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NOTICES # 800

ON

# THE CLAIMS

OF

*The Hudson's Bay Company,*

AND

## THE CONDUCT

OF ITS

## ADVERSARIES.

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“ THE ADVERSARIES WERE THE CHIEF. THE ENEMIES  
 HAVE PROSPERED. THEY HAVE SMITTEN IN THEIR  
 WRATH; THEY HAVE SLAIN AND NOT PITIED BUT  
 SHALL NOT THIS CUP PASS AWAY UNTO THE EVIL  
 DOERS? AND SHALL NOT THE RIGHT BE ESTABLISHED ?”

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Montreal :

PRINTED BY WILLIAM GRAY.

1817.



## NOTICES, &c.

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**T**HE disasters which during successive years have befallen the Colony established by the EARL of SELKIRK at Red River, have naturally attracted some degree of the public attention. The sentiments of hostility against the settlement expressed from the period of its commencement by the members and connections of a numerous association of Indian Traders, known by the name of the North West Company, could not fail to point suspicion towards them as the original cause of these disasters, whatever might be the immediate agency employed. Next to the ruin of the Colony, the object in which its destroyers and their associates feel the highest interest, is to prevent its re-establishment. Neither habitation nor settler has been left. But altho' this state of things is sufficient for the present gratification of the foes of the colony, it promises them no security for the future; for, while the rights under which the settlement was founded, should be considered to subsist, the germ from which a new growth might spring, would be allowed to remain.

To have destroyed the colony would not answer the object of its enemies, unless the hope of its revival should be also destroyed, and the same anti-colonial spirit, which, while the settlement, was in being, prompted its opponents to seek its annihilation, through scenes of devastation and slaughter, is now since its fall, exerting an equally zealous, although no longer a sanguinary hostility, in endeavours to overturn the authority under which it derived its existence. For this purpose the Hudson's Bay Company, under whose sanction the colony was founded, have been called into the contest; the validity of their ancient Charter has been attacked; and their rights as to trade and soil have been denied.

Although many of the evils which have occurred are past remedy, it still imports the friends of established authority, that the success which has attended the attempts against the lives of the colonists, should not extend to the attempts against the rights under which the colony was founded.

The object of these pages is therefore, in the first place, to suggest some considerations respecting the validity of the Hudson's Bay Charter, and the extent of the rights, particularly as to territory, which it must be understood to convey; in the next, to shew the absence of any claim or title on the part of the North West Company, to hold possessions in the Hudson's Bay territories, or even in the North West or Indian Territories, without the limits of the Hudson's Bay Charter; and lastly to give a succinct account of the establishment, and destruction of the Colony at Red River.

The Kings of Great Britain have for centuries, in common with the other Sovereigns of Europe, exercised the right of Granting Territories for the establishment of Colonies and Plantations. The prerogative of the Crown of England, already so restricted and limited, that its further reduction, would be viewed by those who feel an interest in the support of established governments with greater alarm than its extension, has in this point never been contested, and is founded upon, as well as sanctioned by the law and practice of nations. Under this branch of the prerogative, more has been done towards extending British institutions, laws, and language, than conquests could have effected; boundless forests have been transformed into cultivated countries, solitary wastes have been filled with population, and the settled and social habits of civilized life have been substituted for the wild and wandering condition of the savage.

In 1670, the King of Great Britain by Grant or Charter, established a new colony or plantation as had frequently been done by his predecessors in the case of several of the colonies, now the United States of America. This Grant was made in favor of Prince Rupert, the Duke of Albermale, the Earl of Craven, the Lords Arlington, Ashley, and many others, who with their successors, were, by the Charter, constituted a Company by the name of the "*Company of Adventurers of England trading into Hudson's Bay.*" The Territory comprehended in this grant to the company and their successors

was by the charter declared to be one of His Majesty's Colonies or Plantations in America, to be called "Rupert's Land." This charter is drawn with greater care and accuracy than those by which many of the other Colonies in America were established; probably from the high interest felt in the exalted characters in whose favour it was obtained. By this Grant which establishes a separate government, all the inferior regalities and subordinate powers of legislation were expressly vested in the grantees, together also with a right of levying war and making peace.

The extent of the rights conveyed, and of the territory granted is not to be decided by the narrow rules of local ordinances, or those confined regulations of the municipal code, which apply to the termination of differences between individual and individual; but must be determined by more liberal and comprehensive principles, by doctrines of more general and extensive application. Between individual and individual, length of possession might constitute Right, but between an individual and a Sovereign, or between an individual and a Colony or Government, a claim founded only on prescription could not exist.

The points which seem on the present occasion most deserving of consideration, are the exclusive trade and the limits of the Hudson's Bay Territory. On the subject of the Trade, some have laid it down as a principle, that the Crown  
cannot

cannot grant an exclusive right of Trade, without the concurrence or confirmation of Parliament. Differences of opinion rarely arise with respect to those rules which are entitled to the denomination of "principles;" the most frequent subjects of contest concern only their application. But on this position, dignified with the appellation of a "principle," it may be observed, that the only judicial opinion ever given by English Courts on such a subject, declared a grant of exclusive trade by the crown to be legal. This opinion, it is true, was given by Chief Justice Jefferies, and may not, therefore, be considered as entitled to such authority as opinions drawn from other sources might obtain; but it must here be remarked, and the observation will be conclusive with respect to the pretensions of the Hudsons' Bay Company, even were the above mentioned judicial opinion admitted to be erroneous,—that where a grant of soil is made at the same time with a grant of exclusive trade, the right of the crown to confer the latter privilege becomes rather a question of curiosity than of utility; because by the grant of the soil alone, the proprietor becomes legally entitled to exclude all others from any entrance upon, or any establishments within it. If the King's authority should not be considered to entitle him to prohibit to any individuals the exercise of any lawful occupation upon their own domains, because such prohibition might be thought a restraint upon their liberty, incompatible with the freedom of our laws, the royal prerogative

rogative unquestionably extends to the founding of Colonies and Plantations, and to the granting of Lands and Territories ; and upon every such exercise of the royal prerogative, the right of entering into, or of remaining within the limits of the Grant, is vested legally and solely in the Grantees, to the exclusion of the other subjects of his Majesty, for whom it would not be possible to carry on a trade in a country into which they were, neither entitled to enter nor remain.

That part of the Hudsons Bay Company's Charter which conveys the grant of the trade and country, is in the words following :—“ We have given, granted, and confirmed, and  
 “ by these presents for us and our heirs and successors, do  
 “ give, grant, and confirm, unto the said Governor and Com-  
 “ pany, and their successors, the sole trade and commerce of  
 “ all those seas, straights, bays, rivers, lakes, creeks, and  
 “ sounds, in whatever latitude they shall be, that lie within  
 “ the entrance of the straights commonly called Hudson's  
 “ Straights, together with all the lands and territories upon  
 “ the countries, coasts, and confines, of the seas, bays, lakes,  
 “ rivers, creeks, and sounds aforesaid, that are not *already*  
 “ *actually possessed by, or granted to any of our subjects, or*  
 “ *possessed by the subjects of any other Christian Prince or*  
 “ *State ; with the fishing of all sorts of fish, whales, stur-*  
 “ *geon, and other royal fishes, in the seas, bays, inlets, and*  
 “ *rivers, within the premises, and the fish therein taken to-*  
 “ *gether*

“gether with the royalty of the sea upon the coasts, within  
 “the limits aforesaid, and all the mines, royal as well disco-  
 “vered as not discovered, of gold, silver, gems, and precious  
 “stones, to be found or discovered within the territories,  
 “limits, and places aforesaid; and that the same land be  
 “from henceforth reckoned and reputed as one of our  
 “PLANTATIONS or COLONIES in America, called  
 “RUPERT’S LAND; and further we do by these presents  
 “for us our heirs and successors, make, create, and consti-  
 “tute, the said Governor and Company, for the time being,  
 “and their successors, the true and absolute Lords and Pro-  
 “prietors of the same territory, limits, and places, and of  
 “all other the premises, saving always the faith, allegiance,  
 “and sovereign dominion due to us our heirs and successors,  
 “for the same: to have, hold, possess, and enjoy the said ter-  
 “ritory, limits, and places, and all and singular other the  
 “premises hereby granted as aforesaid, with their and every  
 “of their Rights, members, jurisdictions, prerogatives, roy-  
 “alties, and appurtenances whatsoever, to them the said  
 “Governor and Company and their Successors for ever.”

Here, then, we see a complete and perfect concession of all  
 right of soil in the territories described; and if all that con-  
 cerns exclusive trade and commerce in the foregoing citation  
 had been expunged, the real effect of the charter would have  
 remained unaltered, and it would virtually have operated the  
 exclusion of strangers from the trade, until the grantees, or  
 their successors, should have transferred to others a right in

their territory, without which the means of carrying on a commerce there could not legally exist.

With respect to the second point, the limits of the Hudson's Bay territory, some have laid it down as a rule, which they have also dignified with the name of a "principle," that the king could not grant a territory, which at the time of the grant belonged to and was in the undisturbed occupancy of the subjects of another Sovereign. It would be useless to make any observations on such a position, until it be shewn how it will apply to the territory granted in 1670 by the Hudson's Bay Charter. It has indeed been said, that the territory was claimed by France; but it will not surely be insisted that all that has been claimed by France, therefore belonged to France, or was in its actual possession. It has been related that two French Travellers, Mr. Radesson and De Grozellers, were the first who approached Hudson's Bay by Land; and after visiting the country, these persons returned to France, with an account of their discoveries, which were considered of so little estimation there, as to produce no steps towards the occupation of the country. Finding themselves and their enterprizes thus neglected in France, it is related that these gentlemen travelled to England, where their representations proved more effectual than they had done in their own country, and were the cause of an Expedition being fitted out for Hudson's Bay, under one Gillam, who erected the first Fort in that country, and gave occasion to the Grant of the Hudson's Bay Charter itself. Even if  
this

this relation were perfectly founded in fact, it is scarcely to be supposed that any one should be so desirous of extending French domination as to insinuate, that because two French Gentlemen travelled through a country, it therefore became the property of France.

But, in truth, a discussion of the right of the king to grant a territory in the occupation of the subjects of another Sovereign, would be perfectly idle, since if such a right under any circumstances could be supposed to exist, it was not on this occasion exerted. The Charter, as appears from the extract already given, grants only such of the lands within the defined limits, as were not then, to wit, in 1670, "*actually possessed by, or granted to English subjects, or possessed by the subjects of any other Christian Prince or State.*" In three modes therefore, but in three modes only, it may be shewn, that the territory to the south of Hudson's Bay has not been conveyed by the Charter. One is, that it was in 1760 possessed by or granted to English subjects; a second is, that it was possessed by the subjects of some other state; and a third is, that by fair and legal interpretation, it could not be comprehended within the limits of the Grant. It has never been pretended, and it cannot be asserted with truth, that any part of the country in question was granted to or legally possessed by any English subjects prior to the date of the Charter. The second cause of exception, to wit: the possession of the subjects of some other state is next to be considered. In this case as in others of a similar nature, by the

term "possessed," an actual permanent and *bona fide* occupancy must be understood to be meant, and not merely a fictitious or emblematic possession, or a delay *in transitu*, on a trading journey or a voyage of discovery. And the best histories of the times, the sole authorities to which on such a subject we can refer for information entitled to credit, contain no mention of any actual or permanent establishments, or occupants of land in 1670, or before that period within an immense distance of any part of the territories ever claimed by the Hudson's Bay Company. On the contrary, their earliest mention even of trading journies into these countries is of a date much subsequent to that of the Charter.

It is related by those who are inclined to contest the validity of the Charter, that a Beaver Company was formed in Canada in 1630, who traded to the "interior" for peltries. If the boundaries had been defined which circumscribe that uncertain country alluded to, under the ambiguous denomination of the "interior," the statement would have been more clearly understood; but if it be intended to import that the Beaver Company formed in 1630 (*a*) traded into the Hudson's Bay territories, the assertion would only be entitled to ridicule. Quebec was taken by the English under Kirk, commonly called Sir David Kirk, and the government of the Colony was in the hands of his brother Lewis Kirk, and so remained until 1632 when it was restored to France

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(*a*) See the opinion of Messrs. Pigott, Spankie, and Brougham, printed at the end of this publication.

by the treaty of St. Germain's (b). At the time Quebec surrendered to Kirk, the number of the colonists scarcely exceeded those of Red River at the period of their last expulsion and massacre by the North West Company in 1816. The colonists at Quebec, when Kirk appeared before the place were engaged in hostilities with the Indians, and were in extreme distress for want of the absolute necessaries of life, so that the summons to surrender was hailed as a deliverance from famine and danger. Under these circumstances no person could hesitate as to the credit due to accounts of their forming Beaver Companies, and making establishments for trade in distant and unexplored regions.

That associations for the beaver trade were formed in Canada both before and after the year 1630, would, however, be sufficiently probable, because the province was originally granted to a society of Merchants, and the Commerce of Peltries was the earliest occupation of its inhabitants. But were it granted that such associations did exist, what inference could be drawn from the concession? Not surely that such associations had traders, and possessions in the territories comprehended by the Hudson's Bay Charter. It appears from the history of Father Charlevoix and Hennepin, whose inclination would have certainly led them to give as much extension to the progress of the scattered possessions of the French in North America as the truth would warrant, that for some years after the date of the Charter, the

French

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(b) See Mod. Univ. Hist. vol. 39, p. 423, 4.

French had no established trading posts even as far as Lake Superior, which is, far distant from any boundary ever assigned to the Hudson's Bay territories. The very year after the charter, and probably in consequence of the alarm which that measure excited, officers were sent from Quebec to take a formal or fictitious possession of the country about Lake Superior, and to establish a correspondence with the natives. Until very many years after this, the French never had any established possession in Hudson's Bay, or on any of the waters which run into it, unless that denomination be given to the emblematical possession usually taken by seamen when new discoveries are made, by planting a post and setting up the arms of the Sovereign; but as has been already observed, the terms of the charter imply actual occupancy, and seem to have been inserted expressly to exclude this species of fictitious possession.

From every source, therefore, from which credible authority can be obtained on the subject, it is apparent, that "the possessions of the subjects of any other Christian Prince or State at the date of the Charter," cannot be urged to reduce the extent of the grant to the Hudson's Bay Company. And no subsequent occupancy by any European subjects, if such occupancy has existed, can be considered to have divested the Hudson's Bay Company of any portion of their original claim; because no express permission or grant of *any government* has authorised its subjects to hold lands in the territories

territories in question, while on the other hand, all establishments therein, except under the sanction of the Company, have been expressly prohibited to British and other subjects, by various and repeated interdictions.

The two first and frivolous grounds upon which it has been attempted to lessen the extent of the grant to the Hudson's Bay Company having been sufficiently examined and exposed, it remains for us to consider the actual limits of the Charter.—

With respect to these limits, we have attentively examined the opinions of Messrs, Pigott, Spankie, and Brougham, inserted at the conclusion of this publication. Their claims to reputation, we doubt not, are founded upon greater specimens of ability, than any which are displayed upon the subject in question. They say that, "within the streights must mean, such a proximity to the streights, as would give the land spoken of, a sort of affinity or relation to the streights." We should really have been gratified, if these gentlemen had been pleased to give us something more explicit, as to what constituted, in their opinion, "a sort of affinity or relation" between lands and streights; as these are "affinities and relations," which although referred to, in a legal opinion, are not perfectly intelligible even to legal characters on this side the Atlantic, nor reducible, as far as  
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our reading extends to any statute measure. Are these "affinities or relations" the mere creations of a luxuriant fancy? If so in whatever estimation, and that is not a low one, we may hold in their proper sphere, the flights of imagination, they are unworthy of a place in a legal opinion: but if these "affinities" have a real existence, the limits to which they extend, are capable of being defined. Over what extent of ground then would they reach? Would the intervention of a mountain or a valley destroy them? are they dependent upon circumstances, or are they fixed and invariable? In the uncertainty as to what answer might be given, we are unfortunately reduced to the necessity of interpreting the Charter, not according to the new doctrines of ideal "affinities and relations" but according to the ancient exercise of rational construction, and established precedent in similar cases. Messrs. Pigott, Spankie, and Brougham, also declare, that by the charter, "such a boundary must be implied, as is consistent with this view," to wit "of affinities and relations," and "with the objects of a trading Company, not intending to found kingdoms and establish states, but to carry on fisheries," and "to traffic for the acquisition of Furs and Peltries, and other articles." Do these learned gentlemen then forget, while in the act of examining the Charter, that it establishes a colony, and constitutes a government? And that previously there never had been

been a British colony founded in America, to which an extent of territory was not given superior to that of many states and kingdoms in Europe ?

Let us however quit these comments, unworthy the appellation of legal opinions, by which our attention has been for a moment arrested, and proceed to the rational and legal examination of the limits of the Charter. This Charter conveys, "all the lands and territories upon the countries, coasts, "and confines, of the seas, bays, lakes, rivers, creeks and "sounds, that lie within the entrance of Hudson's Straights." It must, therefore appear indisputably evident,

1. That all the Rivers into which a vessel can sail from Hudson's Bay, fall under the description of Rivers that lie within the entrance of Hudson's Straights.

2. That as the grant is not limited to lands near the mouths of rivers, nor to any specified distance from the sea, it must include the lands adjacent to the rivers, all the way from the mouth of each to its source. The course of some of them is through lakes, and the lakes and lands upon them are expressly granted by the Charter,

3. That there is nothing to limit the grant to land adjacent to the main stream of each river. If we follow up one of them from the Bay until it divides into two branches, it

cannot be maintained that one of these is a river lying within the entrance of Hudson's Straights, and that the other is not. The grant must therefore apply equally to the lands adjacent to all the subordinate branches of the principal rivers. Those feeders which cannot be called rivers, will fall under the denomination of creeks.

4. That the grant is not limited to the land within any specified distance back from the banks of the rivers, and that it includes not only the lands upon the "coasts and confines," but also upon "the countries\* of the rivers," a term well understood in America, as expressing the space which is included between the different branches of a river, and to the waters of which that river forms the principal outlet; in other words, that it extends as far as the height of land which divides its waters for those of some other river. Under this construction of the Charter, the lands there described are capable of being reduced to certainty and measure, without any departure from the rules of reason and precedent, in the interpretation of grants, which under any other construction would be impossible.

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\* This word which is stated in the opinion of Messrs. Pigott, Spankie, and Brougham, to have been transposed and to have become nonsense, is in fact of importance in the construction of the grant, and has been placed with perfect propriety, where it has acquired the greatest force and significance instead of being lost as to any peculiar meaning; which would have been the case if placed where these gentlemen have suggested.

An interpretation so closely and perfectly consistent with the true, and only legal import of the terms of the grant, must appear conclusive on the subject ; but if the general opinion can be thought to give weight or confirmation to the deductions of reason, there is evidence, that at a period when there was no interest to misrepresent the matter, all the country of which the waters run into the Hudson's Bay, was generally considered as included in the Company's Charter. This may be inferred even from the language of Mr. Dobbs, and the other persons who joined with him about the year 1748 in a fruitless application to Parliament to set aside the Charter. It is also shewn from Jeffrey's Maps, published during the war of 1756, and by a passage in Carver's Travels, published soon after the Peace of 1763, in which he describes the country about the Lake Winipic, Red River, &c. &c. as within the acknowledged limits of the Hudson's Bay Company, and speaks of the Trade carried on there from Canada as an encroachment, which under the peculiar circumstances of the case, the Company was under the necessity of winking at, see p. 110, 2d Edit.

The same inference is supported by the negotiations for the treaty of Utrecht, in which the right of the Hudson's Bay Company to the property of the country is evidently understood to be so extensive with the rights of England to the Sovereignty. But altho' it was stipulated by the treaty

of Utrecht, that the boundary line between the Hudson's Bay Territories and Canada, and likewise between the other French and English Colonies in America, should be determined by Commissioners to be appointed in virtue of the Treaty, and altho' the parallel of  $49^{\circ}$  seems to have been afterwards proposed as the boundary of the Company's territories, probably from the supposition that it would include all the waters emptying into Hudson's Bay; yet that parallel was never definitively agreed upon as the boundary, and the pretensions of the English and French governments in that quarter, were never finally adjusted before the war of 1766. The conquest of Canada, of course, established the pretensions previously held by England; for a victorious nation, could not be supposed to accept as a cession from an enemy, that which they had never previously acknowledged to be theirs. The boundaries fixed by proclamation after the Peace of 1763, for the English colonies lying on the south of Canada, *were the same that England had contended for before the war*; and it is clear, that the same principle was considered as applicable to the Hudson's Bay Territory also. This is evident from the manner in which this territory is mentioned in the proclamation of 1763, concerning the boundary of the province of Quebec, and other colonies, and particularly concerning the territory reserved for the Indians. It is certain that before the war of 1756, the British Government never acknowledged any part of the country lying on the waters running into Hudson's Bay to belong to Canada.

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And if the French at any time after the date of the Charter had assumed the occupancy of any part of that country, of which there is not the smallest satisfactory evidence, they would have done no more there, than they are positively ascertained to have done in the British Colonies, now the United States, to the South of Canada, where they possessed a long line of forts ; and as the actual possession of the French south of Canada did not induce the English Government to alter the limits it had assigned to its colonies in that quarter, surely the merely imaginary possessions of the French North of Canada, could not be any ground for altering or reducing the limits of the English Colonies or Charters on that side.

