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NEW SERIES, No. XXI.]

[TO BE CONTINUED PERIODICALLY.]

THE
HUDSON'S BAY COMPANY
Versus
MAGNA CHARTA,
AND THE
BRITISH PEOPLE.

BY THE

Liverpool Financial Reform Association.

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"All Monopolies concerning Trade and Traffic are against the liberty and freedom declared and granted by the great Charter, and against divers other Acts of Parliament."  
—COKE'S INSTITUTES, VOL. I., P. 62.

"Grants of Monopolies are against the ancient and fundamental laws of the Kingdom."  
—Ibid, p. 151.

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THE LIVERPOOL FINANCIAL REFORM ASSOCIATION

WAS

INSTITUTED IN LIVERPOOL ON THE 20TH OF APRIL, 1848,

FOR THE FOLLOWING

OBJECTS:

1. To use all lawful and constitutional means of inducing the most rigid economy in the expenditure of the Government, consistent with due efficiency in the several departments of the public service.

2. To advocate the adoption of a simple and equitable system of direct taxation, fairly levied upon property and income, in lieu of the present unequal, complicated, and expensively collected duties upon commodities.

Political partisanship is distinctly disowned, the Association being composed of men of all political parties.

ROBERTSON GLADSTONE, PRESIDENT.

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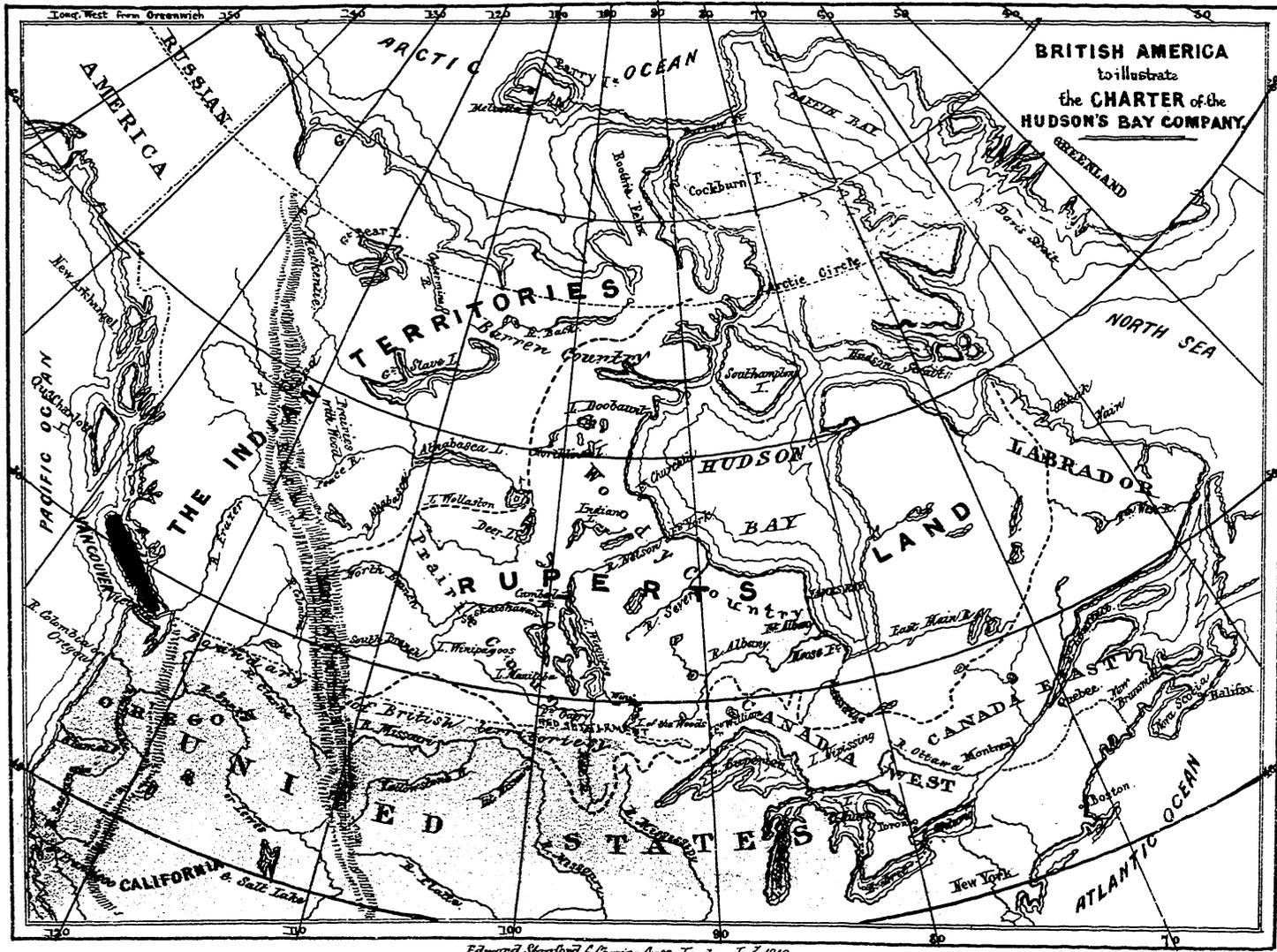
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6, YORK BUILDINGS, DALE STREET,
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BRITISH AMERICA
to illustrate
the CHARTER of the
HUDSON'S BAY COMPANY.

