him by Duncan Cameron, and paid by the Company, he had been induced to abandon his farm, and to exert all his influence to lead his fellow subjects to turn against their countrymen. It was by his contrivance, that the plan had been effected for robbing the settlement of the arms provided for its defence. He had afterwards been a leader in almost all the attacks which had been made against the settlement, and after the settlers had been at length driven away, he had taken an active part in burning their houses. Upon these matters, four bills of indictment had been found against him for capital crimes; for robbery, for maliciously shooting, and for arson.⁵⁷⁷ Notwithstanding the enormity of the offences with which Campbell was charged, several applications had been made for admitting him to bail, which had been unsuccessful. The last occasion when such an attempt was

was made, was that on which Messrs. Coltman and Pyke had lent their good offices, to the bailing of the persons above mentioned. Campbell was one of those who, it was then insisted on, ought to be bailed, and as to him also the Advocate General consented to waive the indictments which had been found against him. But the Chief Justice considered his case as one for which an application for bail could not be entertained, and in refusing to bail him, he had noticed the great enormity of his offences, and said it was inconsistent with public justice that he should be bailed; he had also noticed the danger to be apprehended from affording him an opportunity to return to the country where his crimes had been committed, using these emphatic terms, "Can I send this man back to do the like;" and he had also observed that a great way had been gone by Government in waiving the indictments against any.

To have admitted a man to bail, while under indictments for such a tissue of the most aggravated crimes, would have been under any circumstances, a very extraordinary proceeding, involving high responsibility in the Judge who might hazard such an exercise of his authority. But in the case of this individual, two Puisne Justices of the Court of King's Bench, who, except in some case of casual incapacity of the Chief Justice, had no power even to entertain before them, in a regular judicial form, an application for bailing him, ventured to discharge him from custody, without form or ceremony of any kind. By the laws of Lower Canada, the power of admitting persons to bail in vacation, under charges of felony is vested in the Chief Justice, exclusively, the Puisne Justices having no authority whatever in this respect. Yet, Mr. Justice Ogden and Mr. Justice Reid, with a full knowledge of their their own legal incapacity to bail this man, in the forms of law, arrogated to themselves the power of discharging him without any formality whatever, and in a manner that could be deemed very little consistent with the dignity of their office.⁵⁷⁸ They went, it appears in person to the gaol, and delivered to the gaolers a written order, signed by them, to release this man, with which the gaoler complied. And this irregular interposition of power, contrary to law, in favor of a culprit enjoying the protection of the North West Company, was the act of the same two Justices, whose scrupulous delicacy, a few months before, had induced them to decline the exercise of their judicial functions, when necessary for the ends of justice, upon the ground of connection with the North West Company. Some days after Campbell had been liberated by the two Puisne Justices in this summary manner, a writ of Habeas Corpus, bearing date before his liberation, and signed by the Chief Justice, was presented to the gaoler, with a request that he would make a return to it, to be antedated, and give up the written order of the two Justices for his discharge. The gaoler, however, had too much regard for

his duty to comply. The liberation of Campbell was excused, under the pretext of his life being in danger in the prison. He was stated by a Physician to be in a high fever, and removed to the hospital. In the space of forty eight hours, however, he was well enough to walk out unobserved, and is not known to have since made his appearance within the jurisdiction of Lower Canada. He is said now to be living near Detroit, within the limits of the United States.

No comment can be necessary on the tendency of such proceedings, to encourage among the servants of the North West Company, the idea of the unbounded influence of their masters' with Government, and of the impunity with which any crime may be committed for their benefit. Till lately this extraordinary libel on the British government, had only been promulgated in the remote Indian countries, but in the course of the last year, the same doctrine has been openly maintained in the streets of Montreal, and even within the walls of the prison. Among the prisoners who had been brought down from the interior, were several who might have been expected to make disclosures of great importance, and much additional evidence might undoubtedly have been obtained, if these men had been treated as prisoners in similar circumstances, usually are in England; or in any country where it is intended to bring criminals to condign punishment. But it is evident that no disclosure can be expected from a criminal, unless he is made to feel that, otherwise, he is likely to suffer for his conduct: and so long as the servants of the North West Company, continue to believe in the all powerful influence of their masters, they will scorn the idea of becoming King's evidence, as a base and cowardly desertion. No pains have been spared to keep up this confidence among those who were detained in prison at Montreal. They were treated with a degree of attention to which they had never before been accustomed, pampered with a profusion of luxuries and with every indulgence which could help to drown reflection, amidst the ebullition of turbulent mirth; so that their apartment in the gaol, was more like a place of entertainment, than of confinement. They received daily visits from the partners of the Company, and the interference of these gentlemen, many of whom, were invested with the authority of magistrates, baffled every attempt to preserve order and decorum in the prison. To such a pitch of insolence were these prisoners elevated by the protection they received that the refusal of the Sheriff to allow a billiard table, to be placed in their apartment, was made a subject of bitter complaint. At an early period in the Month of March, these abuses were pointed out verbally to the Attorney General, and by letter to the Governor in Chief, but no effectual interposition of their authority was obtained, nor did any change take place.

The treatment of the prisoners at Montreal, was yet improved upon at Quebec, when after sentence of death, had been passed upon Charles De Reinhard, for the murder of Owen Keveny, an entertainment was given to him in the gaol, at which several partners of the North West Company, were present.

It is not merely in an indirect manner, that the partners of the North West Company, have succeeded in preventing any disclosure on the part of their servants. On several occasions, they have insisted on being present at their examination before the Magistrates, and have unblushingly prompted them, what questions to answer, and what to decline. Among the individuals who have interfered in this extraordinary manner, to impede the course of justice, is the Honourable John Richardson, a member of the executive counsel of Lower Canada. Mr. Henry MacKenzie, a justice of the peace for the district of Montreal, has been repeatedly detected in giving money, and otherwise attempting to corrupt the witnesses for the Crown. One marked instance of this occurred at Quebec, during the trial of MacLellan and De Reinhard, for the murder of Keveny. The circumstance was communicated to the Attorney General, with a request that he would bring the matter before the grand jury, but he did not take any-notice of the subject.

Previously to these proceedings, a measure had been adopted by the Government of Lower Canada, calculated in the most essential manner to defeat the purposes of justice. The bills of indictment already alluded to, against George Campbell, which included also two partners, and several clerks of the North West Company, had been found in the Court of King's Bench, at Montreal, in the Month of March, 1817. At the ensuing term in September, the counsel for your memorialist, and the Hudson's bay Company, had collected witnesses at great expence and trouble, and were ready to proceed to trial, without the smallest doubt of obtaining the conviction of Campbell and his accomplices, and in full confidence that the evidence which would be brought before the public on his trial, would lay open the true character of the proceedings of the North West Company against the settlement. At this moment, the Attorney General intimated that the Governor in Chief, had ordered these trials to be transferred to Upper Canada.⁵⁷⁹ This measure was determined upon, by the advice of the Executive Council, without any previous communications with the counsel of your memorialist, or any opportunity being afforded to them of stating their objections. These were afterwards stated in a letter to the civil secretary of the Governor in Chief, who returned for answer, that the measure had been definitively settled, and could not be recalled.

Independently of all other objections to such a transfer, it had the immediate effect of preventing the trial from coming on, when all the witnesses were on the spot, and putting it off to an indefinite distance of

time, when there was every probability that some of them might be absent. In fact several of the most material, have since left the Province.

With a view to the fair and impartial administration of justice, it was evidently desirable that the whole of the charges, relative to crimes committed in the Indian territories, should be brought to trial as far as possible, at the same place, and at the same time: and if they were to be brought to trial in Canada at all, Montreal was the least objectionable place. It was the ordinary residence of most of the parties, and at the period in question, the temporary abode of others. It was the only place in the two Provinces, where the character of the witnesses could be appreciated; a great proportion being natives of the District, and from their connections and occasional visits to it, better known there than in any other parts of the Provinces. The jurymen also being better informed as to the general mode of conducting business in the Indian Territories, would be better able to judge of the intrinsic probability of the facts, which might be stated in evidence, and less liable to be imposed upon suborned witnesses; nevertheless, the law officers of the Crown appear not only to have advised the transfer to Upper Canada, but also of their own authority, transferred the trial of the murderers of Keveny to Quebec.⁵⁸⁰

They stated as a reason for this, that the spirit of party ran so high at Montreal, on the subject of the differences between the Hudson's Bay and the North West Companies, that it was impossible to find an impartial jury. If this was not a designed misrepresentation, it betrayed a total ignorance of the real state of the fact. A number of the inhabitants of Montreal, are indeed connected with the North West Company in pecuniary interest, act together as a party, and exhibit the most rancorous animosity, against all who interfere with the views of that association: these people however, form but a very small proportion of the inhabitants. Those who have any interest in opposition to the North West Company are so few, that it would be ridiculous to speak of them as a party. The great body of the City and District have no interest whatever in the Fur trade, or in any of the transactions of the Indian territories, and it would be a libel on half the population of the Province which is contained in the District of Montreal, to suppose that out of so many who have no direct interest in the subject, it could be difficult to find jurymen sufficiently acquainted with their duty, to lay aside any preconceived notions, when they are put on oath to give a true verdict according to the evidence. But the Attorney General did not disguise that he adopted this opinion from Mr. Coltman, and that gentleman had found that the grand jury of Montreal, could not be induced to concur in his opinion, that all the crimes committed in the Indian territories, were mere venial irregularities. The juries at Quebec being less acquainted with the state of the Indian countries, might be supposed more

likely to place implicit reliance on the report of an officer of Government who had travelled as far as Red River. The transfers to Upper Canada were still more objectionable than those to Quebec. The capital of that Province is a mere village; and without any disparagement to the character of its inhabitants, it would be unreasonable to expect that it can furnish pannels of jurymen equal in point of education and intelligence, to those which may be found in a wealthy commercial Town, of a population fifteen or twenty times as great. It is also of material consequence that of the small population of York, a very considerable proportion consists of persons in employment under Government, and others immediately connected with them, or under their influence; so that there is not a place perhaps in the two Canadas, where there is so great an opportunity of creating an undue bias in the minds of that class of men, from whom the juries are to be selected. The effect of all these transfers has been an incalculable loss of time, rendering it quite impossible to keep the witnesses together, and to prevent them leaving the country, harrassing them with repeated journeys from place to place, and affording to the guilty parties every opportunity of tampering with them. It served also to distract the attention of the prosecutors, by the necessity of carrying on legal proceedings at the same time, in different places remote from each other. Proceedings had been commenced by the North West Company at Sandwich, in the western District of Upper Canada: in consequence of the transfer ordered by the Governor in Chief upon their petition, other trials were to take place at York: others remained to be conducted at Montreal: and as if this were not a sufficient degree of complication, the Attorney General chose to have the murders of Keveny tried at Quebec, so that questions, arising out of the same subject, between the same parties, and depending for the most part upon the testimony of the same witnesses were to be tried in four different places, at the distance of eight hundred miles asunder, communicating for the greatest part of that distance by roads barely passable, and so ill accommodated with means of intercourse, that even a letter cannot receive an answer, till after an interval of six or seven weeks. It is an easy matter for the numerous partners of the North West Company, to divide among themselves the task of attending at all these different places; but on the other side, the whole burden devolved on your memorialist, with no assistance except that of his professional counsel, who cannot without the greatest inconvenience, absent themselves from their ordinary place of residence. No method could have been contrived more effectually to defeat the purposes of justice, by harrassing and tiring out the prosecutors.

In the criminal term of the Court of King's Bench, at Montreal, in September 1817, at the same time that the Counsel of your memorialist

were ready to proceed to the trial of Campbell and his accomplices, they were no less desirous to bring on the trial of several persons connected with the settlement on Red River, against whom the North West Company had brought groundless accusations, from which the individuals concerned were anxious to clear their characters. Among these was Mr. Spencer, who had been arrested in September 1814, on a warrant of Archibald Norman Macleod, and after being kept more than twelve months in the private custody of the North West Company, had been conveyed to Montreal in the year 1815, but was not brought to trial that autumn.⁵⁸¹ At the ensuing term in March 1816, he had been ready to take his trial, but the prosecutors were not ready, and the business was delayed. He now again presented himself, and there could have been no pretext for further delay, but Mr. Justice Ogden and Mr. Justice Reid, thought fit to retire from the Bench, declaring in open Court, that on account of their intimate connection with the North West Company, they could not with propriety, take a part in any judicial proceedings, in which the interests of that association were involved, or that related to their differences with your memorialist, or with the Hudson's Bay Company. At this time, there were only three Judges competent to sit on the Bench of Montreal, so that this secession did not leave a quorum, and the trials could not proceed. It was in vain that the prisoners or their counsel entreated the Judges to waive their scruples, and even urged that it was their duty not to leave their place on the Bench. But it was not for the interest of the North West Company, that these trials should come on, and expose the futility of the charges, by which they had so long been playing on the credulity of the public: So far did these Judges carry their scruples, that they could hardly be persuaded to concur with the Chief Justice in taking recognizances of the partners of the North West Company, who were charged with crimes committed in the Indian Territories.

In consequence of this conduct, by which the Court of King's Bench at Montreal, had become incompetent to the trial of any cases in which the North West Company were concerned, the Governor in chief, issued a Commission of Oyer and Terminer which was opened at Montreal, on the 20th of February, 1818. In this Court, independantly of the bills of indictment, which had been previously found in the Court of King's Bench, against George Campbell and his accomplices, including Duncan Cameron and several other persons connected with the North West Company. Bills of indictment were found against fifteen partners, twelve clerks or interpreters, and fifteen inferior servants of the North West Company, as principals, or accessaries in the crime of murder: - against two partners, six clerks or interpreters, and eight others, for Arson: and against six partners, and eleven clerks or interpreters, and sixteen other servants of

the Company, for various descriptions of robbery: a bill of indictment was also found, against twenty partners, eleven clerks or interpreters, and twelve other persons connected with the North West Company, for a conspiracy to destroy the settlement on Red River, most of the overt acts stated in this indictment, were acts of Arson, robbery, malicious shooting, and murder: and among the persons against whom the bill was found, are almost all the leading partners of the Company, including a member of the Legislative Council of Lower Canada, and five Magistrates for Indian Territories, of whom, three were also indicted as accessaries to murder. This indictment, included every individual, who had been brought to Lower Canada, under warrants or commitment from your memorialist, most of whom, were charged in separate indictments, with other crimes of the deepest dye. Several bills of indictment, were at the same time preferred, on the part of the North West Company, of which only one was found by the Grand Jury for a riot. A presentment was also made by the Grand Jury, against Mr. Coltman for misdemeanor in office, upon which, the law officers of the Crown, have never preferred an indictment.

On the first of March, this Court was under the necessity of adjourning, on account of the intervention of the criminal term, of the Court of Kings' Bench, and from the interference of other business, it was impossible to fix an earlier period, than the 4th of May, for the adjourned session. During the short period which the Court had been enabled to sit, no trials were brought on, but, if an earlier day had been named, for the opening of this commission, if the ill advised references to Upper Canada had not been made, and if the prisoners who were liberated through the interposition of Mr. Coltman, had still been in custody, there can be no doubt, that a great proportion of the crimes, which had been committed in the Indian Territories, might have been brought to trial before this Court. Witnesses were then upon the spot, sufficient to substantiate all the charges which had been brought forward, on the part of the Hudson's Bay Company, and your memorialist. Those from the interior had all arrived early in the Month of December, and it was evident, that any delay in bringing on the trials, would not only occasion a waste of valuable time, but also be attended by the loss of many essential witnesses. Nevertheless, the opening of the Commission of Oyer and Terminer, was deferred till a period when the session could not possibly exceed ten days.

Before the Court could meet again for their adjourned session, the Navigation was open, and the canoes were ready to set out for the interior; many of the witnesses who had been brought from the Indian countries at great expence, had left their families in the interior, and being naturally anxious to return to them, were with great difficulty, prevailed upon to remain. Great efforts however were made, by your memorialist to prevent

them from dispersing, in hopes that the business might be brought to a decision in the adjourned session of the Court in May. At that period of the year, several weeks might have been devoted to the business without interruption; but on the meeting of the Court, there were no prisoners in custody, except a few whose cases had been referred to Upper Canada. At the time when the bills of indictment were found in February, many of the accused were on the spot, or in the immediate neighbourhood of Montreal, and with a moderate degree of activity, might have been secured. But so far from taking the requisite steps for this purpose, the Attorney General kept back the process of Court, which had been ordered upon the indictments, and did not put it into the hands of the sheriff, till within ten days of the commencement of the adjourned session of the Court. By this time, all these persons had had opportunities to remove out of the way, and were not to be found: and of those who had been admitted to bail through Mr. Coltman's intervention in January, not one appeared.

The Session of the Court of Oyer and Terminer in the month of May, was accordingly closed about ten days after it had opened, without having brought to trial any case of offences in the Indian territories, excepting one charge of riot against Mr. Colin Robertson and some persons belonging to the settlement of Red River who were acquitted:⁵⁸² without even an attempt to bring to trial any one of the numerous and important charges for which indictments had been found against the partners and servants of the North West Company, the Court adjourned sine die. The witnesses from the interior had remained at Montreal for six months, and seeing no prospect of the proceedings being followed up in an effectual manner, became urgent to return to their families. Only a small proportion could by any persuasion be induced to remain, and thus an immense expense in which the prosecutors had been involved in bringing them to Canada, and supporting them while there, has been incurred in vain. But tho' no progress could be made in these trials, some other circumstances occurred, both in the course of this Session of Oyer and Terminer in May, and in the preceding term of the, Court of King's Bench, which may serve to characterise the conduct of the law officers of the Crown, and to mark the spirit which has directed it, throughout the whole course of the proceedings relative to the North West Company.

As the Commission of Oyer and Terminer had been granted on the petition of Messrs. Macdonell, Robertson, Spencer and others, upon whose trials the two Puisne Judges had declined to sit, and who for that reason could not be tried in the Court of King's Bench, it was evidently the duty of the law officers of the Crown to enter a *Nolle Prosequi* upon the indictments which had been found against these gentlemen in the Court of King's Bench, and to prefer new bills of indictment upon the same

charges in the Court of Oyer and Terminer. On these cases some bills of indictment were indeed laid before the Grand Jury by the Attorney General, in the first Session of the Court of Oyer and Terminer, but he reserved other bills until after the first adjournment of that Court. Between the first adjournment and the resumed Session of the Court of Oyer and Terminer, the Court of King's Bench intervened, and the Attorney General presented new bills of indictment on the same or similar charges, against the same gentlemen and others before the latter Court, notwithstanding the notorious fact, that by the act of its own Judges, it had become disqualified to take cognizance of any matters of the kind, and that the Governor in Chief had appointed another Court to remedy the defect arising from their voluntary disqualification.

It had been the universal impression of Montreal, that the Court of Oyer and Terminer alone was to take cognizance of the matters which had arisen in the Indian territories, and it was probably in consequence of this impression, that while no person immediately connected either with the North West Company, or with those whom they describe as their antagonists, was to be found upon the list of Grand Jurors for the Court of Oyer and Terminer, several of their partners and other persons connected with them in pecuniary interest, were put upon the Grand Jury for the Court of King's Bench. It was before a Court thus disqualified, and a Grand Jury thus composed of parties interested, that the law officers of the Crown succeeded in obtaining bills of indictment against a few of the servants of the Hudson's Bay Company, and some individuals connected with the settlement on Red River. These indictments served to keep up, particularly at a distance, the impression that the atrocities which had been committed in the Indian Countries, had been merely the result of reciprocal provocation, and mutual aggression. In the Session of Oyer and Terminer in May, the Attorney General found himself under the necessity of admitting the impropriety of this conduct, by abandoning the prosecution of all the indictments which he had thus preferred but two months before. The Attorney General also abandoned the prosecutions against Mr. Miles Macdonell, Mr. Spencer, and other persons who had been under accusation for three or four years, and had not been able to obtain a trial. This tardy act of justice was reluctantly extorted from the law officers of the Crown, by the firmness of several of the gentlemen concerned, who being arrested under the process of the Court of King's Bench, on the indictments found in March, refused to give bail for their appearance in the September term, demanded their trial, and declared that they preferred remaining in prison till the law officers of the Crown should be ready to proceed, rather than enter into repeated recognizances from September to March, and from March to September again, without any prospect of a termination. These

gentlemen were in fact committed to prison, and remained there several days before the Attorney General made up his mind whether he had grounds to proceed against them or not, and were at last released; the Attorney General professing that the whole matter was a mistake, and that he had supposed them to have been committed on process from the Court of Oyer and Terminer.

In the same spirit, the law officers of the Crown brought forward, and the Court of King's Bench at Montreal, sanctioned and enforced a most extraordinary proposal for binding a number of gentlemen to appear at places not within their jurisdiction. In pursuance of the recognizances exacted by Mr. Coltman at Red River, your memorialist and several of his friends had attended the Term of the Court of King's Bench at Montreal, in March, and were ready to answer to any complaints against them, but by this time Mr. Coltman had been advised to say that the matters in question could only be brought to trial in Upper Canada, and on this principle the Attorney General moved, that instead of discharging the recognizances taken by Mr. Coltman, they should be renewed under the authority of the Court, binding the parties to appear in Upper Canada. Against this application, it was urged, that the recognizances had been illegally taken in the Indian territories, to secure the appearance of the parties accused to answer in Lower Canada, for offences supposed to have been committed in Upper Canada: that the Magistrate by whom they had been taken, had evidently no authority to exact recognizances of any kind from the person accused, and had erred egregiously in mistaking the tribunal before which the supposed offences were cognizable. That these recognizances must be therefore considered as mere waste paper, and could not possibly be the foundation of any proceeding in the Court in which they were then produced. The recognizances being nullities, there was no ground for the exercise of authority by the Court. If it were even imagined that the charges mentioned in the recognizances could justify the arrest and commitment of the individuals in this Province, it was the proper office of a justice of the Peace, at the instance of the prosecutor to receive evidence on the charges, and grant such warrants as might be permitted by law: The Court in the present case, could not exercise such function without a departure from the line of its duty. But there could be no pretext for the exercise of authority in Lower Canada, in respect of the supposed offences, either by the Court or by a justice of the Peace. If the matters charged in the recognizances, could constitute an indictable offence, (which might be contested) they could only amount to a misdemeanor committed in a foreign jurisdiction, and the power of commitment by any Court in Lower Canada, for an offence committed in Upper Canada, could not be exercised for an offence below the degree of a capital felony. It was indeed,

admitted that in cases of capital felonies, such power, not that of binding by recognizance, might be exercised: but there was neither authority nor reason to warrant it in cases of inferior offences. In the latter cases, there was not only an absence of authority in the Court for the exercise of any such power, but there were direct provisions of law against it. In the Provincial ordinance introductory of the English law of Habeas Corpus, all restraint on the liberty of the subjects in this Province for the purpose of conveying them prisoners to others parts of the King's dominions, is prohibited, with an exception in cases of capital offences committed in other parts of those dominions, for which imprisonment in this Province may take place. It was also stated that the proposed measure was not only illegal, but was unnecessary and oppressive, as the individuals against whom it was to operate, had already, of their own accord, appeared before the Magistrates of the jurisdiction (the western district of Upper Canada) in which the supposed offences were alledged to have been committed, and had given bail for their appearance in the proper Court there at a future day, in every case in which they had thought proper to require it. There the agent of the prosecutors the acting Solicitor General of Upper Canada, had been present with a number of witnesses on the occasion, so that no doubt could be entertained that the bail had been taken with due consideration. It was nevertheless worthy of remark, that these Magistrates had been satisfied with recognizances to the amount of three hundred and fifty pounds, in the same cases, in which Mr. Coltman had exacted bail to the amount of six thousand pounds. Notwithstanding these reasons, the Attorney and Solicitor General, who appear to have thought it their duty in all cases, and at all hazards to justify and enforce the measures of Mr. Coltman, and who, on this occasion, were aided by the Counsel of the North West Company (the private prosecutors) persisted in requiring the renewal of the recognizances. And your memorialist saw with astonishment this illegal, unwarrantable, and oppressive measure, sanctioned by a Court sitting to administer justice under the criminal laws of England. Without referring to any principle of law to justify or palliate this stretch of authority, the Court determined that the recognizances should be renewed, and required from your memorialist a recognizance in the sum of six thousand pounds for his appearance in another Province, to answer charges which, if they could be the subject of criminal prosecution, amounted barely to a misdemeanor. The terms of the recognizance were as little reconcileable with law, as the authority under which it was taken. It required your memorialist to appear before a Court of Oyer and Terminer in Upper Canada, without specifying the time or place where it was to be held. Similar recognizances were exacted from several of your memorialist's friends, and it was ordered that they should stand

committed, if the recognizances required were not entered into. On the illegal and oppressive character of this proceeding, your memorialist need not enlarge: it is certainly without precedent in any part of His Majesty's dominions, and its ill consequences not limited to the persons immediately affected by it. It is obvious that the principle adopted by the Court in the case of your memorialist, would enable them on a charge of misdemeanor, alledged to have been committed in the East or West Indies, or other remote parts of the British dominions, to compel the individual accused, by imprisonment of his person to submit to a removal thither, to answer the charge whether true or false, and thus in effect to inflict the punishment of transportation or banishment for a time at their own pleasure. It is not indeed likely that the Court at Montreal would readily venture on such a stretch of authority in other cases: but their having done so in the case of your memorialist, would imply that they must have been actuated by very peculiar motives, and a precedent for it in that case has certainly been established.