On the waters running into Hudson's Bay, and within the limits of the Hudson's Bay Territories, according to the foregoing and only rational interpretation of the Charter the late settlement at Red River was situated. But so hostile is the spirit felt by the destroyers of the colony, and their friends, against any English settlement in that quarter, that they have of late advanced and supported the opinion, that Red River, altho' comprehended within the description given by the Charter, has been by our treaties ceded to the United States of America ; thus evincing a desire, that the district in question, should rather be considered as belonging to a Foreign Power than become the seat of a British Colony, as forming part of the Hudson's Bay Territories. A disposition to sacrifice national interests or national dignity, for the attainment

attainment of individual advantage, or the gratification of personal rancour, is happily not common among Englishmen. But, as such a disposition has been manifested by some persons on this subject, it may not be improper to consider whether the opinion that Red River lies within any of the boundaries of the United States, rests on any solid foundation.

Nothing can be more clear than that it was never for a moment, contemplated either by the British or by the American government, that any of the Hudson's Bay territories, or any of the waters running into Hudson's Bay, would be included in the lines assigned as the boundaries between the possessions of Great Britain and those of the United States. The treaty concluded with America in 1794, sufficiently shews, that such an idea never existed in either government. By the third article of that treaty, which permits the most perfect freedom of communication and intercourse between the subjects of both nations throughout their respective dominions, an exception is made of the country within the limits of the Hudson's Bay Company, to be ascertained, of course, in conformity to their Charter from which the Americans are expressly excluded. The terms of the treaty concluded in 1783 with the United States, agreeably to which by the recent treaty of 1814 the territorial division between the two powers is to be made, shew the express intention of both nations to have been, that the northern boundary of the United States, should not, in any part extend further north than the River St. Lawrence, or the  
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the lakes and streams which feed or fall into it. It is, however, unfortunately true, that a great part of the second article of the treaty of 1783, was drawn up in complete ignorance of the geography of the country. It is so full of contradictions, that there is no possibility of laying out a line that shall follow the article literally. In such a case, the only fair mode of solving the difficulty, is by returning to the principle upon which the article was framed.

The object of the American negotiators was, as appears from their correspondence, to obtain a recognition of the right of the United States to the western territory, as far as the St. Lawrence on the north, and the Mississippi on the west. When this was agreed to by our government, it was considered as an important concession; and the American Plenipotentiaries proceeded upon that concession as the principle on which their boundary towards Canada after it had struck the St. Lawrence, was to be made out. Having brought the line from Nova Scotia to the St. Lawrence, they followed up the main Stream of that river, to what they conceived to be its principal source, and what was supposed to approach the nearest to the source of the Mississippi. In imaginary conformity to this intention, the second article of the treaty of 1783, after having carried the line to Lake Superior, stipulates that it shall be continued onwards thro' the middle of certain water communications to the north west point of the Lake of the Woods, and thence due west to the Mississippi; the fact, however, is, that the waters of the  
 Lake

Lake of the Woods feed streams which fall into Hudson's Bay, but have no communication with any waters which fall into Lake Superior; and it is also the fact, that a line drawn due west from the Lake of the Woods, would never reach the Mississippi, which lies far to the south of such a line.

As far as Lake Superior, the description in the second article of the treaty is accurate, and consistent with the principle by which the boundary was to be determined; and it will be perfectly evident that the article was framed throughout with intention to proceed on the same principle, if we consider what was, at that time, the state of geographical information concerning the country west of Lake Superior.

The country had never been surveyed by men of science but from the vague and inaccurate descriptions of ignorant "*coureurs des bois*," maps had been constructed, which laid down a large river running from the Lake of the Woods, and falling into Lake Superior. If there had been such a river, there can be no doubt, from the body of waters contained in the Lake of the Woods, that it would have been a much larger stream than any of the feeders of Lake Superior. It was therefore most natural, that the negotiators should suppose the Lake of the Woods to be the main source of the St. Lawrence; at the same time this must have appeared to them the point at which the waters of the St. Lawrence approached the nearest to the source of the Mississippi; for, in the same incorrect Maps, the Mississippi is laid down as  
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rising four or five degrees of Latitude further north than it does in fact, and as coming within a short distance of the Lake of the Woods on the west.

The maps previously published and containing all these errors, were, of course, in the hands of the negociators at Paris in 1783; and the confidence they reposed in these maps, alone accounts for the inconsistencies involved in the second article of their treaty, and affords the only plausible explanation of their meaning. The description of the boundary line westward from Lake Superior is thus reconciled to the general principles upon which the rest of the line is laid down; while on any other supposition, the intention of the negociators would be absolutely incomprehensible.

If it had been understood in 1783 (as it is now well known) that the Lake of the Woods had no outlet into Lake Superior, nor any connexion with the waters of the St. Lawrence, the principle on which the negociators proceeded would have led them to continue the boundary line from Lake Superior up one of its largest feeders towards the source of the Mississippi. The only river which answers this condition is the St. Louis, which is the largest feeder of Lake Superior, and, therefore, the true source of the St. Lawrence, and which approaches within a very short distance of the Mississippi near its source. Following up the river St. Louis for 50 or 60

miles, the course is nearly west from Lake Superior; above this it deviates from that direction, forms a great bend, and the rest of its course is from the north-east. Just at the bend the river St. Louis is only about 25 or 30 miles from the Mississippi; here it is said a small branch comes in from the west, rising in a little lake, from which a line due west to the Mississippi, would hardly be ten or twelve miles in length, and would touch that river at a very moderate distance from its most northerly sources. No other line can be found so completely conformable to the principle adopted by the negociators in 1783, viz. that the St. Lawrence should form the boundary of the United States on the north, and the Mississippi on the west.

It has been argued, however, that since the letter of the treaty of 1783, specified the Lake of the Woods as a point of the boundary, the line must in one course or another be brought to that lake.

This argument is altogether inconsistent with the principles of just reasoning. Tho' the Lake of the Woods be specified in the treaty of 1783, it is also specified that the line from Lake Superior is to be carried thither by the "water communication," and it is likewise specified that one point of the boundary is to be where the line drawn due west from the Lake of the Woods, shall strike the Mississippi. As no water communication exists, it is impossible that the line can be brought to the Lake of the Woods consistently with  
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the letter of the treaty. And as the line stipulated to be drawn due west could never strike the Mississippi, such a line would also be a violation of the letter of the treaty which requires that the line shall reach that river. Since then, the entire letter of the treaty cannot be followed, but a part only can be preserved, while the rest is rejected ; the sole question is, what part shall be retained and what set aside : a question which can only be determined by a reference to the spirit of the treaty and the principle on which the negotiators proceeded. That spirit and that principle would require, that the St. Lawrence and its principal sources should be the boundary line, until that point should be reached at which the sources of the St. Lawrence, and the Mississippi, approach nearest to each other ; and that, from thence, the shortest line should be drawn that would intersect both. The acquisition of Louisiana by the United States, could afford no just ground of alteration in the boundaries of which we have spoken. The boundaries of the United States attempted to be defined by the treaty of 1783, were intended to determine the limits of territories situated on the east of the Mississippi. With respect to any territories subsequently acquired on the west of the Mississippi, such as Louisiana, the rights of the British and American governments must be measured by ascertaining what were the rights of the Spanish government previously to their cession of Louisiana. It has been argued that as the U. States are now in possession of both sides of the Mississippi, it has, therefore, be-

come a matter of indifference whether the line to be drawn due west from the Lake of the Woods shall strike the Mississippi, or not, as it may be continued on indefinitely, even until it reach the Pacific Ocean. The British commissioners cannot, however, be supposed so willing to sacrifice the claims of their government, as readily to agree, that the line should be carried to the Lake of the Woods : a lake whose name found its way into the treaty only through mutual and evident error, because, instead of following any "water communication," as the treaty requires, the line must then cross the ridge of mountains which divide the waters running into Hudson's Bay, from those running into the Atlantic Ocean, and the Gulf of Mexico ; and because also, in such case, Great Britain instead of possessing any territory at that point between the Hudson's Bay limits and those of the United States, which she unquestionably always contemplated, would have ceded even a part of the Hudson's Bay Territories. But even if the British Commissioners could be supposed willing to carry their compliance to that extent, yet, still it could not after such a sacrifice be presumed, that the commissioners could carry their contempt of national dignity or national interests so much farther as to admit of any other line being drawn from the Lake of the Woods, than one which should strike the Mississippi. If the rights of the United States in Louisiana were after this sa-

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erifice to be adjusted according to those possessed by Spain in that country, there would still be a very extensive and delightful country, the table land of North America uniting the advantages of the purest climate and the most productive soil reserved to Great Britain between the Hudson's Bay territories and the northern boundary of Louisiana ; for the Spaniards never had any Military possession beyond the Illinois, and never carried on any trade with the natives further north than the Pawnees and the Mahas on the Missouri, about Latitude  $42^{\circ}$  or  $43^{\circ}$ , while the British Traders have long frequented all the countries on the upper parts of the Mississippi and the Missouri. Where the limits of a country have never been ascertained, the conquest of the contiguous and encroaching territory may be justly considered as establishing the bounds originally claimed by the victorious nation ; as has already been observed, with respect to the limits of Canada and the Hudson's Bay territory. But where between two powers, there have been no defined limits, and no conquests have determined the claims of either ; the pretensions of both might be fairly adjusted by laying down, as a rule, that the priority of right should be considered as vested in each, to the respective countries, which each have either principally or exclusively frequented. If then, the establishments of the Spaniards west of the Mississippi, have not extended nearly so far north as  $42^{\circ}$  or  $43^{\circ}$ , and if even their intercourse as traders, has never been carried higher, while the whole country between those degrees, and the

Hudson's Bay limits has been long frequented by the British. On what ground can the Americans, the successors only to rights derived from the Spaniards, claim all the country of the Scioux, the Mandans, the Minitarees, and many other nations on the upper branches of the Missouri? The foundation of any such claim yet remains to be shewn; and unless they can produce in support of it, some treaty binding on the British Government, it would be a very gratuitous and preposterous concession to admit such extensive boundaries to their purchase of Louisiana. It is true, that if the line due west from the Lake of the Woods, so often mentioned, were to be adopted as the boundary of Louisiana on the north, not only the whole vast country on the upper branches of the Missouri would be added to the United States, but also a very considerable portion of the Hudson's Bay territories beyond the Lake of the Woods, even including a part of Red River; altho' perhaps, not the scite of the late settlement. But, enough has been said to show that the adoption of the line due west from the Lake of the Woods, could be justified by no rational or sound construction of the treaties between Great Britain and America, and would be a culpable dereliction of the dignity and interests of the former.

As it is only the northern boundary line of Louisiana which has any relation to our present subject, it would be superfluous to enquire into its limits on the west, although nothing could be more absurd than the idea that Spain ever contemplated the cession of any territory on the Pacific Ocean, under the name of Louisiana.

The treaty concluded between the English and Spanish Governments, after the dispute about Nootka Sound, would exclude such an interpretation: and indeed, the pretensions of the Americans to any territory west of the Rocky Mountains, if such should be advanced, have not the slightest plausibility.

The observations respecting boundaries are here brought to a conclusion, and we trust it has been satisfactorily shewn to all, except these who may desire the suppression of British establishments, that Red River is within the limits of the Hudson's Bay Charter, and that Great Britain has not by any treaty divested itself of that portion of her dominions; but is in fact, entitled to a territory even beyond the Hudson's Bay limits on the south.

The Hudson's Bay Charter, amongst other provisions, expressly forbids all English subjects from entering without licence or authority, upon the territories of the Hudson's Bay Company. The Governor and Company only, are empowered to grant such authority, and on them also is conferred the right of establishing castles, fortifications, forts, garrisons, colonies, plantations, towns, and villages, in any parts or places within the limits and bounds of their territory; together also with the right of sending ships of war, men, or ammunition, to their colonies, fortifications, or plantations, and of appointing governors, commanders, and officers over them.

In the second year of William and Mary, a private act of Parliament was passed, confirming, in every particular, the Hudson's Bay Charter for seven years; and because this Parliamentary confirmation was limited to a certain number of years, some have ridiculously inferred, that at the expiration of that term, the charter ceased to be valid. A conclusion so absurd would scarcely seem to require refutation; nor could those who pretend to draw the inference, have been ignorant, that if some of the rights conferred by the Charter required the sanction of Parliament, there were other rights conveyed by it, which required no such sanction, because they were within even the limited prerogative of the English crown. If at the end of the term, for which the act of William and Mary was passed, such of the provisions of the charter (if such could be found) as derived their efficacy only from Parliamentary support, should be considered inefficient, still all the rights similar to those of the charters for former governments and plantations in America, within the competency of the Crown to bestow, would continue to subsist: and that they have continued to subsist is apparent, from their having been subsequently maintained, and repeatedly sanctioned by various treaties of peace, and acts of Parliament. Even the recent treaty of 1764, between Great Britain and the United States, after stipulating that the subjects of each government should freely resort to the territories of each other, and freely navigate all the lakes, rivers, and waters, of both countries, makes, as has been already mentioned, an exception of the country  
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within the limits of the Hudson's Bay Company, from which the Americans are expressly excluded. It will hardly be asserted, that this solitary exception was made with a view to favor the encroachments of any unauthorised association, such as that which caused the settlers at Red River to be expelled in 1815 ; and after their return to their settlement, procured their massacre in 1816. On the other hand, it must be evident, that the exception was intended to secure the operation of the Royal Charter, conferred upon the Hudson's Bay Company, and to protect its rights, so often solemnly admitted by the English nation.

In various statutes, some of which are still in force, the Parliament has shown a watchful regard to the rights of the Hudson's Bay Company, and has sanctioned, as to territory and government, the validity of its charter. By the statute of the 14th of His present Majesty, establishing the limits of the then newly acquired Province of Canada, the Parliament of Great Britain has enacted, that it shall be bounded on the North by "the territory granted to the Merchants, Adventurers of England trading to Hudson's Bay," a boundary which still subsists under the statute. If the gentlemen, whose legal opinion has been before cited, had adverted to that law, they would probably have thought it proper to refer to some less vague and uncertain rules of measure-

ment, than the doctrines of "affinities and relations between lands and streights," for the purpose of ascertaining the extent of the Hudson's Bay territories.

Having noticed some of the rights conferred upon the Hudson's Bay Company, and shewn the limits to which their territory extends, which will be found to be supported by some of the observations occurring incidentally hereafter, we come now to consider the rights of that association of persons known by the name of the North West Company, as well in the Indian as in the Hudson's Bay Territories. Altho' our knowledge of that Company is quite equal to its rights, yet it is by no means co-extensive with its views and proceedings. But the limited information which has been given under oath on the latter topics, would induce no desire for any increase of knowledge concerning them, if the interests of the community did not require the disclosure of crimes. But when the operations of the exterminating spirit of such company become transferred from fur bearing animals, to beings of our own race, and subjects of our own country, it becomes the duty of every individual to avail himself of all opportunities to obtain information, and bring to justice these "hunters whose prey is man!"

No legal sanction has ever been conferred upon the North West Company, nor has it ever received even a tacit recognition

ation by any provision of the Legislature. It is only an unauthorised combination of individuals, who were induced by common interest, to unite about thirty years ago, in order to avoid the expences incident to a competition in trade; and who after their association, determined at all hazards, and in defiance of justice, to exclude all his Majesty's other subjects from any participation in the branch of Commerce in which they were engaged; altho' as far as it was legal to them, it was equally open to all. From the regular gradations of authority, the complete system of dependence and subordination, and from the perfect obedience and submission of the inferiors to the commands of their superiors, by which this concern is distinguished, it appears to approach more nearly to the character of a military government, than one of any other description. To promote their illegal views, the members of this new association extended themselves over a vast territory, and even according to their own accounts proceeded to erect forts, in various districts, which were situated as well in the Hudson's Bay, as in the Indian Territories.

After time had given some experience, and this new organization had acquired strength and consistency, measures were resorted to, to drive from the country all competitors in trade. It is true, that in the Hudson's Bay territories

this new association had no right to remain at all, and no right elsewhere superior to other subjects. But the situation of the countries wherein the North West Company had established themselves, was admirably calculated to enable them to exercise violence, and to secure impunity. They were at an immense distance from any civilized government, or any legal authority. Their combination gave them a decided superiority of force over individual traders in those regions.

The remoteness of their situation they knew would detract much from the interest the community would otherwise feel, either to watch over their conduct, or to resist their oppressions. And from the same remoteness of situation, their power and influence could be exerted with much effect, to prevent the attendance of the witnesses who would be required in any cases of complaint or accusation against them. Thus circumstanced, and with these advantages, they began to molest and commit depredations upon the unassociated traders from Canada, whom the prospect of gain had allured into the same regions.

Innumerable were the modes of intimidation and injury resorted to.—It will be sufficient to notice a few.—In some places where delays might be expected to be most injurious, these traders frequently found the portages over which it was

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necessary for them to travel, blocked up by numbers of trees, felled for the purpose of opposing an obstacle to their progress. In some instances the navigation of the smaller rivers was obstructed in a similar manner. At other places, their canoes, the principal vehicle as well for the transportation of goods, as for their own conveyance, were destroyed or rendered unfit for service. Sometimes on rising in the morning, they would find that the casks containing Liquours for their trade, had been pierced during the night, and that the contents had escaped; at other times their packages of goods were cut to pieces and thrown about the ground.

When the precaution and vigilance of these private traders was so great, as to leave no opportunity for the commission of these acts unseen, recourse was had to open violence, and they were assailed with such superior force as to render resistance unavailing. Their goods were destroyed, and even their tents cut down, while their lives were also threatened and in danger. If it be said that those who sustained these injuries should have sought legal redress, it may be answered, that the immediate agents employed on these occasions, were generally such as possessed nothing, and remained for years, and sometimes perpetually cut of the jurisdiction of any courts; that it could not be expected, that the instigators should give written instructions to their agents, most

of whom would be unable to read. And that, it would, necessarily have been difficult to trace out the orders given to the servants by their employers ; altho' it would have been folly to suppose, that those who could on their own accounts have no motive or interest in injuring, would have acted without the instigation of those who had, and under whose control they were : that it would be also difficult to procure witnesses from so great a distance, even if no other obstacle existed ; but that the difficulty was rendered almost insurmountable by the influence and power of the Company, which enabled them to deter or prevent witnesses from appearing. On some occasions, indeed, where after being emboldened by a long exercise of successful tyranny, some of the principal Partners in the concern, at places nearer the jurisdiction of courts, neglected the usual precaution of employing subordinate agents, and became themselves actors (a) in the personal aggressions and destruction of property, the sufferers instituted actions at Montreal, for the recovery of damages, and after great delays and expences, the most successful obtained judgment for the bare loss sustained. But the anxiety endured, the prospects blasted, and the personal danger incurred, remained without compensation or equivalent. The success met with by the sufferers in their appeal to law, could

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(a) One of these was a brother of William McGillivray, the principal in the present concern.

could not be considered of a nature to encourage either themselves or others to attempt any further trade to the Indian Country. The North West Company, and their agents, having, therefore, by a system of violence and terror, succeeded in excluding the rest of his Majesty's Canadian subjects from any participation in the trade of extensive countries, neglected no measures which they thought likely to secure the continuance of the dominion they had usurped. They planted their forts and trading posts over a wider range of territory, and established a more despotic rule, than could be found to exist even in any Asiatic government.

The situations chosen for their posts were generally such as afforded the best prospect of preserving the dominion of the country ; such, of course, as a military government would have selected. The policy of the Company requires the shew of a large force. The permanence of the sovereignty they have assumed, may also be considered as dependent upon it. Vast numbers of servants known under the name of engagés, are therefore employed in the concern. The wages of these servants, if they were actually paid, would be more than sufficient to absorb the profits of the trade. A more advantageous mode of discharging the wages, than actual payment, is, therefore, adopted. The vices of their servants are encouraged by every incentive, and form a sub-

ject of gainful and degrading speculation, to which, no parallel can be found. The servants are easily induced to run in debt; their propensity for liquor is strong, and to be without one or more favorites amongst the women, who are always to be found about the establishments of the North West, would be represented as a want of spirit. Whatever is purchased, must be taken at such advance upon its original value, as the cupidity of the master induces him to demand. (a) A transitory indulgence in liquor, and the purchase of a few articles for the gratification of a mistress, might absorb the wages of years, and what is always desired by his employers, might load the servant with a debt from which he would afterwards be unable to extricate himself. If the debtor should be desirous of returning to his family and friends at the expiration of the term of his engagement, it has not been unusual, where his departure did not suit the convenience of the company, to cause him to be put in irons, or to be cast into some loathsome place of confinement, until his sufferings induced him to consent to a renewal of his engagement. In such modes the servants of the Company, altho' they engaged in Canada at high nominal wages, are reduced, after the lapse of many years, to a state of greater wretchedness, and more deplorable poverty than when they

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(a) Sometimes at an advance of one thousand per cent, upon its Montreal price.

first entered the service. And it is customary for the Company, to exact of those whom they allow to quit their service and return to Canada, acknowledgments for considerable sums of money, by which means the servants are detained in perpetual bondage, even after their servitude has nominally ceased ; and their former masters possess the power of punishing them, if their disclosures or their conduct should give offence to the Company. From practices such as these, the profits of the North West Company have been accumulated, and their conduct for a series of years has escaped the exposure, disgrace, and punishment it merited ; but it cannot be supposed that that Company would have possessed either the means or the audacity to carry on so vile and degrading a traffic, or to have caused the commission of the many enormities that have taken place, if they had not been successful in expelling and excluding from the country they frequent, all competitors amongst their Canadian fellow subjects.