Edward Stanford & Charles Cross, London, Jan. 1849.

EXPLANATION

- Light Green, Territory claimed by Charter.*
- Yellow held by License*
- Dark Green, Gift of 1849.*
- Pink, other British Territories.*
- Blue - United States.*
- Red - Russian Territory.*

THE HUDSON'S BAY COMPANY.

The constitution of this Company, and the question whether its monopoly is to be abolished or continued, which is shortly to be decided by the Legislature, involve consequences so momentous, nationally, commercially, and financially, that the COUNCIL of the FINANCIAL REFORM ASSOCIATION are of opinion that they cannot better discharge their duty to their constituents and the country than by assisting the efforts which have been made by various newspapers and periodicals to drag the company from the obscurity which, in common with all things evil, it has loved, and to expose its doings to the light of day. So monstrous are its privileges, so pernicious have been their results, that, in a country which professes to make justice its rule of action, and freedom of trade its policy, little more than such exposure is requisite to insure the extinction of those privileges, the redress of past grievances, so far as these are capable of being remedied, and the adoption of such measures as will prevent their recurrence for the future. To promote a "consummation" so "devoutly to be wished" is the object of the following pages.

The subject has never, until very recently, attracted a tithe of the attention which it deserves, either from parliament or the public. Not long ago the House of Commons was counted out when it was set down for discussion: and the public generally have known little of the Company beyond its name. Last session, however, the House of Commons did appoint a committee of inquiry, by which some valuable evidence was taken; but its further progress was interrupted by the dissolution. On Friday, the 8th of May last, the committee, comprising seventeen of the former members, was re-appointed, on the motion of Mr. Labouchere, the Colonial Secretary, "to consider the state of those

British Possessions in North America, which are under the administration of the Hudson's Bay Company, or over which they possess a license to trade."

This resumption of the inquiry, at the earliest possible period, in the new parliament is a sign good or bad according to the animus with which it is undertaken by the Government. The object may be to arrive promptly at a solution satisfactory to the nation; or it may be to hurry over the inquiry, and renew the privileges of the Company before it is generally suspected that such a proceeding is contemplated. Either way, it is essentially requisite that the public mind should be enlightened as to the immensity of the stake at issue, and the public demand for justice unequivocally expressed, in order that both Government and Parliament may be kept to their duty. The parties to the great suit now pending are the People of Great Britain, Ireland, and the Colonies on the one-hand, and a small body of "merchant adventurers," as they call themselves, on the other: the interests involved are those of the mother country and her North American colonies, of law and justice—of civilization, Christianity and humanity, one and all of which have been ignored, during a period of nearly two hundred years, for an end utterly contemptible in itself, viz. the private gain of the "merchant adventurers" aforesaid, that is to say, of holders of Hudson's Bay Stock.