Among the Judges, who issued these orders was Mr. Justice Reid, one of those who in the month of September preceding, had declared that in consequence of his near connection with the North West Company, he could not take a part in any Judicial proceedings in which the interests of that association were involved, or which related to their disputes with the Hudson's Bay Company. Upon another occasion, in the term of the Court of King's Bench in March, this gentleman declared his intention of sitting upon the trial of Archibald MacLellan, a partner of the North West Company, for a murder perpetrated upon Owen Keveny, a servant of the Hudson's Bay Company.

During the session of the Court of Oyer and Terminer at Montreal in May, another most oppressive imprisonment took place, of one Joseph Parisien, who had been formerly in the service of the North West Company, and had been employed to commit a multitude of crimes, of which he had recently made a full disclosure, giving information against his accomplices, and against those by whose instigation, and even compulsion, these had been committed. This man had been brought to Montreal as a witness, on a remarkable trial which took place in the year 1810, when John Mowat, was accused by the North West Company, of the murder of Aeneas Macdonell. But one of the servants of the Hudson's Bay Company, having given information against Parisien, a bill of indictment had been found, in consequence of which, his employers had thought it adviseable to change his name, and send him to the United States, and from that time forward, he had been carefully kept out of sight. Attempts had been made to induce him to return into the Indian countries, but as he would not agree to this, he was sent from place to place, to prevent

his appearing at Montreal, or in any part of the Province where he might be recognized. Harrassed by this mode of proceeding, and feeling severely the exile from his native place, Parisien had at length been led to reflect seriously on the criminality of his former conduct, and resolved to make his peace with his own conscience as well as with society, by a full confession and disclosure. He had sworn to a most important and copious affidavit, and upon his evidence, bills of indictment for robbery and arson, had been found against several of his accomplices, and among the rest, against John Haldane, a partner of the North West Company. The agents of that Company, however, who had previously endeavored to screen him, recollecting the old indictment, which had been found in the year 1810, made use of it to procure the arrest of Parisien. Evidence was offered, that the prosecutor on whose testimony this indictment had been found, had left the Province, and that there was no probability of his returning, or following out the prosecution. Nevertheless, the Attorney General, for reasons which he did not condescend to explain, refused his consent for the liberation upon bail of this witness for the Crown, till after he had remained in prison several weeks. It was no doubt, very agreeable to the North West Company, to have the means of punishing Parisien in this manner for the crime of informing against his masters, and the circumstance might help to convince others of their servants, who were in a similar predicament, that the safest course for them, was to trust to the power of the North West Company, and their influence with Government, rather than to the regular course of justice, and the laws of the land. It was, however, a singular spectacle, which was exhibited, when the Attorney General lent his aid, to punish a man for having turned King's evidence.

The close of the session of Oyer and Terminer at Montreal, was followed by the trials of Charles De Reinhart and Archibald MacLellan at Quebec. These persons had been conveyed thither, in the month of March, along with Cuthbert Grant and Joseph Cadotte, who had been indicted as accessaries, to the murder of Keveny. Two attempts were made at Quebec, to try De Reinhard and MacLellan, for the crime with which they were charged. The first attempt was before the Court of King's Bench for the district of Quebec, in March 1817, near the period fixed by law, for the end of the session of that Court. On this occasion, the two prisoners did not sever in their defence, but allowed themselves to be put upon their trial together. The second attempt, was before a special Court of Oyer and Terminer, for the same district, in May of the same year, on which latter occasion, an acquaintance with the evidence of the Crown, disclosed upon the first attempted trial, induced De Reinhard and MacLellan to sever in their defence.

The management of their trials, was of a most singular character. On

the first attempt in March, when MacLellan and De Reinhart were arraigned together, the Jury was impanelled only about 48 hours before the close of the term, and through the unexampled prolixity, with which the examinations were conducted, no more was done, than to examine some of the principal witnesses for the prosecution, when the trial was unavoidably broken off, by the termination of the legal powers of the Court. By this means, the accused obtained the advantage of hearing all the most material evidence against them, as well as ample time to prepare any sort of testimony they might think fit to counteract it, and were thus also, allowed an opportunity of adopting a new course of defence, of which they availed themselves in May and June following, by severing in their trials.

It was in the course of these ineffectual proceedings, about the end of March, that the law officers of the Crown, announced their determination to take into their own hands, exclusively, the management of all the trials, relative to offences committed in the Indian Territories, without allowing any participation to the Counsel of your memorialist and of the Hudson's Bay Company. This was so far from their previous practice or views, (except in the cases of the liberation upon bail, of the servants of the North West Company, about the month of December 1817, under the auspices of Mr. Coltman,) that at Montreal, but a few weeks before, the Attorney General explicitly agreed, that on the trial of De Reinhart and MacLellan at Quebec, the examination of the principal witnesses for the Crown, and the cross examination of those for the defence, should be conducted by the Counsel for the prosecutors: and upon that understanding, two professional gentlemen from Montreal, had gone to Quebec, for the purpose of assisting in this trial: upon this unaccountable change in the determination of the Attorney General, one of these gentlemen immediately returned home; the Attorney General caused a subpoena to be served upon the other to attend as a witness.

Your memorialist may be permitted to observe that this assumption on the part of the Attorney and Solicitor General, of the power of excluding private prosecutors from any share in the management of criminal prosecutions, in which they have an interest, is an innovation incompatible with that equal distribution of justice, heretofore considered as the highest privilege of British subjects. In the practice of the mother Country, the greatest proportion of criminal prosecutions, are entirely managed by private prosecutors; and it must be evident, that if no individual be allowed to prosecute, without the good pleasure of the Attorney General, that officer will be invested with power to screen from justice, any criminal whom he may chuse to favor. He will have greater power, than even the Crown itself: for the prerogative of pardoning after conviction, is

necessarily restrained, by a regard to the opinion formed from the evidence disclosed upon the trial. But if the Attorney General is to judge without appeal, whether or not to bring on the prosecution of a crime, if no other person be allowed to take up the cases which he may wish to overlook, or to enforce the laws where he may have motives to be negligent, the most enormous crimes may pass unnoticed; the public may never have an opportunity of ascertaining the real state of the facts, and the favourites of a corrupt officer, may violate the laws with impunity. If the law officers of the Crown in this province, are to be invested with a power of such tremendous extent, and so inconsistent with the law and practice of the mother country, at least it would seem reasonable that every precaution should be taken against their contracting a bias of partiality towards any individuals. But so far is this from being the case, that it is just as usual for the law officers of the Crown in these Provinces, not only to act in the Courts of civil judicature as advocates for individual litigants, but even to accept general retaining fees, as it is England, where they neither claim nor exercise such exclusive power of prosecution in criminal cases. Of the four principal law officers of the Crown in the Provinces of Lower and Upper Canada, three were lately the retained Counsel of the North West Company.

This assumption on the part of the law officers of the Crown, of the exclusive management of all criminal prosecutions, bears peculiarly hard upon the particular case of your memorialist. Questions of a general nature, in which he is deeply interested, have been brought under the consideration of His Majesty's Ministers, and their determination has been withheld, on the ground that it must be materially affected by the result of the expected trials, for offences in the Indian territories. In adopting this resolution, His Majesty's Ministers certainly could not suppose that the cause, which they considered as that of your memorialist, was to be taken out of his hands, and conducted without his participation, by the retained Counsel of his adversaries.

In the cases which have occurred of criminal offences in the Indian territories, it would never be supposed that the law officers of the Crown could be as fully masters of the facts and of the evidence, as the Counsel of the private prosecutors. Their assistance and participation therefore was necessary to the successful prosecution of the offences. With respect to the murder of Keveny, the Attorney and Solicitor General bestowed upon it so divided an attention, that in the course of the trial, they betrayed their ignorance of the most material circumstances. In addition to this, they were imperfectly acquainted with the language in which the trial was to be conducted, not ready in the use even of classical French, and not at all acquainted with the Provincial idiom of the Canadian peasantry, and the

technical phraseology used by the voyageurs. Hence on the trial, a number of ridiculous mistakes occurred: a question was often repeated three or four times, before an intelligible answer could be obtained, or was answered by the witness in a total different sense from that in which it was put: so that much confusion was the unavoidable consequence. This unseemly mode of conducting the examination, was no doubt the cause that some of the witnesses were kept for the extraordinary space of five or six hours in the witness box, so as to fatigue their attention, and even put their physical strength to a severe trial.

After the first abortive attempt to try the murderers of Keveny in March, the law officers of the Crown consented to liberate, on bail, all the prisoners except Charles De Reinhart, including Archibald MacLellan, against whom, there were not only the most pointed affidavits, but very strong evidence had come out in the course of the examination which had just taken place. To accept of bail in such a case, and under such circumstances, was a proceeding unprecedented in a British court of justice, and betrayed the determination already taken, to throw the whole guilt of the murder of De Reinhart, a foreigner, in order to screen his accomplice, a partner of the North West Company. But even this was not the most extraordinary part of the conduct of the Attorney and Solicitor General. They agreed at the same time to liberate Cuthbert Grant, under a recognizance in the sum of five hundred pounds only to appear again at Quebec, at the time appointed for resuming the trials for the murder of Keveny, without even a recognizance to answer for any other matter, tho' six bills of Indictment for capital offences had been found against him at Montreal, from whence, without giving bail, the Attorney General had caused him to be brought to Quebec, and tho' among the crimes with which he was charged, was a murder exceeding in atrocity, even that of Keveny.⁵⁸³ A short time before this, Grant while yet in prison, declared that the troubles of Red River were not at an end, that he would soon recover his liberty, and take vengeance on the settlers for his sufferings and imprisonment. He did not appear in pursuance of his recognizance; and it is known that in fact he was conveyed back to Red River; thus a notorious and determined murderer has been let loose on society, while his associates in guilt, have received another and a striking proof of the impunity with which any crime may be committed for the benefit of the North West Company.

After this example of the manner in which the law officers of the Crown have let loose the most notorious criminals when actually in custody, it will not appear surprising that they have taken no pains to obtain the arrest of those who were at large. Your memorialist has already adverted to the manner in which the process of Court, issued upon the

indictments found in the month of February, was kept back by the Attorney General, so that it was not till the end of April that the Sheriff was authorised to arrest even those who might be found in the district of Montreal. Most of the accused however, were in the Indian countries. If the law officers of the Crown had been disposed to what they assumed as their exclusive duty, and had felt properly for the honor of His Majesty's Government, they must have been sensible how disgraceful it would be, if men who had committed such a tissue of crimes, should be allowed to remain at large, in a country where they would still have opportunities of making a prey of their fellow subjects; at the same time, it must have been evident, that the peculiarity of the local circumstances required extraordinary means, in order to effect their arrest. Nevertheless, in the month of May, your memorialist learned that no steps whatever had been taken for that purpose. If any person was to be employed to arrest the criminals in the Indian countries, it was already full time that he should have set out. It was not till then, that on the urgent remonstrances of your memorialist, the Attorney General undertook to procure the necessary warrants, and to advise the Governor in Chief to send an officer to the interior, specially charged to execute them. At the end of June, however, the Attorney General stated that his proposal was still before the Council of Quebec; and no determination had then been taken upon it, though every person acquainted with that country must have been aware that by such delay, the opportunity of bringing down the culprits before winter, would inevitably be lost.

In the end of June, the Counsel for your memorialist and for the Hudson's Bay company, finding that the proposal of the Attorney General to send an officer to the interior, had served no purpose, but to occasion delay in the adoption of other methods for arresting the criminals, applied to the Chief Justice of Montreal to issue warrants to the Sheriff, and at the same time, required that officer to nominate such persons as he thought fit to execute them. The indictments were lying in the proper office at Montreal, but the clerk of the Crown was at Quebec, and the Chief Justice, previous to issuing any warrants, required certificates of the indictments under the hand of that officer. Before these could be obtained, with all the formalities which were required, several weeks had been consumed, and it was not till the 23d of July, that the warrants could be dispatched from Montreal; at so advanced a period of the season, that it was barely possible for a messenger to return from the interior before the close of the navigation, but without the smallest chance of securing any of the culprits in time to be brought down for trial the same season.

From the circumstances which have been stated, no doubt can be entertained of the disposition of the law officers of the Crown, to evade

altogether, the prosecution of the offences committed in the Indian territories, by the partners and servants of the North West Company; and indeed the expressions which they have made use of, in presence of respectable witnesses, plainly implied a wish that the prosecutions should be dropped on both sides. It is needless to comment upon the affection which these officers display, when they pretend to believe in the existence of any charges of serious magnitude on the other side, to counter balance the enormous mass of criminality which has been brought forward, against the North West Company. As little will your memorialist permit himself to enlarge upon the insult which is implied in this language, as if his conduct, or that of his friends, had been such as to put them on a level with robbers, and murderers, and incendiaries. But if it were so, is it for the law officers of the Crown to countenance the principle, that the crimes of one set of men are to be a reason for not prosecuting, or punishing the crimes of another? Or lest the proceedings should be more effectually carried on by others, is it for the law officers of the Crown, unwarrantably to assume to themselves, the sole power of conducting criminal prosecutions? This extraordinary conduct, can only be partially accounted for, even by supposing that the law officers of the Crown, coincide in the singular doctrine brought forward by Mr. Coltman, that all the atrocities which have been committed at Red River and in Athabasca, are to be excused as venial offences, because they have occurred in the course of a private war, between two contending parties. True it is, that the North West Company declared war against the settlement on Red River: that in 1812, a principal partner in the "concern," in a letter sent from London to his associates at Fort William, declared that they must drive your memorialist to abandon his project of establishing a Colony:⁵⁸⁴ and that in August 1814, Alexander Macdonell, another partner announced to his friends, that in pursuance of the instructions of his associates, he was proceeding to commence "open hostilities against the enemy." The settlers had no alternative, but to defend themselves; and if in the contest, thus forced upon them, they at any time adopted measures of defence that were not strictly regular, the extraordinary circumstances of their case, and the absence of all prospect of assistance from the public force of the Empire, may be fairly pleaded in justification of their conduct. But, that the allegation of mutual hostilities, arising, even upon the most lenient supposition, from the determination of the North West Company, to avenge their own supposed wrongs, instead of seeking redress from the laws of their country, that this should be pleaded in extenuation of the robberies, the arsons, and the murders committed in the prosecution of their plans of extermination, is a doctrine which never could have been expected from an English magistrate, appointed to the important trust, which has been confided to Mr. Coltman.

Even according to the indulgent principles laid down by Mr. Coltman in his circular letter, written in July 1817, the conduct of the North West Company, in disregarding the injunctions of the Proclamation, and evading the restitution of the property they had seized, "by shewing an original felonious intention, would render the parties liable to conviction and legal punishment for these offences," and prove that they were "robberies, felonies and murders, in the "usual acceptation of these words." But Mr. Coltman did not act with consistency, even upon the singular doctrine which he had laid down. After pointing out in this circular letter, the criterion by which, in his apprehension, a judgment was to be formed, whether the parties had been carrying on private war, or had committed "robberies, felonies and murders, in the usual acceptation of these words," He did not wait to see the effect of his touchstone; but proceeded as if he had ascertained that the North West Company were at once entitled to all the benefit of the amnesty which he offered to them. Though he proceeded with rigour against others, who by his own admission, had done all that the Proclamation required, he took no steps against these men, who had merely promised obedience, without having given any practical proof of their intention to comply bona fide with its injunctions.

Mr. Coltman indeed, appears to have acted under the idea that his office as Commissioner of Special Inquiry, invested him with some sort of undefined and unlimited authority, as an immediate representative of the Crown. But his Commission of inquiry, if it was not altogether illegal, could do nothing more than impose upon him, the duty of making a report to His Majesty's Government, of all the facts which he could ascertain, relative to the subject of his investigation: it could neither add to the rights, nor relieve him from the duties, of his office as a Magistrate for the Indian territories, in which capacity alone he had any title to assume authority, or to interfere with the administration of justice. Any further deference to his opinion could only be the result of courtesy: and it was not for him to presume, and to act on the presumption, that not only the law officers of the Crown, but also Judges and Juries, must adopt his opinion as to the validity of the excuses, which he was disposed to admit, for the crimes of the North West Company. But the motives of Mr. Coltman's conduct, may perhaps be appreciated by joining to the consideration of his proceedings, the suggestions which he made to your memorialist, for a compromise of his differences with the North West Company. In the month of February, a short time before the period appointed for the opening of the Commission of Oyer and Terminer, Mr. Coltman availed himself of an indirect channel, to open a negotiation on this subject, and to propose that your memorialist should withdraw his support from the causes then pending, in consideration of which, he was

given to understand, that the North West Company would be willing to pay for the damages which he had sustained by the repeated destruction of the settlement, and to make other sacrifices of a pecuniary nature. From a regard to the personal feelings of your memorialist, Mr. Coltman added, that a reference might be made, upon a statement from each of the parties, and a third from himself, as Commissioner, for His Majesty's Government, to determine which of the cases of criminal offences, committed in the Indian territories should be prosecuted, if prosecution should be thought necessary as to any, besides the murder of Keveny. It must have been evident, that from a regard to constitutional propriety, His Majesty's Ministers could not accept such a reference; but before their answer could have been received, the witnesses for the Crown would have dispersed, so that the form of a reference, could only have served as a cloak to the entire dropping of the prosecution, and as a salve to the guilt of compounding felony.

In bringing forward these suggestions, Mr. Coltman broadly stated, that if your memorialist should not accede to them, he would not have another opportunity of making so advantageous an adjustment. In fact, if he had been disposed to enter into a corrupt transaction, he could not have looked for a more favourable concurrence of circumstances. At that moment, there could be no doubt that the leaders of the North West Company would have been willing to make great sacrifices, in order to avoid the disgrace of those disclosures, which were on the point of being made before the Court of Oyer and Terminer, and your memorialist was well aware that after the evidence of their crimes had once been laid before a grand Jury, it would no longer rest with him to screen or to expose them. The period was also a critical one for Mr. Coltman himself, for a great proportion of the witnesses who had been brought before him at Red River, and upon whose evidence, he ought to have issued warrants against a long list of robbers, incendiaries and murderers, had been brought to Montreal, and were there ready to give the same testimony before the grand Jury. If the proceedings had been dropt at that period, it would have operated not only to gloss over the crimes of the North West Company, but also to prevent any strictures upon the official conduct of Mr. Coltman.

In order that no chance of obtaining this accommodation might be lost, other motives were held out to induce your memorialist to comply. Observations were thrown out as to the endless delays, and enormous expences of proceeding at law. Hints were given, that an amicable adjustment would be agreeable to His Majesty's Government, and as Mr. Coltman held his usual language about contending parties, and proposed that the legal proceedings should be dropped on both sides, it might be inferred that a refusal on the part of your memorialist to comply, would

be followed by measures of vindictive persecution, not only on the part of the North West Company, but also as far as Mr. Coltman's influence could have any effect, on the part of the law officers of the Crown.

The proposal thus brought forward by Mr. Coltman, afforded an explanation of other circumstances in his conduct which had previously appeared ambiguous, but now plainly indicated, that in the whole course of his mission, he had been actuated by the desire of bringing about an arrangement of pecuniary interests, rather than that of investigating the crimes which had been committed in the Indian territories, and of bringing to condign punishment, the real authors of these atrocities. At Red River, he had repeatedly suggested in a more or less direct manner, the idea of an amicable arrangement, and even avowed that the hope of effecting a reconciliation had been one of the principal motives for accepting his appointment: and at a still earlier date, shortly after his return from Upper Canada in the month of January 1816, when there had been recently transmitted to His Majesty's Government, the most calumnious and distorted representations of the conduct of your memorialist, it was suggested to his agents at Montreal by the Commissioner, that an adjustment of all differences might be obtained, if any person were authorised on the part of your memorialist, to enter into such an arrangement. The influence of such motives may serve to account for the exertions which Mr. Coltman has used not only to palliate the crimes of the North West Company, but also to augment and raise into importance every trespass, however inconsiderable, which he could find any pretext for imputing to their accusers. In order to extort concessions, it was necessary to make the most of every charge against those with whom he wished to traffic: in order to lay the foundation for a compromise, it was necessary to find out, or to conjure up something like a balance of mutual injuries: and as the balance could not otherwise be brought to an equilibrium, the name of Government was thrown, like the sword of Brennus, into the scales. Tho' it was in consequence of Mr. Coltman's own conduct, and the misrepresentations to which he had given currency, that the Proclamation of the 3d of May, 1817, had been ordered, he did not hesitate to state among other reasons for a compliance with his wishes, that from a regard to consistency, His Majesty's Ministers must continue to support the North West Company, however much they might be convinced of the injustice of that line of conduct. Under the same impression, no doubt, the Attorney and Solicitor General avowed without a blush, that the responsibility of their official situations, was in their estimation a mere "watch word!"

The situation in which your memorialist found himself, was a difficult, and a hard one. To contend alone and unsupported, not only against a

powerful association of individuals, but also against all those whose official duty, it should have been, to assist in the prosecution of their crimes, was at the best an arduous task: and however confident he might be, of the intrinsic strength of his cause, it was impossible to feel a very sanguine expectation, that this alone would be sufficient to bear him up, against the swollen tide of corruption, which threatened to overwhelm him. Even though no direct advantage had been held out, to induce him to abandon the prosecutions, yet he knew that in persevering under the existing circumstances, he must necessarily submit to a heavy sacrifice of personal comfort incur an expence of ruinous amount, and possibly render himself the object of harassing and relentless persecution. But what was the alternative proposed to him by Mr. Coltman. That he should lend himself to throw the veil of obscurity, over a tissue of unparalleled crimes: that he should assist in procuring impunity for incendiaries, and murderers: that he should become the instrument of establishing the right of the strongest, as the only law of all the northern territories of this continent, fencing them out, beyond the pale of legal protection, and destined to remain for ever a haunt of banditti: - That he should adopt a line of conduct, which could not fail to be interpreted as an admission, that he had brought forward charges destitute of foundation, and had been actuated by corrupt motives, to abuse his authority as a Magistrate. These feelings, Mr. Coltman thought fit to characterize, as vindictive; but your Memorialist is confident, that they will not be stigmatized as such, by any one who has a just sense, either of honor, or of public duty.

However unpromising the first suggestions upon the subject appeared, yet as the overture was repeated a second time, through the same channel, with the expression of an earnest desire, that it should be taken into serious consideration, your memorialist thought it incumbent upon him, from respect to the Commission with which Mr. Coltman was invested, to ask for a written explanation. This he received, expressed in a more guarded manner, than in the previous verbal communications: and some of the more indelicate parts of the proposals were softened or glossed over, but the proposal still continued so substantially objectionable, so irreconcilable to every principle of rectitude, that your memorialist could not look upon it as in any degree admissible.

Among the more powerful of the inducements to a compliance, it was held out that the North West Company would be willing to withdraw their trading post, from the immediate vicinity of the settlement, and Mr. Coltman expatiated on the advantages in point of security, which would arise from the removal of a bad neighbour, - from the removal of that post, at the Forks of Red River, which he himself had lent his aid, and his sanction to re-establish.

However insensible Mr. Coltman may be to the dangers to which his conduct has exposed the lives of His Majesty's subjects, however little aware the law officers of the Crown in this Province, may be to the tendency of their conduct, also to encourage a repetition of sanguinary crimes, your memorialist feels confident, that your Grace's attention cannot fail to be arrested by these considerations. New violences against the settlement at Red River, appear to be in contemplation, and threats to that effect have been uttered, not merely by such men as Pangman and Grant, but also by those who are in the intimate confidence of the directors of the North West Company, and whose predictions on former occasions have been too well verified. It is openly avowed that instructions have been transmitted to the interior, under the authority of the Chief Justice and Sheriff of Montreal, for the arrest of the culprits against whom, indictments have been found.

After the experience they have had of impunity, for all their crimes, it is not wonderful that the North West Company, should consider themselves altogether above the law: and when they foretell that violence and bloodshed, will be the consequence of attempting to enforce legal warrants against them, the audacity they exhibit is no greater than might be expected after so much encouragement. All former experience, shows that the North West Company are never at a loss for a pretext, to justify, or to excuse any crime which it is for their interest to perpetrate; and where they have resolved upon a course of criminal conduct, it is their policy to prepare the public, as early as possible for the misrepresentations by which it is to be cloaked. Thus in the winter of 1814 and 15, after Duncan Cameron and Alexander Macdonell, had received instructions to destroy the settlement, and had written to their friends, that they were "so far on their way, to commence open hostilities against the enemy in Red River," and while they were assembling their half-breed servants, to carry those instructions into effect, the agents and directors of the North West Company at Quebec and Montreal, were busy in spreading reports of the hostility of the native Indians of Red River, against the settlers, and affecting to deplore the sanguinary scenes that were likely to ensue. Such prognostications cannot be despised, when they come from men who have power to bring about the accomplishment of their own predictions. We now see them renewed, at a period when the experience of impunity for past crimes, has given every possible encouragement, for the perpetration of new atrocities, and when the return of Grant and Pangman, and other bailed murderers into the Indian Countries, has furnished to the North West Company, a supply of fit tools for any sanguinary design.