By what has preceded, it appears, that the attention of the North West Company is not confined to the transport of goods to the place of sale or barter, and to their profitable disposal or exchange, when they have reached their destination ; but what is a phenomenon in trade, an army of consumers must be transported along with the articles of traffic,

and these new militants must receive a new education in the North West, and be trained for some time to debauchery, before they can be fit for the commerce in which they are engaged. A numerous body of young and vigorous men often of religious principles, and of sober and industrious habits, are thus annually withdrawn from the beneficial pursuits of agriculture to the baneful trade of the North West. As they are not used as servants merely, but are wanted besides in the double capacity of military forces against their fellow subjects, and consumers of the merchandize of their employers, the numbers engaged exceed by many times what would be necessary, if the trade were conducted on principles of honesty and decency: And the loss of such numbers from a country so unimproved, and a population so deficient as that of Canada, cannot but be severely felt. But the diminution of the population of the country is not the greatest evil; because to induce the engagés to become profitable customers their employers must, as we have before remarked, be at great pains to corrupt their morals, and to introduce habits of vice and profligate expenditure amongst them. And those who are permitted to return to Canada, generally return with broken constitutions, savage manners, and depraved and dangerous principles, evils which are not confined to themselves but which they soon introduce and extend amongst the lower classes. Should any engagé possess sufficient firmness to resist the united influence

of precept and example, and to persevere in a course of sobriety and economy, he would have to encounter the severity of his masters, and would probably be sent to distant posts, where such difficulties and dangers would await him, as would speedily rid his employers of an unprofitable servant, or if notwithstanding his contumacy, he were treated with extreme indulgence, he would be dismissed the North West Company's service as a "scoundrel, who would not spend his wages." (a)

If military subordination, *esprit de corps*, and personal bravery be not deficient, the more vicious and depraved the servant is, the more useful he will be generally considered, because he is the fittest tool for the commission of any crime that may promote the interests of the Company. The commission of one crime must produce further submission on the part of the engagé, because should obedience to orders be refused, his employers can cause him to be brought to punishment for his former offence. As his wages, according to the system adopted, have been swallowed up in the advance upon the goods, of which he is tricked into the purchase, the chains by which he is bound are rendered indissoluble by his poverty.

On one side therefore, to the submission of the poor and

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(a) The statements we have given are drawn from the accounts of persons who have heretofore belonged to the North West Company, and cannot therefore be suspected of exaggeration.

unlettered servant, is added, the dependence of the debtor, and the subjection of the criminal ; and on the other side to the dominion of the master is united the power of the creditor, and the authority of the magistrate. This threefold dependence, and this thrice rivited authority, produce that perfect subordination and unlimited obedience, which have often been directed even to the commission of murders ; towards which, except it be for the timely interposition of government, they are not unlikely to be again directed.

Many of the servants who are employed by the N. West Company are frequently desirous of passing their lives in some of the more fruitful countries frequented by them. And to a few of these the Company graciously vouchsafe permission (for no one is allowed to remain there without their consent) to continue in the country after their time of service has expired, on condition, that like obedient subjects, they hold themselves in readiness to render aid to the Company, if their exigencies should require it ; and that they give no succour or assistance to any who resort to the Country unconnected with the North West Company. These favoured few are distinguished by the appellation of the "*free Canadians*," a designation to which indeed they have no real claim, but which seems intended to contrast their situation with the more distressed and slavish state of those of their countrymen, whom the North West Company still retain in perfect servitude.

servitude. These free Canadians are however very few in number, and the dread of the power of their former masters is a feeling which quits them but with life.

They are not permitted to become Agriculturists, because an agricultural settlement would not be consistent with the views of the North West Company, as it might tend to lessen their tyrannical authority, by affording to their engagés a refuge to which they could retire from oppression, and which could afford them repose and plenty in the decline of life.

The free Canadians form too insignificant and dependent a proportion of the population to acquire any influence. Exclusive of these the permanent population of the countries over which the North West Company have assumed the supreme control, may be divided into two classes; the native Indians, who compose the only numerous and important part of it, and the "*bois brulés*," or "*metifs*;" appellations which are given to the spurious offspring of the partners, clerks and servants of the company. These last are designations calculated for disguise, by which persons unacquainted with the demi-christian origin of the "*bois brulés*," might be induced to suppose that they were some powerful Indian nation. The fact is, however, that many of these have received from the laudable care of their parents the rudiments of education,

education, can read, write, and keep accounts, and are employed as clerks by the North West Company. A large proportion of the others whose education has been less attended to, are employed as servants of the same Company. (a)

It has been advanced on behalf of the North West Company, that the countries they have appropriated to themselves were frequented by predecessors in the Indian Trade ; and of consequence that a kind of prescriptive right must be considered to vest in themselves. Nothing could certainly be more weak than an attempt to justify their occupation and sovereignty over immense territories by so ridiculous a pretext. In the first place it would become them to prove in what manner those whom they style their predecessors transferred their rights to them. On this subject they have nothing to show, and it would be found upon examination, that the occupation of the North West Company, without a shadow of peculiar privilege, is founded on the forcible and illegal exclusion of their Canadian fellow subjects from any participation in the fur trade. This does not bear the appearance of deriving legal titles from the claims of their predecessors. There is not a single fort or trading post belong-

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(a) We do not well understand how some of the North West partners, who ascribe the chief guilt of the late horrible transactions to the "bois brulés" can reconcile such an imputation to the feelings of parents. Would it not have been more consistent with parental tenderness to have exclaimed with the warmth of Roman affection, "me ! me ! adum qui feui, in me convertite ferrum."

ing to the North West Company in the Hudson's Bay territories, except those built by the North West Company themselves, and not by any of their predecessors.

But how did their predecessors acquire rights; and if they had occupied the forts and trading posts now in the possession of the North West Company, on what authority could they rely to support their occupation? By the Hudson's Bay charter, all British subjects are expressly charged and commanded, "that none of them do directly or indirectly, visit, haunt, frequent or trade, traffic or adventure into, or from any of the said territories, limits or places thereby granted, or any or either of them, other than the said Governor and Company of Hudson's Bay, their agents, factors, and assigns, unless it be by the licence and agreement of the said Governor and Company, in writing first had and obtained."

By the treaty of Utrecht, whose provisions in this particular are confirmed by subsequent treaties, it is stipulated that all of the subjects of France who might be established in the Hudson's Bay territories should be withdrawn.

Upon the conquest of Canada, his Majesty, by his proclamation of 1763, before alluded to, after reserving under his sovereignty and protection, for the benefit of the Indian natives,

natives, all the lands and territories not included within the limits of Quebec, East Florida, and West Florida, or within the limits of the Hudson's Bay Company, and after expressly prohibiting all his subjects from seating themselves even on Indian Lands, beyond the limits of these countries, without authority from government, " strictly enjoins and " requires all persons whatsoever, who have wilfully and in- " advertently" (which imports without a legal title) " seated " themselves upon any lands *within the countries above de-* " *scribed*, or upon any other lands, which not having been ce- " ded to or purchased by his Majesty, are still reserved " to the said Indians as aforesaid, FORTHWITH TO " REMOVE THEMSELVES FROM SUCH SETTLE- " MENTS". It is plain therefore, that if any predecessors of the North West Company were ever to have been found in the Hudson's Bay territories, they must have been trespassers, and could have transferred no legal right to others : but these pretended predecessors since the conquest have been none other than merely transient persons or traders moving from place to place, without any *permanent* establishments.

The foundation of prescriptive right between individual and individual is the presumption, that the actual possessor *has held a title*, altho' it cannot from some casualty be produced in support of his possession. But no such presumption could exist

exist in the present case, or between an individual and a government, because the original grants being public documents, must be always supposed to be preserved : but the existence of any such grants in favor of the North West Company has never been even pretended.

If then the North West Company could even show in support of their claim to the forts and possessions they hold, a transfer of *imaginary rights* from their alledged predecessors, whose shades they now vainly invoke to their assistance, still it could avail them nothing, because no claim, unless derived from the *Sovereign* of France or of England, or from the Governor and Company of the Hudson's Bay, could be under any circumstances, esteemed of any validity. But the supposition is idle, the North West Company have no transfer of rights, and no claims of territory.

The robust title of occupancy, assumed in daring violation of justice, and in contempt of repeated prohibitions contained in Royal charters, proclamations, statutes, and treaties of peace, is the only pretension they can advance ; and it is a new doctrine of that unlicensed and obtrusive race, that a violation of the laws can confer a title.

The occupation even of the Indian lands beyond the li-

mits of the Hudson's Bay territories is, as we have seen, prohibited by proclamation, and yet the North West Company, as we have before remarked, have not only seated themselves upon those lands, but also upon lands in the Hudson's Bay Territories, and have erected trading posts and forts in each. It is the peculiar province of government to inquire into the invasion of any of its rights; but yet as individuals, it was impossible that we could bear the forts of any unlicensed association of daring adventurers spoken of, without feelings of surprise, indignation and alarm. Surprise, that the conduct of its subjects should not have excited inquiry on the part of government, indignation at this presumptuous and lawless assumption of the privileges of Royalty, and alarm at the extensive and dangerous oppression and tyranny which it might enable subjects, if traitorously disposed, to exercise. The right of building forts and places of strength, belongs not to subjects. (a) The sole and entire prerogative as well of erecting as of manning and governing them, appertains to his Majesty, and to those whom he shall invest with his Royal authority for that purpose. This authority as we have before seen, has been conferred

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(a) See Stat 13 Car. 2, 1, 6, 2 inst. 30, & Black. Com. Sir Edward Coke says, that no subject can build a castle, or house of strength embattled, or place defensible, without licence from the King, by reason of the danger which might ensue if every man at his pleasure could do it.

ferred by their charter upon the Governor and Company of the Hudson's Bay territories. But the North West Company, in the plenitude of their power, have thought fit to exercise this branch as well as others of the Royal prerogative, of their own mere motion, and independently of any sanction from their sovereign. It therefore becomes a matter of some importance, as well as interest, to ascertain with what views they have thus taken military possession of a country in which they were prohibited all permanent establishments, and to learn whether their forts in the Indian, as well as Hudson's Bay territories, are maintained not merely as trading places, but as places of refuge or points of union to those ferocious hunters, who occasionally sally out to destroy defenceless settlements, and to butcher or expel inoffensive inhabitants. The sequel will unhappily show, that they have been frequently and fatally employed for the latter purposes. It would, therefore, seem, that the only step befitting the dignity and security of government, would be to divest them of the possessions they have illegally assumed, and of the forts and establishments by which they are enabled to despise the administration of the laws and the authority of the sovereign; and to exclude them from any further intercourse with that country, until they shall have exculpated themselves from all imputations of agency, or encouragement in the crimes which have been committed. If a part of the

members of the North West Company should succeed in proving themselves to have been neither the Agents nor Promoters of the destruction of British settlements, as humanity would induce us to hope, they ought not, even in that case to be allowed to renew their trade in the Indian Country, except by the special licence of Government. By the proclamation of 1763 the trade with the Indians, in the Indian territories (not in those of the Hudson's Bay) is thrown open to *all British Subjects*, upon the express condition of their obtaining previously a licence, for that purpose ; altho' they are at the same time prohibited from erecting buildings, or making any permanent establishments in the countries in which they are permitted to trade. (a) If, therefore, we were

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(a) The North West Company have never obtained any licences, but even if they had done so, such a precaution would have been by no means the only one which it would have been proper for our government to have taken to prevent abus. in their intercourse with the Indians. The French government of Canada, and it ought to be mentioned to its honor, was far more attentive to prevent injury to the primitive inhabitants of the country, than the English have ever been. Not only was all trade with the Indians prohibited except by licences, but priests were always sent as missionaries, who overlooked the practices of the licensed traders ; and if their conduct, by the undue introduction of liquors, or in any other mode, became prejudicial to the health or morals of the natives, a representation was made by the missionary, in consequence of which, the offending trader was deprived of his licence. Even now by the laws of Canada, whoever shall sell-spirituos liquors to the Indians residing in this Province, will be liable to a pecuniary penalty. And yet, (strange inconsistency) the North West Company are allowed to carry any quantity of those spirits, that go under the denomination of high wines, or any other

were to admit so great an absurdity as that, every member of the North West Company was untainted with guilt, the preliminary measure of exclusion and the subsequent adoption of licences, could not be justly considered a hardship. For if any have been in the practice of exercising prohibited employments, or occupying forbidden ground, there can be no wrong or hardship in reducing them under the operation of the law. And in a case like the present, where undue influence, always dangerous to authority, may be, and has been exerted with such fatal effect; where the facilities and temptations to the commission of crimes, and the difficulties of legal detection are so great, it is becoming the paternal care of government to watch over the wanderings of its subjects, and to preserve them all within the reach of its protecting or avenging arm.

It is an old observation, that the government which protects unlicensed traders, is bound by every call of duty to see whether a continuance of their trade will be beneficial or injurious :

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other deleterious distillation, to the Indians of the North without any restriction. These Indians are often kept in the forts of the North West Company in a state of intoxication, until they are deprived of all they possess. An attempt was made some years ago in London by the Hudson's Bay Company, to put some restraint upon the trade in liquors with the Indians, but several persons associated with the North West Company so strenuously opposed the measure at the meeting, that no alteration was effected.

jurious : and the utmost that should be granted to private interest, would be a neutral trade, by which the country could not be injured, tho' it might not be benefited : and by which the established claims of others might not be invaded.

The North West Company themselves have indeed been in the habit of representing their concern as essentially contributing to the general welfare of Britain ; possibly in the expectation that their crimes might be overlooked in consideration of the great advantages they pretended to confer. But this favorable opinion has not extended to others acquainted with their system of proceedings, the most charitably disposed of whom are of opinion, that if the claims of the Company to reputation should be founded only on the benefits they have conferred, it would not be within the compass of human means to save them from infamy.

The North West Company seems, however, on some occasions to have set forth its pretensions with far more arrogance than has been just mentioned ; for a publication was once brought under our observation, from which it might be inferred, however absurd the opinion may appear to the understandings of all unconnected with the company, that the power and prosperity of the British Empire were dependent upon the North West trade from Canada.

For interested parties to proportion their estimation of

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any object to its real importance, seems a task of uncommon difficulty, if we are allowed to pronounce any thing difficult in which few attempts have succeeded. The warmth of friendship or the zeal of interest, may be so injudicious, as to attempt to confer influence and distinction where no weight or honor is deserved, and to represent what greatly concerns the few, as highly important to the many. But the heat of imagination bestows ideal consequence to no purpose. — Those who are uninterested are not likely to be imposed upon.

In the publication last alluded to, the writer informed us that one of the conditions without which the Canadas could not be effectually defended, was, “the friendship of the western Indians.” He afterwards assured us that a “direct trade from Canada by British traders” (which of course must mean only the North West Company, as they have excluded all others,) “was essential to the preservation of Indian attachment and friendship;” and, at the conclusion of his dissertation he says, “that the question about the Canadas can not safely be *insulated*. That their loss, *therefore*, would bring about that of Nova Scotia and New-Brunswick: that their loss would lead to that of Newfoundland, and all the British transatlantic Fisheries, and finally that the West India Islands must follow; as they could not be supported and defended after the British North American  
“ Colonies,

“ Colonies, Newfoundland, and the Fisheries, were gone.  
 “ Then farewell to our maritime greatness and power. The  
 “ heart sickens at the contemplation of the possible addi-  
 “ tional ruin consequent upon such a state of things.” To  
 sum up all in fewer words, and, leaving out the intermediate  
 gradations, to come at once to the splendid result, the North  
 West trade from Canada is essential to the maritime great-  
 ness and power of Britain, perhaps to its existence as an in-  
 dependent nation.

“ WHAT GREAT EVENTS ARISE FROM TRIVIAL THINGS ”

A discovery which none of our greatest politicians had  
 been enabled to make, however profound their investigation,  
 and, however minute their researches, is here given to the  
 public. The combination of causes on which the power of  
 the Queen of the Isles depends, is here disclosed. The latent  
 sources of English greatness are here laid open to the asto-  
 nished eye ; and we see the fountains, rising in weakness,  
 form at first the humble stream, whose waters gathering  
 strength and increase as they roll along, become at length  
 the magnificent and resistless flood, which pours over half  
 the globe the riches and influence of Britain.

After recovering from the emotions of surprize into which  
 the very extraordinary discoveries this writer had thrown  
 us, we were led, as soon as we could reduce our ideas to the  
 level

level of common considerations, to enquire what was the extent to which the manufactures of the Mother Country, were immediately benefited by the trade of the North West Company. Our ideas of its importance suffered material diminution upon finding that the amount of its annual importation of British manufactures was only about £30,000; an amount inferior to the importations of many unassociated individuals.

It would be readily conceded, that it would be desirable to preserve the friendship and attachment of the Indians from motives of humanity, and with a view to ameliorate the condition of this portion of our fellow beings. But that the Canadas should be held by so insecure a tenure, as the duration of the fickle friendship of this savage race, would be a preposterous supposition. Still more ridiculous would be the opinion, that the preservation of the Canadas, however great the advantages which may be derived from them, are of *vital* importance to the mother country. But of whatever consequence they may be, it might be reasonably doubted whether exciting the savages to war in our defence would be justifiable. During the late war, the greater part of the Indian nations were fighting their own battles, and prosecuting hostilities of earlier date than those between Great Britain and the United States. They were not involved in war

by our policy, but being already engaged in it, might indeed have been led to greater efforts and longer perseverance, when they found that the English were forced into the contest. The English did not merit the imputation of *inducing* savage tribes to arm themselves for the commission of barbarities against their christian brethren. Such a course would be neither consistent with the dignity nor the principles of humanity for which the nation is distinguished.

The friendship of the Indians which an enlightened and a virtuous race ought rather to desire, with a view of conferring than of receiving advantages, would be far more beneficial to us, and much more likely to be preserved and increased, were the intercourse which is permitted with them, conducted on principles of honesty and justice. From the manner in which the trade of the North West Company is carried on, the natives are subjected to continual and grievous oppressions and cruelties, and their race is menaced with speedy extinction,

Their attachment to us might be rendered inalienable, were the government to prevent the continuance of the injuries they have suffered, and to take into its own hands the possessions its unauthorised subjects have assumed.

The North West Company, in consequence of being charg-

ed with the highest crimes, which human depravity ever perpetrated, have endeavored to recriminate upon their accusers. That the guilty should make an open acknowledgment of their crimes, is not to be expected. That those who are unable to offer any justification of their conduct should have recourse to recrimination, with a view to diminish the indignation felt against themselves, by showing that others were involved, in an equality of crime, is not surprising. But to expect that in this instance, recrimination could avail them; where the acts on the one side, have been committed under the authority and in the support of Chartered rights, and have at the utmost amounted to little more than civil trespasses, and where on the other side, recourse has been had to violence in the furtherance of illegal practices, and have extended to the premeditated destruction of an English Colony, and the murder and massacre of fellow subjects; would be preposterous in the extreme.

With a similar view of prepossessing the public with an idea of equality in their respective situations, the Partners of the North West Company have accustom'd themselves to the terms of "*rivals*," and "*rival companies*," in their discussions respecting their own lawless association and the Hudson's Bay Company. It is not surprising that the arrogance of a set of men, rising criminally to sudden influence,

should be gratified at the supposition of rivalry with a company which has so long existed under the sanction of the laws, and which has often been the subject of particular stipulations in our treaties with foreign powers. But that they should imagine, they could impose upon the public the belief of their being rivals, could not fail to excite astonishment. Equal or mutual rights or claims must be understood to be included in the meaning of rivalry. But here the rights are all on one side, and unfortunately all the *irreparable* wrongs have been endured by those in whom the rights are vested. Buonaparte might, with as much propriety have called himself the rival of his Majesty, in his right to Hanover, as the members of this recent and criminal association can style themselves the rivals of the ancient and chartered body, whom they endeavor to expel from their own territories. The numerous and atrocious murders of the North West Company, contrasted with the long and patient forbearance of the Hudson's Bay Company, could not be more dissimilar, than the long line of just and sanctioned pretensions on the one side, and the total absence of legal claims on the other.

We have dwelt here at sufficient length to give a general view, the only one our limits will permit, of the character and policy of the North West Company; which, whether it

be considered in relation to the criminality of its proceedings, or the wide range of country over which it extends, or the unauthorized sovereignty which it has assumed, has never had a parallel in the British dominions ; and blending inconsistencies, combines the ferocity and ambition of a military despotism, with the meanness and jealousy of the petty trader. The intercourse of the North West Company with the Indians is not indeed entitled to the appellation of a trade ; but, under the semblance and disguise of commerce, is an organized system of rapine, and a conspiracy against all other British subjects, carried on by the daily repetition of robbery, and the occasional intervention of murder, whenever the interests of the concern appear to require it. (\*)

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\* For more minute information on this subject, see the sketch of the Canadian Fur Trade by the EARL OF SELKIRK.

**W**E have now arrived at the last subject of which these pages were intended to treat. It remains for us to give a succinct account of the establishment, progress, and destruction of the colony at Red River.

But it may not be improper, previously to notice an objection which has been raised against the establishment of the Colony, on the score of *humanity*. The old and worn out topic of the cruelty which the Indians suffer from the cultivation of their lands, has been brought forward anew, and has been urged with unusual warmth.