In order to show the necessity for watchfulness and popular action now, it may be well to describe what took place some ten years ago, when an attempt was made to obtain a similar inquiry, and made in vain. A memorial from nearly a thousand British subjects inhabiting the Red River Settlement, a portion of the Company's *dominions*, was then presented to the British Government, or rather to the Colonial Department, at the head of which was Earl Grey. The correspondence of the Colonial Office with the delegates from the Red River Settlement, the Governor of the Hudson's Bay Company, and other persons, extending from the beginning of 1847 to the middle of 1850, is detailed in the Parliamentary Papers No. 227 of Session 1849, and No. 542 of Session 1850. The Memorialists preferred the gravest charges against the Company; they utterly denied the legality of the rights

and powers assumed under its Charter ; and they imputed to it one continued policy of the grossest injustice and oppression, both towards British subjects generally, and the native Indian tribes. Their representations were sustained, and their cause most ably advocated by Mr. A. K. Isbister, one of the delegates. On the other side the chief champion of the Company was Sir J. H. Pelly, its Governor, who maintained the perfect legality of the powers claimed and exercised by it ; met the accusations against it either with flat denial or justification ; and contended that it had used its privileges most beneficially, with regard both to the people under its sway, British Half-breed and Indian, and to the nation generally.

The question as to the legality of the Company's Charter was referred by Earl Grey to the law officers of the Crown, Sir John Jervis and Sir John Romilly. These gentlemen, on an *ex parte* case, drawn up on behalf of the Company, reported in favour of its claims under the Charter ; but the statement submitted to them involved very little of the real question between the Company and the Red River Settlers, and they were so little satisfied as to the legality of the powers known to be *exercised* by the Company, that they recommended that the questions submitted to them should be referred to a "competent tribunal for consideration and decision," suggesting either the Judicial Committee of the Privy Council, or the Committee of Trade. Well might they entertain the doubt implied in this recommendation, for quite as eminent legal authorities as they, viz : Sir Arthur Pigott, Sergeant Spankie, and Lord Brougham, had given a most elaborate opinion, declaring the Charter to have been illegal in its origin, and even if legal, subsequently voided by the violation of all its conditions.

As to the charges against the Company, Earl Grey seems to have been in a state of considerable bewilderment. He wrote two dispatches to Lord Elgin, Governor General of Canada, directing an investigation into them. In his reply, dated June 6th, 1848, (Parliamentary Paper 227, sess. 1849, p.p., 8—9.) Lord Elgin describes the difficulties he experienced "in obtaining materials for a full and satisfactory report ;"—states that the result of the inquiries he had made was "highly favourable to the Company ;"

—speaks, however, of “the evil arising” from the existing state of things, and refers to Colonel Crofton, who resided for a considerable period at Red River, in command of a detachment of troops at Fort Garry, as a person from whom he had “derived much valuable information.” On the 8th of February, 1848, Mr. Hawes, the Under Secretary, forwarded to this gentleman, then resident in Ireland, copies of the memorial, &c., and addressed to him a letter, in which occurs the following passage:—“Great difficulty is experienced in arriving at a just conclusion upon them in consequence of the charges against the Company, and their defence, *both resting, to a great extent, on mere assertion;*” (Ib. p. 98.) A similar letter was addressed by Mr. Hawes to Major Griffith, Colonel Crofton’s successor in command of the troops.

From neither of these gentlemen did the Colonial Office obtain much more than “*mere assertion.*” Their opportunities of observation were of the slightest kind, and limited to a very small portion of the Company’s territories; nearly all their information was derived from the dependents of the Company; as to some of the charges they avowed their entire ignorance, and yet they did not hesitate to denounce even these, along with the rest, as false and calumnious, (Ib. p p. 101, 109.) In short, the bias of the referees in favour of the Company, which would, of course, take care to be on good terms with military officers, was too manifest: they proved far too much, that is, if “*mere assertion*” can be said to prove anything. Yet, on no better testimony than this, Earl Grey decided that there were no grounds for a parliamentary investigation. Being urged by Mr. Isbister to institute an enquiry, either by a commission on the spot, or before a committee of the House of Commons, His Lordship declined to take either course, but proposed, in conformity with the advice of the Attorney General and the Solicitor General, that the whole case should be submitted to the Judicial Committee, or to the Committee of Trade, Mr. Isbister, or his colleague, Mr. J. M’Loughlin, undertaking all the responsibility, and bearing the expense of the proceeding. Both gentlemen having, very naturally, refused to abide by so unreasonable a proposition, on a question affecting great national interests, which it was obviously the duty of Government to probe

to the bottom at the public expense, Earl Grey declined taking any further steps in the matter. He was guilty, moreover, of a still greater dereliction of the duty which he owed to his Sovereign, and to the country which paid him for the (mis)management of the Colonies; for whilst these heavy and uninvestigated charges were still hanging over it, he made a gift of Vancouver's Island, at a nominal rent of *five shillings* per annum, to the very Company which had been so gravely impeached, and whose defence, according to the admission of his deputy, Mr. Hawes, rested "to a great extent on mere assertion."