The North West Company, though well aware that the settlement at Red River, has always been an undertaking completely separate from the

trade of the Hudson's Bay Company, yet in order to give greater scope to their detestable principle of retaliation, have attempted to identify these establishments. Even his Majesty's Government, by lending too ready an ear to these misrepresentations, has been induced to believe, that all the crimes which have been committed in the Indian countries, have only been the result of mutual violence between contending parties of traders. But from the statement which is now submitted to your Grace, it cannot but be evident, that this opinion is completely erroneous. The question now at issue is not whether this or that Company shall engross the fur trade: - But whether the British Government, does or does not afford protection to its subjects: Whether the strong may be permitted to trample upon the weak without restraint, to expel the tillers of the earth from their habitations, to lay waste their fields, to reduce their cottages to ashes, to drive their helpless wives and children into the desert, and to commit every species of enormity, in furtherance of their criminal views: Whether this extensive and valuable Province is to have a system of judicature, calculated only to crush obnoxious men, while those who are in favor, may commit the most atrocious crimes, with impunity: Whether to promote the sordid purposes of individual gain or illegal monopoly, murder may be systematically organized, and the blood of British subjects remain unatoned, because some of those who profit by it, are members of the Executive and Legislative Councils of Lower Canada, and reputed to be under the special protection of His Majesty's Government.

Independently of the grievances which your memorialist and others, have suffered from the conduct of the Commissioners of special enquiry, and of the law officers of the Crown in this Province, it must be evident that the honor of his Majesty's Government, requires some signal and decisive proof, of a determination to put a stop to such disgraceful partiality. Confident of the sentiments which your Grace must entertain on this point, your memorialist respectfully submits the facts to your attention, and at the same time, begs leave to suggest the propriety of an interposition of the executive authority, to repress the audacity of the culprits, who now set the law at defiance, and openly profess their determination to resist legal process, in the Indian Countries.

May it therefore please your Grace, that these matters be taken into your consideration, and your authority exercised thereon in such manner, as may be best calculated for the purpose of rendering amenable to justice, and of prosecuting with effect, the persons guilty of the crimes herein before referred to; that a competent and impartial tribunal, under a commission of Oyer and Terminer and general Goal delivery, be constituted in the Province of Lower Canada, for the trial of such persons, to

continue in the exercise of its powers, till the prosecutions of the said crimes be brought to a conclusion, and for the more effectual attainment of this object, that the conduct of those prosecutions be left to the Counsel of your memorialist, to be carried on by them, as permitted by law: and may it also please your Grace to take such measures as the circumstances may require, respecting the acts of official misconduct herein before complained of, and afford such further redress in the premises, as in your wisdom may appear just.

SELKIRK

2 OCTR. 1818.

References

- 522 For these opinions, see “Opinions of Counsel relative to the Hudson Bay Company’s Charter” in John Halkett’s *Statement Respecting the Earl of Selkirk’s Settlement*, “Appendix A,” i-ii. The North West Company had its own opinions, by Edward Bearcroft, V. Gibbs, and Sir Arthur Pigott, reprinted in Samuel Hull Wilcocke’s *A Narrative of Occurrences* 10-20. An abstract of the conveyance is in Manitoba Archives, MG2 A1-A2.
- 523 John Cooper and Hugh Bannerman were eventually tried in connection with this theft. See Samuel Hull Wilcocke, *The Report of the Proceedings Connected with the Disputes between the Earl of Selkirk and the NWCO at the Assizes held in York in Upper Canada, October 18/8* (Montreal, 1819), 161-99 and Appendices “J” and “O”; or Andrew Amos, *Report of Trials in the Courts of Canada, Relative to the Destruction of the Earl of Selkirk’s Settlement Upon the Red River; with Observations* (London, 1820), 347-88.
- 524 This driving of buffalo may not have been done purposely to hurt the settlers, but may have merely reflected Metis hunting techniques.
- 525 This Alexander McKenzie (1767?-1830) was a nephew of Sir Alexander. He was born in Scotland, and joined the XY Company in 1798, becoming a trader with the North West Company in 1804, and put in charge of the Athabasca Department from 1804-1808. At this time he was at Fort William, where he was arrested by Selkirk in 1816 and sent east for trial.
- 526 Samuel Hull Wilcocke, *A Narrative of Occurrences in the Indian Countries of North America*, p. 194.
- 527 According to Robertson’s diary for 5 August 1815: “This day... received a letter from [Gov. Thomas] requesting me to take charge of the Colony until the pleasure of Lord Selkirk was known, which I agreed to, about noon I assembled all the colonial Servants and Settlers, & informed them of my intention to leave here on the 8th inst. for Red River & such of them were inclined to accompany me to prepare for their departure on that day... I was by no means inclined that any of them should return to England. I therefore made some trifling sacrifices which at any other period I would not have done.” (HBCA E.10.1, vol. 11, ff 89d-90) He left 7 August from Winnipic Settlement and arrived in Red River on 19 August 1815.
- 528 For the indictments against Cameron and others, see Wilcocke, *Report of the Proceedings*, Appendices “F” and “J.”
- 529 Alexander Macdonell (always called “the Sheriff” to distinguish him from others of the same name) was born in Scotland and accompanied Governor Semple to the settlement in 1815. He helped re-establish the colony in 1817 and led it for several years, becoming appointed Selkirk’s official agent in 1820. He was dismissed by George Simpson in 1822, and left Red River a few years later. See *DCB*, VI, 437-439.
- 530 The original copy has changed the word “means” to “menaces.”

- 531 This letter has not been located.
- 532 Cuthbert Grant was the son of a North West Company trader, educated in Scotland, and leader of the Metis in 1815/16. He later worked for the HBC and held a number of appointive positions, including Councillor of Assiniboia from 1839. See M. A. MacLeod and W. L. Morton, *Cuthbert Grant of Grantown* (Toronto, 1963) and D. Bruce Sealey, *Cuthbert Grant and the Metis* (Agincourt, Ont., 1976).
- 533 For contemporary accounts, see *Narratives of Pritchard, Pambrun, and Heurter*, and Alexander Greenfield Macdonell, *A Narrative of Transactions in the Red River Country; from the Commencement of the Operations of the Ear! of Selkirk till the Summer of the Year 1816* (London, 1819). Consult also Andrew Amos, *Report of Trials in the Courts of Canada Relative to the Destruction of the Earl of Selkirk's Settlement on the Red River, with Observations* (London, 1820). *The best modern account remains Macleod and Morton, Cuthbert Grant*, but consult also Joe Martin, "Bloodshed at Seven Oaks," *Beaver*, summer, 1966, 36-40.
- 534 The original copy has changed the word "completing" to "accomplishing."
- 535 Jean Baptist Lagimoniere (or Lagimodiere) was born 1778 in St. Antoine de Richelieu, Quebec. He came to the Northwest in 1800, and returned east to marry Marie-Anne Gaboury in 1806. The couple came back to the west. He was rewarded for his service by Selkirk with a land grant in 1818 at the junction of the Red and Seine Rivers. As farmer and trader, Lagimoniere and his family became extremely influential in Red River. See R. Gosman, *The Riel and Lagimodiere Families in M&is Society, 1840-1860* (Parks Canada, 1977), especially 90-99.
- 536 John Palmer Bourke was born in County Mayo, Ireland, in 1791, and was recruited by Owen Keveny for service in the west in 1812. He assisted Colin Robertson in dismantling Fort Gibraltar in 1816, was wounded at Seven Oaks, and was arrested by the Nor'westers and taken to Montreal for trial on charges of destroying Fort Gibraltar; he was acquitted. He later served with the HBC, and retired to become an independent trader. He travelled to Kentucky in 1832/3 to purchase sheep for the colony, and later ran the HBC experimental farm in St. James. Bourke is thought to be the first member of the Masonic Lodge in what would become Manitoba, joining in Montreal in 1819. He died in 1851.
- 537 Charles de Reinhart (or Reinhard) was a colour sergeant in the Regiment de Meuron. He was discharged 24 April 1816, and was employed by William McGillivray as a clerk with the North West Company. According to his confession (HBC Archives, E.8/7 ff.47-53), he was employed by Archibald M' He was found guilty of the murder of Keveny. Archibald M'Lellan, also accused of that crime, was acquitted in a separate trial. For a full account, see Samuel Hull Wilcocke, *Report of the Trials of Charles de Reinhart and Archibald M'Lellan for Murder at a Court of Oyer and Terminer, Held at Quebec, May, 1818* (Montreal, 1818), or William S. Simpson, *Report at Large of the Trial of Charles De Reinhard for Murder (Committed in the Indian Territories) at a Court of Oyer and Terminer Held at Quebec, May, 1818, to which is Attached a Summary of Archibald M'Lellan's, Indicted as an Accessory* (Montreal, 1819).

- 538 Colin Robertson organized a determined opposition to the North West Company in the rich Athabasca country in 1815, recruiting John Clarke and sending him west to establish Fort Wedderburn on Lake Athabasca, as well as five outposts. Short on provisions, the HBC traders were starved out by the NWC, and one of Clarke's subordinates handed over the furs collected to NWC partner William McIntosh. See E. E. Rich, *Hudson's Bay Company 1670-1870 11* (Toronto, 1960), 333-383.
- 539 John Clarke was recruited by Colin Robertson in 1815, having previously served in the NWC and the Pacific Fur Company. After consolidation he became Chief Factor in charge of the Lower Red River district.
- 540 William McGillivray.
- 541 The Amboyna Massacre occurred on 23 February, 1623, when twenty Englishmen were killed by the Dutch in a trade dispute in Indonesia between the Dutch and English East India Companies. The attack forced the English out of the lucrative Indonesian spice trade, and they withdrew to India. See Stanley Wolpert, *A New History of India* Oxford, 1982), p. 144.
- 542 Charles Oaks Ermatinger (1780?-1853) was a former Nor'wester who established himself as an independent trader at Sault Ste Marie in 1805. Although he supplied Selkirk in 1816, at least one scholar argues that he refused to assist Selkirk because he did not want to take sides in the dispute. See Graham Macdonald, "Commerce, Civility, and Old Sault Ste Marie," *Beaver*, outfit 312:2 (Autumn, 1981), 23-24. John Askin had long traded at Michilimackinac before moving to Detroit and then Drummond's Island.
- 543 John Johnston came from Belfast and moved in 1791 to Lake Superior. He married a daughter of the chief of the La Pointe Chippewa. He lost all his property in an American attack of 1814.
- 544 Proteus D'Orsonnens (1781-ca. 1834) was born in Fribourg, joined the Regiment de Meuron in 1801, advancing to lieutenant in 1803 and to captain in 1814. He married Sophie Rocher in Montreal and returned there in 1817. He was hired by Selkirk to accompany him on his journey to Red River in 1816. William Coltman noted in his report "the general moderate and orderly conduct of the men of the late regiment De Meuron, of whom not a single complaint of anything approaching gross violence, was brought before me during my whole mission, a circumstance which I apprehend is chiefly to be attributed to the care and precaution of their officers, whose successful exertions in this respect, and particularly in guarding against the effusion of blood in the various scenes of tumult at which they were present, must, I think, be considered as counterbalancing in a great degree, any minor errors into which they may have been led by the warmth of party spirit." Coltman to Sherbrooke, 20 May 1818, *Report*, p. 146.
- 545 See Appendices "A" to "J" in Wilcocke's *Report of the Proceedings*, 1-20.
- 546 The original copy has added the word "were" after "conveyed."

- 547 Daniel Mackenzie was born in 1769 in Scotland, joining the NWC in 1790 and becoming a partner in 1796. In 1818 a pamphlet entitled *A Letter to the Right Hon. the Earl of Selkirk* appeared in his name. He died in 1832 in Brockville, Upper Canada.
- 548 James Grant started with the NWC as a clerk at Fond du Lac in 1805, and was arrested there by Selkirk in 1816; he was made a partner the same year. He retired upon consolidation in 1821.
- 549 MacKenzie recanted, claiming the aid he had given Selkirk was a result of inebriation. See Wilcocke's *A Narrative*, "Appendix," 70-76; 82-3; also Daniel MacKenzie, *A Letter to the Right Hon. the Earl of Selkirk in Answer to a Pamphlet Entitled "A Postscript in Answer to the Statement Respecting the Earl of Selkirk's Settlement on the Red River in North America"* (Sandwich, Upper Canada, 1818). MacKenzie also took action against Selkirk for false arrest. See Wilcocke's "Postscript: to the trial of Cooper and Bannerman in *Report of Proceedings*, 202-3.
- 550 Archibald M'Lellan (MacLennan, MacLellan) entered North West Company service in 1792, and was admitted a partner in 1805. He served from 1810-1815 at Michipocoton, and in 1815 was sent to Athabasca. He retired from the fur trade in 1819, and died 15 January 1820 in Glengarry, Upper Canada.
- 551 John Fletcher (1787-1844) was a police magistrate in Lower Canada.
- 552 For the text of this proclamation, see Wilcocke's *Report of the Proceedings*, "Appendix Q."
- 553 Henry Mackenzie (1781?-1832) was born in Scotland. He was the younger brother of the honourable Roderick Mackenzie, and joined the firm of McTavish, McGillivray and Company in 1814. During the controversy with Selkirk he supervised the publicity campaign of the North West Company, but he later fell out with his associates
- 554 Little more is known of Jasper Vandersluys or James Chisholm Mactavish beyond the fact that they were clerks of the North West Company at Fort William in 1816.
- 555 Francis Gore (1769-1852) was appointed lieutenant-governor of Upper Canada in 1806 and held office until June 1817. See *Dictionary of Canadian Biography*, VIII, 336-341.
- 556 Samuel Hull Wilcocke, *A Narrative of Occurrences*.
- 557 Selkirk here refers to Wilcocke's *Narrative of Occurrences*, which prints depositions of McKenzie and M'Robb taken before Coltman on the 2nd and 17th of December 1816; see 70-76, 83-87.
- 558 Both Wilcocke's *Narrative* and Halkett's *Statement* offer many examples of the various affidavits, depositions, and statements collected by both sides in the dispute, as do volumes 60 and 61 of the Selkirk Papers.

202 *The Collected Writings of Lord Selkirk 1799-1809*

- 559 We have been unable to identify this Mackay.
- 560 No further information is available on Lemoine.
- 561 Archibald Macdonald.
- 562 Michael Macdonell had been recruited by Selkirk in 1811 and had come to Red River with the advance party of settlers.
- 563 Simon MacGillivray (1783-1840) was a native of Scotland and a nephew of Simon McTavish. Since he was lame, he was unable to enter the western fur trade like his brothers William and Duncan, but in 1813 he became a partner in McTavish, MacGillivray and Company in Montreal. He was obviously representing the North West Company's interests in connection with the Coltman investigation.
- 564 Selkirk to Commissioners, 28 June 1817, SPPAC, 3615-21.
- 565 The correspondence between Selkirk and Coltman and other material is in SPPAC, 3615-4441.
- 566 Coltman's position was that his job was to collect evidence, not to prosecute offenders. In his letter to Governor Sherbrooke of 20 May 1818, Coltman claimed that Selkirk had tried to enlist his assistance in a petition to the British Privy Council accusing the government of Lower Canada of a "wrongful exercise of authority" within "the limits of the proprietary Government of the Hudson's Bay Company." Coltman doubted "the propriety of complying with his Lordship's request."
- 567 No further information is available on this Peltier.
- 568 Frederick Damien Heurter was an acting sergeant-major in the Regiment De Meuron hired in April of 1816 as a clerk with the North West Company at the same time as Charles de Reinhard.
- 569 Frederic Jacques Matthey (1777-1850) was born at Neuchatel and joined the Regiment De Meuron in 1797, becoming lieutenant in 1801. He served at the Battle of Plattsburgh in 1814, and following his service with Selkirk returned to Switzerland in 1824. Dr. John Allen was Selkirk's companion and personal physician. For a summary of these charges, see Wilcocke, "Postscript" to *Trial Of Cooper and Bennerman*, 200-201.
- 570 F. A. (also known as Antoine Frederic) Graffenreid was born in Berne in 1792. He entered the Regiment De Meuron in 1810, served in the Malta campaign, and was a lieutenant upon the regiment's disbanding in 1816. In 1818 he returned to Europe, and recruited Swiss settlers for Selkirk. He died in 1871.
- 571 Presques Mainville, Peter ("Bostonnais") Pangman, and Seraphim Lamarre were all mixed bloods associated with Cuthbert Grant and the North West Company.

- 572 George Pyke (1775-1851) was a native of Halifax who had been appointed Advocate General of Lower Canada in 1812. See *Dictionary of Canadian Biography*, VII I, p. 726.
- 573 We have been unable to identify this Mr. Ross.
- 574 No further biographical details are available on these mixed bloods.
- 575 George Campbell (ca. 1788-) was a Scots farmer who landed at Churchill in August of 1813 and arrived at Red River in the spring of 1814. He was Crom Archwile Parish, Creech, Sutherlandshire. Despite Selkirk's accusations of accepting a bribe to assist the North West Company and other crimes, he was exonerated by Coltmari in his report.
- 576 See Appendices "E," "H," and "O" in Wilcocke, *Report of the Proceedings*.
- 577 See Appendices "C," "G," and "J" in Wilcocke, *Report of the Proceedings*.
- 578 Isaac Ogden (1739-1824) was the father of Peter Skene Ogden, a North West Company trader, and James Reid was brother-in-law to William MacGillivray.
- 579 See Appendices "K" to "O" in Wilcocke, *Report of the Proceedings*.
- 580 For another account of this change of venues, see Wilcocke's *Report of Trials*, xi-xiii.
- 581 John Spencer was Sheriff of the District of Assiniboine in 1814, and had been actively involved in the enforcement of the Pemmican Proclamation. Born in 1790, Spencer had begun as a writer for the HBC in 1806. After his Red River experience he returned to the Company, becoming Chief Trader in 1823, retiring in 1828, probably to a farm in Penetanguishene.
- 582 Andrew Amos, "Trial of Colin Robertson, Micheal Heden, John Bourke, Louis Nolin, and Martin Jordan, for a Riot," in *Report of Trials in the Courts of Canada*, 1-27.
- 583 See Appendices "B," "D," and "H" in Wilcocke, *Report of the Proceedings*.
- 584 See the "Letter from Simon M'Gillivray, to the wintering partners of the North-West Company; with their answer, London, 9th April, 1812," in John Halkett, ed. *Correspondence in the Years 1817, 1818, and 1819, between Earl Bathurst and J. Halkett, Esq.*, 158-162.

*A LETTER to the EARL OF LIVERPOOL from
the EARL OF SELKIRK ;—accompanied by
a Correspondence with the Colonial Depart-
ment (in the years 1817, 1818, and 1819),
on the Subject of the RED RIVER SETTLE-
MENT, in North America.*

The following publication has no titlepage, but was printed by J. Brettell, probably in 1819. It was undoubtedly not intended for public scrutiny, but like many of Selkirk's later productions, was printed for submission to the minister to whom it was addressed and for private circulation. The bulk of the work consists of reprints of the correspondence between John Halkett and the Earl of Bathurst; Selkirk wrote a lengthy introduction to present his case, and only this introduction is reprinted here. The University of Edinburgh Library copy from which the text is taken is inscribed on the front page in Selkirk's hand, "L't Col. Stewart with L'd Selkirk's Compliments".

A Letter to Lord Liverpool ⁵⁸⁵

London, 19th March, 1819.

My Lord,

I AM under the necessity of requesting your Lordship's attention to a subject, in which the maintenance of important private rights is not the only object of consideration, but in which the honour of the British Government is also deeply concerned. I trust, therefore, that notwithstanding the length into which I must unavoidably be led, I shall meet with a patient hearing. The question does not appear to me to involve any serious difficulty: - some length of detail is indeed necessary to explain a long continued train of unjustifiable proceedings; but, when the facts are once understood, the practical conclusions to which they lead are plain and obvious. The subject properly belongs to the Colonial Department: - but the conduct of that Department, with respect to the matters in question, for more than three years past, while I was absent in America, has been such, that I can have little expectation of redress from that quarter; and I feel it necessary, therefore, to appeal to your Lordship, as the head of His Majesty's Government.

The accompanying copy of a Correspondence, which has taken place during the last two years, between the Colonial Office and my brother-in-law, Mr. Halkett, will not only shew the necessity of a direct application to your Lordship, but will also point out the unexampled misconduct of

the Law Officers of the Crown, and other public functionaries, in Canada; and the total perversion of justice which it has occasioned.⁵⁸⁶ Among these letters, I beg leave to call your attention most particularly, to that of 30th January last.⁵⁸⁷ Before I proceed, however, to make any remarks upon the circumstances which are referred to in that Correspondence, it is necessary that I should take a short retrospect of some occurrences of an earlier date. It will probably be in your Lordship's recollection, that, in the year 1812, I communicated to you my intention of forming a Settlement at Red River, upon a tract of land, of which I had recently obtained a conveyance from the Hudson's Bay Company.⁵⁸⁸ I explained to your Lordship my general views of the manner in which that country might be colonised, and of the national benefits which might be expected to arise from the proposed Settlement. The observations which your Lordship then made upon the subject, gave me no reason to suppose that my intentions were, in any degree, inconsistent with the views of policy entertained by His Majesty's Government.

My intention of forming a Settlement at Red River, and the nature of my title to the land, was explained, about the same time, to the Secretary of State for the Colonial Department, and to the President of the Board of Trade, neither of whom expressed any objection to the measure. In the following year, when war had broken out with the United States, I applied to the Colonial Office to obtain from the Ordnance Department a supply of arms and ammunition, with a few light field-pieces, for the defence of the Settlement. The readiness with which this was granted, led me still further to feel confident that my undertaking was not disapproved of.

It will be unnecessary here to enter into any detail of the occur[r]ences which have taken place at the Settlement. The circumstances of its first destruction, in the year 1815, by the North-West Company of Montreal, - its re-establishment in the latter end of the same year, - its second destruction in the following spring, with the massacre of Governor Semple and twenty of his people, by the same assailants, - were laid before the public in a printed Statement, of which copies were transmitted to your Lordship, and to Earl Bathurst, in the month of July 1817.⁵⁸⁹ That Statement was compiled from affidavits and other documents sent home without any view to publication; and it was published at a time when my friends in England had no opportunity of consulting me on the subject. With the exception, however, of two or three trifling mistakes, wholly immaterial to the argument, I find the Statement to be perfectly correct; and evidence is ready to be produced, as to every point upon which His Majesty's Government may wish for farther information.

Many of the facts, which are the subject of that Statement, had been

previously communicated to the Colonial Department. An important Correspondence relating to them, began in the month of February 1815, by an application from the Governor and Directors of the Hudson's Bay Company, - as Guardians of the Peace within their Territories.⁵⁹⁰ That Correspondence continued for upwards of two years; and your Lordship, by calling for these documents from the Colonial Office, will be farther enabled to judge of the steps that were then taken to avert the evils which afterwards took place.

The application, to which I refer, was grounded upon information which I had received, that the North-West Company had organized a plan for destroying the Settlement; and, to avert this catastrophe, the protection of a military force was requested. On the 11th March, 1815, I received intimation from Lord Bathurst, that instructions had been sent to the Governor of Canada, to "give such protection to the settlers on Red River, as could be afforded without detriment to His Majesty's service in other quarters."⁵⁹¹ - If this instruction had been, in any shape, complied with, the sanguinary outrages which were afterwards committed, would never have occurred. The appearance even of the most trifling military succour sent~by the Governor of Canada, would have prevented the meditated attacks of the North-West Company, as it would have convinced their servants in the interior, that Government had resolved that the settlers should be protected. A serjeant's or a corporal's party would have been sufficient to create that impression; and, as the object might have been accomplished by so very small an exertion, it is not to be supposed that His Majesty's service could have received detriment from it in any other quarter. If the officer administering the government of Canada had entertained an idea that the measure would have been, in any respect, injurious to His Majesty's service, it may be presumed that he would at once have formed his determination on that ground. But it appears from his own official letters, that, previously to his decision, he consulted the principal agent of the North-West Company, - and the result left the settlers at the mercy of that agent, and of the Company which he represented.

When the general system and constitution of the North-West Company are well considered, the motives of their hostility to the Settlement on Red River will be evident. Their superiority of numerical force has hitherto enabled them to overpower all their opponents in the interior. By these means they have obtained, in a great extent of country, the exclusive possession of a trade, to which they have no exclusive right, and their whole object is to maintain this unauthorised monopoly. For this purpose, they keep a very numerous establishment of servants, among whom they select fit tools to be employed in any outrage, which may be necessary to

promote their interest; and, by a system of lawless violence, they not only deter other traders from entering into competition with them, but also hold the native Indians in a state of miserable subjection. The methods by which they have too long succeeded in effecting these purposes, I have explained in a small pamphlet, entitled, "A Sketch of the Fur Trade in British North America;" and I may refer with the more confidence to that publication, as it has now been two years before the public, without the slightest attempt having been made to contradict the facts, or to refute the arguments, contained in it.⁵⁹²

The North-West Company do not pretend to deny, that, from the first, they looked upon the colonization of Red River as peculiarly objectionable; and they attempt to justify their objections on the ground of its being prejudicial to the Fur Trade. - The Settlement, however, is situated in a district which has long since been exhausted of valuable furs. The traders obtain no articles of any importance from that part of the country, except provisions; and of these, a better, cheaper, and more regular supply might certainly be procured from agricultural settlers, than from the Indian hunters. At all events, the persons engaged in the Fur Trade can be entitled to nothing more from Government than protection in their lawful rights; but a great deal more has been bestowed upon them, under some vague idea, as it would appear, of the national importance of their trade, and of the necessity of supporting the interests of Canada.