A moment's reflection would show, that whatever influence such a suggestion might possess, if America were a newly discovered country, which it was determined to preserve in primitive wildness, as the sacred and inviolable possession of its wandering aborigines, would, under the present circumstances of the continent, be entirely lost. The rights of those aborigines having been from the beginning overlooked, it has now become too late to prevent the population of America from exceeding the limited numbers of the race by which it was originally inhabited. It can be no longer possi-

ble that countries in America, eminently adapted for improvement and susceptible of cultivation, should be perpetually kept desolate and waste, to gratify the unsocial character of the sons of the desert. And were it even possible it might be reasonably doubted whether it would be consistent with the general interest of mankind, to which that of the few natives ought of course to give way, that so large and fertile a portion of this fair globe should continue unimproved. It may, perhaps, be possible for the enemies of English enterprize to deter the inhabitants of the British Isles, from attempting to colonize any new and fruitful tracts of country; and it may, therefore, become a question, whether any particular territory is to be peopled by the English, Scotch, or Irish, or by their enemies. But it can be no longer a question, whether America shall be the habitation of the civilized or the savage. It can be no longer a question, whether the same territory, which formerly afforded only a scanty subsistence for a few thousands, shall hereafter supply millions with abundance; for these are changes which the present situation of America renders inevitable; and these changes would not be so abruptly introduced, or so greatly accelerated by the colonization of a portion of the Hudson's Bay territories, as to occasion distress to the Indians. Many years would elapse before the lands set off for farms, could occasion any sensible diminution of the territory over which they

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have been accustomed to rove. As it is, they are subjected to the continued injuries and tyranny of the North West Company, and the establishment of a Colony, to whose laws they could resort for protection, would relieve their distress, and secure them from oppression. They themselves would be partially incorporated with the race who came amongst them, and would learn to value and enjoy the advantages of a more improved situation.

The character of those by whom the cultivation of the lands at Red River has been held up as a cruelty, shows, that the pretence of benevolence is used to conceal motives in which humanity has no place. If the Indians themselves were inimical to the settlement, it would at least afford a pretext for the complaints of their pretended friends in the North West Company. But such is not the case, for the Indians have shewn every disposition to favor and encourage the settlers. The humanity of the North West Company, has, however, induced them to express the highest dissatisfaction at the progress of improvement amongst a people to whom improvement gives pleasure. Some of the members of the Council in Canada, are unhappily for the interests of justice, partners in the North West Company. Their opinions from their station in society, and from their supposed knowledge, must, necessarily, possess great influence with  
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their inferior partners. Their humanity has induced the former to declare, that they should be justifiable to their country and their consciences in advising the Indians to drive away their fellow subjects from the lands they were cultivating, and to use force, if they could not otherwise be removed.

The humanity of the inferior associates, improving upon the benevolence of their superiors, has prompted them to make repeated but fruitless attempts, to prevail on the Indians to make war upon the settlement at Red River. But let us not anticipate occurrences to which in the course of the succeeding narrative we shall have occasion to advert.

We have already seen, that by the Royal Charter, the right of establishing colonies, of appointing their Governors and Officers, and of providing men and means for their defence, was vested in the Hudson's Bay Company.

The establishment of a colony in the interior of their territories, had long been an object which the welfare, if not the existence of the company required. This object seemed equally desirable from a regard to the interests of justice and humanity in that country, and from the prospect it afforded of conferring advantages upon those who might be selected for the immediate settlers. The advantage of the latter would be amply secured by providing with farms, from

whence an easy and comfortable subsistence might be derived, such persons, as in their native land, had no other prospect than that of sinking into hopeless poverty, and were not possessed of the means of migrating into another country. The interests of justice and humanity would be answered by the introduction of law, order, and religion, the constant concomitants of a regular and proper system of colonization, into a country where oppression, violence, and fraud, had been continually exercised, in the intercourse between the natives and the traders. To this anticipated introduction of law, and order into the country, may be in part attributed the hostility, manifested by the North West Company against this colony, from the time it was first projected. An agricultural settlement, such as was contemplated, would have interfered with the views of the North West Company in those countries, by preventing the commission, and by facilitating the detection and punishment of frauds or crimes, and by substituting habits of sobriety and regular industry in the stead of the savage and licentious manners which had before prevailed. It would have lessened the tyrannical controul of the North West Company over their engagés, and have destroyed their degrading speculation upon the vices of their servants. The merchandize sold in the country could no longer have produced many hundred per cent above the original cost, but would have been reduced

more nearly to a level with its actual value. Many articles supplied through Canada would have been raised on the spot, and other articles could have been brought direct from England through Hudson's Bay, at one third part of the price it would require to convey them thither through the circuitous route of the Canadas, or through the United States. It is well ascertained that the conveyance of goods through Hudson's Bay to the Red River settlement, is not more expensive than the conveyance of goods from England to York in Upper Canada. These circumstances explain clearly the causes of the hatred and misrepresentations of the North West Partners in Canada, against the settlement. Had the settlement flourished, their system of rapine must have ceased, and their conspiracy to exclude their Canadian fellow subjects from the country, would have been ineffectual. Whatever increase of European merchandize the country in its improved state could have consumed, must of necessity, have been transported thither directly from England; because the transport of those commodities by any other route, must be always more expensive than through Hudson's Bay, notwithstanding every improvement of communication that could take place from Canada or the United States.

But to found a flourishing settlement, in a country so far removed from any civilized establishments, however great

its natural advantages, the company must have considered, would require a thorough knowledge of the subject of colonization, together with great exertions and sacrifices of time and fortune. The establishment of colonies has, in every age of the world, been deemed a title to distinction, and their founders have been deservedly ranked amongst the benefactors of mankind. Yet, to discover a person of ability, competent to conduct the plan, of influence and fortune adequate to its advancement, and of philanthropy sufficient to make the exertions and sacrifices it required, might still have remained a task of difficulty. An offer on the part of the Earl of Selkirk, a nobleman, whose writings had corrected many prevailing errors on the subject of emigration, fixed their views on himself. His pursuits had long evinced a benevolent and patriotic desire of extending British laws, and civilization, to countries where these blessings had been hitherto unknown. To his Lordship, therefore, on conditions of speedy settlement, the company made a grant of a tract of land in a country, whose climate, promised health and enjoyment, and whose soil offered an abundant recompense to the industry of the husbandman; a country where no marshes called for the hand of toil to drain, nor forests required the exertion of labour to level or remove them; a country to whose cultivation and improvement, no obstacle could be anticipated, except such as the lawless hand of vio-

lence might oppose ; an obstacle which his Lordship's ignorance of the character of the North West Company did not then lead him to apprehend. It has been ridiculously alledged, that his Lordship had on this occasion an encrease of fortune in view. Supposing this to have been the case, there could surely have been no mode of acquiring wealth more noble, than that by which at the same time the bounds of the empire might be enlarged, and the influence of its laws, language, and civilization, extended. But any man must be profoundly ignorant on the subject of new settlements, who could suppose, that the person incurring the expence of transporting colonists to an immense distance, and of establishing among them a regular administration of government and laws, could expect to realize, during his own life, any advantages from such an undertaking. The advantages, if any could be attainable, must be obtained, not for the person making the sacrifices, and incurring the expences, but for his successors in distant generations. The benefits which to the community and to the subordinate characters concerned in such settlements, might be actual, certain, and immediate, to the founder of them, could be only distant, uncertain, and prospective.

With views, therefore, more directed to general and public utility, than to private and personal advantage, his lordship undertook to found a colony in that country.

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From the time this intention became known, no pains nor misrepresentations were spared by persons associated with the North West Company, to prejudice the public mind against it. The papers teemed with falsehoods, representing the country as cold or barren, as a dreary waste, or interminable forest, unfit for the habitation of man, and unsusceptible of improvement. The credence given to these falsehoods, which were very widely and industriously disseminated, it required some time and some labor to remove; but all belief in them was at length destroyed by the contrary and concurring testimony of numbers, who had resided in the country. To these first falsehoods, were then substituted expressions of feigned alarm respecting the unfriendly dispositions of the native Indians; and lamentations of affected sympathy and humanity were published on account of the injuries and slaughters to which the North West Company predicted the colonists would be exposed from the savages. But these predictions of hostility on the part of the native Indians, had been previously ascertained to be as unfounded, as the former representations regarding the climate and country. The native Indians always professed sincere attachment. They maintained to the last the most friendly intercourse with the settlers, and often expressed pleasure at the prospect of seeing that fruitful and delightful country, instead of wasting its luxuriance in the production of grass

and weeds, the food only of brutes, abounding in rich and varied harvests for the consumption of man. (\*)

Could it indeed have been credited, that after having so long manifested attachment to the British Government, their sentiments should have been so suddenly changed to hostility, unless through the instigation of persons who considered it their interest to mislead them. These North West forebodings might, however, be looked upon as anticipations of crimes in contemplation: as notices of bloodshed and murder not meditated by the Indians, but by others. Altho' in appearance mere predictions, they were considered as in effect real menaces, and were not therefore allowed to pass without animadversion. Remarks were in consequence published at the time, importing, "that the claim of these writers to the character of prophets, was as yet unknown. That since the days of miracles and saints, it had been observed, that prophets were but of two classes, one of which derived its light and credit from fancied and ideal inspiration, and was often mistaken; while the other class obtained its more authentic information from its own determinations,

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(\*) The Indians in two or three years had begun to erect dwellings in the neighborhood; procured hoes and other instruments of agriculture from the settlement, and requested that a petition might be drawn to the Roman Catholic Bishop at Quebec, to send a priest to instruct them in the truths of christianity. The petition was drawn, but the massacres which ensued prevented its being sent.

“ and was seldom wrong, because they predicted only what  
 “ they possessed the power and the inclination to accomplish.  
 “ That these writers, or their employers, for aught that  
 “ could be known, might belong to this latter class of pro-  
 “ phets, and possess, with others, the power to cause the  
 “ infliction of the evil which they seemed to deprecate.  
 “ But that if the colony should at last fall a sacrifice to the  
 “ malice and treachery of its unprincipled enemies, the mo-  
 “ ther country would possess every means of obtaining infor-  
 “ mation, and would not be duped by any hollow pretences  
 “ of humanity, nor misled by any artifices of deceit. And  
 “ that whatever agents might be the instruments, whatever  
 “ hands might execute, their prompters and instigators  
 “ would not long remain concealed, or escape unpunished.”

One occurrence supposed in the preceding quotation  
 has taken place; the Colony has fallen a sacrifice to the  
 malice of its enemies. Whether another supposed occur-  
 rence will also take place; that is, whether the mother  
 country will use any endeavours to discover and punish the  
 instigators and perpetrators of the destruction of the colony,  
 yet remains to be seen.

In the year 1812, the settlement at Red River was com-  
 menced, in compliance with the conditions of the grant from  
 the Hudson's Bay Company to the Earl of Selkirk. Miles

McDonnell,

McDonnell, Esqr. formerly a Captain in the Queen's Rangers, a gentleman of unquestionable character, was selected to conduct the undertaking, and was at the same time appointed governor of the district, under the authority conferred by the charter of the company.

Until the ground could be prepared, and a crop produced, it became necessary for the governor to provide for the subsistence of the colony from the stores with which the country, even in its uncultivated state, abounded. The rivers swarmed with fish, and the plains were covered with herds of Buffalo and other wild cattle. The colonists gratified at the appearance of the country, and apprehending no danger of want before they should be able to obtain the necessaries of life from the cultivation of the soil, wrote the most flattering accounts of the country to their friends in Scotland, and advised and invited them to follow. (a) All things were going

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(a) About the close of the year 1813, the governor of the district conceived from the number of additional settlers who were expected in the ensuing year, that it would be prudent for him to prohibit the exportation of provisions out of the district for some months; and in this opinion some officers of the Hudson's Bay Company concurred, altho' the measure could not but be productive of inconvenience to themselves. The Governor accordingly issued his proclamation to that effect. This prohibition was not partial, but general; it operated equally against the traders of the Hudson's Bay Company as against others: and was considered by the governor to be within his competency, and to be a measure which the necessities of the colony would require. In consequence of this prohibition

on as prosperously and satisfactorily at the settlement, as could reasonably have been anticipated, notwithstanding the unexpected failure of some of the seed grain, and other seeds, which had been injured by the transportation, and new emigrants had arrived and were arriving, when the plans of the North West Company in the autumn of 1814, were called into operation.

The intentions of that company, who were in possession of a fort erected by themselves, without any right, or even pretence of title, in the vicinity of the colony, are sufficiently explained by a letter from Alexander M'Donnell, one of the partners of the North West Company, dated the 5th August, 1814, addressed to a brother-in-law of the Honorable William McGillivray, another of the partners, residing in Montreal, in which the former says, " You see myself and our mutual  
 " friend, Mr. Cameron, so far on our way to commence open  
 " hostilities

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tion or embargo, some hundred bags of Pemican (a preparation from Buffalo meat, and the principal subsistence of the inhabitants of the country) which belonged to the North West Company and others, were stopped from proceeding, and were taken into the custody of Mr. Spencer, the sheriff of the district. But upon a representation of the extreme inconvenience which the proprietors of the Pemican would suffer, the principal part of it was ordered to be restored to them, and acknowledgements given for the remainder. It was this act of authority, that the North West Company pretended afterwards to construe into a felony, and over which North West Justices of the Peace presumed afterwards to exercise cognizance, in issuing warrants for the apprehension of the Governor and Sheriff.

"hostilities against the enemy in Red River. Much is ex-  
 " expected from us, if we believe some, perhaps too much.  
 " One thing certain, that we will do our best to defend what  
 " we consider our rights in the interior. Something seri us  
 " 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 effected,  
 " So here is at them with all my heart and energy."

Could it be necessary for these people to commence hos-  
 tilities against the Colony, if as had been repeatedly alledg-  
 ed, the country was incapable of yielding support to the set-  
 tlers, or if the hostile disposition of the native Indians had  
 determined them to destroy the settlement? What imperi-  
 ous duty rendered it requisite for the North West Company  
 to anticipate the progress of famine, or of enemies, in des-  
 troying the colonists, or induced that Company prematurely  
 to relieve the settlers from impending evils, by taking upon  
 themselves the humane task of butchering and expelling  
 them? The manner in which Alex. McDonnell, the writer  
 of the above cited letter, expresses himself, can leave no  
 doubt, that as early as the month of August, 1814, a settled  
 plan had been formed, upon which he and his associates act-  
 ed during the ensuing winter and spring; and as the date of  
 this letter is immediately after the period of the general

meeting, which the partners of the North West Company annually hold at Fort William, near Lake Superior, for the purpose of concerting their arrangements amongst themselves, and with their agents from Montreal, there can be no doubt that Messrs. Cameron and McDonnell had then received their sanction for the measures they intended to adopt.

A further confirmation of the sanction and approbation given by the other partners to the intended destruction of the settlement may be derived from the circumstance, that about the month of November, 1814, a gentleman received information at Montreal, from a brother of two of the partners of the house of McTavish, McGillivrays, & Co. which forms a guiding and directing part of the North West Company, that it was the intention of the company to seduce away as many of the servants and colonists as they could induce to join them, and to raise, if they could, the Indians of Lac Rouge, and other places, to destroy the settlement; and that it was also their intention to bring the Governor, Miles McDonnell down to Montreal as a prisoner, by way of degrading the authority under which the colony was established in the eyes of the natives. This gentleman was struck with horror at the communications made to him, and from motives

of humanity, gave an intimation of them to an agent of the Hudson's Bay Company then at Montreal. In consequence, a person was sent forward from Montreal to the Settlement, to apprize the settlers of their apprehended danger : but from the advanced season of the year, and the necessity he was under of taking long and circuitous routes for the purpose of avoiding the posts and servants of the North West Company, he did not reach Red River until the following Spring. He had then the mortification to find that a part of the projected crimes of that Company had already been committed, and that he had arrived too late for his information to prevent their measure being filed, by the complete "downfall" of the colony.

Previously to the departure of Messrs. Cameron and Mac-Donnell, from Fort William for Red River they were provided with British military uniforms. A military coat with two epaulets, the cast-off uniform of a Major, which had previously decorated the person of A. N. M'Leod, now added dignity to that of Mr. Cameron ; and oaths were administered to the engagés who were to go under his orders. It is not usual for any association of Traders to require oaths of allegiance to be taken by their servants. Where their objects are not criminal, oaths would be superfluous, and where they are, would be adding sacrilege to crime. On this occasion

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the oaths were administered in the Mess Room of Fort William, in the presence of Messrs. Cameron and McDonnell, Mr. McLeod, and other partners. The engagés were informed, that their oaths imported, that they were to be faithful to the king, and to obey all the orders which might be given them by their Commander Mr. Cameron, for the defence of the interests of the North West. This was probably the first time that his Majesty and Mr. Cameron had ever been associated together when oaths were administered. The engagés were then likewise informed, that by taking the oaths they would be exempted from punishment for any acts they should commit in obedience to their employers on whom alone the responsibility for offences would rest. One of the engagés present, who had been appointed one of the guides to convey the party to Red River, when it came to his turn to take the oaths, courageously told Mr. McLeod, "that he did not know by what laws they were acting, that he did not believe there were two sets of laws for his Majesty's subjects; that he saw plainly they wanted him to go to war, but that if he must fight he would go to Montreal to learn who were the enemies of the King and fight against them, but not against his fellow subjects. That he would do his duty to the North West Company as their servant, but would not bind his conscience by any oath to obey them." The conduct of this engagé was highly

laudable,

laudable, and what entitles him to further praise on this occasion, he was of that race so often duped to become the instruments of the crimes of the North West Company, 'a bois brûlé.' McLeod endeavored to reason the bois brûlé out of his scruples, and to influence him by promises of advancement in the North West Service, but the unbending integrity of this person was not to be wrought upon: and McLeod finding him inflexible, drove him with blows and insult out of the Mess Room. He was not afterwards permitted to go with the party as guide, but was detained at Fort William as a punishment, altho' he had a family beyond Red River. Messrs. Cameron and McDonnell with another person who had been appointed guide in his stead and their engagés, proceeded to the scene of action.

On arriving at the North West Fort, called Fort Gibraltar, within about a mile of the Red-River Settlement, Duncan Cameron assumed the style and title of Captain commanding at Red River, pretending that government had conferred that appointment upon him, and on various occasions issued what might be styled proclamations in that character. He induced the poor and ignorant people in the country to give ready credit to his assumed authority, not merely by his assurances that he was invested with this new dignity, but by appearing in the military costume he had received from A. N.

McLeod,

McLeod, with which he occasionally rode through the country accompanied by Alexander McDonnell, also in uniform, and a numerous suite of the Clerks and half-breeds, and other servants of the North West Company on horseback. The first steps taken in furtherance of their hostile intentions, were to create discontents amongst the worst disposed of the settlers, to excite in them a contempt of the authority of their superiors, the officers of the colony, and to alarm them with accounts of danger to be apprehended from the native Indians. To these representations succeeded promises of reward to several, if they would act against the settlement; and to all other inducements were added romantic descriptions of advantage to be obtained from settling in Canada, to which province they were promised a conveyance in the N. W. Canoes, and a grant or gift of lands on their arrival, together with cattle to stock their farms. Mr. Spencer, the Sheriff, a most valuable officer to the settlement, was taken prisoner, under a warrant from a North West partner, pretexting as a criminal offence, the detention of the Pemican before mentioned, and was after being long detained, sent some thousand miles to Montreal.

During the interval between the autumn of 1814 and the spring of 1815, several of the settlers were seduced, tutored, and prepared for the commission of crimes. A number of

the *bois brûlés*, or illegitimate children of the North West partners, and servants were during the same period kept, paraded, and exercised in arms, under the immediate inspection of Duncan Cameron. After these preparatory measures had been taken, it was thought that deeds of greater daring might be executed with safety.

The disaffected settlers were, therefore, during a temporary absence of the greater part of those who continued faithful to their duty, incited to rob and pillage the fort belonging to the settlement, of the cannon sent out for its defence, from the Board of Ordnance ; they placed armed centinels at different doors to prevent opposition, while a part of the *bois brûlés*, and servants of the North West Company, under the command of Cameron, were stationed in arms within the distance of a few hundred feet, for the purpose of giving support to the plunderers in case their force should be insufficient. Nine pieces of artillery were thus taken from the settlement, and delivered to the North West party in waiting, who received them with shouts and triumph and conveyed them to their head-quarters, the North West fort in the neighbourhood. Cameron, the *Captain commanding*, gave a ball and entertainment the following evening in celebration of this achievement to the parties engaged. The muskets which had been received from the Board of Ordnance, and

had been distributed to the colonists, as militia men, were also taken from them as often as opportunity offered, or when in the possession of those who assisted the North West Company, were purchased from them at a less price, than is commonly paid to the receivers of stolen goods.

A camp was afterwards established at a place called Frog Plain, at about four miles distance below the settlement, by the servants and partizans of the North West Company, under the command of Alexander McDonnell, another of the partners, for the purpose of co-operating with Cameron. In June, 1815, after the colony had been thus deprived of the means of defence, and was in some measure surrounded by its enemies, the whole force of Mr. Cameron's fort, consisting of bois brulés, servants, and Clerks of the North West Company, sallied forth to make a combined attack on the settlement. They kept up a continued fire of musketry for some time on the governor's house and adjacent buildings; but fortunately in this attack only four persons belonging to the settlement were wounded, one of whom died shortly after of his wounds. In a few days after this attack, the men encamped at Frog Plain, received orders to march to the settlement, where they erected a battery against the building, called the government house, on which they planted a part of the cannon, which they had previously taken from the settlement;

settlement ; and balls were forged at the North West Fort, for the avowed purpose of battering down the colonial buildings. In conclusion, after a series of attacks and atrocities on the part of the North West Company, the Governor Miles McDonnell, surrendered himself as a prisoner, and was afterwards sent to Montreal, under a warrant from a partner of the North West Company, for having prohibited the exportation of provisions, and detained the Pemican, as has been before related.