The leaning of the Colonial Office, throughout this correspondence, towards the Hudson's Bay Company, is as palpable as is the neglect of public interests demonstrated in the result. Whether the fact that the Right Hon. Edward Ellice, one of the principal shareholders in the Hudson's Bay Company, happens to be brother-in-law to Earl Grey affords any sort of clew to the mystery is uncertain; but perhaps this little sketch of what has been done may be useful now that the parliamentary inquiry refused by Earl Grey has been obtained, seeing that Mr. Labouchere, the present Colonial Secretary, has, on different occasions, shown a strong bias towards the Company, and that Mr. Edward Ellice, Jun., son of the Right Hon. Edward, who is a member of the committee, is also a considerable shareholder in the Company, and one of its directors.

In order that public justice may not again be defeated by private influences, it is requisite that the public should be made thoroughly familiar with three main points, viz. what the Hudson's Bay Company is—What it has done—and, lastly—What should be done with it. On each of these heads a few particulars are now submitted.

WHAT THE COMPANY IS.

In virtue of a charter granted by King Charles II. the Company claims to be absolute lord of the soil, in perpetuity, over between two and three millions of square miles of land, (marked Rupert's Land, or Hudson's Bay Territories upon the map,) with powers of Government and taxation, and of making war or peace, far tran-

scending those of Queen Victoria and her Ministers, since *they* are subject to parliamentary control, whilst the Company is now as absolute in its own dominions as Charles II. wished to be, and as his father tried to be, in theirs, with what result is known. In addition to these dominions the Company has obtained, by Royal License, granted under an act of parliament, which was passed within the last forty years, pretty nearly the same jurisdiction over what are called "the Indian Territories", which are still more extensive than Rupert's Land, the main difference in the tenure being that the license is *terminable*, whereas the chartered *property* of the Company, according to its own reading of its rights, is held in *perpetuity*. Furthermore, about seven years ago, Vancouver's Island, a country about the size of Scotland,—containing fine harbours, most admirably situated as regards the navigation of the Pacific,—possessing a fine climate and fertile soil,—abounding in mines of coal, iron, and the precious metals,—and in every respect adapted to purposes of colonization and trade,—was made over to this same Company. Now, the chartered estate, and the property held on lease, comprise nearly the whole continent of British North America, the principal exception being Canada, which they exceed more than twelve times in extent. Its territory is one third larger than all Europe, covering a space sufficient for the establishment of kingdoms and empires, the whole or nearly the whole of which it has treated as if intended by God and nature for no better purpose than the breeding of wild beasts and vermin, in order that a set of private adventurers might make the greatest possible profit out of the traffic in their skins! More, and worse still, it has kept the native races of man in a state of savage heathenism and ignorance, in order that they might be the better hunters, and the more helpless victims to their exactions. To a monopoly so stupendous, so anomalous, and so pernicious, there is scarcely a parallel to be found in the history of any age or nation, if, indeed, it be not wholly unexampled. That of the China trade by the East India Company, and that of the supply of bread to the British people by British growers only, were striking instances of the way in which the public good may be sacrificed to private interests; but both were morally innocent

compared with the monopoly of the Hudson's Bay Company, now about to be, like them, abolished, if there be honesty in parliament, or common sense in the British people.

PROFESSED OBJECTS AND OBLIGATIONS OF THE COMPANY.