Upon inquiry, however, it will be found, that the Fur Trade of Canada, is, comparatively speaking, of little importance, either to that province, or to the mother country. - The inhabitants of Canada themselves, with the exception of a few persons connected with the North-West Company, look upon the Fur Trade as prejudicial, rather than as contributing to the prosperity of the province. The North-West Company, indeed, would insinuate, that their own interests are identified with those of the colony at large; but the Canadians are of a very different opinion. In fact, that Company enjoys no influence whatever with the great body of the inhabitants, either of English or of French extraction: nor does it appear that their boasted influence over the Indians has ever been of the slightest use either to His Majesty's Government, or to the colony itself. Among the numerous native tribes who joined the British standard during the late arduous struggle with the United States, there was not to be found one Indian from the whole extent of country in which the North-West Company carry on their trade.

It is not surprising that the Company's agents in England should exaggerate the magnitude of their mercantile transactions, and endeavour to impress the public with high notions of the extent, and national importance, of their trade. They talk of their numerous commercial

stations in the interior, and their chain of forts, extending throughout the northern parts of the American continent, from the Gulph of St. Lawrence on the east, to the Pacific on the West, and the Frozen Ocean on the north. - These stations, however, are thinly scattered over an immense extent of country, often at a distance of hundreds of miles from one another; and what they call a fort, is, in general, nothing more than a miserable log-house, not superior to an ordinary Irish cabin, - sometimes, but not always, surrounded by stockades - and occupied by, perhaps, five or six half-savage Canadian voyageurs. When the servants of the Company, indeed, are collected from all these hovels, and united for the commission of any act of violence or criminal aggression, they form, unfortunately, a banditti of no small force: but, from the printed memorials of the North-West Company, and other publications of their agents, one would be led to suppose that nothing could exceed the magnificence of their establishments, or the national importance of their commerce, whether viewed with reference to the returns which it brings to the mother country - to the encouragement it gives to the manufacturer in England - or to the employment which it affords to the labouring classes in Canada.

The whole of this boasted trade, however, gives employment only to one vessel of 350 tons burden, in one yearly voyage to and from the St. Lawrence; and the average amount of import duties annually paid by the Company, does not equal those paid upon a single cargo of an ordinary West Indiaman.

With respect to their exports, the representations of their agents are equally delusive. There are many private commercial houses at Montreal and Quebec, engaged in the ordinary trade of the colony, which export singly from this country a greater value of goods, than are exported by the North-West Company, with all their fifty partners collectively. In fact, a few well-established parishes or townships in Canada, covering a space of thirty or forty miles square, consume more British manufactures, than all the Indian territories put together. - What then are we to think of those who would sacrifice colonization to the Fur Trade!

As to the merit also which the North-West Company claim for the employment afforded by them to the labouring classes in Canada, it ought to be first ascertained, whether the habits which these people contract in their service, are not ruinous to their moral character, and utterly inconsistent with any disposition to regular industry. So far indeed from benefitting the poorer classes of Canada, it will be found that a part of the system regularly adopted by the North-West Company, in the interior, is to keep their Canadian servants in a deplorable state of poverty, debt, and dependence, so as to make them ready to commit crimes of every description, at the order of their employers.

This system has been gradually matured during a long period of years, and is now so completely organised, that the North-West Company might well calculate on the permanent maintenance of their lawless power. But when the Settlement on Red River was undertaken, the leaders of the Company foresaw that an agricultural colony, however inconsiderable at its commencement, would, if once firmly established, naturally increase in population, and could not be overawed like the feeble and scattered stations of rival traders, - that the progress of a fixed population would be accompanied by municipal institutions for the administration of law, and the maintenance of a regular police, - and that every step towards civilized order would have a tendency to overturn that system, by which they were enabled to direct the combined force of their servants to illegal purposes. It was natural, therefore, that the North-West Company should look upon colonization as undermining the very foundation of their monopoly.

It may be established by indisputable evidence, that the determination of the North-West Company to frustrate, at any expense, my attempt to form a settlement in the interior, was taken before the arrival of the first colonists in that country, - long before the date of those occurrences, which they now pretend to have been the original cause of all the disturbances, and even before any of those alleged acts of mutual aggression, which have been so much dwelt upon, could possibly have occurred. Attempts have been made to excuse, on the ground of retaliation, not merely the robberies, but the murders, committed by the North-West Company, as being the errors and indiscretions of inconsiderate young men, acting under the impulse of irritation. Such men may, in many cases, have been put forward as the ostensible actors; but these crimes have been deliberately planned, directed, and sanctioned by Partners of the Company, some of whom acted at the time as magistrates for the Indian territory. - Is the plea of retaliation to be admitted as a vindication for the conduct of men who thus take upon themselves systematically to avenge wrongs, for which the laws of their country would have afforded means of redress? With the North-West Company, this is an avowed general principle of conduct; and it cannot be necessary to point out the consequences that must follow, when a powerful body of men are allowed to judge of the validity of their own complaints, to determine for themselves the measure of satisfaction to be taken for any injury, real or supposed, and to give the name of retaliation to any crime, which it may be for their interest to perpetrate.

While the North-West Company thus avow principles of conduct, the obvious consequence of which is to establish the law of the strongest as the only rule of right, those who are described as their antagonists, have

been exerting their utmost endeavours to introduce civilized order into the interior of British North America. When, by the formation of the Settlement on Red River, the colonization of their territories had been commenced, the Directors of the Hudson's Bay Company turned their attention to the establishment of a more regular and effectual administration of justice. By their Charter, the powers of jurisdiction are vested in the Governors and Councils of their chief establishments, in conformity with the system adopted in the formation of other English colonies under Proprietary Governments, - the only system indeed which can well be adopted, when the mother country is not to bear the expense of a colonial establishment. - Several of the most eminent lawyers in England were consulted upon the extent of the Company's rights of property, and jurisdiction, and their unanimous opinion was communicated to the Colonial Department in the months of May and June, 1815: at the same time a copy was transmitted of certain proposed Ordinances for the better administration of justice, which had been drawn up by counsel, and adopted at a General Court of Proprietors, under a clause of the Charter, by which the Company are authorised to make laws and ordinances for the good government of their colonies and plantations.⁵⁹³ The Directors requested, that the ordinances which were thus proposed should be submitted to the consideration of His Majesty's Attorney and Solicitor-General, for their opinion. The result, however, has never been communicated to the Company; and this is the more extraordinary, as it appears, from a letter published by the agents of the North-West Company, that they had expressed to the Colonial Department, at that time, their determination to resist any exercise of jurisdiction on the part of the Hudson's Bay Company.

The Directors again applied to the Colonial Department on this subject, in the month of January 1816, a communication having previously been made by them with respect to the outrages committed at the destruction of the Settlement in the preceeding summer; and they renewed their request to obtain, as early as possible, the opinion of the Law Officers of the Crown, relative to the jurisdiction granted by the Charter, as the promulgation of that opinion would probably have great effect in checking violence and outrage for the future. - No notice was taken of this application till three months afterwards, when the Directors were informed (on the 12th of April, 1816) that Lord Bathurst, as a preliminary measure, and with a view to ascertain the extent of jurisdiction which the Hudson's Bay Company could legally claim, had referred the case to the consideration of His Majesty's Law Servants, and that, as soon as their Report should be received, a communication of his Lordship's views on the subject should be made to the Directors.

After another interval of nine months, the Directors, on the 8th January, 1817, again submitted to Lord Bathurst, that in consequence of the second destruction of the Settlement, with the massacre of Governor Semple and his people in the preceding summer, it had become more necessary than ever, to obtain the promised communication, in order that effectual means might be adopted to protect the lives and property of persons resident within the Company's territory. - To this an answer was received (January 16th), stating, that "transactions have occurred in Upper Canada, and in the Indian territory, which have given a very different complexion to the disputes which have, for some time past, prevailed between the Hudson's Bay, and North-West Companies, - and that the question is no longer how to settle the conflicting claims of two mercantile companies, but how to bring to condign punishment, the perpetrators of those outrages of every description, which have, during the course of the present year, been committed, and which each has been desirous of imputing to the other. - As the result of the trials which must now take place, will shew to which party guilt is really imputable, and as the question of jurisdiction will, in all probability, come under the cognizance of the Courts, before whom the trials take place, (it being the only justification of some of the late acts committed,) Lord Bathurst does not think it necessary or proper to express at present any opinion upon the subject."⁵⁹⁴

The communication of Lord Bathurst's views, and of the opinions of the Law Officers of the Crown, had been requested, expressly with a view to the adoption of measures for the security of the settlers; and it seems a very extraordinary determination, that such measures should be entirely deferred, because trials were expected to take place relative to crimes and outrages already committed; and that no precaution was to be taken to prevent future outrages, till after it had been ascertained who were really guilty of the past. Nor was it less extraordinary, that because, in the course of these trials, a question might incidentally arise as to the rights of jurisdiction vested in the Hudson's Bay Company's Officers, no means were to be adopted to ascertain, from adequate authority, the extent of these rights; and that, instead of directing, at once, an investigation to take place, under the authority of some high and competent tribunal in England, His Majesty's Government were to wait for the decision of a Colonial Court, in order to form their opinion upon that important subject.

Although it is now two years since this answer was received from the Colonial Department, and nearly four since the Hudson's Bay Company applied to have their chartered rights, and the measures which they proposed to adopt for the better administration of justice, submitted to the consideration of the Law Officers of the Crown, no step has yet been

taken on the subject; at least, if the Attorney and Solicitor-General have given an opinion, it has been withheld from those who are best entitled to know it, - from the Company, who, under a Royal Charter, are entrusted with the rights and duties of guardians of the peace. The effect of this, in the actual circumstances of the country, has been, to suspend altogether the exercise of the jurisdiction granted by the Charter, and to deprive the inhabitants of the Company's territory of the benefit of any administration of justice whatever. In the mean time, the North-West Company maintain their claims by force; and, under the never-failing pretext of retaliation, commit every species of outrage.⁵⁹⁵

It appears, that the Colonial Department has been impressed with the notion, that all the violences committed at Red River, and in other parts of the interior, have arisen from contentions of commercial interest, and mutual aggression between the contending parties. - Of these two parties, however, the one outnumbers the other in the proportion of nearly three to one; and it would be extravagant to suppose, that a system of aggression would be adopted by the weaker party. Neither can it be supposed that men who entertained plans of lawless aggression, would have made anxious and repeated applications to His Majesty's Government for military protection. On the other hand, the objections made to that measure by the North-West Company, ought to have excited suspicion, when those who were known to possess a great superiority of force, thus appeared to dread the presence of the King's troops. The rejection of this request for military protection has been followed by scenes of outrage and bloodshed; but while upwards of forty lives have been lost, within the space of twelve months, on the side of those who had called for protection, one individual only has fallen on the other, - and that one engaged, at the time, in a premeditated attack upon the Settlement.

The instructions given, in March 1815, by Lord Bathurst to afford protection to the settlers at Red River, having proved unavailing, the application was renewed by the Hudson's Bay Company in the ensuing month of December. Intelligence had by that time been received, of the destruction of the Settlement, which fully verified the apprehensions upon which the former application had been grounded. This information was transmitted to the Colonial Office; and, at the same time, a communication was made of numerous affidavits and other documents, sufficient to convince any one that this destruction had been the work of the North-West Company. The re-establishment of the Settlement, which had taken place in the same Autumn, being also communicated, the probability of new aggressions was particularly pressed upon the attention of the Colonial Department. The request for military protection, however, was refused, on the ground of its being impracticable to carry it into effect. In reply to this it

was pointed out, that great numbers of men in the service of the North-West Company pass annually along the proposed route, conveying large quantities of bulky goods to the distance of many hundred miles beyond Red River, - that there could be no difficulty, therefore, in finding means of conveyance for a small detachment of the King's troops. These remonstrances, however, were of no avail in opposition to the statements which had been transmitted by the officer then administering the government of Lower Canada.⁵⁹⁶ His opinion had, undoubtedly, been formed upon representations made to him by the North-West Company; and the circumstance affords a curious illustration of the credit that is due to information from that quarter. - In the year 1815, when the object in view was to protect the lives of the settlers at Red River, it was stated to be impracticable to send troops from Canada for that purpose. Two years afterwards, when the object was to promote the interests of the North-West Company, not only were troops actually sent to Red River, but it was found that they had ample time to return in the same season to their quarters in Canada.

As the Colonial Department, however, could not be persuaded of the practicability of sending troops from Canada, it was suggested that a small number might, at all events, be sent from England, by way of Hudson's Bay: but this application met with no better success. - All aid from His Majesty's Government being thus refused, it was next proposed, by the Directors of the Hudson's Bay Company, that under a clause of the Charter, which authorises the Company to provide an armed force for the defence of their establishments, they should enrol and arm as many of their servants, and other persons settled within their territories, as circumstances might call for; and also grant commissions to trust-worthy persons for the purpose of disciplining and commanding them. This intention being communicated to Lord Bathurst, he expressed his decided objection to the measure, and warned the Company against incurring the responsibility of persisting in it. Thus, while the protection of the public force was withheld, the settlers were prohibited from taking any effectual measures for their own defence. - It cannot be alleged that these measures were prematurely, or unnecessarily, proposed. Two months had scarcely elapsed after this prohibition had been uttered, when Governor Semple and his people were massacred, and the settlers again driven from their lands by a ruthless banditti, in the pay of the North-West Company.

In the course of these communications, the Directors of the Hudson's Bay Company suggested that it might be the means of preventing, in a great measure, the apprehended renewal of attacks upon the Settlement, if His Majesty's Government would express through the Governor of Canada, their high displeasure at the unwarrantable conduct of those who

had been concerned in the outrages committed the preceding summer. Even this could not be obtained; and it was stated, in reply (December 29, 1815), that “until Lord Bathurst shall be in possession of some more decisive evidence, as to the persons really guilty of the disturbances in that quarter, and until the charges brought against the Governor and Sheriff of that Settlement, for violent conduct towards others of His Majesty’s subjects trading in North America, shall have been duly investigated before a competent tribunal, his Lordship must defer giving an instruction, the evident tendency of which would be, to prejudice the whole question at issue.”⁵⁹⁷ - Among the documents which had been transmitted to the Colonial Office, were letters of a partner of the North-West Company, in which he pretended to act by authority of His Majesty’s Government, in the measures adopted for the subversion of the Settlement, and particularly in carrying off some field-pieces, which constituted the principal means of its defence: and it was proved by numerous Affidavits, that these guns had been afterwards employed by the same partner and his associates, in hostile attacks against the settlers.⁵⁹⁸ As Lord Bathurst, however, did not consider this as sufficiently decisive, farther evidence was transmitted, particularly an extract of a letter from one of these partners, in which he tells a friend, that he is on his way - “to commence open hostilities against the enemy in Red River;” and that his object is, “the complete downfall of the colony by fair means or foul.”⁵⁹⁹ - A communication was, at the same time, offered of still more evidence; but this letter the Colonial Office did not even deign to acknowledge.

During the period of these communications, the North-West Company were possessed of a decided superiority of force in the interior. So long as this continued, no exertion of public authority could be obtained to check them in the lawless employment of that force; and every measure which was successively proposed for the security of the settlers, or for the enforcement of public justice, was rejected. In the year 1816, however, when, as a magistrate, I had arrested several of the partners of the North-West Company at Fort William, in consequence of criminal charges advanced against them, - (upon which charges bills of indictment have been since found against all these individuals,) - an impression was created, that they were no longer placed above legal responsibility. Their ignorant Canadian servants in the interior, as well as the native Indians, had long been impressed with the idea that the Company were subject to no control; and the partners, conceiving that their own unassisted exertions would not be sufficient to re-establish that impression, the aid of Government was applied for. The success of their application soon became visible. The scrupulous caution which the Colonial Department had observed when their interference was anxiously, and repeatedly, requested

for the protection of the lives of the settlers at Red River, seems at once to have disappeared. Placing implicit reliance upon the *ex parte* representations which were made to them, they forgot entirely their determination not to prejudice the question; and prepared the Royal Proclamation, (issued at Quebec, in May 1817,) in which the whole question is at once hastily, and unfairly, prejudged.⁶⁰⁰

In that Proclamation it is asserted, in the most unqualified manner, "that the breaches of the peace, and acts of force and violence" (recently committed in the interior of British North America,) "have arisen from contentions between certain merchants carrying on trade and commerce, under the names of the Hudson's Bay Company, and North-West Company respectively, and other persons, their servants, agents, and adherents." - The commercial servants of the Hudson's Bay Company are here confounded with the agricultural settlers at Red River, - a distinct class of persons, having different interests, occupations, and pursuits: - and blame is insinuated against both, without proof having been adduced against either. There seems, indeed, to be a studied ambiguity as to the persons who are meant by "agents and adherents," and also as to the acts of force and violence which are alluded to. But while the Proclamation thus appears to declare all parties to be equally in the wrong, especial care has been taken, that the only party which had been really aggrieved should suffer additional injuries by its operation.

The observations in the accompanying Correspondence, are chiefly directed to the injustice which has been heaped on me as an individual. But the facts which are therein stated cannot fail, I think, to convince your Lordship, that the unconstitutional interference of the Executive Government with the administration of justice, which has taken place in Canada, under Lord Bathurst's instructions, must produce the most pernicious effects in that Colony. An impression has evidently gone forth, that, in these matters, it has been the decided wish of His Majesty's Government, without waiting for the result of a fair judicial investigation, to favour one party, and to crush another. Upon this impression, the Law Officers of the Crown, in both provinces, have unquestionably acted with respect to myself, and to those with whom I was connected. But if the forms of judicial procedure are to be converted, at the pleasure of the Executive Government, into an engine of oppression, can it be supposed that His Majesty's subjects in Canada are so blind as not to perceive, that the same train of persecution which is directed against one individual, may be directed against any other? This is a matter of serious consideration, with reference to the peculiar situation of the Canadas, where the confidence and attachment of the inhabitants are so indispensably necessary for the defence of the Colony. These transactions have already excited no slight

degree of general indignation and disgust, among those who are wholly unconnected with the parties more immediately concerned; and your Lordship will find, upon adequate inquiry, that many of those, who, during the late war, manifested the most devoted attachment to the Mother Country, now remark, with deep mortification, that such proceedings would not have taken place under the Government of the United States.

The appointment of Commissioners of Special Inquiry, which had been made by the Governor in Chief, and which was confirmed by the Proclamation, has been in like manner perverted to serve the interests of a party. The high authority with which these Commissioners were invested, has been employed by them to impede, and not to promote, the purposes of justice; and the views of his Majesty's Government, to obtain correct information as to the occurrences which had taken place in the interior, have been entirely defeated. - Your Lordship will not be disposed to place much reliance on the Reports of that Commission, when you are apprised that one of the Commissioners (Mr. Fletcher) was suspended from the functions of his office, by the late Governor-in-Chief; and that the misconduct of the other, (Mr. Coltman,) in his capacity as magistrate, has been such as to give occasion for a presentment by the Grand Jury of Montreal, upon which it is now the duty of the Law Officers of the Crown to institute a criminal prosecution against him.⁶⁰¹

From the first moment, indeed, of their appointment, these Commissioners departed from that line of conduct, which a proper regard for the objects of their mission, ought to have pointed out. When we consider the contradictory assertions which had been made to the Provincial Government, as to the occurrences in the interior, it was evidently the duty of the Commissioners to call upon both parties for a distinct statement of their respective allegations, and the evidence in support of them. They were fully aware, that my agents at Montreal were possessed of much important evidence on the subject; but, in passing through that place, on their route towards Upper Canada and the interior, they neither applied to them for information, nor took any examination of the witnesses who were ready to be produced. While at Montreal, they remained in constant intercourse with the North-West Company - and with them only - and set out for Upper Canada, in one of that Company's canoes, under the guidance of one of their agents. They remained at York, and at Nottuasaga on Lake Huron, for several weeks, living with the partners and agents of that Company, and surrounded by their clerks and dependents, who were brought forward to make affidavits. While they were thus occupied, Mr. Pritchard passed through York, on his way from Fort William to Montreal, and was called upon to give information to them, respecting the state of the ice on Lake Huron. It was well known that

this gentleman had escaped from the massacre of the 19th of June, at Red River, and had been an eyewitness to the most remarkable of those occurrences, which it was the primary duty of the Commissioners to investigate. He had also been at Fort William during those transactions, of which the North-West Company complained, and about which they had been producing testimony; but not a single question was put to him respecting the facts which he had witnessed, either at Fort William, or at Red River.⁶⁰²

The Commissioners, having found it impracticable to proceed, on account of the ice, returned to Lower Canada: and Mr. Fletcher remained for some time at Montreal, to receive the affidavits of such witnesses as my agents had to produce. During the stay of the Commissioners at York, charges had been advanced against me by the North-West Company, upon testimony of the most suspicious character, and which might have been refuted by satisfactory evidence; but my agents at Montreal had received no intimation whatever of the nature of these charges, nor were they aware that any explanation of my conduct was requisite; and Mr. Fletcher carefully abstained from putting any questions to the witness on that subject.⁶⁰³

In the ensuing spring, the Commissioners again proceeded to Upper Canada, on their way to the interior; and Mr. Coltman, leaving his colleague behind at the outlet of Lake Superior, went on by Fort William and Lake La Pluie. At both of these places the North-West Company had been recently guilty of outrages, in open contempt of the Proclamation; but of these Mr. Coltman took no notice, and, though particular complaints were made to him at the latter place, he gave no redress. At another station, on the River Winipic, he found Archibald Norman M'Leod, Alexander M'Donell, and John Duncan Campbell, three partners of the North-West Company, who had been among the most active leaders and instigators of the crimes committed during the preceding year, and against whom indictments have since been found for murder and other atrocious offences. Mr. Coltman was in possession of information on oath as to the conduct of these men, on which it was his duty as a magistrate to arrest them; but, after paying them a visit, he proceeded on his voyage, without even taking a recognizance for their appearance, to answer the charges against them.

On his arrival at Red River, Mr. Coltman immediately proceeded to visit Mr. Shaw, another of the partners, whose tent was pitched in the midst of an encampment of servants of the North-West Company, consisting of those half-breeds, who had committed the massacre of Governor Semple and his people in the preceding summer. The next day, he visited the Settlement, when the crimes of these men were pointed out

to him; and a witness was introduced, who could have given evidence of the greatest importance. This person had drawn up a distinct narrative of the facts which he had witnessed, and was ready to attest it on oath; but Mr. Coltman, on the most frivolous pretexts, put off receiving that important testimony.⁶⁰⁴ Independently, however, of any new information which Mr. Coltman might have obtained, he had then in his possession warrants issued (under the Canada Jurisdiction Act) by the Chief Justice of Montreal, upon an indictment against the murderers of Owen Keveney.⁶⁰⁵ Some of these men, for whose apprehension a reward had been offered by Proclamation of the Governor of Canada, were in the encampment along with Mr. Shaw. Offers were made, by gentlemen of unexceptionable character, to execute any warrant which might be entrusted to them; but Mr. Coltman neither accepted these offers, nor took any other measures for effecting the arrests. One of the warrants was against the notorious Cuthbert Grant, who had not only been accessory to the murder of Keveney, but had also been the leader of the North-West Company's servants, on the 19th of June, when the massacre was perpetrated; and no less than thirteen bills of indictment have been found against him at Montreal, Quebec, and York, for capital offences - all of which still remain untried. After omitting to arrest this man, when he had it in his power, Mr. Coltman, on the eve of his departure from Red River, accepted his voluntary surrender, and took him down to Canada, - more as a travelling companion than a prisoner, - admitting this murderer and incendiary to dine at his own table, and to sleep in his tent, during the whole voyage.

Mr. Coltman had it in his power to have arrested almost any of the half-breeds who had been engaged in the murders of the 19th of June; but, after declining the services of those who offered to secure their persons, he invited these men to come before him to give their voluntary declarations; promising them, that, while this was going on, no proceedings should be instituted, nor any warrant issued against them. While they were thus making their declarations, they were in constant intercourse with Mr. Shaw, who had ample opportunities of instructing them as to the testimony they were to give; and his directions could scarcely fail to be attended to, as his own half-breed son was one of their leaders.⁶⁰⁶ They were allowed to tell their story to the Commissioner, and then to depart, unmolested, into the plains, where there was no prospect of overtaking them; and, after this, Mr. Coltman declared, that he was ready to receive evidence against them. In the peculiar circumstances in which Mr. Coltman had come to the interior, it was evidently among the first duties of his commission to secure the persons of those who had been the most active in

the atrocities which had taken place, and to use every endeavour to collect the evidence necessary for their conviction. It was not, however, without marked reluctance that Mr. Coltman could be induced to enter into any investigation of the charges against the North-West Company, and his whole conduct was calculated to repress, rather than to encourage, the communication of farther information on the subject. At length, after many delays, he consented to receive, and attest, the evidence which had been collected on my behalf at Red River, and in other parts of the interior. But in the affidavits, which he drew up, as containing the whole substance of the testimonies given before him, several instances occurred, where the facts, which the witnesses had stated on oath, were deliberately and purposely omitted. The facts so omitted were always such as went directly to inculpate the leading partners and agents of the North-West Company - the personal friends of Mr. Coltman.