According to the code of laws enforced by the military Sovereigns of the North West Country, it would seem established, that a Governor of a territory might be deposed and torn from the seat of his authority by an interested party acting as justice of the Peace, and sent any distance to take his trial for any offence the interested Magistrate might find it convenient to impute to him. It has been indeed alledged that Miles McDonnell, had, in fact, gone beyond his legal powers in declaring an Embargo, and causing any Pemican or provisions to be detained for the use of his colony. It has also been alledged, that he had omitted some of the formalities prescribed by law to be observed by persons appointed to the station in which he acted. But, if it were conceded, that there was any foundation on which these allegations could rest, his conduct even in that case could not

be considered criminal or felonious. He was acting under a commission issued in virtue of authority, originally emanating from his Majesty : he was *de facto* acting as Governor under this commission. If he exceeded his powers in causing provisions to be detained for the use of the colony, his offence at the utmost could have amounted only to a civil trespass. No North West Magistrate had a right to cause his arrest by construing this act into a crime.

It has been alledged on the part of the North West Company, that it was for the Hudson's Bay Company, and not for themselves, to have brought forward the question of the jurisdiction of the Hudson's Bay Company. But this would have been such a course as was never before heard of. It would have been an inversion hitherto without example of the common order of proceeding ; and a moments reflection would convince every person of ordinary information, that such a procedure would be as preposterous as it would be novel.

It is for those who are vested with jurisdiction under royal authority, to exercise it ; if they go beyond their legal powers, it is for those aggrieved to bring forward the question of jurisdiction. And those aggrieved have a plain course to obtain redress (without violent measures, or taking justice into their own hands) by a petition to the privy council, the proper tribunal for all questions of interfering or contested jurisdiction.

jurisdiction, and of course, competent to grant redress for the act of any person holding or appearing to hold authority under government.

This course the North West Company did not choose to take, and no reason can be assigned, except that they did not wish to bring the question to issue.

On the other hand, the Hudson's Bay Company had no such opportunities of obtaining redress for the injuries done to them; because these injuries were effected by private individuals having no claim to authority; whose conduct, however lawless or violent, did not form a fit subject for the cognizance of the privy council or of any tribunal in England, or, in fact of any tribunal, except those of the country itself. They had, therefore, no choice, but to enforce the jurisdiction conferred on them by Charter, or to submit to the injury:—Even the act of the 43d, Geo. III. if applicable to the Hudson's Bay Territories, could not enable them to bring to trial a question of civil damages.

Under these circumstances, the object of the North West Company in causing Miles McDonnell to be taken prisoner, instead of seeking redress from authority competent to repress any abuse of power of which he might have been guilty, would have been apparent, even if the information received at

Montreal

Montreal about the month of November, 1814, had not been given. That information as has been already stated, imported their determination to destroy the colony, and to degrade the authority under which it was established in the eyes of the natives, by taking the Governor down to Montreal as a prisoner. With this view alone, was the person of Miles McDonnell illegally seized, and not with any expectation of bringing him to punishment for a felony, of which his captors knew he had not been guilty.

Their intentions were carried into perfect execution subsequently to the capture of the Governor; for after his departure, the colonists who remained faithful to their duty, were again attacked, fired upon in their houses, and at length expelled by the servants of the North West Company; their cattle brought from Europe, were slaughtered, the mill and other expensive works belonging to the settlement were destroyed, and all its habitations burnt to the ground. In their retreat, the colonists were assisted and protected by the native Indians, who expressed sincere sorrow for their departure, and for the cruelty with which they had been treated. Those of the settlers who had joined the North West Company, were taken in the canoes of the latter to Fort William, and thence to Upper Canada. The most criminal of the colonists who had joined them, were treated, while at Fort

William,

William, with high distinction, and the one who had been the leader in capturing and delivering the cannon of the settlement to the North West Company, received, besides gratitude and praises, a more substantial reward of a hundred pounds in money.

Thus, what the North West Partner had stated in his letter of the 5th of Aug. 1814, to be a most desirable object, and to be effected by fair or foul means, viz. "the complete downfall of the colony," was in the spring of the year 1815, perfectly accomplished. At the next meeting of the partners at Fort William in the summer of 1815, the letter writer, and his coadjutor, viz. Messrs. McDonnell & Cameron, were treated with unusual distinction, and received the praises of their associates for all they had done. They were sent back to command at the same posts as in the preceding year. Whoever considers the regular system of subordination and dependence established in the North West Company; whoever reflects that at the annual general meeting at Fort William, the conduct of each partner at his post is canvassed, his merits weighed, and the due meed of censure or applause, according to his supposed deserts is conferred upon him; and that if his conduct be approved, he is reinstated in his commands, or if disapproved, others are substituted in his stead; would see as clearly

clearly in the return of these individuals to their former posts, the expression of the general approbation and concurrence of the other partners in their conduct, as if it had been given in the most explicit terms. But it is not by inferences alone, however just and convincing to every impartial understanding, that their participation in the guilt of their associates may be shewn. It is rendered equally clear by facts. The information given at Montreal in the fall of 1814, before stated, in consequence of which a messenger was sent to Red River to apprise the settlers of their danger (information nearly to the same purport as that contained in the letter of Alexander McDonnell before quoted) would alone be sufficient to establish it. And when to all other circumstances are added the rewards which were liberally distributed to the perpetrators of the crimes we have related, rewards of which, books of account that have been deposited in the hands of the house of McTavish, McGillivrays, & Co. contain statements,—the light of conviction must flash upon the minds of the most incredulous.

It was about the middle of September, that Messrs Cameron and McDonnell, after surfeiting upon the thanks and encomiums of their associates, during their annual visit to Fort William, for the services, which by their zeal and ability in the destruction of the colonies, they had rendered

to the sovereignty of the North West, returned to their former posts, where new scenes awaited them.

For in the autumn of 1815, the colonists who had been driven off, unexpectedly returned with an accession of numbers, and resumed the occupation of their fields at Red River. They reached their possessions in time to secure a very abundant harvest, the produce of what had been sown previous to their expulsion. The accession to their numbers was composed partly of new emigrants from Scotland, and partly of inhabitants from Canada, under the conduct of Colin Robertson, a gentleman in the service of the Hudson's Bay Company. Some time afterwards, Robert Semple, Esqr. who had been appointed Governor over the whole of the Hudson's Bay territories, arrived at Red River.

It was now felt by the partners of the North West Company, that a more vigorous effort than the former, would alone enable them to destroy the renovated settlement. To excite disaffection and sow dissensions by intrigues and falsehoods, was no longer practicable, for their intentions and characters were known, and the ill disposed amongst the colonists who might have given assistance, had been withdrawn from the country in the canoes of the North West Company after the first destruction of the Colony; and at a time when

the re-appearance of the other settlers was not probably contemplated.

The conduct and character of Governor Semple, was such as to obtain confidence and to conciliate affection. (\*)

The exertion of superior and physical strength was in consequence, all that could be relied on, or that could give any promise of success to the plans of the North West Company.

An unusual force was, therefore, early in the spring, 1816, collected at the *North West Fort* on the river Qui Appelle, in the *Hudson's Bay Territories*, under the command of Alexander McDonnell, whom we have so often mentioned. To form this force, requisitions had been made upon various forts of the North West Company to a very great distance, as far as Fort Cumberland or Cumberland House, and the upper Saskatchewan or Fort des Prairies, all of which had contributed their quotas.

The Commander at Fort Cumberland, was John Duncan Campbell, a partner in the North West Company. After the month of January, 1816, he often exhibited to the bois brulés and Canadian engagés at his Fort, the letters which

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(\*) The name of this gentleman accompanied with high eulogiums, may be found in the pages of the *Edinburgh Review*: a work amongst whose imputed defects, we do not remember to have seen numbered "the praise of the undeserving."

he received from Alexander McDonnell of Qui Appelle, from Allen McDonnell of Fort Alexander, from John McDonnell of La Riviere du Cygne, and other partners of the Company, in which the writers informed him of their plans to make war upon the colony, and desired his co-operation in sending forward a part of his force to assist them. Campbell, in consequence, some time previous to the period fixed for the junction of their respective levies, directed a part of the men under his command, to go to the general rendezvous at Qui Appelle, for the purpose, as he expressed it, "de faire la guerre aux Anglois," of making war upon the English. (\*)

One of the bois brulés refused to go, as the object of the expedition was to raise their hands against the lives of their fellow subjects. He was then told by Campbell, "that the North West Company always protected those who acted in its support. That it was well known, that many had been guilty of crimes to advance the interests of the Company, but that not one of them had ever been brought to justice. That as the North West Company had before protected, so it would continue to protect those who gave

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(\*) "The English" is the appellation bestowed by the North West Company, upon the servants of the Hudson's Bay Company, and the colonists at Red River as a term of reproach. Do the North West Company forget that they are almost all of the same race? Or are they unwilling by any claim of descent or connection, to disgrace the stock from whence they sprung?

“ it assistance or acted under its command.” The bois  
brulé still persisted in his refusal. A small party, however,  
consisting of seven bois brûlés and two Canadians, were in-  
duced to march to the place of rendezvous, altho' some shed  
tears at the prospect of the dangers that awaited them.  
When this party were about to set forward, Campbell made  
them a speech, which a person present has stated to have  
been as nearly as he could recollect in the following words :

“ Tenez, vous êtes des Jeunes Gens et n'avez jamais été à  
“ aucune affaire pareille ; prenez garde de vous laisser sur-  
“ prendre ; tâchez de bien écouter ceux qui vous commande-  
“ ront ; et si vous venez à vous battre, commencez par les  
“ principaux qui sont en tête. J'ai toujours entendu dire  
“ qu'en guerre, que lorsque les commandants sont tués, et  
“ qu'il n'y a que les soldats qui restent, que la victoire étoit  
“ gagé. Et quand vous aurez fait l'affaire des comman-  
“ dants, vous viendrez facilement au bout du reste ; car, il  
“ faut absolument que nous ayons le Gouverneur et Mon'sr.  
“ Robertson, ou leurs têtes. Si vous ne pouvez pas trouver  
“ une occasion de vous battre, vous pouvez retenir les An-  
“ glois de la Colonie, et les empêcher de sortir, jusqu'à ce  
“ que vous ayez le secours de vos bourgeois de Montréal,  
“ d'Athabaska, du Lac La Pluie, et d'autres endroits qui  
“ vous mettront en état de détruire la colonie.”—Which may  
be thus translated :—“ Attend, you are young, and have  
“ never

“never been engaged in a similar undertaking; take care  
 “that you be not caught napping; pay strict attention to  
 “the orders of your commanders; and if you come to an  
 “engagement, begin with those who are at the head. I have  
 “always heard that in war, when the commanders were  
 “killed and none but the soldiers were left, the victory was  
 “gained. And when you have settled the business for the  
 “commanders you will easily accomplish the rest;—for we  
 “must absolutely have the Governor and Mr. Robertson,  
 “or their heads. But if you find no opportunity of fighting,  
 “you can keep the *English* confined to the colony and pre-  
 “vent their going abroad until you have the assistance of  
 “your masters from Montreal, Athabaska, Lake La Pluie,  
 “and other places, who will put you in sufficient force to  
 “destroy the colony.” After this harangue in which the  
 duties they were to perform and the proper mode of perform-  
 ance were explained, the party proceeded to the rendezvous,  
 McDonnell's post at Qui Appelle.

The Hudson's Bay Company were in possession of a post  
 on the river Qui Appelle, in the vicinity of the North West  
 post at which Alexander McDonnell commanded. The Ri-  
 ver Qui Appelle, is one of the tributary streams of the Red  
 River. The post established on the Qui Appelle by the  
 Hudson's Bay Company was one of those usually denominated

ed provision Posts; at which large quantities of provisions were easily collected from the numerous herds of wild cattle which abound in the plains, and from whence they were sent down in boats to Red River for the use of the colony, as well as of the Hudson's Bay Company.

In April 1816, Governor Semple having heard from various sources, that the North West Company were collecting forces at Qui Appelle; and being apprehensive, lest they should prevent the provisions expected from that quarter from arriving at the settlement, sent off a gentleman of the name of Pambrun, formerly a lieutenant in the corps of Canadian Voltigeurs, with a letter of instructions and directions to proceed as far as the Hudson's Bay post at Qui Appelle, if he should consider it advisable. But as certain partners of the North West Company, high in office in the province of Lower Canada, have thought fit to represent this letter as directing acts of lawless aggression upon the North West Company, we cannot, in justice to the reputation of the dead, refrain from laying before our readers an exact copy of it, by which they may form a juster opinion of the intentions and conduct of the writer :

FORT DOUGLASS, 12th April, 1816.

MR. PAMBRUN,

SIR,

" Having received intelligence from various quarters, that the Agents of the North West Com-

" pany

pany intend attempting to interrupt our boats in their  
passage from Qui Appelle hither, you will proceed as  
soon as possible with the men whom Mr. Robertson will  
place under your orders to Brandon House. (\*) When  
there, you will concert with Mr. Peter Fidler, how far it  
may be advisable to proceed to Qui Appelle or remain at  
Brandon; in either case, however, the power of deciding  
will rest entirely with yourself.

It is my wish that you carefully avoid every act of hos-  
tility, until fully justified by the conduct of our enemies.  
The half-breeds having been ordered to assemble at the  
Fort at Qui Appelle, any acts of hostility committed by  
them must be considered as committed by immediate and  
authorised Agents of the North West Company, and re-  
pelled or retaliated accordingly. I trust, however, that  
your moderation and the cooler reflection of your oppo-  
nents, will prevent any serious disturbance taking place.  
Should I, however, be unfortunately mistaken, you will  
remember that the quarrels in which you have before tak-

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(\*) Brandon house is about half way between Red River and Qui Appelle.

" en part, may have been greatly more important, (\*) but

" could not be more just. I am, sir,

" yours sincerely,

" ROBERT SEMPLE."

Mr. Pambrun after reaching Brandon House, and after having communicated with Mr. Fidler, as he had been directed, considered it adviseable to go on, and accordingly proceeded to the Hudson's Bay post at Qui Appelle, at which Mr. James Sutherland commanded. Mr. Pambrun there received full confirmation of the great preparations the North West Company were making.

In the beginning of May following, Mr. Sutherland and Mr. Pambrun, with about twenty-two men and five boats, set off from Qui Appelle to convey the provisions and furs they had collected, to Red River. There were on-board the boats about six hundred bags of Pemican, twenty three packs of Furs, and above seven hundred Buffaloe Robes, besides other property.

The course of the River Qui Appelle is extremely circuitous, so that after the boats had proceeded nearly sixty miles according to the course of the river; they were still only about 12 miles by land from the place of embarkation. The

stream,

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(\*) Mr. Pambrun was an officer actively employed in the English Service during the late American War, and received the public thanks of his superiors for his conduct.

stream here was rapid, and the navigation rendered difficult by shoals. About the 12th of May, while they were embarrassed in getting through this part of the river, which was only about 50 feet wide, they were called upon to surrender, and threatened with instant death if they demurred, by a body of armed men who had previously concealed themselves, partly in holes dug into the bank, and partly behind a kind of breast work. This body consisted of about fifty bois brulés and Canadians, under the command of Cuthbert Grant, Thomas McKay, Roderick McKenzie, and Peter Pangman, Clerks and Interpreters, in the service of the North West Company. Resistance against so superior a force would have been unavailing, had the men in the boats been in a situation to have fought, but embarrassed as they were with the difficulties of the navigation, any resistance was impracticable.

Sutherland, Pambrun, and their men, were in consequence made prisoners, and with the property under their charge taken once more up the river to the North West Fort at Qui Appelle, in the vicinity of the post from whence they had first set out. There they saw Mr. Alexander McDonnell, the commander of the Fort, who informed them that it was by his order, that Grant and his associates had pursued, taken them prisoners and seized on their property; and de-

clared, " that it was justifiable in retaliation for Robertson's having lately taken possession of the North West Fort near the settlement at Red River." At the same time avowing his intention of again destroying the Colony. (\*)

The

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(\*) It may not be improper here, to explain the circumstance alluded to in the menace of the North West Partner. The North West Post called Fort Gibraltar, at the forks of the Red River (within a mile of the settlement) which had served as the head-quarters and asylum of the North West forces, that in 1815 had destroyed the colony, contained at the time of the unexpected return of the colonists, but a small number of men; as the greater part of those forces of the North West Company, which, during the spring of 1815 had been quartered there, were withdrawn after the first destruction of the colony. But as part of the arms of which the settlement had been deprived, still remained there, Colin Robertson, in virtue of a warrant, as we are informed, caused this fort to be entered and searched, in the month of September, 1815, and carried away such of the plundered arms as he could find.

The fort was left in the possession of the North West Company's servants, none of whom were molested. A notification was subsequently given, requiring after a certain time, that they should retire from the fort; a measure which the governor probably thought necessary, as well from its being situated in the Hudson's Bay territories, as from its having been the asylum of the forces which had before expelled the colony. The North West Company, however, remained in the quiet possession of the fort, until the month of March, 1816. During the interval between September and March, information had been received from different sources, that Duncan Cameron and others, were taking measures to obtain forces from various quarters, to attack the colonists and destroy the colony a second time. Affidavits were also made, that certain persons were conveying letters, containing an account of their hostile plans. In consequence, the bearers of the the letters were legally arrested, and upon their examination, full confirmation was obtained of the intended commission of new crimes. Cameron still commanded at Fort Gibraltar, and was arrested there in the month of March 1816, by Colin Robertson, under whose charge he was afterwards conducted to Hudson's Bay, for the

The law of nations has in some instances admitted of retaliation between Governments and States. But the practice of retaliation by the unauthorised subjects of Great Britain against other subjects possessing authority, it has been reserved for the North West Company to establish.

These principles probably owe their origin among the North West Partners to their considering themselves sovereigns, from the absolute dominion they have traitorously assumed and exercised over a vast extent of country, into which their original entrance was an offence against the laws, and of which their subsequent possession has been maintained only by violence and bloodshed. Retaliation, according to the North West acceptance of the word, does not mean, as in common language, an equal infliction. For if such were its signification, how could the destruction of a colony and the massacre of its inhabitants be the retaliation for an imputed trespass?

Mr Donnell

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the purpose of being sent from thence to England, where he will, no doubt, receive perfect justice at the hands of an impartial tribunal,

The North West Company's servants after the arrest of Cameron quitted the fort, but declined then removing certain packs of furs and other articles, of which an inventory was therefore made, and tendered to them. The Fort was afterwards taken to pieces, that it might not serve as a future asylum to destroyers of colonies, and hunters of men. Yet not until the conduct of the North West Company rendered it necessary as a measure of precaution in self defence.

McDonnell, however, was not satisfied with a single declaration of his determination to exterminate the colony, but expressed his intentions repeatedly and openly. His motives for thus publishing the plan he had in view, before its execution, and under circumstances which did not always absolutely require its open avowal, would seem to have been to familiarize his followers to his project, to inspire them with confidence in its success, and to reconcile them to the commission of the atrocities necessary for its accomplishment. Mr. Pambrun, was detained a prisoner at the North West Fort at Qui Appelle, for no imputed offence, without warrant, and without authority, until about the end of May, 1816, when all the expected levies of McDonnell had arrived. He was then directed to embark on board one of the boats provided for the conveyance of a part of the force to be employed in the war of extermination against the settlement, while the remainder of the force travelled on horseback, and escorted the boats along the river. These boats Alexander McDonnell caused to be loaded with the furs and provisions which he had taken about the 12th May from Mr. Pambrun and his associates, and then he himself embarked as Commander in Chief of the expedition. During the voyage, the Commander informed his followers, " that the business of the last year at Red River was a mere trifle " in comparison with what would take place there this year ;

" that

“ that the North West Company and bois brulés were  
 “ one and the same, that the bois brulés were his light  
 “ troops.”

When the expedition had arrived as far as the forks of  
 Ossiniboine River, they were met by a Chief of the Sautoux  
 nation of Indians with his band. To these, Alexander Mc-  
 Donnell made a speech, importing that “ the *English*,”  
 meaning the settlers at Red River, and the servants of the  
 Hudson’s Bay Company, “ were injuring the lands which  
 “ belonged to the Indians and bois-brulés only. That the  
 “ *English*, were driving away the Buffalo, and would render  
 “ the Indians poor and wretched ; but that the North West  
 “ Company would expel them, since the Indians did not  
 “ choose to do it. That in case of resistance, the ground  
 “ should be drenched with the blood of the settlers, and not  
 “ one should be spared. That the North West Company  
 “ did not need the assistance of the Indians to accomplish  
 “ their designs ; but yet, he would, nevertheless, be glad if  
 “ some of their young men would join him.”