The Company's Charter of incorporation is dated May 2nd, 1670, in the 22nd year of King Charles the Second. It is given at length in the parliamentary paper No. 547, sess. 1842. The preamble states that certain persons, seventeen in number, to wit, Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Antony Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Calleton, Sir Edward Hungerford, Sir Paul Kneele, Sir John Griffith, Sir Philip Carteret, James Hayes, John Kirke, Francis Millington, William Prettyman, and John Fenn, Esquires, and John Portman, citizen and goldsmith, "have, at their own great cost and charges, undertaken an expedition to Hudson's Bay, in the North West part of America, for *the discovery of a new passage into the South Sea*, and for the finding of some trade, for furs, *minerals and other considerable commodities*; and by such their undertaking have already made such discoveries, as to encourage them to proceed further in pursuance of their said design, by means whereof there may probably arise very great advantage to us and our kingdom"; and had therefore petitioned for a charter of incorporation. On these considerations, his Majesty "being desirous" to promote all endeavours tending to "*the PUBLIC GOOD*," proceeds to incorporate the persons aforesaid, under the title of "the Governor and Company of adventurers of England trading into Hudson's Bay," with "perpetual succession" and all customary corporate privileges,—appointing Prince Rupert the first Governor thereof, and seven of the other petitioners the first Committee.

WHAT WAS GRANTED TO THE COMPANY.

Never was such a gift as that made by King Charles to Prince Rupert and Co., and to their successors to the end of time. The Charter confers upon them "the sole trade and commerce of all those

seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the Straits commonly called Hudson's Straits, together with all the lands and territories, 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.*" This description seems vague and comprehensive enough, especially as its interpretation appears to have been left to the grantees, though there is one important exception, of which more anon. It did not however sufficiently correspond with his Majesty's magnificent spirit of generosity towards these highly favoured men, for in a subsequent part of the Charter, the grant is extended to "all havens, bays, creeks, rivers, lakes, and seas, into which they (the Company) *shall find entrance or passage, by water or land, out of the territories, limits, or places aforesaid,*" which, taken literally, may mean not only the whole continent of America, but the whole world, or at least, such portions of both as were not "possessed by the subjects of any other Christian Prince or State." All the earth was clearly accessible by land or water, from Hudson's Bay. Coupled with the grant, there was the reservation, that the territories thus handed over to private individuals, should "be from henceforth reckoned and reputed as one of our plantations or colonies in America, called Rupert's Land;" but the Governor and Company for the time being, and and in all time, were declared to be "true and absolute Lords and Proprietors of the same territory," holding it as of the "manor of East Greenwich," and paying for it yearly "*two elk's and two black beavers,* whensoever and as often as we, our heirs and successors, shall happen to enter" into the said countries, territories, and regions hereby granted.

The dimensions of the snug little farm of Rupert's Land, and of the additional outlying territories handed over to the same proprietors, by the British Government, in 1821, may be ascertained by an inspection of the map, the use of which has been most handsomely granted for the illustration of this tract, by Mr. Isbister the holder of the copyright.

What consideration was given to the King by the real "merchant adventurers," for this extensive transfer, beyond the promise of the "two elks and" the "two black beavers," or how Prince Rupert and the other Lords, who certainly never made any discoveries, or dreamt of degrading themselves by entering into trading transactions, were compensated for the loan of their names and interest, does not appear. In all probability his Majesty's coffers, always craving and generally emptied almost as soon as filled, were replenished with a handsome bonus down, in addition to a liberal allotment of free shares; and it is not unlikely that the same favours were extended to the princely and noble sleeping partners in the concern. But these are matters of very secondary importance;—for, whatever he got for it, these three facts are demonstrable, 1st, that King Charles gave away what he had no right to give; 2nd, that from this grant he expressly excluded much which the Company now claims under it; and 3rd, that he invested the Company with powers which he did not himself possess.

As to the first fact, conceding the point that the Crown can make grants of waste lands in the colonies, there never was any pretence that it can give away a whole colony, or, as in this case, territory sufficient for the establishment of many colonies, to any private individuals. But, supposing that the Crown had such power, King Charles did not give to the Company a title of what it now claims under his gift. It has been seen that he expressly excepted all territories possessed by the subjects of any other Christian Prince or State. Now, at the date of the charter, and long before, far the greater part of the existing "Rupert's Land" was precisely in this condition. In the year 1598, seventy-two years before the date of the English charter, Henry IV. of France appointed the Sieur de la Roche his Lieut. Governor over the countries of "Canada, Hochelaga, Terresneuves, Labrador, and the river of the great bay of Norrembegue." In 1627, forty-three years before the date of the Hudson's Bay Charter, the French King granted to "The Company of New France," otherwise the Fur Company of Québec,—the rights of property, justice and lordship in Canada, and along the coasts to Florida and the Arctic Circle; describing the boundaries as being, on the West, the Pacific