After a great many witnesses had been successively examined by Mr. Coltman, a general statement was made out, and presented to him (by my Law Agent),⁶⁰⁷ pointing out the different charges which had been substantiated before him on oath; and warrants were accordingly demanded against about sixty partners, clerks, and servants of the North-West Company, who were charged with murder, and other capital offences, upon the same evidence on which bills of indictment have since been found against them. Mr. Coltman declined to grant these warrants, saying that, on general grounds, he had determined not to put into the hands of one party, warrants against the other; and he excused himself from taking any other measures for the arrest of the parties accused, on the plea of his want of means for effecting their apprehension, or conveying them to Canada. He had only one canoe with him; but if he had been disposed to act in a vigorous and effectual manner, he might have had the whole strength of the country at his disposal. No one would have ventured to refuse any accommodation, or supplies, which might have been required, nor have hesitated to obey the orders of the Commissioner, when called upon in the King's name, to proceed to Canada to give testimony, or to assist in the conveyance of a prisoner. If no such assistance was to be demanded, and if Mr. Coltman, coming to the interior with one canoe only, was not authorised and determined to use the means which the country afforded for carrying the law into effect, it was idle for him to come in the character of Magistrate. If, at the same time, it was assumed that every man in the country must belong to one party or the other, and laid down as a principle that warrants were to be entrusted to impartial men only, - in what manner did Mr. Coltman intend that the law should ever be executed?

Although Mr. Coltman had obtained a great mass of evidence

respecting crimes committed by partners, clerks, and servants of the North-West Company, - had taken recognizances from several of these persons for their appearance at Montreal, to answer the charges against them, - and had bound others to appear as witnesses, - yet, in the month of May last, six months after his return from the interior, he had communicated no affidavits, or evidence of any kind, to the Law Officers of the Crown, except on the single case of the murder of Keveney.⁶⁰⁸ The motive for this extraordinary conduct, so inconsistent with his duty as a Magistrate, may be explained from its bearing on another proceeding no less extraordinary; - *viz.* a proposal which he made to me, through an indirect channel, to drop these prosecutions, suggesting that I could never afterwards have so favourable an opportunity of making an advantageous adjustment of my differences with the North-West Company. This proposal, which appeared to me little short of an offer for compounding felony, was made immediately before the opening of the Commission of Oyer and Terminer at Montreal, in which a great number of bills of indictment were found against partners of the North-West Company. There can be no doubt that they would have agreed to make very great sacrifices, in order to avoid disclosures; and Mr. Coltman was fully aware of the evidence which was likely to come before the Court. The witnesses, who were then at Montreal, ready to go before the Grand Jury, were, for the most part, the same whom he had examined at Red River; and, not only with a view to the reputation of the North-West Company, but also for his own credit, he might well be desirous that this evidence should not be produced, so as to expose the neglect of duty, in omitting to take any steps for the apprehension of men, against whom he had received such decisive testimony.⁶⁰⁹

While Mr. Coltman thus wilfully neglected the primary object of his commission, and instead of exerting himself to bring Criminals to justice, employed all his influence to excuse and to screen them, he lost no opportunity, during his stay in the interior, to promote the interests of the North-West Company, and to confirm the idea of their unbounded influence with His Majesty's Government. The chief object of his solicitude, which he professed to consider as of the greatest consequence for the restoration of immediate tranquillity, was to carry into effect the injunctions of the Proclamation for the mutual restitution of the property, described in that document as having been seized and forcibly taken, in the course of the disputes between the two Companies. It was notorious that the North-West Company had taken forcible possession of property to a very great amount: Mr. Coltman contented himself with exacting promises from their agents, that this property should be restored; and, - as might have been expected, - these promises still remain unperformed. When, however, his assistance was called for by the North-West Company,

Mr. Coltman did not confine himself to the exacting of promises. With great parade, and under his own immediate inspection, he enforced the restitution of some articles to which they had a very doubtful claim. Their intrinsic value was a matter of little consideration, but the example was of incalculable importance, in demonstrating to every one in the interior, the impracticability of obtaining redress for injuries done by the North-West Company, and repressing all idea of resistance to their lawless sway.⁶¹⁰

In carrying these restitutions into effect, Mr. Coltman professed to adhere rigorously to the letter of the Proclamation; but, in opposition to every principle of justice, and even to any fair interpretation of the Proclamation itself, he refused to allow any compensation for articles which the North-West Company had carried away or destroyed. Some breeding and draught cattle had been obtained from the clerk in charge of their post at Lake la Pluie, upon an agreement of sale, and brought to Red River to supply the loss of those which had been destroyed in the various attacks on the Settlement. The agents of the Company disputed the validity of this sale. Proof was then offered that other cattle of the same description, and to a much greater amount, belonging to me, had been forcibly taken and killed for the use of the agents and partners of the North-West Company; but Mr. Coltman declared, that any statement of this kind was foreign to the question, and that the cattle which had belonged to the North-West Company must be restored. After the repeated devastations which had been committed, three milch cows only remained at Red River; two of these Mr. Coltman decided to be the property of the North-West Company; and on the day after this decision, one of the two was killed by order of the agents. One cow and a bull still remained at the Settlement: and, in the course of the ensuing winter, the latter was shot at by a partner of the North-West Company, and so severely wounded, that its life was with great difficulty preserved. - In the same spirit Mr. Coltman gave his countenance to the wanton destruction of a field of grain, although well aware of the danger of scarcity to which the settlers were then exposed. He knew that their crops had been laid waste the preceding season, after the massacre on the 19th of June, by the servants of the North-West Company: yet, when he allowed the agents of that Company to take possession of the field, (to which they had no legal title,) he turned a deaf ear to all remonstrances against the destruction of the growing crop, and coolly witnessed the conduct of these men, who, while the adjacent plains offered a superabundance of excellent pasture, turned in their horses to graze upon the green corn. - Such were the proceedings which Mr. Coltman professed to consider as necessary for carrying into effect the views of His Majesty's Government, and as being of more importance for the restoration of tranquillity, than the punishment of a banditti, who had been employed to commit a long series of atrocious crimes.

I must here be allowed to call your Lordship's serious attention, to the invasion of my rights of property, which has taken place under the authority of the Proclamation. In that document it was declared that all Forts, Buildings, and trading Stations should be restored "to the party who originally established or constructed the same, and were possessed thereof previous to the recent disputes between the said Companies;" - and it appears that orders were transmitted to the Governor-in-Chief of Canada, by a dispatch of 11th of February, 1817, to enforce this restitution.⁶¹¹ The Colonial Department unconstitutionally assumed functions which do not belong to the Executive Power. It was not the province of the Secretary of State to determine who were legally entitled to the Forts and Stations alluded to; and that question ought to have been judicially investigated, before an order was given to transfer possession from one party to another. By the operation of this order, the parties who are really aggrieved, are deprived of the opportunity, which they otherwise would have had, of having their rights brought to the test of legal decision. The North-West Company, in whose favour the order was given, are a mere private association of individuals, represented only by agents, who cannot be made to appear in a court of justice on behalf of the Company, unless they think it for their interest to do so. Being, therefore, once put in possession, that Company cannot be compelled, by any ordinary process of law, to submit their claims to legal determination. The Forts and Stations in question, are situated on lands granted by Royal Charter to the Hudson's Bay Company, and possession had been taken of them on that ground. That Company, as a chartered body, may at all times be found, and cannot evade the responsibility of any act done under the authority of the Charter; so that, if the complaints, which were made to the Colonial Department, had been preferred by petition to the King in Council, or to any competent judicial authority, the validity of the Charter, on the one hand, or of any claims advanced in opposition to it on the other, would have come at once to a regular decision. But by the precipitate and arbitrary interposition of the Colonial Department, the lawful property of those who hold lands under the Charter, has been taken away without investigation, and transferred, by the strong hand of power, to men, who, without any other claim than that of occupancy, are enabled to maintain possession, and to evade any trial of the question of right.⁶¹²

Mr. Coltman, under this clause of the Proclamation, gave his sanction to the North-West Company in re-establishing a trading-post on the site of one which had served as a strong hold for their half-breed servants, in their attacks upon the Settlement in the year 1815, and which had afterwards been demolished by Governor Semple, as a measure of indispensable

necessity for the safety of the people under his charge, - a measure which he had only been too tardy in adopting.⁶¹³ When the re-establishment of this post was proposed, I remonstrated with Mr. Coltman against the impropriety of allowing a fortified station to be erected upon my lands in the heart of the Settlement, by men who were bent on its destruction. I offered to allow every reasonable accommodation to the North-West Company, if they would remove their trading-post to a suitable distance, either up the river or down, where it might have been placed with as much advantage in respect to trade. No attention was paid to these remonstrances, although Mr. Coltman was well aware of the danger to which the settlers were exposed by this measure. When he proposed, some months afterwards, that I should drop the criminal prosecutions against the North-West Company, the relinquishment of this post was one of the advantages offered in return; and Mr. Coltman himself particularly pointed out the security which would be thereby obtained for the settlers.

In other instances Mr. Coltman gave a most undue sanction to claims of former occupancy, so far even as to stop men from cutting hay in an open meadow, because the North-West Company had previously cut hay there. - These infractions of my rights of property, though in themselves trifling, were of serious consequence, as tending to shake the confidence of the settlers in the validity of their own tenures of land. From respect, however, to the Proclamation, I submitted to Mr. Coltman's decision, confiding in the pledge given in that document itself, that "nothing done in consequence of this Proclamation, shall in any degree be held to affect the rights, which may ultimately be adjudged to belong to either, or any party, upon a full consideration of all the circumstances of their several claims."

That this pledge may at length be redeemed, is the principal object of the application which I now make to your Lordship. So far as my own rights are concerned, I have always, from the first moment they appeared to be disputed, been desirous to have them brought under the cognizance of some competent tribunal. The King in Council I apprehend to be the only proper authority to determine the extent of the rights of property and jurisdiction vested by Charter in the Hudson's Bay Company, or in those holding under them: but the question cannot be brought under the cognizance of that high tribunal in the ordinary shape of an appeal from the plantations. The North-West Company, indeed, who deny the rights granted by the Charter, might long since have presented, - and they might still present, - a Petition, complaining of the measures which have been adopted under it; but the same course cannot be followed by other parties who have no objection to urge against the Charter. However desirous,

therefore, the Hudson's Bay Company may be, that their own rights, and the claims advanced against them, should be investigated and determined by competent authority, it appears that they are precluded from bringing forward the matter in a judicial shape. Upon a reference, however, from the Executive Government, the claims of all the parties may be taken into consideration by the King in Council, as a subject of State Inquiry, connected with a Royal Charter. The question has evidently an intimate connection with those measures, which ought to be adopted by Government for the purpose of remedying the evils that prevail in the interior of British North America; and there cannot be a doubt of the propriety of instituting the inquiry, even if no such pledge had been given as that which the Proclamation conveys.

With a view to an investigation of the state of that country, I have to inform your Lordship, that there are, at present, in London, several witnesses who can give most important evidence, and whose testimony it may be of material consequence to call for without delay. One of these witnesses was present at the massacre of Governor Semple and his people, being, indeed, the only individual to whom the servants of the North-West Company gave quarter on that occasion.⁶¹⁴ Another of these witnesses had been taken prisoner, several weeks before, by the same men, and, while he was detained in their camp, had an opportunity of observing the preparations they were making, under the direction of a partner of the Company, to attack and drive away the settlers.⁶¹⁵ Another of the persons to whom I allude, travelled from Montreal along with one of the principal agents, and several of the partners, who came to assist in the work of destruction; and was a witness both to their hostile preparations before their arrival at the Settlement, and to their conduct after the massacre, in encouraging and rewarding those by whom it had been perpetrated.⁶¹⁶ - I trust that directions may be given for the immediate examination of these witnesses before the Privy Council; and that such steps may be taken as the purport of their evidence may be found to justify.

Your Lordship will observe, that although no less than thirty-eight individuals, connected with the North-West Company, have been indicted by the Grand Juries of Montreal, for murder, (either as principals or accessories,) only a very small proportion have been brought to trial. It is but too evident, that nothing effectual will be done in Canada as to the prosecution of the other cases which remain untried; but these, I conceive, may be brought to England for trial, under the Act of Henry VIII. - From the correspondence between the Colonial Department and the Directors of the Hudson's Bay Company, in February 1817, it appears, that it was, at that time, in the contemplation of Lord Bathurst, to bring all the parties, accused of the murder of Governor Semple, and of the other

persons at Red River, to trial in this country; and it is much to be regretted that this intention was not then carried into effect. The time which has been lost, and the circumstances which have intervened, must be very prejudicial to the interests of justice in any future trials. But, notwithstanding this delay, if an examination be now taken of those witnesses who are in this country, their testimony will, undoubtedly, afford sufficient grounds for issuing orders to bring to England, for trial, most of the parties against whom true bills of indictment have been found for murder, upon charges which yet remained untried. If the authority of His Majesty's Government be effectually interposed for this purpose, and likewise for securing the attendance of material witnesses, now in British America, there can hardly exist a doubt, that the charges will be fully substantiated before an English jury; and that, by a few examples of punishment, the commission of similar crimes hereafter may be repressed.

With respect to the extraordinary judicial proceedings which have recently taken place in Canada, (the details of which will be found in the accompanying letter of the 30th of January,) your Lordship will see the necessity of instituting a rigorous inquiry, either by a Parliamentary investigation, or under the authority of the King in Council.⁶¹⁷ From any investigation by the Provincial Government of Canada, little can be expected. After the complete failure of Sir John Sherbrooke's anxious endeavours to obtain correct information through the medium of Commissioners, resident in, and connected with the Province, it is not to be supposed that any similar appointment by his successors can have a better result: and it should be recollected, that the Council which the Governor is instructed to consult on all important occasions, is composed, in a great measure, of persons immediately connected with the parties accused, and that several of its principal members are themselves deeply inculpated.

Upon a full consideration of this subject, and on a perusal of the several documents now transmitted, I trust your Lordship will be of opinion, that I am borne out in what I stated in the commencement of this Letter, and that the practical conclusions to be drawn from the facts of the case will be found to involve no point of serious difficulty. The first step is, to institute a fair and an early inquiry. If, upon due investigation, the rights claimed under the Hudson's Bay Charter, do not appear to be legally vested in the Company, and in those holding under them, let a distinct declaration to that effect be made by competent authority. If, on the other hand, they are found to be lawful and valid, let them be so pronounced. But if these chartered rights, though legally vested in the Company, are supposed to be inconsistent with the public interest, let the parties concerned have a fair opportunity of being heard; and, when a full and

public discussion has afforded the means of determining how far that opinion is well or ill-founded, it will then be ascertained whether any interference of the Legislature be necessary on this important subject.

To your Lordship's powerful interposition I must now look for the attainment of some adequate security, against those aggressions which are still aimed against the settlers on Red River. Every means in my power has been exerted for the purpose of protecting the lives and property of these people, and bringing notorious offenders to justice; but, instead of meeting with the support to which I was justly entitled, I have experienced nothing but calumny and persecution. The proceedings in Canada, of which I complain, imperiously call for investigation; - and after the fatal consequences which have arisen from the uncertainty that has been allowed to prevail, with respect to disputed claims of right and jurisdiction, I cannot entertain the idea that your Lordship will be disposed to suffer any further or unnecessary delay in bringing them to a final determination.

I have the honour to be, MY LORD, Your Lordship's obedient and humble Servant, SELKIRK.

References

- 585 For biographical details of Robert Banks Jenkinson, second Earl of Liverpool (1770-1828), and in 1819 first minister of the British government, see *Dictionary of National Biography*, X, 748-752.
- 586 The accompanying documentation of the correspondence between Halkett and the Colonial Office in the original publication has not been reprinted here, since it was not written by Selkirk.
- 587 See original text, 106-184 for Halkett to Bathurst, 30 January 1819. Halkett here rehearses the legal struggles in the Canadas.
- 588 No correspondence between Liverpool and Selkirk for 1812 survives. The communication may well have taken place in a face-to-face discussion between the two men. Selkirk was, as has been noted in the general introduction, on good terms with the ministry in 1812.
- 589 John Halkett, *Statement Respecting the Earl of Selkirk's Settlement of Kildonan, upon the Red River, in North America; Its Destruction in the Years 1815 and 1816; And the Massacre of Governor Semple and his Party* (London, printed for private circulation, 1817). A larger edition answering the North West Company publication *A Narrative of Occurrences in the Indian Countries of North America* (London, 1817) was published later in 1817. An American edition of this latter work was published in New York in 1818, and a French edition appeared in Montreal the same year.
- 590 See introduction.
- 591 Lord Bathurst to Selkirk, 11 March 1815, PAC, RG4, B46, vol. 1.
- 592 See infra.
- 593 H BC, General Court Minutes, 19 May 1815, HBC Archives, A1/51, and Memorial to Bathurst, HBCArchives, A9/8.
- 594 Henry Goulburn to Joseph Berens, 16 January 1817, SPPAC, 3058-9.
- 595 No satisfactory explanation is available for the government's delay in this matter. It appears likely that the government (or at least the Colonial Office) did not want the Company exercising its rights under the charter, regarding it as an outmoded document, but one difficult to revoke.
- 596 Sir John Coape Sherbrooke (1764-1830) was appointed Captain-general and Governor-in-chief of Canada on 29 January 1816 and served to 1818, when he returned to England because of ill health.
- 597 Henry Goulburn to Governor, HBC, 29 December 1815, SPPAC, 1840-1.

- 598 Duncan Cameron (1764?-1848) was born in Scotland, entered the fur trade in 1784 and was made a partner in 1800. In 1814 he was placed in charge of the Red River District.
- 599 The government apparently refused to accept such evidence, on the understandable grounds that these were not the original documents but merely copied extracts.
- 600 *Quebec Gazette*, 15 May 1817.
- 601 William Bachelor Coltman (d. 1826) was a businessman and member of the executive council in Lower Canada. The fact that the Hudson's Bay Company had employed his brother's mercantile firm (John Coltman and Company) as its Montreal agents undoubtedly led Selkirk and the Company to think that he would at least be neutral towards the two fur trading rivals. William Coltman was appointed as chief commissioner to investigate the events in the Indian territories associated with Red River, delivering a report tabled in the House of Commons in Britain in 1819. See *Dictionary of Canadian Biography*, VI (Toronto, 1987), 166-8. As this work by Selkirk and his memorial to the Duke of Richmond demonstrate, there was no admiration for Coltman's "manner of proceeding" (DCB, p. 167) in Selkirk circles.
- 602 For Pritchard (1777-1856), see *Dictionary of Canadian Biography*, VIII, 713-5. Colin Robertson did not like Pritchard and called him a "weak but dangerous man." See HBCA E.10-1, vol VI, f. 352. Robertson did not like Pritchard's version of these events either, claiming that they made out "that the enmity of the North West... was only levelled at me." (HBCA E10.1, vol. VI, f. 350d.
- 603 Robert McRobb, a North West Company clerk, gave a statement to Coltman at York on 17 December regarding the refusal of Selkirk and his chief supporters at Fort William (Captain Matthey and Dr. Allan) to yield obedience to Constable Robinson's warrant. The statement went to Quebec with Coltman's preliminary report.
- 604 See *Narratives of John Pritchard, Pierre Chryologue Pambrun, and Frederick Damien Heurter, Respecting the Aggressions of the NWCo, against the Earl of Selkirk's Settlement Upon Red River* (London, 1819). See also *Petition of John Pritchard to British House of Commons. June 7 [1819]*. (London, 1819).
- 605 Owen Keveny was a native of Sligo, Ireland, and led a party of Irish settlers brought to Red River in 1812. He returned to Europe but was rehired by the HBC as an accountant at Moose Factory. He was a tough disciplinarian, hated by his men. He was arrested under a warrant from the NWC charged with maltreating a HBC employee under his charge, and was murdered on the Winnipeg River while in custody on 11 September 1816.
- 606 For Angus Shaw, see above. William Shaw was his Metis son, and one of the band under command of Cuthbert Grant at Seven Oaks. He was retired by George Simpson in 1824 as not "sufficiently trustworthy" but re-entered HBC service in 1839, retiring at Fort Vermilion in 1860, where he died in 1878.

- 607 Samuel Gale (1783-1865) was a member of a Loyalist family who studied law in Montreal and was called to the bar in 1807. He joined the firm of Stuart, Gale and O'Sullivan, and became a close friend of Lady Selkirk and legal advisor to Selkirk. Gale travelled west with Coltman in 1817 to protect his client's interests. See *Dictionary of Canadian Biography, IX*, 296-7.
- 608 For Coltman's own explanation of his conduct, see his *Papers Relating to the Red River Settlement*, especially p. 116.
- 609 For the court cases, see introduction, and Selkirk's "Memorial" to the Duke of Richmond in this volume.
- 610 The colonists had a field of barley on land adjacent to Fort Gibraltar. North West Company horses were allowed to graze in it, and a cow and an ox "purchased" at Lac la Pluie by Selkirk's men were instantly demanded. Since the Nor' Westers had no use for livestock at Red River, they were taken out of yoke and killed.
- 611 Lord Bathurst to Sir John Sherbrooke, 11 February 1817, reprinted in *Papers Relating to the Red River Settlement*, 72-4.
- 612 Selkirk's point here is that the question of the Hudson's Bay Company charter ought to have been settled in the courts before any other action was taken by the government.
- 613 Fort Gibraltar.
- 614 John Pritchard.
- 615 P. C. Pambrun.
- 616 D. H. Heurter.
- 617 In this letter from Halkett to the Earl of Bathurst, Halkett emphasized "negligence and misconduct of Law Officers of the Crown" in the various court cases involving Selkirk.

AS my conduct has been misrepresented and my character grossly traduced, it will not be thought unbecoming in me to make this public appeal to the impartial judgment of my country. In undertaking this task, I must apologise to the reader for making extracts from my own former publications, particularly from one on Highland Emigration, which was published in the year 1805. I have a two-fold motive in making these quotations—the first is, that in the present state of my health, the labour of composition, or even of much writing or dictating, is more than I feel myself competent to undertake—but the strongest motive I have is, that by a reference to the past, I can shew a consistency of view, and of conduct;

The following pamphlet is one of several in the collections of the Ontario Archives, for which no title page exists and for which no other locations are known. The pamphlet was obviously written by Selkirk in 1819 when he was extremely ill, for much of it is cannibalized from his early work on the Highlands of Scotland, and he begins by noting the state of his health. It and its companion (see next item) form a related pair of works, and on the last page of the latter the printer, J. Brettell, is listed. Both pamphlets are in the same typeface, and so this one was doubtless printed by Brettell as well. Whether these works were intended for private circulation or for publication is unclear. In any case, they were probably held back by the family upon Selkirk's death and the subsequent negotiations with the North West Company culminating in the union of the furtrading rivals in 1821.

Untitled Pamphlet

As my conduct has been misrepresented and my character grossly traduced, it will not be thought unbecoming in me to make this public appeal to the impartial judgment of my country. In undertaking this task, I must apologise to the reader for making extracts from my own former publications, particularly from one on Highland Emigration, which was published in the year 1805.⁶¹⁸ I have a two-fold motive in making these quotations - the first is, that in the present state of my health, the labour of composition, or even of much writing or dictating, is more than I feel myself competent to undertake - but the strongest motive I have is, that by a reference to the past, I can shew a consistency of view, and of conduct; and prove to every impartial mind that I acted under the sanction of Government for an object of national advantage; and not, as my enemies have attempted to persuade the public, - from petty motives of private interest, in connection with those of a Fur Trading Company.

The lands I hold, have been granted to me by a most respectable body of merchants, who hold these lands under a royal charter; and who, for purposes of colonization, have granted a portion of their territory to me. The aggressions which have been committed against the colony, amount to what may fairly be called treasonable outrages against a British colony - and hitherto redress has been withheld. Whether the Red River Settlers and I have merited to be placed beyond the pale of that legal protection,

which has been considered the birthright of every British subject, the public must now be called upon to judge.

When, on a question that has undergone much investigation and excited general attention, an individual comes forward to controvert received opinions, and to offer views which have previously passed unnoticed, every one is disposed to ask, what have been the peculiar opportunities of information upon which he presumes to contradict those who have gone before him. I trust, therefore, it will not be deemed an unbecoming egotism, that some particulars relating to myself form the subject of these preliminary pages.

Without any immediate or local connexion with the Highlands, I was led, very early in life, to take a warm interest in the fate of my countrymen in that part of the kingdom. During the course of my academical studies, my curiosity was strongly excited by the representations I had heard of the ancient state of society, and the striking peculiarity of manners still remaining among them; and, in the year 1792, I was prompted to take an extensive tour through their wild region, and to explore many of its remotest and most secluded valleys. In the course of this I ascertained several of the leading facts, on which the arguments of the following pages are grounded; in particular, that Emigration was an unavoidable result of the general state of the country, arising from causes above all control, and in itself of essential consequence to the tranquillity and permanent welfare of the kingdom.

