

are often thus widely divorced, it yet remains true that the most interesting character, the most tragic figure (for surely the most tragic case is his, who not merely despaired of success in the great struggles of his time, but doubts whether it be worth while succeeding)—the most tragic figure, the most loveable man of the great Athenian statesmen, more loving than Pericles, the dreamer after perfection, than Nicias, the well meaning pietist, than Cleon, the vigorous Democrat, than Theramenes, the academic statesman, to say nothing of Eubulus, the Macchiavellian diplomatist and manager of men, who (as we know him) is more loveable even than Demosthenes, the fiery orator and fervid patriot, was the single-minded pessimist—the kindly cynic—Phocion.

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An Incident—Unique and Yet Unrecorded—for History in Canada.

MONOGRAPH BY MALCOLM M'LEOD, Q.C., EX-JUDGE, OTTAWA, AS TO HOW HIS GRACE, THE LATE DUKE OF NEWCASTLE, IN 1862, WHEN SECRETARY OF STATE FOR THE COLONIES, SAVED "RUPERT'S LAND," THE NORTH-WEST TERRITORIES, AND BRITISH COLUMBIA TO THE BRITISH CROWN.

INTRODUCTORY EXPLANATION.

THE incident herein briefly narrated is so exceptional—so unique—as to have found no place, yet, in public record, nor even in the press of the day. Though well known to those, now and since, at the head of affairs in the Government of Canada, it has ever been studiously suppressed by them for the obvious reason that it was a practical and most effective condemnation of their policy in the matter until forced to yield to influences contra. The "surrender" of 1869, by the Hudson Bay Co., of their claims to their so-called territories, and the action of the Imperial Government and that of Canada in that regard, was but the final formulation of His Grace's advice and dictate (in effect) as emphatically and eloquently expressed in his speech in the House of Lords on the subject on the 4th July, 1862, as reported in Imperial Hansard, vol. 167, pp. 1409-11. The declaration then made was in utter negation and repudiation (for cause shown) of governmental policy—Imperial and Provincial—on the subject up to that time. The evidence on this point is in blue books, Imperial and Canadian.

What—so suddenly, urgently and imperiously!—moved the Colonial Minister of the day to take such a stand in face of, and in direct opposition to, the course, and policy *ad hoc* of the two Governments (Imperial and Provincial), of which he was the vicarious medium, can be explained only by the facts as now given by the writer—their humble author.

His Grace has never been publicly credited with the merit of his deed in the matter, and it is but right that, in its time, *palmam qui meruit referat*.

FACTS.

In 1857, at the instance of certain parties, chiefly from Western Canada and the Red River Settlement, the Commons Committee, in England, on the subject of opening the Hudson's Bay Company's territories for Colonial settlement, reported strongly in commendation of the scheme.

In 1859, on the expiration then of the Hudson's Bay Company's license from the Imperial Government for exclusive trade in British Columbia, colonial settlement, chiefly from Britain, began. The Hudson's Bay Company, being then largely and firmly in possession of the country, prosecuting their trade not only in furs but in other ways throughout the Pacific—its slope and sea, in the Northern hemisphere—used its influence with the Imperial Government to the retardment of such colonization. With accelerated attrition the struggle continued for several years. There seemed to be an indifference or passive resistance to a general colonization on the Pacific slope, although there was no rule of Government against it. In the meantime, also, the Americans from California and the territories of Washington and Oregon, besides a considerable coast trade, were intrusively utilizing the great mineral and general resources of the land and its immediate fish-teeming shores.

Under these circumstances the British Colonists there petitioned and pressed the Imperial Government for protec-

tion, and more especially for the means of intercourse, say, by wagon road and telegraph line, with Eastern British North America. To solve the question of feasibility of such a route the Imperial Government sent the Palliser expedition. The result, in the words of its report, published in 1860, was as follows, in its conclusion:—

"Still the knowledge of the country on the whole would never lead me [Captain Palliser, R.E., Chief of the Expedition] to advocate a line of communication from Canada across the continent to the Pacific exclusively through British territory. The time has now gone by for effecting such an object, and the unfortunate choice of an astronomical boundary line has completely isolated the central possessions of Great Britain from Canada in the East, and also almost debarred them from any eligible access from the Pacific Coast on the West."

The writer knew the above to be positively incorrect, for he had himself, in early life with his father and family of other young children—one of them born in midwinter at one of the passes (the Yellow Head)—crossed from the East to the Pacific, Astoria, at the mouth of the Columbia, and after four years of sojourn and extensive travel throughout the country returned from the Pacific to the East. There is no book record of this, save in the regular Presidential Address of Chancellor Sandford Fleming, C.M.G., etc., President of the Royal Society of Canada, in 1889, pp. 112-13, in Bancroft's History of British Columbia, and in Appleton's Cyclopædia of American Biography, McLeod (John) and son, Malcolm.

Besides that, the writer had a large store of journals, letters, reports to the Hudson's Bay Company, plans and hand maps made in the field—some with much detail, such as that of the gorge of the Fraser in its discharge into the Pacific—the exploration and solution of which had, amongst other things, been charged to the writer's father. Fraser (Simon), after whom the Fraser is called, had not navigated that river within two hundred and fifty miles of its mouth. Not until twenty years after Fraser's abortive attempt was it run in 1828. The writer had the journal of the feat, and as evidence of the feasibility, for railway, of the route, published it in his book, "Peace River." He saw and handled the canoe—a magnificent bark (birch) of about five fathoms, with its peerless crew of eight—on its course of over three thousand miles from Hudson's Bay (Atlantic) to the Pacific.

In face of such a fact, and of the earlier like fact of the solution of the problem of a North-West passage by Sir Alexander McKenzie, with terminus further north, in the latitude of England's Liverpool, and to a warmer sea, the Imperial report of Palliser just quoted made strange reading to those of the new Greater Britain beyond the Rocky Mountains. They—most reasonably—did not believe in any such Chinese wall.

On the east side of the mountains—about midway between them and the great Atlantic port of Montreal—was another nucleus of nascent Greater Britain, known as the "Selkirk Settlement" of the Red River of our North. They too—mighty men-children born in the wilderness—were earnestly seeking disenthralment from the chartered bonds of a proprietary government that galled them. Increased to thousands; grown to virility; they claimed and, in every so-called constitutional way open to them, applied for civil liberty in any form—Crown Colony even—till advanced enough for self-government.

Petition after petition—ever in respectful terms—was sent by the Settlement to Her Majesty. Asking bread, they got a stone. Still, with a nobility of suffering and submission which ought, in common humanity, to have commanded better regard, they lived on. Some baleful influence—stronger than the Throne itself, in that it controlled for the time, *ad rem*, the executive of Imperial Government—balked these efforts for civil liberty.

Worse still, those in the same great field and vineyard, to whom, naturally, these settlers looked for fraternal aid, were against them. The Government of Canada, as then administered, was really, though but secretly, working against them. In that there was, of course, a motive; but in its darkness, intense personal selfishness, and utter recklessness, one so unreasonable that its open avowal would have been prejudicial, if not disastrous, to their position as the Government of Canada—it found no tongue. On this point more might be said in explanation, but there is no need for the present.