Ocean to the tropic of Cancer; on the South, the isles of the Atlantic; on the East, the North Sea; and on the North, unknown lands towards the Frozen Sea and the North Pole. This Company seems to have traversed the whole country now claimed by the Hudson's Bay Company under a grant which expressly excludes them from it. By the treaty of St. Germain's-en-Laye, in 1632, thirty-eight years before the Charter, King Charles I. of England resigned to Louis XIII. of France the sovereignty of Acadia, New France, and Canada; and it was not until the treaty of Utrecht, in 1714, forty-four years *after* the date of the Charter, that nearly the whole of what are now called the Hudson's Bay Territories, were made over by France to England. Thus, supposing that King Charles II. had a right to give to Prince Rupert and his companions all of America that belonged to England, he could not give them what belonged to France; and, indeed, as has been seen, he did not pretend to do so, having carefully reserved the interests of foreign states, whilst recklessly sacrificing those of Britain.

Here are two fatal flaws in the Charter, as the Company now interprets it: the third is still more decisive. It has been decided by the highest constitutional authorities, that the Sovereign has no power to grant to any of his subjects rights of exclusive trade and commerce in any part of the British dominions, without an Act of Parliament:—it is obvious that the King cannot give to any chartered company, powers which he does not himself possess, viz., those of imposing taxes, making laws, and imprisoning British subjects, as well as seizing their property, for the infringement of such laws,—without the sanction of Parliament. But all this and more, including the power of making peace and war, did King Charles grant to Prince Rupert and his trading partners. He who could make no laws himself, made *them* sovereign legislators—with this proviso however, that “the said laws, constitutions, orders and ordinances, fines and americiaments, be reasonable, and not contrary or repugnant, but as near as may be, agreeable to the laws, statues, or customs of this our realm.” Rupert's Land being a British colony, the inhabitants thereof were and are entitled to the full protection of British laws without this

proviso ; but of what value was it in a deed deliberately ignoring the rights of personal liberty, freedom of trade, and security for property ? This is what the Charter did, for it gave “ full power and lawful (?) authority *to seize upon the persons* of all such English, or any other our subjects which shall sail into Hudson’s Bay, or inhabit in any of the countries, islands, or territories, hereby granted to the said Governor and Company, without their leave and license in that behalf, first had and obtained, or that shall *contemn* or disobey their orders, and send them to England ;” and it directed that all persons in the employ of the Company should “ be liable unto and suffer such punishment for any offences by *them* committed, in the parts aforesaid, as the President and Council for the said Governor and Company shall think fit.” This was despotic power—not English law. The King himself possessed it not ; therefore he could not enable one portion of his subjects to exercise it over the rest, though he professed to do so of his own “ especial grace, certain knowledge, and mere motion.”

It is a remarkable fact that, until the cession of Canada to Great Britain, the Company never dreamt of putting forward the monstrous claims which it has since preferred ; and further, that it has never, in any one instance, ventured to test the validity of its Charter in an English court of law. It has had opportunities enough ; but, whenever there has been any serious infringement of its pretended rights, it has either put it down by force, bought off the opposition, or combined with the opponents. Where the strong hand availed against individual interlopers, it was resorted to without scruple ; but the Company has never dared to seek a civil remedy in an English court of justice. How could it do so, when it must have been conscious that its Charter was a violation of all law, and would not bear the slightest legal sifting ? The statute 21, James I. c. 3, declared that “ all monopolies,” and “ all charters granted to any persons” or “ bodies corporate,” “ for the sole buying, selling,” &c. “ of any commodities within this realm,” were “ altogether contrary to the laws of this realm, and so are and shall be utterly void, and of none effect.”