The particular destination of the emigrants is not likely to excite much interest in those who believe that emigration may be obviated altogether. Being persuaded that no such expectation could be reasonably entertained, I bestowed some attention on details, which to other observers may have appeared nugatory. I learned, that the Highlanders were dispersing to a variety of situations, in a foreign land, where they were lost not only to their native country, but to themselves as a separate people. Admiring many generous and manly features in their character, I could not observe without regret the rapid decline of their genuine manners, to which the circumstances of the country seemed inevitably to lead. I thought, however, that a portion of the ancient spirit might be preserved among the Highlanders of the New World - that the emigrants might be brought together in some part of our own colonies, where they would be of national utility, and where no motives of general policy would militate (as they certainly may at home) against the preservation of those peculiarities of customs and language, which they are themselves so reluctant to give up, and which are perhaps intimately connected with many of their most striking and characteristic virtues.

It was on the eve of the late war that these views occurred to me, and

any active prosecution of them was precluded by the eventful period which followed; but the object was deeply impressed on my mind, and has never been lost sight of. Far from being effaced by the lapse of time, or the occupations of maturer years, my ideas of its practicability and its importance have been confirmed by every succeeding reflection.

The emigrations from the Highlands, which had been of little amount during the continuance of hostilities, recommenced upon the return of the peace of Amiens, with a spirit more determined and more widely diffused than on any former occasion. All those views which I had hitherto entertained, then recurred as requiring immediate attention; and the strong impressions I had on the subject induced me to state, to some members of the then Administration, the necessity of active interference, for attracting the emigrants to our own colonies. These representations were treated with polite attention, but did not excite an interest corresponding to my own ideas of the importance of the object. Inasmuch, however, as it could be promoted by the disposal of waste lands of the Crown, I was informed that every reasonable encouragement might be expected. Seeing no probability of my views being effectually adopted by Government, and reluctant to abandon the object altogether, I was led to consider how far, under the encouragement held out, I could, as an individual, follow it up on a more limited scale, the effect at least of establishing the practicability of my suggestion. Having, therefore, received the assurance of a grant of land on liberal terms, such as promised an adequate return for the unavoidable expenses of the undertaking, I resolved to try the experiment, and, at my own risk, to engage some of the emigrants, who were preparing to go to the United States, to change their destination, and embark for our own colonies.

I was given to understand, however, that it would be more satisfactory to Government, if the people I had engaged were settled in a maritime situation, instead of that I had at first in contemplation. For reasons, which I may perhaps have occasion hereafter to lay before the public, I was by no means satisfied that this suggestion was founded in just views of national policy. Nevertheless I thought it my duty under all the circumstances of the case, to acquiesce, and determined on making my first settlement in Prince Edward's Island, in the Gulph of St. Lawrence.

From various considerations I found that, to give the experiment a fair prospect of success, my own presence with the colonists was indispensable. It was indeed with some reluctance that I ultimately yielded to this; for, before I sailed, the unexpected renewal of hostilities had taken place. The business was then too far advanced to admit of any change of plan; and it was with the most anxious feelings that I found myself under the necessity of quitting the kingdom at so critical a moment.⁶¹⁹ In other respects I have

had no reason to regret my absence, as it has not only led me to sources of information, to which few have access; but I trust that my occupation in the mean time has not been wholly useless to my country.

These were the preliminary observations of the work on Highland Emigration I have alluded to above. But as I there state, that I was by no means satisfied as to the national advantages of the situation I fixed upon for this settlement, it is advisable for me to enter rather more into detail - and to make such extracts from the body of the work as may give to my readers a general view of the subject; both as it regards Emigration, and as it regards the opinions then prevalent upon the subject; and which I had occasion to controvert. Emigration was at that time looked upon nearly in the light of a state crime - and in the year 1803 a bill had passed for regulating the transportation of emigrants, calculated as "having the effect of a certain necessary burden on the voyages of emigrants."⁶²⁰

Experience has since led to the propriety of modifying the regulations in force at the time of the publication, from which I offer the following extracts: -

"In every civilized country where landed estates are on a large scale, we find no more people upon a farm than are reckoned necessary for carrying on the work that must be done upon it. This is the natural result of the operation of private interest. The proprietor lets his land to the tenant who will give him the highest rent for it; and the tenant manages it in the manner that he expects will produce him the most profit. For this purpose, he must raise as much produce, but with as little expense, as possible: to avoid expense, he must employ no unnecessary hands; must feed no superfluous mouths. The less of the produce is consumed upon the farm, the more he can carry to market."⁶²¹

"From these causes, the population in all those parts of the kingdom which are merely agricultural, is reduced much below the proportion of people which the country could feed; while particular spots that are favourable for manufactures have accumulated a population greatly exceeding what the produce of the immediate vicinity could maintain. There the superabundant produce of the agricultural districts finds a market; there any superabundant population may expect to find employment."⁶²²

"Where there is no employment but what arises directly from the cultivation of the land, the country is more or less peopled according to the mode of cultivation. A highly refined agriculture, that approaches to gardening, will employ a considerable population, though not equal to that of a manufacturing district. In the ordinary style of agricultural management, less labour being bestowed on the land, fewer people will be required, and fewer will find maintenance. This will be still more the case where a great proportion of the land

is in grass; and even in countries entirely devoted to pasture, a difference will be observed; as a dairy farm will require more hands than the same land employed for mere grazing.⁶²³

“When we inquire therefore what population may be maintained in any district, we have not merely to ask what the country could produce, or how many inhabitants that produce could maintain; the essential point is, to know what employment it can afford, and under what mode of management the land will be most profitable to the occupier.⁶²⁴

“Ever since the introduction of sheep-farming into the Highlands, there has been a very unequal struggle between the former possessors of the lands, and the graziers. It would be difficult, perhaps, to quote an instance where the old tenantry have been able to offer a rent fully equal to that which their competitors would have given. In many instances, indeed, the fear of such competition has induced them to stretch their utmost nerve, and to make offers, which left from the produce of the land a bare subsistence for themselves. The indulgence of the landlords has often induced them to prefer these offers, when they could certainly have procured higher; and in these cases, the tenants have, perhaps, found their situation better than they had just reason to expect.⁶²⁵

“That this new system, however, is adapted to the natural circumstances of the Highlands, is sufficiently proved by its rapid and continual progress; nor can it be doubted that, from the same causes, it must ultimately prevail throughout all the mountainous parts.⁶²⁶

“The first sheep-farmers, like all who introduce new and successful modes of agriculture, reaped great profits, extended their capital, and have naturally been induced to employ it all in the same manner. Their success has also attracted others from the South of Scotland. The more sagacious of the inhabitants of the country itself saw the benefits they might derive from a similar mode of management. The small proprietors of land were among the first to imitate it; and some of them have taken the whole, or the greater part of their estates into their own possession.⁶²⁷

“The success that has hitherto invariably attended the practice, has been an inducement to all those in the Highlands, who can command any considerable capital, to engage in the same business.⁶²⁸

“Hence the competition with which the old occupiers have to contend, has risen to a pitch which they cannot possibly resist; and the conclusion is inevitable, that, as fast as the current leases expire, the whole or nearly the whole of this body of men will be dispossessed.⁶²⁹

“The cotters are scarcely more likely to hold their place; because, though a few may be requisite, yet the number usually employed on any farm under the old system, was incomparably greater than a grazier has occasion for.⁶³⁰

“The same general principle is applicable even to the districts where agriculture can be carried on to advantage: in no part will cultivation require all the people whom the produce of the land can support. Where farms are very small, the proprietors will, in every situation, find it for their interest to throw several into the hands of one man. The occupier of a minute portion of land, who, without any other source of profit, can raise little more produce than enough for his own consumption, has no means of paying an adequate rent. One man constantly employed might accomplish all the work of cultivating several of these small possessions. When they are thrown together, the farmer is enabled, merely by diminishing the number of superfluous mouths, to send a part of the produce to market; and from the same land, without any addition to its fertility, to afford a better rent to the landlord.⁶³¹

“The further enlargement of farms throws them into the hands of men of education and efficient capital, who, by following improved modes of cultivation, increase the productiveness of the soil: thus, according to the observation of Dr. Adam Smith, ‘the diminution of cottagers, and other small occupiers of land, has in every part of Europe been the immediate forerunner of improvement and better cultivation.’ This ‘the Highland proprietors have already begun to experience; and a tendency towards the accumulation of farms, is very observable in the agricultural districts, as well as in those devoted to pasturage.’⁶³²

“Though there has been a continual progress towards this state of things, it has never till now taken place to its full extent. The new modes of management have reached their full maturity in but a small proportion of the Highlands.⁶³³

“Thus the change of system, has yet to produce its entire and unimpaired effect in a country still teeming with the superabundant population accumulated by the genius of the feudal times.⁶³⁴

“After considering this consequence, as it affects the interest of the public, the same details *will* enable us to appreciate how far it may be obviated or modified by legislative wisdom; and this will lead to a discussion of all the resources which have been proposed as remedies for preventing emigration.⁶³⁵

“When a great number are dispossessed at once, and the land is to be applied to purposes that afford little or no employment, as in a sheep-walk, the conclusion is so evident as to require no illustration: but the case is not essentially altered when these people are dismissed in a gradual and continued progress one after another. In this way, indeed, the circumstance does not excite so much attention; but the effects on the state of the country are the same: and to the individual who is dispossessed, it makes no other difference than that he has fewer companions to share his

misfortune. It is equally impossible for him to find resources in his native spot, and he is equally under the necessity of removing to a different situation.⁶³⁶

“To the dispossessed tenantry, as well as to the cotters, who by the same progress of things are deprived of their situation and livelihood, two different resources present themselves. They know that in the Low Country of Scotland, and particularly in the manufacturing towns, labour will procure them good wages: they know likewise that in America the wages of labour are still higher, and that from the moderate price of land they may expect to obtain not only the possession of a farm, but an absolute property.⁶³⁷

“Of these alternatives, every one who is acquainted with the country must admit that Emigration is by far the most likely to suit the inclination and habits of the Highlanders. It requires a great momentary effort; but holds out a speedy prospect of a situation and mode of life similar to that in which they have been educated. Accustomed to possess land, to derive from it all the comforts they enjoy, they naturally consider it as indispensable, and can form no idea of happiness without such a possession.⁶³⁸

“The manners of a town, the practice of sedentary labour under the roof of a manufactory, present to the Highlander a most irksome contrast to his former life.⁶³⁹

“To a person of such habits, the business of a manufactory can have no attraction except in a case of necessity; it can never be his choice, when any resource can be found more congenial to his native habits and disposition.⁶⁴⁰

“In manufacturing establishments too, every desirable situation is pre-occupied by men of much greater skill than, the untutored Highlander. He has therefore little chance of finding employment but in the works of the lowest drudgery.⁶⁴¹

“If there were no other proof that emigration arises from radical and peculiar causes in the circumstances of the country, it might be strongly presumed from the fact, that while this spirit is so prevalent in the Highlands, it has made no impression, or a very inconsiderable and transient impression, in the adjoining Lowlands. The labourer in the South may occasionally feel the stimulus of ambition; but this affects comparatively few: the great mass of people go on in the track to which they have been accustomed; none but those of peculiarly ardent minds can bring themselves, for the sake of a distant object, to make the exertion which emigration requires.⁶⁴²

“The Highlander who is dispossessed of his land is forced to this species of exertion: it is utterly impossible for him to go on in the path he has been accustomed to tread. Whether he emigrate to America, or remove

to the Low Country of Scotland, the scene is equally new to him; his habits are broken through: he must in either case form himself to an entirely new mode of life. Forced to a change, it is comparatively of little consequence whether he undertake an exertion of greater or less amount. To move his family from the Highlands to Glasgow or Paisley, is not to be done without an effort, and, to a poor man, a very considerable effort: and if the result is, that, after all, he must enter upon a mode of life to which all his habits render him averse, it is surely to be expected that he will be ready to carry his effort something further, in order to attain a more desirable situation.⁶⁴³

“Accordingly, with a very few exceptions, we find the choice of the Highlanders has been entirely regulated by their ability or inability to afford the expenses of their passage to America. The emigrants have been almost entirely of the class of tenants, while the cotters, whom the same change of agricultural system has deprived of their situation and means of livelihood, have in general removed into the manufacturing districts of the South of Scotland.⁶⁴⁴

“After all the declamation that has been excited by the depopulation of the Highlands, the fact in reality amounts to this; that the produce of the country, instead of being consumed by a set of intrepid but indolent military retainers, is applied to the support of peaceable and industrious manufacturers. It cannot be doubted, that the result is ultimately favourable to population, when we take into account that of the whole kingdom, balancing the diminution in one district by the increase in another.⁶⁴⁵

“In former times, when a great population was maintained in the midst of these mountains, their produce was almost entirely consumed on the spot. The number of cattle which at any time found their way to a distant market was inconsiderable, in proportion to the value of produce sent away under the new system of grazing. This produce is an addition to the supply of the manufacturing districts; and, in proportion as it augments their means of subsistence, must tend to the increase of population. Supposing, therefore, that the produce of every farm under the new mode of management, were of the same total amount as under the old, the effect of the change would only be, to transfer the seat of population from the remote villages of the Highlands, to the towns and valleys of the South, without any absolute difference of numbers.⁶⁴⁶

“It is agreed, however, by the best authorities, that the produce is not merely changed in its kind, but augmented, by the improved management which has been introduced.⁶⁴⁷

“Besides this, it is well known, that in England a great deal of arable land is kept in grass, for rearing young cattle and sheep: but there will be

the less necessity for this, when the mountains furnish a greater supply. Many of the arable pastures will then be broken up, and, in all probability, their produce will far exceed that of the fields hitherto cultivated in the Highlands, as the soil and climate are both so much better adapted for the production of grain. In this, as in many similar instances, motives of private interest appear to lead to the same general arrangements, which the most enlarged views of public advantage would dictate.⁶⁴⁸

“If, by restrictive laws, those who would otherwise have emigrated should be brought under the necessity of seeking employment within the kingdom, it does not by any means follow that the increase of productive industry would be in proportion to the additional numbers. The laborious life for which any of these people have to exchange their former habits, is a hard and unwelcome change, forced on them only by the pressure of severe necessity. Their little capital, which would have enabled them in the colonies to begin as settlers, will be wasted in indolence at home; and no effectual exertion of industry can be looked for from them, till they are reduced to beggary.⁶⁴⁹

“But is it possible to suppose that a policy, which must occasion so much individual hardship, would be adopted for so trifling a public object, as any advantage that can be expected from the reluctant industry of those who might be restrained from emigration?⁶⁵⁰

“Though it is contrary to every principle of justice, that unusual and unnecessary restraints should be imposed; yet every friend to his country would rejoice, if means could be found of obviating the local depopulation of a district, by the introduction of suitable branches of productive industry.⁶⁵¹

“Among these, the most promising is the cultivation of waste land. Some attempts have been made in the Highlands to turn the superfluous population to this branch of industry. The success with which they have been attended is sufficient to encourage further experiments; and to leave no doubt that, by this means, a number of people may every where be retained, fully adequate to any supply of labourers that can be required for the accommodation of the country. The maintenance to be derived from this resource is indeed a very wretched one: poor as it is, however, there are few of the class of cotters who would not readily accept any situation where they could by this employment find a support for their families.⁶⁵²

“By the improvement of waste land, or the extension of the fisheries, a nett and absolute addition is made to the production of national wealth, a new supply is procured of human subsistence, which would otherwise be lost. But the success of a manufacturing establishment in the Highlands would have no further effect, than to fix the seat of a certain portion of

industry in one part of the kingdom, instead of another. Manufacturing enterprises are limited by the extent of the market, as well as by the supply of hands.⁶⁵³

“The establishment of manufactures in the Highlands, might thus affect the migrations of those classes who now seek employment in the old established seats of industry: but to the small tenants, the same objections which occur against a manufactory in the South, would apply equally to a similar employment in a situation a little nearer home. There is no probability therefore, that such establishments could have any effect on those who are inclined to emigrate to America.⁶⁵⁴

“The concise view that has been taken of the different resources which have been proposed for preserving the local population of the Highlands, may be sufficient to shew, that not one of them is applicable to the circumstances of those who are most inclined to emigration. It must also be observed that these resources are still to be found only in the regions of theory; and to their practical application there are impediments which cannot be removed without much patience and exertion. The country is by no means in such a state, that every man who is industriously disposed, may have opportunities of employment adapted to his situation.⁶⁵⁵

“Independently of any question as to constitutional propriety, nothing seems more obvious, than the necessity of bringing resources of this kind to full maturity within the country, before any legal interference is hazarded for preventing the people from seeking them elsewhere. To act upon contrary principles would be productive of the utmost misery, and of a real, instead of an apparent depopulation. Let us suppose an extreme case; that, while the change of the agricultural system is allowed to go on, and no adequate means of support are provided for the superabundant population, invincible obstacles should be contrived to restrain the people from removing to a different situation. The infallible consequence must be, that the lower classes would be reduced to the utmost distress: the difficulty of procuring either land or employment would amount almost to an impossibility; and even if the people should escape absolute famine, few would be inclined in such circumstances to undertake the burthen of rearing a family, or would venture on marriage. The misery of the people would thus in time produce the effect which emigration is now working, and reduce their numbers to a due proportion with the employment that can be given them.⁶⁵⁶

“If it be admitted that emigration is likely to go on, I need not take up much time to prove, that it is an object deserving of some attention, and of some exertion, to secure these emigrants to our own colonies, rather than abandon them to a foreign country.⁶⁵⁷

“It is with regret I have heard persons of distinguished judgment and

information give way to the opinion, that all the continental colonies, and particularly the Canadas, must inevitably fall, at no distant period of time, into the hands of the Americans. That continued mismanagement may bring this about, cannot be denied; but I think it equally clear, that, by steadily pursuing a proper system, such an event may be rendered not only improbable, but almost impossible.⁶⁵⁸

“The local circumstances of the different provinces, the political and commercial advantages to be expected from the further colonization of each, the precautions requisite for this security, and the means which may be found for remedying the errors of their former administration, are topics which would lead into too great length, and which this is not the proper place to discuss. I must proceed, therefore, to the points immediately connected with the subject of these observations, to consider the measures that are necessary for diverting the current of emigration, and directing it to any part of the colonies which may appear to Government most advisable. It has been supposed that this could not be done without such encouragements as would tend very much to increase the evil in general: but I hope to make it appear that this is a mistake; and that the object may be accomplished without recurring to measures that can have any permanent bad effect.⁶⁵⁹

“Some pretty strong inducement should be held out to the first party who will settle in the situation offered to them. To detached individuals, it would be difficult to offer any advantage sufficiently strong to counterbalance the pleasure of being settled among friends, as well as the assistance they might expect from their relations. But if means can be found of influencing a considerable body of people, connected by the ties of blood and friendship, they may have less aversion to try a new situation: and if such a settlement be once conducted safely through its first difficulties, till the adventurers feel a confidence in their resources, and acquire some attachment to the country, the object may be considered as almost entirely accomplished.⁶⁶⁰

“Even in the first instance, the encouragement which may be sufficient to induce people to change their destination, must be very far short of that which would induce men, who have no other motive, to think of emigration. To excite a spirit of emigration where no such inclination before existed, is a more arduous task than those who have not paid a minute attention to the subject may imagine. To emigrate, implies a degree of violence to many of the strongest feelings of human nature; a separation from a number of connexions dear to the heart; a dereliction of the attachments of youth, which few can resolve upon without the spur of necessity. Dr. Adam Smith has justly observed, that ‘Man is of all species of luggage the most difficult to be transported;’ the tendency of the

labouring poor to remain in the situation where they have taken root, being so strong that the most palpable and immediate advantages are scarcely sufficient to overcome the force of habit, as long as they find a possibility of going on in the line they have been accustomed to. In one out of a hundred, this tendency may be overcome by motives of ambition or enthusiasm; but when a general and universal disposition to emigration exists in any country, it would need strong grounds indeed, to justify the supposition that it arises from any accidental or superficial cause.⁶⁶¹

“There are individuals, perhaps, in the Highlands, who may think it better that a hundred persons should emigrate to the United States, than that a hundred and one should go to our own colonies. But this is a sentiment in which, I trust, they will not be joined by many whose opinions deserve respect.⁶⁶²

References

- 618 *Observations on The Present State of The Highlands of Scotland, with a View of The Causes and Probable Consequences of Emigration*, reprinted in volume I of this edition, 101-241. All footnote references will be to the volume I edition.
- 619 Selkirk here obviously responds to the complaints of his critics that he had abandoned Great Britain at a critical juncture for North America.
- 620 For the background and details of the 1803 legislation, see *The People's Clearance*, 129-154.
- 621 Quoted from *Observations*, p. 111.
- 622 Quoted from *Observations*, p. 111.
- 623 Quoted from *Observations*, p. 111.
- 624 Quoted from *Observations*, 111-112.
- 625 This paragraph follows but does not produce exactly the text of *Observations*, p. 113.
- 626 This paragraph is not a direct quotation and should not be in quotation marks, although it follows from *Observations*, 112-114.
- 627 Quoted from *Observations*, p. 113.
- 628 This paragraph should not be in quotation marks, as it is a paraphrase of *Observations*, 113-114.
- 629 *Ibid.*
- 630 Quoted from *Observations*, p. 114.
- 631 Quoted from *Observations*, 114-115.
- 632 This paragraph paraphrases *Observations*, p. 115, and adds the Smith quote from 131-132.
- 633 This paragraph should not be in quotation marks.
- 634 Quoted from *Observations*, p. 115.
- 635 This paragraph paraphrases *Observations*, p. 116.
- 636 Quoted, with a few words omitted, from *Observations*, p. 119.
- 637 Quoted from *Observations*, p. 119.
- 638 Quoted from *Observations*, p. 119.

- 639 Quoted from *Observations*, p. 120.
- 640 Quoted from *Observations*, p. 120.
- 641 Quoted from *Observations*, p. 120.
- 642 Quoted from *Observations*, 121-122.
- 643 Quoted from *Observations*, p. 122.
- 644 Paraphrased and quoted from *Observations*, p. 123.
- 645 Quoted from *Observations*, p. 131.
- 646 Quoted, with slight variation, from *Observations*, p. 131.
- 647 Quoted from *Observations*, p.131.
- 648 Quoted, with slight variation, from *Observations*, p. 132.
- 649 Quoted from *Observations*, p.133.
- 650 *Ibid.*
- 651 Quoted from *Observations*, p. 136.
- 652 Quoted from *Observations*, 136-137.
- 653 Quoted from *Observations*, p. 142.
- 654 Quoted from *Observations*, p. 143.
- 655 Quoted from *Observations*, p. 143.
- 656 Quoted from *Observations*, 143-144.
- 657 Quoted with a slight variation from *Observations*, p. 161.
- 658 *Ibid.*
- 659 Quoted with editorial variations from *Observations*, p. 163.
- 660 Quoted, with slight variations, from *Observations*, p. 165.
- 661 Quoted with variations from *Observations*, 165-166.
- 662 Quoted from *Observations*, p. 167.

THOUGH I am little disposed at any time to be the hero of my own tale, or to obtrude matters of personal concern upon the attention of the public, there are circumstances in which it is impossible for any man to abstain from entering into explanations of his conduct: and the extraordinary calumnies and misrepresentations of which I have been the object, will, I trust, plead my apology for bringing forward the following narrative. I flatter myself also that the facts which I have to state, will be found to bear closely upon questions of national concern, and that the subject may therefore deserve a degree of attention which the mere personal concerns of an individual could not be expected to excite.

It is not my intention to enter into a detailed

This pamphlet, also reprinted from a copy in the Ontario Archives, is a companion piece to the previous item. It too quotes heavily from Selkirk's 1805 work, but does include a good deal of newly-written summary of Selkirk's thinking and activities in the area of North American settlement. It was printed by J. Brettell, probably like its companion in 1819, and was also doubtless put away by his family upon his death.

Untitled Pamphlet

Though I am little disposed at any time to be the hero of my own tale, or to obtrude matters of personal concern upon the attention of the public, there are circumstances in which it is impossible for any man to abstain from entering into explanations of his conduct: and the extraordinary calumnies and misrepresentations of which I have been the object, will, I trust, plead my apology for bringing forward the following narrative. I flatter myself also that the facts which I have to state, will be found to bear closely upon questions of national concern, and that the subject may therefore deserve a degree of attention which the mere personal concerns of an individual could not be expected to excite.

It is not my intention to enter into a detailed refutation of the calumnies which have been advanced against me, most of which are so grossly false, and so evidently malicious, that an action for libel is the only mode in which they can be noticed. - But as the public have been led to entertain a most erroneous idea of the pursuits in which I have lately been engaged, and to ascribe to me motives and intentions utterly inconsistent with the whole tenor of my life, a concise view of the real state of the case will shew, that (whether I have acted with prudence or the reverse) I have at least been consistent in promoting, to the utmost of my power, those objects of national policy, the importance of which I have long since pressed upon the attention of His Majesty's Government, and of the public.

In order to render the subject the more easily intelligible, I may be allowed to refer to a small work which I published in the year 1805, on Emigration and the State of the Highlands of Scotland.⁶⁶³ The views

which I then stated are the same which have directed me in more recent undertakings: and before entering into any detail as to occurrences of later date, I beg leave to give a concise recapitulation of the principles which are there laid down. I trust to the indulgence of the reader, if in some instances I repeat the very words of that publication.