The solicitations of the North West Company to obtain  
 the co-operation of the Indians in their attacks upon the Co-  
 lony, had been always ineffectual. (\*) And the natives

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(\*) In the month of July 1816, in a council held before the Indian de-  
 partment at Drummond’s Island, near Lake Superior, in the presence of  
 Eieut. Col. Maule, president, Lt. Col. McKay, superintendant of Indian  
 Affairs,

seem even to have been aware, that if they allowed themselves to be used as the instruments of crime, their employers would not have the candor to assume any portion of the guilt, but would in such a case endeavor to throw the entire infamy

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Affairs, John Askin, and others, a declaration was made by Katawabetay, an Indian Chief of Fond du Lac, importing that he had been solicited by some of the North West Company, to lead his nation to make war upon, and destroy the English Colony at Red River. That he had been offered all the goods in three of their stores as a reward, if he would undertake this service. That he had refused their offer, and declined taking arms against the colony, until he knew whether it would be satisfactory to the Indian department, and his Great Father on the other side of the great lake. That he was some months afterwards offered a bribe if he would cause bearers of dispatches to the colony to be intercepted by any of his people, and robbed of their papers, or murdered. That he had declined this service also. Evidence has since been procured which confirms the statements of this Indian Chief. The latter service, the robbery of the dispatches, which he declined, others were procured to perform in consequence of directions from A. N. McLeod and other partners. The North West Company have endeavored to compare this infamous and felonious transaction with the step taken by Governor Semple in the arrest of the letter carrier at Red River. And their usual felicity in establishing equal charges and equal claims between the rival companies has attended them here. The bearer of letters in Governor Semple's case, was legally arrested after evidence given, that the papers he carried contained plans of destruction, and recommendations of murder and crime: These letters were publicly and officially opened and examined, and their contents supported and proved the truth of the evidence which had been given. But in the present instance, no evidence was taken. The bearer of the dispatches from a peer to the Governor of the Hudson's Bay territories was not arrested, but directions were given by McLeod and others importing, that he should be robbed of his papers. He was in consequence beaten and robbed not of his papers only, but of other property also. The dispatches, thus feloniously obtained, were in conformity to the directions given, clandestinely conveyed to Fort William, and there opened, not in public, but in a secret conclave

infamy from themselves upon their auxiliaries; from the spirit which guided, upon the machine which only executed. A mode of procedure, which in the unsophisticated judgment of savages, would not seem perfectly consistent with the principles of justice.

As soon as the expedition under McDonnell had advanced to within a few miles of the Hudson's Bay Company's post at Brandon House, Cutbert Grant was detached from the main body at the head of about 25 men, with orders to take the fort, and plunder it of all the property it contained. A service which Grant effectually performed, by pillaging the post not only of the goods, provisions, and furs, belonging to the Hudson's Bay Company; but also of the articles of private property belonging to the individuals there, almost all of which, with the exception of the furs, were distributed as rewards amongst the servants of the North West Company, Canadians, as well as *bois brulés*, under the command of McDonnell.

After

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of the partners. They contained nothing but what was honorable to the character and humanity of the Earl of Selkirk and others, of whose letters they consisted. They remained at Fort William under the inspection of the *Honorable* William McGillivray, one of the partners, and a Member of His Majesty's Council for the Province of Lower Canada, and would never again have been seen or heard of, had not William McGillivray and his partners been arrested; after which, the place where the dispatches were secreted, in a closet in the Council Room at Fort William, was pointed out to the Earl of Selkirk by Daniel M'Kenzie, one of the partners.

After the achievement of this conquest, the expedition proceeded onwards. McDonnell divided his force into smaller bodies, over which Cuthbert Grant, Laserpe, Alexander Fraser, and Antoine Hoole, were appointed commanders, and one Seraphin Lamar, acted as second in command over the whole.

About the 16th of June, the expedition reached a place called Portages des Prairies, at the distance of about sixty miles from the Colony at Red River, the intended scene of hostile operations. They halted at Portage des Prairies nearly two days, during which time the bags of Pemican were brought ashore, and so arranged as to form a rampart, which was guarded by two brass swivels, part of the arms taken from the settlement the year before.

About the time they reached Portage des Prairies, an Indian arrived at the settlement, bringing intelligence of the expedition, and its proposed object. As soon as the Indians around the settlement heard of this, two of the Chiefs went to hold a council with the governor, saying they were come to take their father's advice, and requesting to know from him in what manner they were to act. They added that they were certain he would be attacked, and if their assistance should be wanted, they and their young men would be ready to defend him. Governor Semple only desired them

not to interfere. His motives would seem to have been in part, considerations of humanity to prevent the commission of cruelties by persons, over whose resentment, if he accepted their aid, he could not have possessed a perfect control; and in part a regard to his own character, which would have been liable to unjust aspersions, by using the arms of Indians against the subjects of his own country. Besides whatever representations might have been made to him, respecting the determination to expel the colony, he could never have contemplated the possibility of so barbarous and wanton a massacre as that in which he and his people were sacrificed. The next morning the Indian Chiefs came again, and told the governor they were afraid he would be driven away, and that in consequence they should be made miserable. They then requested him, lest such an event should happen, to give them ammunition to support their families during the summer. The governor replied, that he could not fear the people they represented as coming, but as nothing was certain in this life, he should order them a sufficiency of ammunition for their summer's support. How different was his conduct in rejecting the aid of Indian auxiliaries, where they voluntarily offered their assistance, and where it would have been lawful for him to have accepted it, from the treasonable conduct of the North West Company, in endeavouring to excite the Chief Katawabetay and others, to lead their nations to make war upon the Colony?

On the 18th of June, McDonnell the Commander in Chief detached a body of about 70 horsemen, under the orders of Grant, Laserpe, Fraser, Hoole, and Thomas M'Kay, with directions to attack the colony, and remained himself with the rest of his force, and all the property under his care, at the Portage des Prairies. Cuthbert Grant now assumed the chief command of this detachment, which was accompanied by two carts of provisions, and proceeded on horseback through the plains and meadows of this delightful region, (heretofore represented by the North West Company as incapable of affording subsistence) until about 5 o'clock in the afternoon of the 19th of June, when they reached the colony at Red River, henceforth deserving the name of the River of Blood.

Immediately on arriving at the first habitations, they commenced their operations by making prisoners of the settlers; when a man, stationed as a watchman on an elevated part of the fort or government house, called Fort Douglass, gave an intimation to the governor, of the approach of a body of men apparently in arms. The governor and some others then endeavored to reconnoitre them with a spy glass, and distinctly perceived some armed men on horseback. Not being aware of their numbers and hoping by his appearance with a guard, as well as by his authority, to prevent any in-

jury to the colonists, if the strangers were hostilely inclined, the Governor called out in the presence of some who are yet living, to attest the truth of the facts related, "we must go and meet these people, let twenty men follow me." There were at that time in the government house about sixty men, all of whom would readily have accompanied him if he had required it, for he was much beloved, and his people always showed such perfect willingness to execute his wishes, that he rather found it necessary to repress, than to excite their ardor in his service. But as he knew not the amount of the force advancing to the settlement, he did not conceive it necessary to direct a greater number than twenty to attend him. He, however, called upon no one individually: but upon the first intimation of his wishes, between twenty and thirty of the persons present instantly took their arms and accompanied him. They had not proceeded far, when they were met by several of the colonists running towards them in dismay, and calling out—"the North West Company," "the half-breeds!"

The habitations of the colonists were between the road of the settlement and the river, and avenues from the dwellings of the settlers led into the road. The Governor and his party continued to advance along this road to the distance of about half a mile from Fort Douglass, when some persons

on horseback were seen just behind a point of woods, and on a little nearer approach, the party of cavalry, altho' all were not yet in sight, appeared more numerous than had been at first imagined. The Governor, in consequence, ordered his party to halt, and directed one of his men to return to the government house for a small piece of ordnance which was there. But almost immediately after, without waiting the return of the person he had sent back, the Governor again desired them to advance. They had proceeded but a little farther, when the entire body of *bois brulés* and Canadian servants of the North West Company, now seen altogether for the first time, came forward. The *bois brulés* were in the dresses of Indian Warriors, with their faces hideously painted. The numbers and appearance of this body excited instantly the most serious apprehensions of danger in the Governor and his party. They had before been advancing along the road in single file, but upon the sight which now presented itself to them, they immediately, and by common impulse, without any directions being given, extended themselves into a line across the road, so as to present a larger front to the horsemen, and began to retreat by walking backwards. The body of cavalry perceiving their situation and intentions, and, of course, foreseeing a very speedy and successful termination to their expedition, rode up to them at a gallop, and to prevent their escape, formed around them in

a semi-circle to the number of between sixty and seventy. (\*) Any further retreat was now impracticable. As soon as the horsemen had taken their position round the governor's party, one of their number, a Canadian in the North West Company's service, of the name of Bouché, rode up to the governor from the enemy's line, waving his hand, and calling out "what do you want?" to which the governor replied, "what do you want?" Bouché having now come up to the Governor, said, "we want our fort." Upon which the governor answered, "go to your fort." "You," retorted Bouché, "have destroyed our fort, you damned rascal!"—"Scoundrel," said Governor Semple, "dare you call me so?" Bouché then told him, that if he did not immediately deliver up his arms and those of his attendants, they should be instantly put to death. The governor seized hold of Bouché's bridle, and Bouché sprung from his horse, and made towards his companions. A shot was instantly fired, by which Lieut. Holt one of Governor Semple's party was killed. Another succeeded, by which the Governor was wounded, who called out to his men, "do what you can to take care of yourselves." The greater part of them, instead of providing

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(\*) Before the approach of Governor Semple's party had been seen by them, the servants of the North West Company had taken prisoners Alexander Murray, and his wife, two children of Wm. Bannerman, and Alexander Sutherland and others, settlers, and Anthony McDonnell, a servant at the settlement.

providing for their own safety, at once affectionately gathered round him to learn what injury he had received. While they were thus collected together in the centre, the surrounding cavalry poured a volley of musketry upon them, which killed several, and wounded the greater number; a few shots only were returned, by which but one of the assailants was killed. The cavalry galloped towards the survivors, who took off their hats, and called for mercy. But this address for mercy was made to the servants of the North West Company, and at their hands was immediately received, what may be presumed the accustomed measure of their compassion; a speedy termination of earthly calamities. The knife, the spear, the axe, or the ball, in able and willing hands, soon placed in lasting repose, those whom pain or terror had rendered clamorous. One only was spared through the exertions of a Canadian, to whom he had been intimately known, two others were providentially saved by escaping to a canoe, and two more by swimming, in the tumult to the other side of the river. To this massacre, it is known that the North West Company give the name of a *battle*. We know not how the military, who have earned never-fading renown in fighting the *battles* of their country, against foreign enemies, would be pleased to hear such an appellation given to such a butchery of their fellow subjects. It will, however, be remarked by the reflecting, that in *battles*, it is

not usual amongst those who remain on the field as combatants, to be on one side all slaughtered, *save one*; and on the other side, to number *but one* amongst the slain. It will also be remarked, that in *battles*, it is not usual for every wound to be *mortal*. It is well established, that many were only wounded when the horsemen galloped upon them, and consummated the work unfinished. Governor Semple himself was not killed, (if we believe the acknowledgment of some of the murderers, corroborated by a statement made by the Honorable William McGillivray,) until Grant, the commanding officer, had ridden up to him, and had heard him say, that he did not think himself mortally wounded, and that if taken to the fort, he thought he might recover. Captain Rogers, R. E. having fallen, rose up, and calling for mercy, was shot through the head by one, and cut open by another. The others were butchered with equal cruelty.

The same William McGillivray, who is generally called the head of the North West Company, in a letter from Fort William, containing the statement just alluded to, expressed his satisfaction, that none of his people (meaning the servants of the North West Company,) were within hundreds of miles at the time the massacre took place. It is unfortunate, that this Honorable gentleman had forgotten, that in the same letter he had just before spoken of what had passed

between

between Cuthbert Grant and Governor Semple ; (\*) and had also forgotten, that Cuthbert Grant was one of the Clerks of the North West Company.

If Governor Semple had been as rash and cruel as he was considerate and humane, he could never be supposed such a madman, as to *commence* an attack upon so superior a force. It is true that the law would have justified, and, if he had possessed

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(\*) It is likewise unfortunate for the reputation of Mr. Wm. McGillivray and the credit of his letter, that some of the Canadian servants of the North West Company, after confessing that they were amongst the party under Cuthbert Grant, should have been taken in Fort William, (after his Mr. McGillivray's arrest, and that of most of his partners there) and should have been committed to prison at Montreal, under warrants from Lord Selkirk. It is unfortunate, that the same Canadian servants should have confessed that they, with other persons concerned in the commission of these barbarities, had conveyed to Fort William, then under the supreme control and superintendance of the same William McGillivray, and had delivered there for the North West Company, that part of the plunder taken at Qui Appelle, at Brandon House, and at Red River, which had not been distributed among the robbers and murderers. It is still more unfortunate, that the same Honorable William McGillivray should have forgotten, that as a magistrate, it was his duty not to allow the fort where he presided to become an asylum or rendezvous for banditti or murderers, or a receptacle for their plunder ; and that on the contrary, instead of receiving the spoils, and allowing shelter to the murderers, he was bound to have secured the *criminals*, and to have disclosed the *crimes* ; unless indeed the disclosure should have implicated his own person—in which case, silence could not be punishable, since by law, no man is obliged to bear witness against himself. Amongst other spoils, a vast number of packs of furs, of which the Hudson's Bay posts had been plundered, were delivered by the servants of the North West Company at Fort William. About forty of these have been sent down by the Earl of Selkirk to the Sheriff of the District of Montréal, to be kept by him in safe custody.

possessed sufficient numbers, his duty would have required, that in order to protect the colony, he should have attacked the invaders who were making the defenceless settlers prisoners. But altho' the law would have justified his attacking them, yet such a measure, in his circumstances, would have been so inconsistent with prudence, so irreconcilable to the slightest regard to his own life, or the lives of his people, that no one, except an Advocate of North West principles and practice would give a moment's credit to any statement of the kind.

Among the slain on this occasion besides the Governor, and Capt. Rogers, R. E. were Mr. Alexander McLean, Mr. James White, Surgeon; Mr. J. P. Wilkinson, private Secretary to the Governor; Lieut. Holt, of the Swedish Navy, Mr. Adam Sutherland, Robert Sutherland, Henry Sinclair, James Moore, James Gardner, John Green, George McKenzie, Daniel Donevan, Duncan McNaughton, Duncan M'Donnell, and five others.

The slain, many of whom were barbarously mangled, were left unburied for beasts and birds to gaze and feed upon. A small number of the native Indians, who had lingered in the neighborhood, upon hearing of this dreadful catastrophe, visited the spot, and ventured to commit a few of the bodies to a grave. But their apprehensions of the resentment of the victors, prevented their removing more than a part of the

dead; the others remained exposed upon the ground where they fell. The Surgeon, Mr. James White, was among the number of those buried by the Indians. He had a fine garden, which had long been an object of their surprize and admiration. They were much attached to him; and as a last and peculiar mark of their affection, they buried him at a distance from the rest, and in the garden he had cultivated. (\*)

After the massacre, Cuthbert Grant, the commander of the North West forces, on the occasion, informed the person whose life had been spared, that he intended to attack the fort that night, and in case he met with the slightest resistance, that a general massacre should ensue. "You see," said he, "*the little quarter we have shown you*, and now if any further resistance is made, neither man, woman, nor child shall be spared." The person to whom this was addressed

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(\*) The person who had been sent back by Governor Semple for the cannon, did not return with it. Shortly after he left the fort with it, he heard the firing, which was soon succeeded by perfect quiet. Conceiving therefore, that all must be over, he desired a person who had joined him as an assistant, to convey it back to the fort. He then moved cautiously forwards, to ascertain the fatal result, which his fears had led him to apprehend, taking care to keep so near the fort as to be able to save himself by flight. He observed the horses feeding, their riders having dismounted; and saw some of the men amongst the bushes and grass at a distance, who called out to him, "your governor wants you,"—"wont you come and speak to your governor?" When finding him not inclined to approach nearer, several guns were fired at him, and a ball passed thro' his thigh. Notwithstanding his wound, he had still strength to run to the fort, which he reached and lay there until the next morning, when it was delivered up to the murderers, who received it on behalf of the North West Company.

ed, asked if there were no means of saving the poor women and children; and turning to Fraser, another of their officers, intreated him to take pity upon the poor women, in the name of his deceased father, whose country-women they were. After some deliberation, Grant said, that if they delivered all that he called the public property, he would allow them to depart in peace; and would give them a safe escort, until they had passed the North West Company's tract in Lake Winipeg, at the same time observing that such an escort would be necessary to protect the settlers from two other auxiliary parties of half-breeds, that were momentarily expected to come up the river. One of these parties, as Grant stated, was commanded by Mr. William Shaw, and the other by Simon McGillivray, son of the Hon. Wm. McGillivray. (\*)

The prisoner, at his own earnest solicitations, and upon his solemn promises to deliver himself again into the hands of his keepers, and after hearing that he was to be put to death by the most cruel tortures, if he forfeited his engagement, was at length permitted to visit the fort, and to use

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(\*) It has been suggested as possible, that Mr. Grant might be mistaken in the degree of relationship subsisting between these two persons, and that this Simon instead of being the son, might be only the nephew of the person mentioned as his father. If however, Mr. Grant be in error, we are not sufficiently versed in "bois brûlé" genealogy to correct his mistake.

his endeavours to prevail upon all the settlers to surrender themselves immediately, as their only means of escaping a general slaughter.

The prisoner then went to fort Douglas, where many of the colonists had taken refuge, and where a scene of distress was presented to his view, such as he declared himself unequal to describe. The wives, children, and relatives of the slain, were there collected, mourning for the dead, despairing for the living, and in agonies of horror, such as can be expressed by no language, nor even imaged, but by the minds of those on whom the Almighty has permitted an equal visitation.

Nor was death itself the severest infliction they had been induced to dread. Alexander McDonnell had encouraged his men to expect more than plunder, as the reward of conquest; and had promised them the gratification of their brutal desires with the wives and daughters of the settlers, as a further incitement.

The fort did not contain a much greater number of men, than those who had been already killed or taken. Could it, therefore, be doubted that they would accept of security on almost any terms? A few visits between the fort and the head quarters of Cuthbert Grant, enabled the prisoner to ar-

range

range the terms of surrender. Fort Douglass, the habitations of the settlers, and the property were given up, and a kind of capitulation was signed by the commander of this detachment of the North West forces, in the following form :

“ Received on account of the North West Company, by  
 “ me, Cuthbert Grant, Clerk for the North West Company,  
 “ acting for the North West Company.”

The protections given by the same commander, were in the following form :

“ This is to certify, that \_\_\_\_\_ behaved hono-  
 “ rably towards the North West Company.”

(Signed)

“ CUTHBERT GRANT,  
 “ Clerk to the North West Company.”

It would seem from these protections, that conduct meeting the approbation of the North West Company, constituted the only title to security in those countries. And it can scarcely be supposed that any course of action, however justifiable, could obtain their approbation, unless it were in allegiance to their sovereignty and in conformity to their interests.

The precise mode in which the destruction of the colony was to be effected, could not have been foreseen by McDonnell,

nell, nor could he have expected that his object would have been so speedily accomplished.

The instructions which he gave when he sent off the detachment under Grant, from Portage des Prairies, were adapted for a more protracted warfare. According to a relation given by one of the persons concerned in the massacre, who is now in prison in Montreal, McDonnell's plan was first to make as many of the colonists prisoners as possible, and no difficulty could be apprehended in taking all, except those who might obtain refuge in the fort ; to encompass the fort after this should be done, and to shoot every person who should leave it, either to procure water from the river, or to obtain food, or for any other purpose. As McDonnell had taken the whole stock of provisions that were going down from Qui Appelle to the settlement, it was not imagined that the fort could resist for any length of time. The prisoners first taken, were to be sent to McDonnell, at Portage des Prairies, where they were to remain in his custody until the murder of all who should venture out of the fort, and the want of means of subsistence should have thrown the survivors at discretion into the hands of the besiegers, after which the ultimate destination of the prisoners was to be determined on. But this plan of McDonnell, like other plans for the regulation of military operations, was not to supersede the exercise of a judicious discretion on the part of the commanding

commanding officer, nor to prevent his deviating from the course prescribed, if any unforeseen occurrences, or fortuitous combination of circumstances should afford a more easy and expeditious mode of obtaining the result so ardently desired—the destruction of the colony. The unexpected appearance of Governor Semple, with a small party, when Grant had yet made only a few prisoners, offered an opportunity too favorable to be rejected, of terminating the affair in which they were engaged; and the governor's retreat was prevented, and himself and his party were cut off in the manner we have before related.

A messenger was dispatched the day following the massacre, to acquaint McDonnell with the success of his detachment. The intelligence was given to McDonnell, in the presence of Seraphin Lamar, and two or three others. The extravagance of their exultation, upon hearing it, exceeded description; they shouted with joy; and McDonnell himself rushed amongst his men with frantic delight, shaking them by the hand, and exclaiming, “*Sacré nom d'un Dieu ! Vingt deux des Anglois de tués.*” Perfect truth would have allowed him to have stated one less than “*vingt-deux,*” but we are not surprised that he added one to the amount of the sacrifice. On the other hand, we are rather astonished, that the excess of his satisfaction produced no greater exaggeration

geration of the number immolated. The men then enquired what loss had been sustained by Grant's party ; and on being informed that one had been killed, a relation of the deceased declared, that the colonists ought all to be put to death ; and McDonnell dispatched a messenger to Grant, directing him not to send any of them off, until he should arrive and determine upon future proceedings.

The prisoner, however, whose prayers had prevailed upon the murderers to spare the survivors, still fearing from the menaces uttered, notwithstanding Grant's promised protection, that the men would be butchered, and the females violated, urged every entreaty to induce the captors to hasten the departure of the colonists, whom they had declared their determination to expel. But notwithstanding these entreaties, the captives were not permitted to remove, until the Sheriff observed to Grant, that it was evident McDonnell intended to defraud him of the honor of the day ; and if McDonnell arrived before the departure of the settlers, he would claim all the glory of the conquest for himself. This remark touched, as was intended, the pride of the murderer, and he thereupon declared that he would keep his word, and that his prisoners should go at once.