In Mr. Fitzgerald’s admirable work on the Hudson’s Bay

Company, from which this passage, as well as many facts epitomized in these pages, and the map prefixed to them, have been taken, several parallel cases are cited, in which English judges invariably decided against the claim to an exclusive right of trade by charter. In one of them, Lord Hale said emphatically, " Patents which tend to the engrossing of trade, merchandise, and manufactures, though of never so small a value, into one or a few hands only, have always been held unreasonable and unwarrantable." In another case,—the *Attorney General v. Allum*, in which the Russian Company claimed exclusive rights of trading, under letters patent, this was the decision of the Court:—" The act is a mere act of creation, and to regulate those of the Company who trade separately, to the prejudice of the joint stock of the Company; and if it were an act of confirmation, it would be a void act, because the letters patent themselves are void, being to appropriate a trade, which the King cannot do by law." (*Hardies' Reports*, p. 108.) In the case of *Nightingale v. Brydges*, it was admitted, without argument, that the King could not grant power to seize ships engaged in a trade prohibited by charter,—which was one of the powers granted by Charles II. to the Hudson's Bay Company. Another case quoted by Fitzgerald is that of the African Company, to which the same very liberal and very unscrupulous monarch, had granted precisely similar privileges, over all the regions, countries, &c., from Sallee inclusive to the Cape of Good Hope inclusive, for 1000 years, is exactly in point. The Company had seized a ship and cargo, for trading against its charter: both were condemned in the Court of Admiralty, there being no appearance; but the owner having brought an action at common law for recovery of his property, the Court decided unanimously in favour of the plaintiff, and, of course, against the charter. (*Vyner's Abridgement*, vol. 17, p. 213.)

That the Hudson's Bay Company was perfectly conscious, from a very early period, that its charter was not good in law, is evident from the fact that, in 1690 it sought for, and obtained, an Act of Parliament, (2 Will. and Mary,) to confirm it, a course which obviously would not have been taken had it thought the Charter valid. In the body of this act the confirmation is " for ever ;"

but, whilst the Bill was passing through Parliament, the Commons limited it to "ten years," the Lords to "seven;" and the Bill ultimately passed with the following rider:—"Provided always that this Act shall continue in force for the term of seven years, and from thence to the end of the next session of Parliament, and no longer." At the end of the seven years the Company introduced a new bill, but, apprehending defeat, withdrew it; and, from that day to this, it has relied solely, for all its assumed territorial and trading rights over what it has been pleased to define as Rupert's Land, on its original charter.

HOW THE COMPANY HAS DISCHARGED ITS OBLIGATIONS.

Of the conditions and motives already specified as those on which the charter was granted, the Company has observed only one,—“the finding of some trade for furs.” As to the discovery of a North-West Passage, the Company did little or nothing until within the last few years when forced to make some show of energy and enterprise, through very shame at seeing the Government, and private individuals, making explorations which were assigned as the first and foremost purpose of its own institution. That its previous torpidity arose from no lack of means is certain; for, from a letter addressed by Sir J. H. Pelly to the Committee of Privy Council for trade, (*Parl. Paper*, 547, *Sess.* 1842, *p.* 24.) it appears that between 1670 and 1690 the dividends were 50 per cent.; and, from 1690 to 1800 between 60 and 70 per cent. Yet it was not until 1719, fifty years after its incorporation, and then only to prevent inquiry whether the charter was not void by non-fulfilment of its primary condition, that the Company fitted out two vessels for the alleged purpose of discovery. The object in view, however, was not geographical knowledge, but the testing of certain reports as to the existence of certain gold and copper mines, of which Captain Knight, Governor of the fort on Churchill River, had heard; and the expedition was undertaken in consequence of the urgent representations of Captain Knight, who threatened to apply to the Government if the Company neglected its duty. The Company then took another long sleep of half a century. It

does not appear that any further attempt was made until 1769, when Hearne commenced a second expedition in search of the gold and copper mines aforesaid, and, accidentally, rather than from any settled purpose, discovered the Arctic Ocean. On this discovery the Company must have set very little value, since it did not publish "Hearne's Narrative" till nearly thirty years afterwards. In 1836-7, when Government was sending out Captain Back's expedition, the Company, then applying for a continuance of its exclusive privileges, sent one also, under Simpson and Dease; and again in 1846, when Government was despatching Sir John Franklin on his last fatal voyage, the Company sent Dr. Rae. Thus, between 1670 and the present day, the Hudson's Bay Company has undertaken four expeditions, of which but two were in aid of geographical science, and only one in ships. Judiciously, therefore, has it avoided, as far as in it lay, all legal inquiry into the conditions on which it held its charter.

WHAT RIVALS THE COMPANY HAD, AND HOW IT DEALT WITH THEM.