Without any immediate or local connexion with the Highlands, I was led, very early in life, to take a warm interest in the fate of my countrymen in that part of the kingdom. During the course of my academical studies, my curiosity was strongly excited by the representations I had heard of the ancient state of society, and the striking peculiarity of manners still remaining among them; and, in the year 1792, I was prompted to take an extensive tour through their wild region, and to explore many of its remotest and most secluded valleys. In the course of this I ascertained several of the leading facts, on which the arguments of the following pages are grounded; in particular, that Emigration was an unavoidable result of the general state of the country, arising from causes above all control, and in itself of essential consequence to the tranquillity and permanent welfare of the kingdom.

The particular destination of the emigrants is not likely to excite much interest in those who believe that emigration may be obviated altogether. Being persuaded that no such expectation could be reasonably entertained, I bestowed some attention on details, which to other observers may have appeared nugatory. I learned, that the Highlanders were dispersing to a variety of situations, in a foreign land, where they were lost not only to their native country, but to themselves as a separate people. Admiring many generous and manly features in their character, I could not observe without regret the rapid decline of their genuine manners, to which the circumstances of the country seemed inevitably to lead. I thought, however, that a portion of the ancient spirit might be preserved among the Highlanders of the New World, and that the emigrants might be brought together in some part of our own colonies, where they would be of national utility.

It was on the eve of the late war that these views occurred to me, and any active prosecution of them was precluded by the eventful period which followed; but the object was deeply impressed on my mind, and has never been lost sight of. Far from being effaced by the lapse of time, or the occupations of maturer years, my ideas of its practicability and its importance have been confirmed by every succeeding reflection.

“The emigrations from the Highlands, which had been of little amount during the continuance of hostilities, recommenced upon the return of the peace of Amiens, with a spirit more determined and more widely diffused than on any former occasion. All those views which I had

hitherto entertained, then recurred as requiring immediate attention; and the strong impressions I had on the subject induced me to state, to some members of the then Administration, the necessity of active interference, for attracting the emigrants to our own colonies. These representations were treated with polite attention, but did not excite an interest corresponding to my own ideas of the importance of the object. Inasmuch, however, as it could be promoted by the disposal of waste lands of the Crown, I was informed that every reasonable encouragement might be expected. Seeing no probability of my views being effectually adopted by Government, and reluctant to abandon the object altogether, I was led to consider how far, under the encouragement held out, I could, as an individual, follow it up on a more limited scale, to the effect at least of establishing the practicability of my suggestion. Having, therefore, received the assurance of a grant of land on liberal terms, such as promised an adequate return for the unavoidable expenses of the undertaking, I resolved to try the experiment, and, at my own risk, to engage some of the emigrants, who were preparing to go to the United States, to change their destination, and embark for our own colonies.⁶⁶⁴

I was given to understand, however, that it would be more satisfactory to Government, if the people I had engaged were settled in a maritime situation, instead of that I had at first in contemplation. For reasons, which I may perhaps have occasion hereafter to lay before the public, I was by no means satisfied that this suggestion was founded in just views of national policy. Nevertheless I thought it my duty under all the circumstances of the case, to acquiesce, and determined on making my first settlement in Prince Edward's Island, in the Gulph of St. Lawrence.⁶⁶⁵

These were the preliminary observations to the work above mentioned, the principal object of which was to point out the causes of that spirit of emigration which then prevailed in the Highlands, and to demonstrate the impolicy of any attempt to overrule it. - It was observed, that at a period, then not more than sixty years past, the state of society in the Highlands of Scotland was very similar to that of England before the Norman conquest. Government had not yet extended its regular authority over these mountains, where the chieftains lived in a barbarous independence, surrounded by vassals and retainers. The law was too feeble to afford protection, amidst the violence of feudal warfare and plunder; and every proprietor of land depended, for his safety and his consequence, on a numerous train of followers. To this consideration, every advantage of pecuniary interest was inferior; he reckoned the value of his estate, not by the rent, but by the number of men it could send into the field.

In this state of things every proprietor reduced his farms into as small portions as possible; and his design was seconded by the natural

inclinations of his people. The state of the country left a father no means of providing for his sons, but by dividing his farm; and where two families could be placed upon the land instead of one, the chief acquired a new tenant and a new soldier. Hence every spot was occupied by as many families as its produce could maintain; and the ground was subdivided into very small possessions.

This peculiar state of society continued in the Highlands, nearly unchanged, till after the suppression of the rebellion, in 1745; the country was then disarmed: it was intersected by military roads; a force, sufficient to command it, was stationed at all the principal passes; and thus the authority of regular government was completely established. The chiefs ceased to be petty monarchs; the services of their followers were no longer requisite for defence, or useful in plunder; and when thus reduced to the same situation with proprietors in other parts of the kingdom, they soon discovered that their rents were far below the real value of their lands.

In every civilized country where landed estates are on a large scale we find no more people upon a farm than are reckoned necessary for carrying on the work that must be done upon it. This is the natural result of the operation of private interest. The proprietor lets his land to the tenant who will give him the highest rent for it; and the tenant manages it in the manner that he expects will produce him the most profit. For this purpose, he must raise as much produce, but with as little expense, as possible: to avoid expense, he must employ no unnecessary hands; must feed no superfluous mouths. The less of the produce is consumed upon the farm, the more he can carry to market.⁶⁶⁶

When we inquire therefore what population may be maintained in any district, we have not merely to ask what the country could produce, or how many inhabitants that produce could maintain; the essential point is, to know what employment it can afford, and under what mode of management the land will be most profitable to the occupier.⁶⁶⁷ Where farms are very small, the proprietors will, in every situation, find it for their interest to throw several into the hands of one man. The occupier of a minute portion of land, who, without any other source of profit, can raise little more produce than enough for his own consumption, has no means of paying an adequate rent. One man constantly employed might accomplish all the work of cultivating several of these small possessions. When they are thrown together, the farmer is enabled, merely by diminishing the number of superfluous mouths, to send a part of the produce to market; and from the same land, without any addition to its fertility, to afford a better rent to the landlord.⁶⁶⁸

The further enlargement of farms throws them into the hands of men of education and efficient capital, who, by following improved modes of

cultivation, increase the productiveness of the soil: thus, according to the observation of Dr. Adam Smith, 'the diminution of cottagers, and other small occupiers of land, has in every part of Europe been the immediate forerunner of improvement and better cultivation.'⁶⁶⁹

Such a revolution in the system of landed property must be accompanied by an entire change in the distribution of the inhabitants. The population must be cast into a new form. The class of small tenants will gradually disappear; the distinction will at length be marked out, between the station of farmer and that of labourer; and as many of the cotters as can remain in the country, will gradually fall into the various fixed employments that are necessary in the business of an extended farm. But the whole population on each farm will ultimately be reduced to the number of families that are absolutely required for this necessary business. A few shepherds, with their dogs, will be sufficient for all the work of many an extensive range. The produce will no longer be consumed wholly upon the spot, in affording a scanty subsistence to an indolent contented tribe; but will supply, at a distance, the wasteful luxury of industrious crowds.⁶⁷⁰

During the operation of this change, and the temporary derangement it occasions, much individual distress will unavoidably be suffered. A great part of the inhabitants must, in one way or another, seek for means of livelihood totally different from those on which they have hitherto depended. But the country affords no means of living, without a possession of land: they must look for resources, therefore, where there is a prospect of employment, and must bring their mind to the resolution of removing at least from their native spot. Two prospects present themselves. In the Low Country of Scotland, the wages of manufacturing labour; in America, the easy acquisition of land in absolute property. Of these alternatives, it is easy to perceive which will best suit the inclination and habits of the Highlanders. Each of these two changes would exact very nearly the same effort over the natural affections of the mind; but the execution of the latter plan must be attended with more expense than the other. It will be practicable, therefore, to those only who can afford this expense.⁶⁷¹

The population of the Highlands was composed, however, in a very large proportion, of persons possessed of something that might be denominated capital. Most of the small tenants live much more wretchedly, as to habitation and diet, than the labourers who earn daily wages in other parts of the island; but they have property of greater value. A farmer of about thirty acres of arable land has perhaps property to the amount of about one hundred and sixteen pounds sterling, while the annual consumption of provisions for his family and servants does not exceed fifteen pounds. In general, the small tenant, according to his share of the farm, has from three or four, to six or eight cows, with the proportionate

number of young cattle; he has horses also, a few small sheep, implements of agriculture, and various household articles. By disposing of all this stock, especially if the price of cattle happens to be high, he is enabled to embark in undertakings which cannot be thought of by the cotter, and which are not within the reach of the peasantry, even in the more improved and richer parts of the island.⁶⁷²

To those who can thus afford the expenses of the passage and first settlement, the low price of land in America presents the prospect of speedily attaining situation and mode of life similar to that in which all their habits have been formed. Accustomed to possess land, to derive from it all the comforts they enjoy, to transmit their possessions from father to son, and to cherish all the prejudices of hereditary transmission, they most naturally consider themselves as born to a landed rank, and can form no idea of happiness separate from such a possession. Contrasted with such a situation, that of a day-labourer in a manufacturing town appears contemptible and degrading. It would be a painful change, also, to the practice of sedentary continued labour, from that life of irregular exertions, and long intervals of indolence, in which the Highlander enjoys almost the freedom of a savage.⁶⁷³

Thus it appears, that in the subversion of the feudal economy, and the gradual extension of the commercial system over that quarter of the island, emigration forms a necessary part of the general change.

When a correct idea has been formed of the nature of this essential change, and of the character and circumstances of the tenantry that have been dispossessed of their lands, all projects will appear unavailing to avert their emigration, and all direct restrictions upon it by law, no better than violent injustice.

When a great number are dispossessed at once, and the land is to be applied to purposes that afford little or no employment, as in a sheep-walk, the conclusion is so evident as to require no illustration: but the case is not essentially altered when these people are dismissed in a gradual and continued progress one after another. In this way, indeed, the circumstance does not excite so much attention; but the effects on the state of the country are the same: and to the individual who is dispossessed, it makes no other difference than that he has fewer companions to share his misfortune. It is equally impossible for him to find resources in his native spot, and he is equally under the necessity of removing to a different situation.⁶⁷⁴

If we could suppose that while the change of the agricultural system is allowed to go on, and no adequate means of support are provided for the superabundant population, invincible obstacles should be contrived to restrain the people from removing to a different situation, the infallible consequence must be, that the lower classes would be reduced to the utmost

distress: the difficulty of procuring either land or employment would amount almost to an impossibility; and even if the people should escape absolute famine, few would be inclined in such circumstances to undertake the burthen of rearing a family, or would venture on marriage. The misery of the people would thus in time produce the effect which emigration is now working, and reduce their members to a due proportion with the employment that can be given them.⁶⁷⁵

If it be admitted that emigration is likely to go on, it cannot require much argument to prove, that it is an object deserving of some attention, and of some exertion, to secure these emigrants to our own colonies, rather than abandon them to a foreign country.⁶⁷⁶

In the preliminary observations which have been quoted above, it is stated that though in deference to the wishes of Government, I agreed to form my first settlement in Prince Edward's Island, I was not satisfied with the reasons which were assigned for that preference. In fact, though the state of the Highlands of Scotland appeared at that period peculiarly deserving of attention, and offered a very striking illustration of the principles which ought to guide the statesman on the subject of emigration, yet these principles, with a few modifications, were of general application, and the argument might be applied to other parts of the kingdom of far greater importance than the Highlands. With a view therefore to the practical application of these principles to measures of national policy, a more ample field was requisite than any which the narrow limits of Prince Edward's Island could afford.

I ought, perhaps, to apologise for thus bringing forward views which may almost be considered as trite - but at the time they first were given to the public, very opposite opinions prevailed; and if I now revert to the reasonings I had learned to form so early as in the year 1792, and which I subsequently acted upon in the year 1803, - in the formation of the small colony of Highland emigrants in Prince Edward's Island - I may be allowed also to observe, that in the application of these principles to objects of national policy, my views extended beyond the narrow sphere of that island. In the year 1802, I addressed some observations to Lord Pelham, then one of the Secretaries of State, in hopes of exciting the attention of Government to the importance of the subject, and of inducing them to take adequate measures for providing an asylum in British North America, for the emigrants who were likely to leave these kingdoms to resort to the United States. - I pointed out particularly the situation of Ireland, then hardly recovered from the convulsions of intestine tumults and rebellion. - For a long period back, the pressure of an excessive population in that part of the empire had given occasion to emigrations of great amount: and from the general state of the country at that time, it was evident that the

spirit of emigration was likely soon to increase in a very great degree, - and to extend itself to parts of the kingdom where it had not previously prevailed. In these circumstances I suggested to Lord Pelham the formation of a new colony, the regulations which might be adapted to the peculiar dispositions, and even prejudices of the aboriginal Irish, carefully avoiding every thing which might shock their scruples on religious subjects; and combining a liberal establishment for the support of a Catholic clergy with such regulations as might be deemed advisable. It could not be doubted that by this means many thousands, who were at the time discontented, miserable, and turbulent at home, might have been reclaimed to loyal feelings and peaceable dispositions in the colonies. By a judicious choice of situation, combined with attention in the first operations of the new settlement, it might have been rendered a matter of certainty that every industrious man would in a very short period of time be in the enjoyment of plenty, with moderate labour, and in the possession of independent property. A few examples of this species of success, communicated by the first emigrants to their friends at home, would have created a natural attraction towards the new colony, and enabled Government, without almost any marked interference, to give such a direction to the spirit of emigration as might be deemed most desirable. The benefit of such an outlet for the superabundant population would not have been limited to the emigrants alone. Those who were left at home, relieved in part at least from the pressure of a superabundant population, and finding consequently more advantageous openings for the exertion of their industry, would have become more inclined to peaceable and orderly habits.⁶⁷⁷

With a view to these objects, the British provinces already established in North America, are in many respects subject to material disadvantages. A national colony calculated for a population of a peculiar description would require peculiar institutions, many of which would be found repugnant either to laws already established in the provinces, or to prejudices deeply rooted among the settlers, who are already established there. To avoid these obstacles, the easiest method was to choose an entirely new situation; and I pointed out to Lord Pelham a vast extent of fertile country in the British North American dominions, which had been hitherto entirely neglected, though capable of affording the means of a comfortable subsistence to many millions of British subjects; a country which was in one respect peculiarly adapted to the purpose in view, as it contained extensive plains of fertile soil not incumbered with wood, but capable of immediate cultivation by the plough - so that emigrants from Europe would not be under the necessity of learning a new species of labour, but might apply their industry in the manner to which they were accustomed.

The district which I thus pointed out to the attention of Government is the same in which I have recently been engaged in forming a Settlement at my own expense. At the period to which I refer, I had no connection whatever with the Hudson's Bay Company. But I had ascertained, by accurate inquiries, that these countries were well adapted for the habitation of a civilised population - and I entertained no doubt that the Hudson's Bay Company would, without hesitation, give every facility which Government might require for the colonization of these lands.

Lord Pelham appeared to consider these suggestions as deserving of attention; but the subject not being properly within his department, I was referred to Lord Hobart, then Secretary of State for the Colonies. That noble Lord admitted fully the benefits likely to arise from drawing off a portion of superabundant and discontented population; but on the other hand, he considered the prevailing opinions on the subject of emigration, as a bar against the adoption, by Government, of any extensive plan which might bear the appearance of encouraging British subjects to leave the kingdom.⁶⁷⁸ The plan of establishing a new colony was therefore rejected: and Lord Hobart stated, that no direct assistance could be given by Government to the plan I proposed; but that, if, as an individual, I could succeed in diverting the current of emigration towards our own colonies, every facility would be afforded by the grant of Crown lands upon the most liberal scale consistent with the general rules established with respect to such grants. A tract of land in Upper Canada was, accordingly, directed to be set apart as mine. In the year 1804, I visited these lands; but satisfied with their natural advantages, I found that it would be impracticable for an individual to attempt to form a settlement upon them on the plan originally intended. It would lead to a too tedious detail, were I to enter on the subject of these difficulties.⁶⁷⁹ The instructions which had been given on the subject, however, were so expressed, that if I had been willing to receive any description of settlers who offered themselves, I might have obtained a valuable tract of land at little expense; but, as I found it impracticable to follow out, in this situation, the views of colonization which I had suggested to Lord Pelham and Lord Hobart, I did not think it was proper to avail myself of the grant for other purposes, inconsistent with the views which I had pressed upon the attention of Government. With the exception, therefore, of a few families of Highlanders, who preferred this situation to Prince Edward's Island, I established no settlers upon this tract of land - and only continued for some years to carry on a farm, which I had stocked, as an experiment.

In the course of my visit to Upper Canada, I was mortified to observe, that, notwithstanding the natural advantages of that fine country, the progress of the colony was extremely slow in comparison with that of the

adjacent parts of the United States. But the difference was easily accounted for, on considering the opposite systems of policy which were pursued in those countries, more particularly with respect to the disposal of waste land.⁶⁸⁰

In many parts of the United States, and particularly in the western and northern parts of the state of New York that border on Upper Canada, waste lands, of immense extent, have been sold by the State at prices extremely low; in general, only a few pence per acre, and have been purchased by men of capital, in very extensive tracts, sometimes to the amount of millions of acres, by a single individual. - It may appear at first sight, that such an enormous accumulation of landed property, in a few hands, was calculated to retard the progress of the country: but experience has proved the contrary. - The persons who had vested their money in the purchase of these great tracts of land, knew that it was only by promoting settlements upon them that they could expect to render their property valuable. - It was for their interest to dispose of good lots of land at low prices to actual settlers, in order to attract others. It was for their interest to open roads in all directions, so as to render their lands accessible to settlers. It was also for their interest to dispose of large tracts, at a small advance on the original price, to men of capital, who would lay out money liberally, for the promotion of those public works which are requisite in a newly settled country. - The object of all these purchasers being to resell their lands, (or, at least a great part of them), at an advanced price, the immense properties originally purchased from the State have been subdivided, in the course of a few years, into estates of a moderate scale: but in the course of this, there has been free scope for the enterprise of individuals: and the improvements requisite to convert a wilderness into a fertile country, being from the first planned and executed by men of adequate capital, and carried on in a liberal and judicious manner, the progress of these districts has in general been remarkably rapid. The Genesee country, a tract of land equal in extent to the province of Ulster, or to the six northern counties of England, was an absolute desert for many years after the formation of the British settlements in Upper Canada, separated from it only by the river of Niagara. - About twenty-five years ago the whole of that country was sold to two gentlemen at a price not amounting to a shilling an acre. It now constitutes [blank] counties, in the state of New York; most of which are rich, populous, and well-cultivated: the original purchasers are now hardly distinguished among the hundreds of opulent proprietors; and such is the progress of improvement, that the inhabitants, not satisfied with the accommodation of turnpike roads, are cutting a navigable canal, at an expense of [blank] per mile, from end to end of the district.⁶⁸¹

The interest of a great proprietor of lands in America is identified with those of the settlers who are established on his lands, in the very same manner as that of a great landholder in England with those of his tenantry.⁶⁸²

At the period when the province of Upper Canada was formed, a strong prejudice appears to have been entertained against the accumulation of great tracts of land in the hands of individuals: and, in order to guard against the evils apprehended from this cause, instructions were given to the Governor of the province not to grant more than two hundred acres to any settler, except that an extent of one thousand two hundred acres might be granted to individuals of distinction and leading influence. If this regulation has been carried into effect correctly, according to the intentions of his Majesty's Government, the province of Upper Canada would have been constituted nearly upon the principles of Agrarian equality. It is evident, that, under these instructions, nothing like a landed aristocracy could ever arise: and it is remarkable enough that such a principle should have been adopted in the establishment of a colony situated like Upper Canada. The immediate vicinity of the United States, and the facility with which the contagion of democratic sentiments may spread among its inhabitants, has always been considered as the danger to which Upper Canada is peculiarly exposed; and it seems truly singular that English statesmen should have laboured to prepare the province for the adoption of these sentiments, by establishing a general equality of property. These regulations, however, though still nominally in force, have been evaded in a variety of different methods; and pretexts have never been wanting for giving a greater extent of land to persons connected with the Provincial Government, or to their friends. Besides this, thousands of lots of land were granted to disbanded soldiers and others, who never entertained any idea of settling upon them, and who, when they could not obtain a better price, would sell their allotments for a bottle of rum. The purchasers of these lots, and many of those who, on other pretexts, have obtained more extensive grants than the maximum prescribed by Government, have become proprietors of a great quantity of land: but these acquisitions are scattered in a variety of different situations, and interspersed with the property of many other persons. Perhaps, if the whole extent of land had lain together in one body, it might have been for the interest of the proprietor to employ his capital to promote its improvement, in the same manner as in the United States: but the owner of a scattered and disconnected property, is, in this respect, under a great disadvantage. The money which he lays out for the improvement of his own property, benefits, in an equal degree, that of his neighbour who does nothing: while, on the other hand, the intervention of other properties, adds materially to the expense of one of the most essential improvements, viz. the

opening of roads. That nothing might be wanting to discourage such improvements, a regulation has been laid down with respect to the reservation of land for the support of the Clergy, and for the future disposal of the Crown. Every tract that is surveyed, is laid out into lots of two hundred acres each: of every seven lots, two are reserved, and the reserved lots are chequered among those that are to be granted, with such accuracy, that no person can possibly obtain more than three lots, lying contiguous, as in a ring fence. - From these circumstances, it arises, that, except in a very few instances, where the general rules have been set aside, there are, in Upper Canada, no proprietors of extensive tracts of land who employ their capital, as in the United States, to promote the settlement of their lands: but there are hundreds of persons who are the owners of a few hundred or a few thousand acres of waste land, for the improvement of which they do nothing, merely waiting till the lapse of time, and the industry of more active proprietors may enable them to sell it to advantage. Thus the very regulations, which appear to have been devised for the purpose of guarding against the evils of land-jobbing, have been the cause of introducing these evils in Upper Canada to a most extraordinary amount, and rendering them more extensively pernicious than in any colony that has ever been formed in British America. In despite, however, of experience, this system is still persevered in, and new tracts of land are every year granted upon the same principle. New townships are surveyed, and in some instances, a considerable number of the lots are granted to actual settlers: but lots are also to be granted, for various reasons, to other persons who are patronised by one or another among the officers of Government; and it is hardly to be supposed that the lots reserved for the actual settlers will be the best in respect to soil or situation. However mischievous this system is, the officers of Government at York may be expected to adhere to it with the utmost pertinacity. For, besides the indirect patronage which it throws into their hands in a variety of different ways, the fees that arise from the granting of the Crown lands, form a very considerable branch of their emoluments. The deep interest which is felt in the augmentation of this fund, hardly leaves time for the consideration of any other topic connected with the prosperity of the colony; and it would be in vain to expect support to any plan which should interfere with this primary object.⁶⁸³

The consequences of this system, particularly its tendency to exclude men of capital from Upper Canada, must be sufficiently evident. Immense sums of the public money of England have been expended in the formation and support of this Colony; and yet it cannot bear a comparison with adjacent districts which have been settled solely by the enterprise of individuals, without the smallest assistance from their Government. But the system which has so long been as a

dead weight on the prosperity of this fine country is still persevered in; of the mischievous effects that are every day arising from it, a striking example may be found in what has recently occurred in Canada. During the last two years, many thousand emigrants, from all parts of Great Britain, have landed at Quebec, with the view of settling in Upper or Lower Canada; but in the course of a few months after their arrival, only a small proportion of them were to be found in either province; the great majority had crossed the American lines, and preferred purchasing land at the rate of four or five dollars per acre, rather than accept the grants which were offered in Canada gratuitously, or upon payment merely of the fees of office. Nor have these people acted irrationally for their own interest. In purchasing land from an American proprietor, the price remains entirely, or almost entirely, as a mortgage on the land, and the soil must be made to produce before the price can be paid; the settler therefore becomes an object of attention to a person who is thoroughly acquainted with the country, who is capable of advising and assisting him, and who has an interest in his prosperity. He is soon, therefore, instructed in the most advantageous modes of employing his industry and any capital which he may possess. On the other hand, the settler who obtains a grant of Crown lands in Canada is completely insulated, and must grope his way as he best can through all the difficulties and perplexities of a new situation. His lands, though nominally gratuitous, have not been obtained without expense: besides the fees of office, he has had to waste a considerable length of time in attendance upon the various offices at York, through which his grant has to pass; and the expenses of maintaining his family in the mean time, may exhaust a considerable part of the little capital that he has brought with him. Besides this, the emigrant who purchases a piece of land in the United States may calculate with confidence, that, independently of the improvements effected by his own industry, his farm will acquire an additional value from the progressive increase of population in his neighbourhood. In Canada, however, we see many examples of a retrograde progress: it is no extraordinary circumstance, that an industrious settler, after many years spent in the improvement of his farm, finding that his neighbourhood remains as uninhabited as at first, and that there is no prospect of its becoming otherwise, has abandoned his lands altogether, with all the capital that he has expended upon them, and has removed into some other district, where the natural progress of improvement is not repressed by the mistaken operations of Government.⁶⁸⁴

The renewal of hostilities which followed so soon after the peace of Amiens, gave a temporary check to emigration; partly by the demand for recruits from among the lower orders, and partly by the additional expense of freight, which impeded the plans of the middling ranks. This, however, did not produce any permanent effect: the pressure of an increasing population could not be stopped by such impediments; even during the war emigration

did not entirely cease; and, since the return of peace, the emigrations from every part of the Kingdom have been numerous beyond all precedent.⁶⁸⁵

The discussions which of late have taken place, relative to the state of the poor, have established a truth long doubted, but now generally admitted - that there is not adequate employment for the present population of Great Britain; and the pressure of a superabundant population, which formerly was little felt, except in some districts peculiarly circumstanced, has of late occasioned extensive distress in every part of the kingdom. Among those in advanced life, there have been melancholy instances of death by actual famine, where the individuals were neither vicious nor inclined to be idle, but willing, by labour, to have earned the means of subsistence. it is also well known, that there has been a general increase of the crimes, incident to want and to idleness, in the very young. Discontent, and an irritation of feeling against Government, have also increased in England. Nor is it to be expected that this can be easily removed. Those who are in distress seldom have sufficient coolness to distinguish between hardships that are inevitable, and those which flow from maladministration. No thinking person will now deny that, in such a state of society, emigration may afford a salutary relief. This, indeed, is now so generally admitted, that instances are not uncommon of parish officers in England having agreed to defray the expense of a passage to America for young and healthy labourers, in order to obviate the probability of their becoming a burden on the parish. Of these emigrants, however, an immense majority are destined to the United States; and it is mortifying to reflect, that, though sixteen years have elapsed since the importance of securing this population to our own Colonies has been pressed upon his Majesty's Government, no effectual step has yet been taken on the subject; and the resources which might be employed for that purpose are still obstinately neglected or misapplied. There are still in Canada millions of acres of fertile land in the disposal of Government; there is a great surplus of population at home, who might be employed to cultivate those lands; and there is also a great deal of unemployed capital in the hands of individuals, who, upon equitable arrangements, would find it for their interest to employ their capital in the cultivation of these waste lands, and in colonizing them with the surplus of our own population. But this cannot be effected, because the jealous and niggardly system under which the waste lands of the Crown are now disposed of, contributes to the emolument of ten or twelve officers of Government at York or at Quebec.⁶⁸⁶

Four years ago an attempt was made to promote the settlement of these lands, by carrying out emigrants at the expense of Government.⁶⁸⁷ A very great expense was incurred, and little or no advantage ensued. By devolving the task upon men of capital, the object might have been accomplished without any expense to the mother country, and with the most important benefit to the province. The necessity of the intervention of men of capital is indeed much greater now than it formerly was. The class of small farmers in the Highlands of Scotland, who, on being dispossessed of their lands, could, by the sale of their stock, raise a sufficient sum of money to defray the expense of their passage to America, have now entirely disappeared; and the pressure of the times now falls chiefly on the class of labourers, who have no means of defraying their own expenses, but who would willingly engage themselves by contract for a period of service, sufficient to remunerate a capitalist for procuring them a conveyance.⁶⁸⁸

Arrangements of this kind would be calculated, not only to promote the political interests of the empire, by employing to advantage a surplus of population which is now a mere burden; but it would also promote the interests of humanity, and tend, more effectually than any other mode which could be devised, to mitigate the hardships to which emigrants are in general exposed.