The wretched colonists were immediately embarked in

canoes,

canoes, to the number, including men, women and children, of nearly two hundred souls, with scarce provisions for a third part of their journey to Hudson's Bay. But to them any escape from ruffians, whose hands were embued in the blood of their relations and friends, and who appeared still to hunger for further slaughter, seemed desirable at the moment, to whatever other evils it should expose them.

When, therefore, McDonnell arrived from Portage des Prairies, with the plunder which had been previously taken, he had to suffer the disappointment of finding his prey departed; a disappointment which, it may be presumed, was somewhat lessened by the speedy appearance of a fellow-laborer in the fields of fame, Archibald Norman McLeod, Esquire, a partner of the house of McTavish, McGillivrays, & Co. and a Justice of the Peace for the Indian Territories, who reached Red River not far from the same time, at the head of about a hundred men, completely armed.

This Magistrate for the Indian territories, instead of expressing regret for the slaughter of his country-men, and instead of taking measures for securing and punishing the destroyers of the colony, as his duty required, made a speech to them, expressive of his gratitude and thanks for their services. This speech, which we give, not so much with a view of displaying the eloquence of the North Western ora-

ter, as of showing the light in which their atrocities, immediately after their commission, were viewed by a North West partner and Justice, was, according to the confession of one of the murderers, in the following words : “ Mes parens !  
 “ mes parens ! qui nous ont soulagé dans le besoin ! j’ai ap-  
 “ porté de quoi vous habiller. Je croyois trouver une qua-  
 “ rantaine de vous autres ici avec Monsr. McDonnell, mais  
 “ vous êtes plus. J’ai quarante habillemens, mais ceux  
 “ qui en ont le plus besoin, prendront ceux là. Les autres,  
 “ à l’arrivée des canots cet automne, seront habillés pareille-  
 “ ment.”—“ My relations ! my fellow beings ! who have  
 “ given us succour in our need ! I have brought you cloth-  
 “ ing. I thought I should have found about forty of you  
 “ here with *Mr. McDonnell*, but your number is greater. I  
 “ have forty suits, such as have most occasion for them  
 “ will take these. The others, when the canoes arrive in  
 “ the fall, shall be clothed in like manner.”

These suits with the portion they had received of the spoils taken before, and the Red River plunder, might have been supposed an ample compensation for their iniquities without a promise of further recompence. But the encouragers of crime often find it difficult to satisfy the cupidity of their agents. These suits were an extra donation, and amongst the equally deserving, prudence required that all should be placed on an equal footing.

The conduct of the Magistrate on this occasion will, however, excite less surprize, when it is understood that the destruction or expulsion of the Colony has been stated as one of the great objects of his journey, in the letters of some who accompanied him, and who express fears of danger, in their own words, fears, lest they "should leave their bones in the Country," in the attempt to execute those plans of hostility on which they had resolved. It was probably, with these intentions, that some of the cannon, of which the settlement had been plundered the year before, were carried by McLeod among his military equipments.

His gratitude and his presents, cannot, therefore, occasion astonishment: inasmuch as they proceeded from the sudden impulse of his joy at finding the work accomplished by his associates before his arrival, which his fears might have whispered, would be attended with delay, difficulty or danger, even to their united force.

On the second day after the settlers were driven from Red River, their progress was arrested by McLeod, who detained them, notwithstanding their distress for provisions, nearly two days, until he had searched their canoes and plundered them of the manuscripts, belonging to the late Governor, and the papers and Books of Accounts relating to the Colony, which the murderers had allowed them to retain. Mc-

Leod also kept as prisoners five of the persons who had been driven from the settlement, whose names are, John Pritchard, John Burke, Daniel McLeod, Patrick Corcoran, and Michael Heyden. The canoes were then allowed to proceed. By this act the North West Justice became inadvertently instrumental to the disclosure of his own guilt, and that of his associates, for had these five not been prevented from proceeding, they might not have been afterwards heard of; but by their detention, evidence has been secured, which otherwise would have been deficient; or would have been withheld until after so long a time had elapsed, as would have enabled the guilty to have secured the silence of others whose information has been equally important. Under these circumstances, it would require no unusual strength of faith to believe, that the North West Justice acted on this occasion, under the influence of that mental blindness and imbecility, with which the guilty are often visited by Providence to facilitate the discovery of crime.

Those five whom M'Leod had kept prisoners, were after various delays, and some of them after being put in irons, conveyed to Fort William. On their way they sometimes, heard the recent events discussed, and one night when none of them were probably supposed to be attending, a North West partner remarked to another, that the slaughter of Governor Semple

and

and his people was a very bold proceeding, and that their conduct might have been easily represented in such a mode as to escape censure, if they had not sacrificed so many lives. True, answered the other, but *it may be said that he came out to attack us, and met his fate.*

This Partner has not been mistaken: the allegation has been made; and the supporters of Cuthbert Grant and his associates, have even pretended to give the allegation credit; however absurd it may seem to those who have known Semple, and who know the adversaries; to those who consider that the avowed object of McDonnell's expedition, for which he had long been collecting forces, was the destruction of the colony; to those who consider that the number of men with Semple did not amount to thirty, while the number of their adversaries was nearly seventy; to those who reflect that the adversaries were on horseback, and could easily have eluded pursuit, while Semple's party were on foot, and possessed no means of escape. Not far from the time when these five persons reached Fort William, McLeod, himself, arrived there; and a part of the murderers also came, bringing a portion of the plunder that had been reserved for the North West Company, which after being inspected by one of the Partners of the Company, was deposited in the Fort. It had been observed by one of the Partners,

upon

upon seeing the approach of the canoes to the Fort, that, if they brought good news, Fêtes would be given in consequence. It could not be presumed that the receipt of the plunder and the accomplishment of the event which the partners had been so long laboring to produce, would be considered as other than fortunate occurrences; and accordingly, the place became a scene of festivity and rejoicing. Songs of triumph were also composed, in commemoration of the slaughter of Governor Semple and his party. Of these, only one, has yet been forwarded from Fort William. McLeod soon after left the fort anew, to prosecute in other quarters the interests of the concern.

We have thus briefly narrated the second consummation of the *complete downfall* of the colony, mentioned in the letter of Alexander McDonnell, as an object of desire, whatever means might be requisite for its accomplishment.

The contents of this letter, or at least the objects it proposes, could not have been kept a secret from other members of the same co-partnership, or have been received by them with disapprobation, because the course of conduct requisite for the attainment of the ends it discloses, was long persisted in; and after producing, at the expense of blood and treasure, the first expulsion of the colonists, was again renewed with more formidable forces upon the re-establishment of the colony,

sony, and was prosecuted with more wanton outrages, and more barbarous cruelty. Can it be pretended that acts so frequently repeated; plans pursued for years with such continued and unremitted perseverance; projects which required so much combination, power, and unanimity; attempts so full of labour, expence, and danger; were the unknown, unauthorised, and unaided operations of only two or three partners, and their servants, out of a numerous and joint concern? If the others had disapproved, how could these few have concealed their conduct, or how could they have escaped the reprobation of their more virtuous associates? How would they have dared to incur alone the enormous responsibility? And how, and why should they have supported the entire expence, since they were not to receive the entire advantage, but could only obtain it for the common interest? The pretence of such extreme ignorance on the part of the other associates in the concern, would be too unreasonable to obtain belief even from the most profound credulity of the most unsuspecting benevolence. "The things unseen do not always deceive us."—The circumstances we have been disclosing, "have too conjointly met," to be considered accidental, even if the evidence of participation which is established by a vast variety of circumstances, from the first declarations of hostility, down to the last distribution of rewards, had been wholly deficient. From combination

only

only, could the ostensible perpetrators of the crimes have wielded the necessary force : by general approbation only, would they have been induced to incur such enormity of guilt ; by concert only could their operations have been continued through successive years.

In what estimation ought those supporters of the North West Company to be held, who have had the hardy folly to advance, that the blood of their fellow subjects in which the Company have steeped themselves, was shed, only in unexpected collisions and unpremeditated rencounters ? Even if charity could induce the supposition, that those who advance this opinion were ignorant of the circumstances preceding the murders, the circumstances which followed, would have been alone sufficient, if these persons had exercised reflection, to have convinced them, that such an opinion could not be just. If there had been no premeditation, would the expulsion of the surviving colonists have been the uniform result of the murder of their friends ? Would not the vengeance of the victors, if it had arisen from the impulse of sudden irritation, have been satisfied that their antagonists had paid by the sacrifice of their lives for their temerity in offending them ? Would not some yet lingering remains of humanity have induced them to show forbearance to the innocent survivors, with a view to soften, in some degree, the wretchedness to which

which the slaughter of parents, husbands and friends had reduced them ?

The supporters of the North West Company have complained of the cruelty of giving publicity to imputations of crime before guilt was fully established : and have alledged, that the highest ministers of justice, and not the public, are the proper tribunals before which criminals should be accused. To this it may be answered, that if the charges were not first made known to the public, the power and influence of the Company would prevent their ever being made known to Courts ; and it may also be added, that the friends and associates of murderers have already appealed to the public : and it would, therefore be strange, indeed, were the friends of justice condemned to silence.

That Courts of Justice are the only proper tribunals before which criminals should be accused, is a position which if just as a general rule, could by no means be consistent with safety as an universal maxim. We know there are various circumstances in which crimes of a comparatively private nature, cannot be disclosed without danger of injury to the accused, from public and unfavorable prepossessions. These are cases in which the truth may be readily discovered, where the witnesses are at hand, and where the ordinary course of judicial proceedings is sufficient for the ends of jus-

tice, and the common safety, without the aid of executive authority.

But other circumstances may arise of more general and momentous concern ; crimes may be committed of more extensive influence, and of deeper dye, in whose repression, and punishment, the public has a vital interest ; cases may occur in which the stream of justice cannot flow without contamination, unless the assistance of a superintending power be interposed to facilitate the authority of courts in the production of proofs. Such cases may not only justify, but require from a sense of common interest, or common danger, a public disclosure, even before they can be brought to the ultimate tribunal. And, such a case is the present ; wherein the documents already obtained, and carrying sufficient evidence for internal conviction, imperiously require the investigation of crimes, of no less importance than a traitorous and extensive conspiracy by British subjects, for the destruction of an infant colony of their countrymen, planted under as high a legal sanction as was ever before conferred upon similar establishments. (\*) A conspiracy of long continuance, and in which the arms of the conspirators have  
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(\*) As some have pretended that the Hudson's Bay territories are not British colonies, we refer them to the last act of the British Parliament on the subject, which was passed in the year 1813 ; and dispensed with some regulations in force, with respect to other colonies, in order to facilitate the emigration of colonists to the Hudson's Bay Territories.

been twice crowned with success, and twice sullied with the blood of their fellow subjects !

While the North West Company possess in the interior the power which they have long exercised, that power is sufficient to keep back those agents and accomplices of crime, whom the workings of remorse, the hope of pardon, or the desire of repairing wrongs, might induce to give their testimony. It is by the interference of higher authority alone, that the exercise of this power can be prevented, the light of truth obtained, and the interests of the community preserved. Without this interference, the bare formalities of a trial might be gone through, the semblance of an equal administration of the laws might be kept up ; but the reality would have vanished, and it would be a mockery of justice.

Numerous, however, are the obstacles which oppose the successful interposition even of higher authority on this occasion. To the uncontrolled power which the North West Company have for some time usurped in the interior, and which while it is permitted to continue, must render every endeavour to obtain justice, nearly, if not altogether inefficacious, is to be added the influence of the numerous connections and dependents of the Company in this country ; an influence which is exerted through different classes of society with distempered activity. To this is also united the weight and authority of

their connexions on the bench, and of their associates in his Majesty's Councils in this Province, where it may with truth be said, that during some administrations they have rendered the Government inadvertently subservient to their policy. But altho' these are obstacles that may retard for a time, they cannot under a British Sovereignty, ultimately prevent the punishment of crime or the establishment of right : They should be considered as incitements to exertion, not as causes of despondence ; and in the performance of a pious obligation, of a duty sacred to the ashes of the dead, the spirit of justice and the zeal of humanity should rise in vigor and in energy, until they become proportionate to the difficulties with which they have to contend. Few indeed are the instances in which the voice of complaint has been allowed to pass unheeded in the mother country, altho' on objects of far inferior moment. And the established honor and humanity of the nation, are our security that an appeal on the present occasion to its insulted dignity and its violated sovereignty will not be made in vain. (\*)

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(\*) It is well ascertained that a body of military, however small, even a serjeant and ten men, would have been sufficient to have prevented the massacre in 1816. It could not of course have been by their physical strength that so insignificant a force could have protected the Colony. But if only this slight appearance of sanction on the part of the British government had been given, the opinions of some of the North West members of the Council in Canada, (that the *bois brulés* and others would be justifiable in driving off the colonists and in using force if they could not otherwise be removed) would have possessed no weight in the interior.

interior. The inferior partners would not have come *openly* forward. The influence of the Company however despotic on other occasions, would in such a case have been exerted fruitlessly, in advising their Canadian and bois brûlé servants to raise their arms against the colony.

It has indeed been understood that instructions were received in Canada in 1815 from the government at home, which showed a highly paternal interest in the safety and welfare of its subjects, directing that some military aid should be given to the colony. However contemptible their numbers, their protection would have been effectual. Their countenance alone would have been sufficient to prevent injury. These instructions from the government at home were not complied with; a neglect, for which among other reasons, may be assigned the influence of the North West Partners in the Councils of Canada. The person then administering the government of Canada after intimating his instructions to the principal of the North West Company, and taking his advice upon the subject, contented himself, instead of sending succour, with recommending the Colony to the *protection of that very association against whose efforts protection was most necessary*: inadvertently contented himself with recommending the fold to the protection of the prowlers who were waiting to make it their prey. The Company must have felt that unless a mortal blow was speedily struck, the colony would rise to a strength beyond their power to destroy. The blow was speedily struck.

POSTSCRIPT.



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## POSTSCRIPT.

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**N**UMEROUS falsehoods have been invented, and industriously propagated against the Earl of Selkirk in relation to his proceedings at Fort William. The North West Company dreading with great reason the exposure and punishment which his discoveries and exertions might produce, have had recourse to the most unfounded calumnies. A complete and satisfactory exposition of facts may be expected from the able pen of Lord Selkirk, as soon as he is aware of the various and groundless aspersions that have been cast upon him. But as this cannot be the case for some time, it is hoped that a cursory notice of the transactions which have occurred at Fort William, will not be deemed superfluous; altho' it did not fall within the scope of our original intention, and altho' it is in some measure anticipating the more perfect relation that may soon be expected to be laid before the public. As ours will be confined only to a general view, it cannot tend in any degree to lessen the novelty or interest

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of the more minute and detailed account to be expected from his Lordship.

There are two principal offences laid to his Lordship's charge, viz. 1st. That his conduct in taking possession of Fort William was illegal and unjustifiable. And 2d. That he endeavoured to defraud the North West Company of property to an immense amount, by compelling Daniel McKenzie, one of the Partners, to sell it to him for the paltry sum of fifty guineas. These are unquestionably serious charges, nor are they the only ones : but these are the most important ; and the minor accusations are such as exist only in dependence upon, or in connexion with the two we have mentioned. By showing, therefore, that these two are destitute of foundation, the imputations of inferior weight are deprived of support, and shown to be unworthy of credit.

Let us, first, consider the causes which produced the occupation of Fort William. The Earl left Montreal about the middle of June, 1816, and was proceeding to the settlement at Red River, of which he was the founder, with about a hundred individuals, whom he intended to establish as colonists there. The greater number of these were persons who had been formerly in His Majesty's service, in the De Meuron Regiment ; and who upon being discharged at the close of the war, and chiefly out of employment, accepted with readiness the opportunity

opportunity that was offered of becoming useful settlers in a country where the lands were already cleared by nature. This was an advantage they could find no where else, and would enable them to exert their industry immediately in the cultivation of the soil, an employment they had already exercised and for which they were better qualified, than for the felling and burning of forests; a species of labour to which they had never been accustomed, but to which they would have been reduced, if they had become settlers in his Majesty's other colonies. These men were selected with great care out of the most sober, orderly, and industrious persons in the corps, by Captains D'Orsenons and Matthey, two gentlemen of unquestionable character, formerly of the same Regiment, who rejected all applications of persons on whose good conduct they had not been taught to rely from former experience.

When his Lordship arrived at St. Mary's falls, near Lake Superior, he received the first intelligence of the massacre and destruction of the Colony, and the information that some of its inhabitants as prisoners and a part of its property, had been conveyed to Fort William. This Fort is not situated in the Indian Territories, but near the extreme limits of the province of Upper Canada, on the North Side of Lake Superior at a little distance from the Lake, and far removed from any civilized establishments. His Lordship, therefore, as pru-

dence required, determined to deviate for a time from his intended route, and having previously but unsuccessfully endeavoured to prevail on some other magistrates in Upper Canada to accompany him, directed his course to Fort William. After his arrival in the vicinity of that place, affidavits were made before him as a Magistrate for the country, which disclosed such circumstances of conspiracy and participation on the part of the partners, there in the treasonable crimes that had been committed at Red River, as rendered it his duty to issue warrants for their apprehension. Warrants were accordingly issued, first for the arrest of William McGillivray the principal in the concern, and next for the arrest of the other partners. From the circumstance of Mr. McGillivray's being arrested singly, the other partners did not probably apprehend that warrants were issued against themselves also ; and consequently no regular plan of resistance was yet formed, when the persons appointed peace officers returned with authority for taking the other partners into custody. But while the peace officers were proceeding anew to the execution of their duty, an attempt was made to drive them out of the Fort, and to close the gates upon them. A signal was therefore made to a number of his Lordship's men, who had been directed to be at hand and to render assistance to the peace officers in case opposition should be attempted.

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These men instantly came forward in arms to support the execution of the warrants, and by their immediate appearance and laudably resolute conduct, prevented the servants of the Company from continuing the resistance which had been begun. Several of the Partners arrested, after some examination had taken place, were very improvidently and incautiously allowed by their own desire, to return to pass the night at their rooms in the Fort, under the custody of a few men who had been appointed their keepers. His Lordship and his intended colonists were encamped in the open ground at a little distance from the Fort. During the night, the partners who were permitted to lodge in the Fort were busily employed in selecting and committing to the flames a great variety of papers, their keepers not being probably aware of the importance of preventing such a step. A want of judgment to be much lamented, if the importance of these papers in throwing light upon the conspiracy against the colonists, could be estimated by the evidence contained in those which escaped the hasty examination of the partners.

Early the following morning his Lordship was made acquainted with this circumstance, and at the same time received information of a danger to which, after the *due execution of the warrants* against the partners, he could scarcely have conceived himself exposed. The information received

was, that directions were given, and persons were employed during the night to load and remove a great number of fire arms and a large quantity of ammunition from the armory or place of deposit appropriated for them in the Fort, and to conceal them in various places as well within as without the Fort, for the purpose of employing them in the murder of his Lordship and his people, and the rescue of those who had been apprehended. One of the informants, has stated under oath, that being awakened in the night, he was alarmed by the steps of persons moving to and fro at an unusual hour, and fearing that some evil design was in agitation, he had risen and had gone cautiously forward without being discovered, until he was near enough to hear their conversation, from which he gathered that they were employed in preparing and concealing arms. The concluding remark of one of them being, "les bourgeois qui nous font cacher ces armes, ont encore un mauvais dessein à faire, et c'est nous qui en patrons." On the same morning similar and more ample communications were made by others.

His Lordship immediately issued warrants to search for the arms that had been hidden. Eighty of the guns removed during the night, were discovered in a hay-loft, of which forty were loaded, primed, and ready for action. A great  
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number of guns were also discovered concealed in other places, together also with some casks of ammunition amongst some bushes and grass at a short distance from the fort. The object of this preparation could not admit of a doubt, and must have been as appears also from what is stated under oath, to enable the servants and retainers of the Company, who were at least treble the numbers of the Earl of Selkirk's party, to attack them while encamped in the open field, where the numerical superiority of their adversaries would have given a decided advantage, and where his Lordship and his people would have been butchered like the colonists at Red River. Thus situated, it became necessary for his Lordship to take measures for his own security and that of his men. He, in consequence took possession of the Fort, caused the arms and ammunition to be carried back to the place from whence they were taken, discovered and arrested several of the men who were engaged in the massacre at Red River; and finding also a part of the plunder they had brought to the fort, he sent it forward to the Sheriff of the district of Montreal, to remain in his keeping.

The Earl of Selkirk in the execution of his duty as a Magistrate, became possessed of a Fort which had served, the last of any in the British dominions, as an asylum for banditti and murderers and the receptacle for their plunder. A fort, which

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nothing less than the express and special licence of his Majesty could authorize subjects to hold. A fort, which had served as the capital and seat of government to the traitorously assumed sovereignty of the North West. A Fort whose possession could have enabled the Company to have kept back all evidence of their crimes, and which if his Lordship had not continued to hold, would have again become a place of refuge and of union to their bands, and the head-quarters from whence new orders for murder and devastation would have issued. The occupation of Fort William will be found to have been, not merely a justifiable act, but a public service; and under the circumstances in which his Lordship found the Fort, he might have been considered as justly reprehensible, if he replaced it in the hands of unauthorized subjects before the pleasure of government should be made known. He must be considered as bound to deliver it into the hands of government only; and the government cannot without a culpable neglect of duty, refrain from taking it into its own possession, or destroying it. Heretofore those who in the execution of the laws obtained possession of such strong-holds as served for the retreat of banditti or murderers, were considered to have rendered a national service, and were rewarded with public gratitude and thanks. His Lordship must be esteemed to have contributed to the public welfare by the assistance he has rendered in the disclosure of atrocious crimes and in the exposure of a dangerous

dangerous, extensive, and complicated system of tyranny and oppression, such as no other government ever suffered to subsist.

Having thus shewn the conduct of his Lordship to be not only justifiable but meritorious on the subject of the first accusation against him ; we proceed to the second, viz. The charge of having compelled Daniel McKenzie, one of the Partners, to sell his Lordship the property of the Company at Fort William ; a property probably of the value of fifty thousand pounds, for the paltry sum of fifty guineas. Perhaps any attempt to expose so barefaced a falsehood may be looked upon as a work of supererogation. Supposing his Lordship to have been totally regardless of what was due to the fair fame of his ancestors, absolutely indifferent to the claims of his exalted rank and to his own high personal reputation in society, and willing to leave to his descendants only the hope of succeeding to honors degraded, and a name sullied by his misconduct : Supposing all this,—the conduct imputed to his Lordship would still be incredible, because he could not be ignorant that such a *sale* would have been an absolute nullity.

Daniel McKenzie, in his statement of the transaction to which he was a party, has been guilty of the most infamous deception, in the double mode of falsehood, the “suppres-

"sio veri," and the "suggestio falsi," he suppresses what did, and advances what did not take place. He speaks only of a *sale* of property of which his Lordship never either desired or contemplated to become the purchaser ; of stipulations, which like many insertions in legal instruments, constituted only a matter of form in the arrangement that took place, and he conceals and sinks altogether the sole and real substance and essential part of his agreement.

Daniel McKenzie was one of those who appeared least implicated in the conspiracy for the destruction of the colony. His conduct in discovering the packet of which his Lordship's Messenger to Governor Semple had been robbed, and in making other important disclosures, appeared to evince as far as was in his power, a desire that the injuries which had been inflicted should be repaired. His Lordship had never concealed his willingness to submit the differences that subsisted between himself and others, to arbitration. Nor had he concealed his readiness to make good such losses as could admit of pecuniary compensation, and had been occasioned by any of his agents or colonists, altho' they occurred out of his control, without his knowledge, without his participation, while he was many thousand miles distant, provided the North West Company would on their part agree to compensate similar losses occasioned by their servants

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while under the immediate control and direction of *some of their own partners*. This disposition on the part of the Earl of Selkirk was more than equitable ; it was generous. It was known to Daniel McKenzie as well as others, before his Lordship left Montreal ; and Daniel McKenzie was not *compelled* to make, but in consideration of the fairness of such an arrangement, voluntarily made a written offer to his Lordship, that the property remaining in Fort William should be placed in the hands of consignees to await the award of arbitrators, on his Lordship's placing at the disposal of the same arbitrators a like amount of property in case the award should be in favor of the Company. In this offer his Lordship acquiesced. An agreement was drawn in consequence, of which the arbitration formed the whole *essence* and *substantial part*, and by this his Lordship, to prevent the possibility of partiality, caused it to be stipulated, that the arbitrators should be appointed by the two Chief Justices of England. Among the covenants that went to the completion of this agreement, it was unquestionably stipulated that the property was sold for fifty guineas ; but in what manner and with what intent was this stipulated ? It was on the express and positive condition, that the sale was to be void and without effect by a compliance with the engagements relating to the arbitration.

The stipulated and conditional sale was therefore made a part of the writings by the parties only as a matter of legal style and technical procedure, the sole and entire object of which was to give form and validity to the agreement; and the fifty guineas were advanced, not as a compensation, but in the same manner as money is given to bind and confirm an undertaking. It is useless now to consider whether the forms used in framing this engagement, were precisely such as would have been adopted by practical conveyancers. The end, intention, and purpose of the transactions were highly just and equitable; such as would render the allegation of fraud or violence ridiculous, were even the character of the Earl of Selkirk unknown, and were no persons at hand to establish the falsehood of the imputation. The atrocious calumnies contained in the statement of Daniel McKenzie, his studied suppression of the truth, and his intentional representation of falsehood, with his servile encomiums on those very partners, whose crimes he had been before disclosing and affecting to lament, are circumstances so far transcending the ordinary names of baseness, so far above the limits of our humble powers to reprobate as they deserve, that we shall not make the attempt, but leave him to that by which he will not soon be left—the corrosion of his own conscience. Alike unfounded with the former accusations, are the allegations of others who advance, that offers have been made by his Lordship to compound the felonies

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ries and murders of the Company. It would be the height of imprudence for any North West Partner or Councillor to flatter himself that his Lordship ever harbored such an intention or imagined that he possessed such a right. It could not be the desire of any man of integrity, and far less of his Lordship, that such criminals, "should walk the world in credit to their graves." That some of the subordinate agents of crime, such as those who were deluded by the opinions of members of Council to believe that it was lawful to incite the Indians to expel their countrymen, (or in other words to take up arms in support of the North West Company) might be fit objects of mercy, no one can doubt. But to suppose that the hour of retribution will not arrive for others, whatever temporary obstacles their influence may enable them to throw in the way of inquiry, would be to doubt the antient and characteristic virtue of the nation from whence we spring, which has never allowed the blood of its people, however distant and savage the clime in which it has been shed, to call for expiation and to call in vain.

From what has preceded, we believe it will appear, that on every ground of imputed offence the conduct of the Earl of Seikirk may be justified. If, however, in the trying situations in which he has been placed, the warmth of justly indignant feelings should have produced any temporary harsh-

ness of conduct inconsistent with the mild habits and character of his whole life, it would not be surprising. But this, altho' to have been expected, seems not to have occurred, and it may be confidently pronounced, that no true Scotchman need fear in the conduct of the Earl of Selkirk, any diminution of the honor of their nobility, or any departure from national integrity.

It has been asserted that warrants have been issued by Justices of the Peace to arrest the Earl, and to replace Fort William in the hands of the North West Company; we believe the assertion is founded in fact. Applications were made to some of the Judges of the Court of King's Bench in Upper Canada to grant authority for his arrest, but the evidence of criminality not being sufficient in their opinion to justify such a proceeding, they refused to adopt it. Some Justices of the Peace in Upper Canada were in consequence applied to, who, (it may be presumed from superior legal knowledge, or the stronger agency of North Western influence,) were induced to issue the warrants their superiors had refused to grant, and also as it is asserted, to give authority to re-establish the Company in possession of the Fort. (\*)

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(\*) It is asserted, that the warrants charge his Lordship with having *feloniously stolen and carried away the property of the Company!* to wit, the loaded arms, ammunition, &c. prepared for his destruction, which he caused to be carried back to the place from whence they were taken; and the packs of furs pillaged from the Hudson's Bay posts, which he caused to be sent to the Sheriff of the district of Montreal.

It is indeed of the utmost consequence to the North West Company to regain possession of the Fort, before the Commissioners appointed by government can arrive. By so doing they would again, until government should act (whose tardy operations could never keep pace with the rapidity of their movements) possess the entire control of the country and have it in their power to remove beyond the reach of justice, every person accused ; or what would answer an equally beneficial purpose for them, almost every witness whose disclosures they feared, or whom they had not previously tutored to their purpose.

SINCE

SINCE the preceding "Notices" were prepared for publication, we find an opinion suggested in their commencement, that the enemies of the colony would no longer exert "a sanguinary hostility," to have proved unhappily an error.

A gentleman from Ireland, in the service of the Hudson's Bay Company, of the name of Owen Keveny, had left Albany Factory in a boat about the month of July 1816, accompanied by his servant, a clerk, and a few men, intending to proceed to the settlement at Red River. After he had arrived at a place called "Portage du Bonnet," where he remained for a length of time, some of his men deserted him. The deserters went to Bas de la Riviere Winipeg, and made a complaint that Mr. Keveny had beaten them. Mr. A. N. McLeod, whose mild and humane principles were not likely to be greatly shocked by the intelligence of an assault and battery, gladly laid hold of this pretext to issue a warrant for arresting Keveny. The warrant was executed about the beginning of August by a party of *bois brulés* under the direction of one Charles Reinhard, formerly a serjeant in the

De Meuron Regiment, but then in the service of the North West Company. Mr. Keveny was brought to Bas de la Riviere, which was then in charge of Mr. Archibald McLellan, one of the partners of the North West Company, with whom Mr. Keveny remonstrated warmly upon the frivolous pretext assigned for his arrest, and upon the invalidity of a warrant issued by a North West Partner in the Hudson's Bay territories. He was, notwithstanding, some days after, put into a canoe, manned with bois brulés, who were furnished with irons to put on his wrists, and was told that he was to be sent to Fort William. A part of his effects were put into the canoe with him, but several valuable articles were retained by Mr. McLellan for his own use, and others were distributed to the servants about him. The irons which had been provided were put on to the unfortunate Keveny, and being too small for his wrists; occasioned them to be excessively swollen and wore thro' into his flesh. The canoe proceeded on, and after various delays they were met some days following by Alexander McDonnell, the North West partner, who was on his way to Red River from Fort William, which he had visited after the massacre, and had left before Lord Selkirk had arrived there. By McDonnell's order, Mr. Keveny was put into another canoe manned with two young and inexperienced Canadians, and an Indian of the name of Joseph for their guide. The Indian on two successive nights

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requested the Canadians, to assist him in putting Mr. Keveny to death—which they refused saying, “ce n'est pas bon de tuer un homme.” to which the Indian replied, “Mr. McDonell dira c'est bon.” It soon, however, became apparent to the two Canadians, that the intention of the Indian was to murder their prisoner, even without their participation. Two or three times they arrested his arm as he was pointing his gun to shoot Mr. Keveny, and represented to him the atrocity of the act he was about to commit. The Indian assured them that it would be approved by Alexander McDonell. They were met before they reached Lake La Pluie by Mr. John Stuart, another partner of the North West Company, who on his way to Fort William had learnt, the arrest of his partners there, and had turned back. He directed the two Canadians and the Indian to return also with their prisoner, and being better prepared for travelling expeditiously, he preceded, and was soon far separated from them. After the meeting with Mr. Stuart, the Indian who was at this time carefully watched, again repeatedly endeavoured to kill Mr. Keveny. What must have been the sensations of a gentleman and a man of feeling, at suffering insult, inhumanity, and indignity, such as in England is never exercised towards the vilest felons ; and at finding his days nearly numbered, since he could not flatter himself with the hope of ultimate escape, from the power of those

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who had doomed him for a Victim? Yet, the two Canadians still continued to protect him from the attempts of the Indian, who now seemed more than ever determined to effect his purpose, and a violent quarrel ensued between them, after which the Indian was deprived of his gun. The Indian then insisted, that Keveny should be left behind and the Canadians consenting, he was put ashore (his irons having been taken off sometime previously) upon a little and uninhabited island and left alone. As it was a place by which Indians passed frequently, the Canadians had little doubt that he would soon be able to quit it. In the evening of the day on which they left Keveny, an accident happened that rendered their canoe useless. Their quarrels with the Indian still continued; he at length deserted them, and they remained several days without making much progress towards Bas de la Riviere.

During this time Mr. Stuart had reached Bas de la Riviere, and informed Mr. McLellan of the arrest of the Partners at Fort William, and of his having ordered Keveny's guard to return. McLellan became uneasy at their delaying to arrive, but having seen Mr. Alexander McDonnell, he comforted himself with conjecturing that Mr. Keveny was killed by the Indian. In a day or two more, as the Canadians and Indian were still absent, McLellan's impatience

for intelligence respecting them, became excessive; and he set off in a canoe in pursuit of them, accompanied by Cuthbert Grant, Joseph Cadotte, Serjeant Reinhard, and others, amongst whom were some bois brulés. After four days travelling, they came up with the Indian Joseph. They took him into their canoe, and upon receiving information from him, they renewed their course with redoubled expedition. Some hours afterwards, the two Canadians were perceived upon the beach; and a plaid cloak was thrown about the Indian to prevent their immediately recognizing him. Having reached the shore, McLellan enquired what had become of Mr. Keveny? The Canadians replied, that they had left him, and stated the difficulty they had had to keep the Indian from murdering him. Upon hearing this, McLellan sprung from his canoe, gave them curses, abuse, and blows, and struck one of them so severely on his arm with a paddle, as to deprive him of the use of it for some weeks; while Cadotte in a rage asked, what business they had to prevent the Indian from doing as he was ordered. They were then directed to embark in McLellan's canoe which proceeded in quest of Mr. Keveny. On arriving at the Island on which he had been left, he was sought for in vain, and the anxiety and agitation of McLellan was extreme, lest he should have found means to escape to Hudson's Bay, or Fort William. The intention of putting him to death was openly declared, and

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the reason assigned, was, the injury to be apprehended from his disclosures, and his enterprize if he were suffered to live.

After much time had been lost in fruitless search and enquiry, they at length discovered him near a family of Indians. Having again secured their victim, McLellan gave orders that he should be placed under the charge of Reinhard, a bois brûlé of the name of Mainville, and the Indian Joseph, and put on board another canoe, which he purchased for that purpose of the Indians. He then said to Reinhard, "we must not kill him here amongst the savages, we will wait for you at some distance, and when you find a convenient place, you know what you have to do."—McLellan after this, set off in the canoe with his party. In a short space after, Reinhard, Mainville, and Joseph departed with their prisoner. After having gone on sometime in the canoe, Mr. Keveny requested leave to stop on shore for a few minutes, which was granted. While he was on shore, Reinhard said to Mainville, "we are now far enough distant from the Indians, you may fire when he returns to embark." The Indian Joseph was standing on the land, holding the canoe, Reinhard was also standing on the shore, and Mainville having prepared his fusil, kept himself at his station on the watch. Just as the prisoner had returned to the water's edge, Mainville fired; the contents of his fusil

passed through Mr. Keveny's neck, and he fell with his face upon the canoe. As he made great efforts to speak and appeared to be convulsed with agony, of which the duration seemed uncertain, Reinhard says, that "he thrust his sword "twice thro' his back opposite the heart, to terminate his "sufferings."—The body was then stripped and thrown into the woods. The murderers proceeded to join their associates who had stopped for them, and had heard the firing. Grant and Cadotte went forward to meet Reinhard before he came up to McLellan, and enquired if Keveny was killed? Reinhard answered in the affirmative; upon which they told him that McLellan had sent them to desire him to say, that Keveny was not killed. Reinhard then replied, "he is killed, and I will not conceal it, for it was done by his "orders."—After this, McLellan probably thinking any affectation on his part would be ridiculous, as well as useless, when Reinhard came into his presence, desired him to relate the particulars of the murder; which were in consequence given in detail, and when this relation was finished, Reinhard put into McLellan's hands the remainder of Keveny's baggage and effects. McLellan kept only the papers, which he passed the night in examining, burning some, and preserving others. The examination was not completed the next morning when the party were in readiness to proceed, but was continued in the canoe; such papers as it was not considered

considered advisable to preserve, being then sunk in the river with stones, instead of being burnt. Amongst the papers preserved, were some instructions from the Hudson's Bay Company. The rest of Keveny's effects were distributed among the party with McLellan, whom McLellan congratulated upon having got rid of a person whose life would not have been compatible with their safety, or with the interest of the North West Company, but whose disclosures and information would have ruined them, had he been allowed to reach Fort William or Hudson's Bay.

Sometime after these transactions, a Proclamation of his Excellency Sir John Sherbrooke, forbidding all acts of violence in the Indian Territories, fell into the hands of Sergeant Reinhard ; he was also informed that the North West Company possessed no legal jurisdiction or right, in the Country, as he had been previously led to believe ; and that the conduct of the North West Partners and their Servants, in expelling the Colony at Red River and murdering the Governor and Colonists, might be considered as Treason. He therefore, as he himself states, became horror-struck at the enormity of the crimes in which he had been induced to participate ; and, to relieve his mind in some measure from the weight of guilt which oppressed it, he came voluntarily forward, and wrote and signed, with his own hand, an ample exposition of facts, from which the principal part of the fore-

going

going relation is taken.—Reinhard's statement contains also other facts, of deep interest which may at a proper season be made known. We have already stated that we did not *expect* on the part of the North West Company, any acknowledgment of guilt, but we certainly did suppose, that none of the supporters of that blood-thirsty association would have come forward, to defend the long, the inveterate and cold blooded chase, in which the wretched Keveny was hunted to his grave; more particularly as it seemed not to implicate both as principals and accessaries, more than three of the Partners with three of the Clerks, and some of the servants. In this supposition we have however been mistaken; the supporters of the North West Company, with minds capacious of deeds of blood and horror,—have endeavoured to defend it. But notwithstanding such endeavours, we believe that this cup also will pass away unto the evil doers,—and the right be established.

It is universally known in this country, that the North West Company have long laboured to bring the Hudson's Bay Company into contempt with the Indians, by representing them as a "bande de moutons," a "flock of sheep," who possessed neither the courage nor the capacity to defend themselves. It is true, that the Hudson's Bay Company *are authorized* by their Charter to levy and arm troops for

their

their defence, and to appoint military officers over them. This right they have hitherto with great forbearance, refrained from exercising. It is likewise true, that the North West Company without *any authority whatever*, have armed and employed their servants as military forces.

Those who have been branded with the name of sheep, might now legally take forceful and energetic measures to maintain their authority:—But the flock will find a more powerful, tho' more tardy support, in the protection of the British Lion, which cannot under present circumstances be withheld from them without infamy.

# EXTRACT,

FROM THE OPINIONS OF A. PIGOTT, R. SPANKIE,  
AND H. BROUGHAM, ESQUIRES.

REFERRED TO IN PAGES:—12, 15, 16, 17, 33 & 34.

“ **W**E think that the Hudson’s Bay Company and their  
 “ Grantee Lord Selkirk, have extended their Territorial  
 “ claims much further than the Charter will warrant, sup-  
 “ posing it even free from all the objections to which we  
 “ apprehend it is in other respects liable ; the words of the  
 “ grant pursuing the recital of the Petition of the Grantees,  
 “ with a very trifling variation that cannot affect the con-  
 “ struction of the instrument, are, of the sole trade and com-  
 “ merce of all those ‘ Seas, Streights, Bays, Rivers, Lakes,  
 “ ‘ Creeks and Sounds, in whatever Latitude they shall be  
 “ ‘ *within the entrance of the Streights commonly called, Hud-*  
 “ ‘ *son’s Streights ; together with all the Lands and Terri-*  
 “ ‘ *tories upon the (countries \*) Coasts and Confines of the*  
 “ ‘ *Seas, Bays, Lakes, Rivers, Creeks and Sounds aforesaid ;*  
 “ that is, within the Streights, and those limits are frequent-  
 “ ly referred to throughout the Charter as the limits afore-  
 “ said.

“ *Within the streights,* must mean such a proximity to the  
 “ streights

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\* The word Countries by accidental transposition in the Charter, has become nonsense, and ought to have been inserted between the words “ Lands” “ and.”

“ streights as would give the Lands spoken of *a sort of affi-*  
 “ *nity or relation* to Hudson’s Streights, and not to lands  
 “ commencing at the distance of 900 miles, and extending  
 “ 2000 miles therefrom—that is to say, of the Coasts and  
 “ Confines of the Seas, &c. within the Streights; such a  
 “ boundary must be implied as is consistent with that view,  
 “ and with the professed objects of a trading Company, in-  
 “ tending not to found Kingdoms and establish States, but to  
 “ carry on fisheries in those waters, and to traffic for the  
 “ acquisition of Furs and Peltries, and the other articles  
 “ mentioned in the Charter. The enormous extension of  
 “ Land and Territory now claimed, appears therefore to us  
 “ not to be warranted by any sound construction of the  
 “ Charter.

“ Indeed there is sufficient reason to suppose that the  
 “ Territories in question or part of them, had been then vi-  
 “ sited, traded in, and in a certain degree occupied by the  
 “ French Traders from Canada, and their Beaver Company  
 “ erected in 1630, whose trade in Peltries were considera-  
 “ bly prior to the date of the Charter of the Hudson’s Bay  
 “ Company. These Territories therefore would be excepted  
 “ out of the Grant; and the Right of British Subjects in  
 “ general, to visit and trade in those Regions would follow  
 “ the national rights acquired by the King, by the Conquest  
 “ and Cession of Canada, as enjoyed by the French Cana-  
 “ dians, previous to that Conquest and Cession.”

## ERRATA.

- PAGE 19** at the last line but one, for *so extensive* read *co-extensive*.
- 34 line 18, for, *such Company* read *such a Company*.
- 40 — 21 — *they engaged,* — *they are engaged.*
- 41 — 4 & 5 — *detained,* — *detained.*
- 43 — 13 for *fittest,* — *fitter.*
- 46 last line of the Note, for *adum qui feu,* read *adsum qui fect.*
- 58 line 15 for *Queen of the Isles,* read *Queen of Isles.*
- 56 last line but one, for *discoveries this writer,* read *discoveries ?  
of this writer.....* }
- 61 last line of the Note, for *Canadian,* read *British.*
- 75 line 10 for *had been,* read *they had.*
- 79 line 4 for *papers* read *news papers and periodical publications*
- 20 line 12 for 1786 read 1756.

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