It has hitherto been the usual policy of Government to take no charge whatever of emigrants, even of those who embark for our own colonies, but to leave to every one to provide for himself as he best can. In the few instances in which this policy has been departed from, the result has not been satisfactory; and the assistance given the emigrants has only served to check their industry, by fostering an improper dependence on extraneous support. In these instances, however, Government has gone too far, giving to the emigrants a degree of support altogether unnecessary. The opposite extreme is also to be avoided. - Upon the arrival of a ship filled with emigrants at almost any of the ports of British America, no small portion of distress may be observed to arise from mere ignorance on the part of the new comers as to the mode of obtaining employment, and the perplexity which they feel in circumstances entirely new to them. Much of this might be avoided by arrangements of the simplest nature for communicating information to these people as to the persons from whom they might obtain employment. It is evident, however, that much attention would be requisite to provide in a judicious manner for the real wants of people of this description without encouraging them to depend on extraneous assistance; and that this species of minute attention is not to be expected from officers of Government. It has been observed, however, that in the United States, the owners of large tracts of land, find it for their interest to bestow this

attention on the people who settle on their lands: and there can be no doubt that in Canada also the same would take place if men of property had any encouragement to vest their capital in the colonization and improvement of waste lands.

These views of the subject of emigration and colonization, as affecting objects of national policy, were submitted to the consideration of Government on various occasions, from the year 1802 downwards. On my return from my first visit to America, I pointed out many of the abuses which still prevail in Upper Canada, and which have been noticed as the chief bar to its prosperity. I also on many occasions attempted to excite the attention of Government to a more comprehensive view of the importance of peopling the British provinces in America, with the overflowings of our own population. Though I did not succeed in persuading the Government to adopt any active measures for this purpose, more than one individual of considerable eminence admitted that the subject deserved attention, but frankly avowed that Government were too much occupied by other matters of more immediate urgency and nearer home.

It was mortifying to find so little attention paid to a subject which appeared to me so important, and which was admitted to be of national interest; - but I still clung to the expectation that its importance must come in time to be better appreciated. It was in this state of things that about the year 1809, several years after my first visit to America, an opportunity occurred to me of purchasing a considerable sum of the capital stock of the Hudson's Bay Company, though I was informed that their mercantile concerns were not in a flourishing state, yet from the inquiries which I had made many years before, as to the rights of landed property vested in that Company, and the natural advantages of the countries included in their Charter, I did not hesitate to purchase the stock, being convinced that (independently of all prospect of advantage from the commercial transactions of the Company) the price at which the stock was offered was no more than a moderate purchase for the share to which the holder would become entitled in their landed property.

Having thus become proprietor of a considerable amount of the Company's stock, I soon after formed an acquaintance with the Directors, who, in the most liberal manner, invited me to their confidential consultations, and requested my opinion upon the critical situation in which their affairs appeared then to be.

A perusal of the letters and journals which were communicated to me, sent home by the Company's officers in Hudson's Bay, disclosed a very extraordinary fact, of which I had not previously been aware: - viz. that the unsatisfactory state of the Company's affairs did not arise from any of the ordinary causes of commercial loss; but was almost entirely to be ascribed

to the lawless conduct of the fur traders from Canada, associated under the name of the North-West Company of Montreal, who (being in superior numbers in the interior of North America,) did not hesitate to commit every species of outrage and violence against the servants of the Hudson's Bay Company, in order to prevent them from establishing themselves in any of the most advantageous trading stations. It appeared that the servants of the Hudson's Bay Company (misinterpreting the moderate and pacific instructions of the Directors) hardly in any instance offered the least resistance to the most wanton and unprovoked aggressions, submitting tamely even to be plundered of their employer's property. It was evident that unless some remedy for this evil could be devised, the Hudson's Bay Company would in a few years be driven entirely out of the country. I felt no disposition to interfere in the management of the Company's mercantile concerns - a business quite foreign to my habits, and to which I was not at all competent; but it was a question of a totally different nature, how the servants of the Company could be protected from lawless violence - how redress might be obtained for past injuries, and the recurrence of similar disgraceful proceedings might be prevented in future. This was a subject in which the very existence of the Company and of its rights was involved; and which of course gave occasion to much discussion. Counsel were consulted, as to the means of obtaining redress at law; but it appeared that from the peculiar constitution of the North-West Company, and the facilities which it affords them for evading legal responsibility, there was no prospect of obtaining redress in any of the courts of law in this country, and that the only resource that was open to the Company was to take more effectual measures of self-defence.

At an early period of my intercourse with the Directors of the Hudson's Bay Company, I suggested to them the advantage which they would derive from the formation of a permanent agricultural settlement in their territories, by which, independently of any more remote advantages, they would obtain a regular and cheap supply of provisions for their trading posts, instead of exporting them from England at a very heavy expense: while at the same time an asylum would be provided for the servants of the Company, of whom many had become superannuated in the service, and yet were reluctant to leave the country, where they had formed connections with Indian women, and reared families to whom they were attached. These suggestions were not disregarded; but on a full consideration of the expenses which would be requisite in the commencement of such an establishment, and of the length of time which must elapse before an adequate return could be obtained for that outlay; several of the Directors expressed a doubt whether in the actual state of the Company's finances they could persevere in these measures, and give a

sufficiently liberal support to the intended settlement. In order therefore that the plan of colonizing these territories might not be abandoned, I proposed to the Directors to undertake it at my own risk, provided the Company would grant me a sufficient extent of land to afford an adequate indemnification for the unavoidable expenses of the undertaking. This proposal was canvassed with deliberate attention by the Board; and after repeated discussions, in the course of which several modifications were suggested, it was at length arranged in such a manner as to meet the unanimous concurrence of the Directors, and being then submitted to a General Court of Proprietors, it was adopted by a large majority. It was opposed with an extraordinary degree of violence by some partners and agents of the North-West Company who were proprietors of Hudson's Bay stock, and who, indeed, had purchased their stock for the express purpose of thwarting this measure: but the arguments which they used produced no conviction on their hearers; as it was evident that they were dictated by views directly contrary to the interests of the body to which they were addressed.

Among the conditions, which the Directors had introduced into the grant, it was stipulated that no person holding lands under it should interfere in the fur trade. To this stipulation, I agreed without hesitation, having in view the formation of a strictly agricultural settlement, and being persuaded that if the settlers were to engage in any peddling traffic in furs, it would only serve to divert their attention from the proper objects of industry. The extent of land included in the grant was large, but from the circumstances of the country, no grant on a smaller scale could have been colonized with any prospect of unadequate remuneration for the outlay. The Directors and Proprietors were satisfied that the colonization of this tract of land, would add greatly to the value of their remaining landed property; and that it was therefore, more for their interest to alienate a part for the improvement of the remainder, than to keep the whole in an unproductive and useless state.

In entering into this undertaking, I still kept in view those plans which I had so often pressed upon the attention of Government. - Though it was evidently impossible for an individual of moderate fortune to carry these plans into execution upon the scale of a national measure, I flattered myself that without any inordinate effort, a foundation might be laid upon which Government might hereafter build, if the importance of the object should come to be better understood. - I was also convinced, that after the first difficulties of an infant settlement should be overcome, the settlement would not only support itself, but would provide in a great measure for its own increase; and that the natural advantages of the country would attract men of capital, who would find it for their interest to co-operate in

bringing additional settlers. The truth of this would probably have been evident before this time, if the settlement had met with any measure of justice, and its progress had not been interrupted as it has been.

All the natural advantages, which I had been led to expect from the result of previous inquiries, have been more than realised by actual observation; and every person of any intelligence or skill in agriculture, who has visited the country, has been struck with the extraordinary fertility of the soil, the facility of cultivation, and the abundance of its spontaneous productions. - The country consists for the most part of open grassy plains. About fifteen or twenty miles to the east of Red River, a woody country begins. The plains are also in many places interspersed with scattered woods; and there is in particular, a range of very fine woods of oak, elm, &c. along the river, sometimes two or three miles wide, and sometimes only a few hundred yards. In a few places, particularly on the west side, the plain comes down to the river's edge. Each of the smaller rivers is in like manner bordered by a fringe of wood. The country near the river is level, but at the distance of about fifteen miles the surface is more varied. The great plain is from thirty to fifty feet higher than the level of the river. The wooded points that project into the river are generally lower, descending in successive terraces. The soil of these points is finer than any that I know of in Great Britain, and equal to that of the Campagna of Naples, or the Luivagne of Auvergne. The soil of the great plain, though not equal to these, is almost every where good; and in a ride of two or three hundred miles, which I took from the forks of Red River to the southward, I hardly saw an acre of land which a Scotch or English farmer would not have reckoned above par. - The natural growth of this plain, is grass of various kinds - one species which prevails in particular situations, is remarkably succulent, and very long, so that part of it remains all winter above the surface of the snow, and the cattle seem to be particularly fond of it, whether as pasture or as hay.⁶⁸⁹ Strawberries, currants, raspberries, grow wild in prodigious abundance, where the soil is adapted for them. Wild apples, wild grapes, and very fine wild plums, besides many other fruits are to be found in plenty. Fruits which are cultivated, such as melons, &c.&c. ripen in the open air, to a degree of perfection, to which it would be difficult to bring them in this country without glass. This arises from the greater warmth and steadiness of the summer. About the middle of April, the rivers break up, the ice is all gone in a few days, and the ground soon after admits of tillage - which goes on during May and June. About the end of August, the grain is ripe; and in ordinary seasons, all is harvested before the middle of September. September and October are pleasant weather; but early in November, winter sets in, and the rivers are all frozen over before the middle of that month. From that time till March,

there is good travelling with sledges in any direction. Towards the end of winter, the snow lies from twelve to eighteen inches deep in the woods; in the plain it is very unequal from the effect of drifts. In the depth of winter the frost is often very intense, particularly after a tract of northerly winds; when the mercury in the thermometer has been known to freeze. Except however, during the continuance of a drifting wind, which does not occur more than six or eight days in the course of a winter, the effects of the cold are not such as to confine the inhabitants to their habitations. Those who are acquainted with the precautions, that are necessary to be observed, do not hesitate in the depth of winter to undertake journeys of many days' march, making their couch at night under the canopy of heaven.

In the course of the years 1811 and 1812, I communicated to the first Lord of the Treasury, to the Secretary of State for the Colonies, and to the President of the Board of Trade, a general outline of the plans I had formed, and of the national benefits which it appeared to me might be expected from the colonization of these lands. In the course of these communications, no objection whatever was stated on the part of Government against the proposed undertaking; nor was any doubt expressed as to the validity of the Charter of the Hudson's Bay Company, under which I held the lands where the settlement was to be formed.

The Earl of Liverpool expressed his conviction that the opinions which had prevailed against emigration were founded in prejudice, and assured me, that His Majesty's Government were not disposed to offer any obstruction to the plan.

A small party of emigrants, partly from the Highlands, partly from Ireland, were accordingly sent out, and arrived in autumn 1812, at Red River. In the following year some light field-pieces, and other arms were granted by Government for the protection of the colony. In the same year, (1813,) the persons who applied to be taken out as settlers, were more numerous than I deemed it prudent to send at once. I therefore made arrangements with a number of families, that the aged parents, or very young children should remain in Great Britain until the first party, consisting chiefly of active young men, should prepare for their reception. From an unfortunate accident, this party were under the necessity of wintering near Churchill Factory, upon Hudson's Bay, and did not reach the settlement till the next spring, towards the end of seed-time: on account of which detention, their relatives were not sent out till after the interval of a year. The favorable report however which was at this time written home by the settlers who had had a twelvemonth's experience of the country, induced many others from the same districts of Scotland and Ireland, to apply for permission to follow. But before these arrived at Red River, the tranquillity of the colony had been disturbed.

In the latter part of the year 1814, I received intimation through a private but respectable channel, that a plan had been regularly organized by the North-West Company of Montreal, to exterminate this infant colony. The plan concerted, was to bring Indians from a distance, and to instigate them by bribery and intoxication to this work of destruction. The facts which of late have been brought to light, respecting the atrocious proceedings of the North-West Company, in the interior of North America; the cruelties exercised on the Indians by the wintering partners, and the state of debt and dependence into which the servants of the Company are trepanned, for the purpose of rendering them fit instruments to commit violences at the command of their masters - deserve the most serious investigation of the Legislature. It is by such means that a Company possessing no exclusive rights of trade, have hitherto by force maintained a species of monopoly. And the jealousy with which they regard the attempt to colonize the interior of British North America, is to be attributed to their fears that in consequence of the natural progress of population, their lawless power would be curbed by the introduction of a regular police.

The intimation which I had received of a plan to destroy the colony at Red River, was immediately communicated to the Colonial Office, with an earnest request that a small military party might be sent from Canada, for the protection of the settlers, until they should be strong enough to defend themselves. If positive orders to this effect had been issued, the lives of many peaceable and industrious people would have been saved. But finding that only conditional orders had been sent to Canada, and understanding that the officer then administering that Government was likely to be influenced by the agents of the North-West Company, to disregard the safety of the settlement, I resolved to cross the Atlantic myself, and endeavour by my personal exertions to avert the calamity. In November 1815 I reached Montreal, but it was then too late. The plan of instigating the Indians to destroy the settlement, had indeed failed: but during the preceding summer, the settlers had been attacked by superior numbers of the servants of the North-West Company, headed by several of the partners, aided by several of the partners, under whose direction, after a long train of criminal outrage, the settlers were driven from their lands. To effect this, some of the partners had the audacity to wear the uniform of His Majesty's military service, and to assert they had the King's authority for what they did. One of them usually signed his name "Duncan Cameron, Commanding Officer, Red River." The ignorant Highlanders were thus intimidated; and led to believe that the officers appointed by the Hudson's Bay Company had no lawful authority. Alarms were spread of the intended hostility of the Indians; threats and bribery were alternately employed to seduce the settlers; and when a

sufficient number had been gained over, the settlement was artfully surprised and plundered of the arms granted for its defence: those of the settlers who remained faithful to their engagements were repeatedly attacked by open force, and at length driven away, and their houses burnt to the ground.

In this extremity they were protected by the native Indians: after a few months they returned to re-occupy their lands, and succeeded in recovering a part of the arms of which they had been plundered.

Of these facts I received information in the course of the winter, after my arrival at Montreal. In the ensuing spring (1816) as soon as the navigation permitted, I set out for the settlement; but when I had proceeded about half way, I received the horrid intelligence of the massacre of a considerable number of the settlers, and the dispersion of the remainder. The atrocious proceedings which led to this catastrophe, will be best understood by a perusal of the narratives of those who were eye-witnesses.⁶⁹⁰

The North-West Company are not a corporate body, but merely an association of individuals, united by articles of co-partnership. By this constitution they are enabled to elude legal responsibility. Annual meetings are held at Fort William, where the partners concert their measures in secret conferences, and their confidential agents receive verbal orders as to any matters which cannot in prudence be committed to writing. As the Company are not legally responsible for the acts of their partners and servants, the combined force of hundreds of men may thus be directed by them to purposes of destruction, whilst it is hardly possible for the sufferer to substantiate his claim for damages against any, but some pennyless servant, or sub-agent, employed to perpetrate the act.

Notwithstanding the great sacrifices which I have made, both of a personal and pecuniary nature, to obtain justice for the settlers and for myself, my endeavours have proved entirely fruitless, and all ordinary means of redress have been exhausted in vain. Bills of indictment have been found in Canada against the persons, whom, as a Magistrate, I arrested at Fort William; but the common rights of British subjects, and the rules of English law have been set aside, in order to deprive me of all control over the management of the prosecutions which I had instituted. Of about sixty persons, partners, clerks, and servants of the North-West Company, against whom bills of indictments have been found by grand juries for capital offences, only seven have been brought to trial; and these trials have been but a mockery of the forms of law. In England I have not hitherto been more successful in my endeavours to obtain redress; but the reason of this may easily be divined. - From an official document, which accidentally fell into

my hands, as well as from the correspondence of the Colonial Department, and various other circumstances, it is evident, at a very early period of the discussions between me and the North-West Company, Lord Bathurst had prejudged the question upon *ex parte* representations, and committed himself in a hasty and incautious manner. It might have been expected that, when the artifice and falsehood by which he had been deceived had been clearly exposed, he might have been found possessed of sufficient manliness of character to acknowledge that he had been in error; but it appears, from his late communications, that he is not yet prepared for such an effort of candour, and would rather be spared the trouble of any farther discussion of the subject.

Finding, therefore, that the Secretary of State for the Colonies was more disposed to stifle than to promote just inquiry, I was under the necessity of appealing to the Earl of Liverpool, as the ostensible head of his Majesty's Government. By the answer which, after many weeks' delay, was transmitted to my communication, his Lordship has thought fit to refer me back to that office from which I had received the most marked and persevering injustice. To the Legislature, therefore, I must now appeal; that, if redress cannot be obtained for the past, security may be obtained for the future. I claim the protection of my country for the settlers, who now, for the third time, are established, peaceably cultivating their lands, at Red River; and who have done nothing to forfeit the birth-right of all British subjects. The protection which they claim would be neither expensive nor burdensome to the mother-country. They ask no more than that the rights, which they hold under a Royal Charter, should be investigated, and not left for ever undetermined. They are adequate to the task of their own defence, if they were only sanctioned in organizing themselves for that purpose, and allowed the benefit of a local magistracy and local judicature, according to the ordinary principles of English law, instead of being liable to be dragged away to the distance of several thousand miles, to appear before tribunals, which, without any legal authority, pretend to claim jurisdiction over them.

References

- ⁶⁶³ See volume one of this series, 101-240. Citations will be given to this reprint.
- ⁶⁶⁴ Quoted from *Observations*, 102-103.
- ⁶⁶⁵ Quoted from *Observations*, p. 103.
- ⁶⁶⁶ Quoted with slight variation from *Observations*, p. 111.
- ⁶⁶⁷ Quoted from *Observations*, 111-112.
- ⁶⁶⁸ Quoted from *Observations*, 114-115.
- ⁶⁶⁹ The observation of Adam Smith is taken from *Observations*, p. 131.
- ⁶⁷⁰ The opening of this paragraph has been rewritten by Selkirk, while the sentence regarding shepherds comes from *Observations*, p. 112, and the one about small tenants from p. 146.
- ⁶⁷¹ Paraphrased from *Observations*, 119-120.
- ⁶⁷² Paraphrased from *Observations*, p. 118.
- ⁶⁷³ Paraphrased from *Observations*, 120-121.
- ⁶⁷⁴ Quoted from *Observations*, p. 119.
- ⁶⁷⁵ Quoted with slight variations from *Observations*, 143-144.
- ⁶⁷⁶ Quoted from *Observations*, p. 161.
- ⁶⁷⁷ “Memorial of the Earl of Selkirk Relative to the Security of Ireland,” Feb. 1802, SPPAC, vol. 52, 13893-7; Selkirk to Lord Pelham, 3 April 1802, and “Observations Supplementary to a Memorial Relative to the Security of Ireland,” Public Record Office [PRO], CO 42, vol. 330, ff 169-177. In general, see Bumsted, “Settlement by Chance: Lord Selkirk and Prince Edward Island,” *Canadian Historical Review*, LIX, 2 (1978), 170-188, especially 178-181.
- ⁶⁷⁸ For the full exchange with Hobart, see SPPAC, vol 52, and PRO CO 42, vol. 330.
- ⁶⁷⁹ Selkirk’s reference is to his Baldoon settlement. See volume I, 34ff. for details.

- 680 See Patrick C. White, ed., *Lord Selkirk's Diary, 1803-1804: A Journal of His Travels in British North America and the Northeastern United States* (Toronto, 1958), especially 145-163, and Copy Letter to Lord Auckland per Board of Trade, 12 April [1806], Granting Lands in North America, SPPAC, 13937, 13949.
- 681 Selkirk had toured the Genesee country in 1803. See White, ed., *Lord Selkirk's Diary*, I 10-134. For the Genesee scheme, consult Helen I. Cowan, *Charles Williamson: Genesee Promoter and Friend of Anglo-American Rapprochement* (Rochester, NY, 1941).
- 682 A mistaken assumption that Selkirk shared with most British figures who attempted to become North American proprietors.
- 683 For confirmation of this critique of Upper Canadian land policy, see R. F. Gourlay, *Statistical Account of Upper Canada, Compiled with a View to a Grand System of Emigration* (London, 1822, reprinted frequently); Norman Macdonald, *Canada 1763-1841: Immigration and Settlement: the Administration of the Imperial Land Regulations* (London and Toronto, 1939); and Lillian F. Gates, *Land Policies of Upper Canada* (Toronto, 1968). Whether Selkirk's solution would have worked any better is another matter.
- 684 Selkirk had probably talked with one of the chief critics of the government in Upper Canada, Robert Gourlay, for this paragraph clearly states Gourlay's arguments, eventually published in his *Statistical Account*.
- 685 In general, see Helen I. Cowan, *British Immigration to British North America, the First Hundred Years* (rev ed., Toronto, 1961).
- 686 For the new British policy, consult H. J. M. Johnston, *British Emigration Policy, 1815-1830: "Shovelling Out Paupers"* (Oxford, 1972).
- 687 See *The People's Clearance*, 218-220.
- 688 This practice of contracting labour, usually called indentured servitude, had been common in the earlier eighteenth century, but had fallen into disrepute through much abuse. It was not resumed, and most immigrants from Britain, including the Highland Scots, arrived in North America having paid cheap passages on timber vessels, and without adequate capital for land acquisition and improvement.
- 689 This grass is big blue stem. Its Latin name is *Andropogon Gerardi*. This reference is courtesy of Dr. Geoff Scott, Department of Geography, University of Winnipeg.
- 690 *Narratives of John Pritchard, Pierre Chrysologue Pambrum and Frederick Damien Heurter Respecting the Aggressions of the North-West Company Against the Earl of Selkirk's Settlement upon Red River* (London, 1819).



THE
EARL OF SELKIRK
DIED
APRIL 8. 1820
AGED 49 years

Mors le cadaver hoc, quod in terra
humana repositum est,
in gloria non erit, prope hoc
sepulchrum erit in caelestibus.

Celle tombe a été élevée en 1805
par le capitaine HAMILTON
dans le cimetière royal de St Andrew
Ecosse par le fils de son père
SELKIRK