It is beyond question that when King Charles, amongst his other illegitimate exploits, created the Hudson's Bay Company, Canada, and much of what is now British America, belonged to France; and the deed of creation itself shows that he did not pretend to give away what did not belong to him. It is equally certain that, long before this great national abortion was called into existence, the French Canadians traversed nearly the whole of the vast region now claimed by the Company as its exclusive property under that very deed, and carried on an extensive traffic in peltry with all the Indian tribes. On the cession of Canada to Great Britain the leading fur merchants formed an association under the name of the North-West Fur Company of Montreal, extending the operations throughout the interior of North America to the Arctic Circle and the Pacific Ocean, and ultimately to the Hudson's Bay Territories. Jealous of their success, and trembling for its monopoly, the Hudson's Bay Company began to assert privileges under its Charter which it had never before propounded against Canadians. A fierce struggle ensued between the two Companies,—a savage and brutal strife between their servants, in which

the Indian tribes took part on opposite sides, and were instigated by their *Christian* patrons to pillage and slaughter. Between the rivals there was a truculent paper warfare, as well as an actual one, in which each openly accused the other of the foulest crimes, robbery and murder being included in the catalogue. This state of things, so thoroughly disgraceful to people calling themselves Christians, continued for many years. At length the Hudson's Bay Company, finding it impossible to beat its rivals either by fair competition or downright force, and well knowing that any appeal to a court of law against the alleged interlopers would involve an inquiry into the validity of the Charter fatal to its pretensions, determined on compromise and coalition. By previous arrangement with its competitors, and with the aid of strong interest at the Colonial Office, enjoyed by both parties, an act of parliament was passed in 1821, the 1st and 2nd George IV. c 66, by which the Crown was empowered to grant to "*any* body corporate or company, person or persons, the exclusive privilege of trading within lands and territories not previously granted to the Hudson's Bay Company, or part of the United States," for a period of 21 years.

Under this act the Crown might have granted the privilege in question to any other Company, person, or persons, quite irrespective of the pretended rights of the Hudson's Bay Company; but it was an understood thing beforehand that it was to be given to the leading members of the North West Company, Messrs W. and S. Mc. Gillivray, and Mr. Edward Ellice, afterwards to be transferred to the Hudson's Bay Company, the two Companies coalescing. All this was done accordingly, and Messrs Mc. Gillivray and Ellice who had most patriotically denounced the claims and proceedings of the Hudson's Bay Company as opposed to all law and justice,—who had so manfully asserted the rights of free-trading and settlement on behalf of British subjects generally, and Canadians in particular,—forgot all previous professions, drowned the remembrance of fierce hostility, and stood forth, in their own behalf, and that of the Hudson's Bay Company, against all the rest of the world, as champions of that very monopoly which they had denounced as the very essence of injustice and oppression.

The pamphlets published during the struggle are now extremely scarce. It was, of course, the policy of both parties to buy up and destroy all such mementoes of former feuds, now that they had become friends and allies, with one common interest. But the nature of the contest is sufficiently indicated in the following extract from a letter addressed by the Home Governor of the Hudson's Bay Company to Lord Glenelg, on the 10th of February 1837, when the united Company was soliciting that renewal of its licence for twenty-one years which it obtained in 1838 :—

“ It is unnecessary to say more of the eager competition into which this Association (the North West Company of Montreal) entered with the Hudson's Bay Company, for the trade of the Indian districts, or of the *scenes of demoralization and destruction of life and property* to which it led, further than to refer your Lordship to the ample details on this *revolting subject* in the Colonial department; to the agreements at last entered into by the rival companies to put an end to them, by the union of their interests in 1821; and to the Act of Parliament passed in the same year to give effect to that union, and to prevent the possibility of the recurrence of competition, by enabling the Crown to grant to the parties interested, a license for the exclusive trade, the only means of restraining violence and crime, and of maintaining order under the peculiar circumstances of the country and the case.” (*Parl. Paper, 547, Sess. 1842, p. 12.*)

The reader cannot but admire the cool impudence of the assertion, that “the *ONLY means of restraining violence and crime*” was to secure to the criminals the monopoly of the spoil for which they were contending against all the rest of their fellow-subjects; but it was quite in keeping with the character of the monopolists, and it seems to have passed muster at the Colonial Office. In this same document the Governor says, “One of the principal objects of the incorporation of this Company was the fur trade with the Indians inhabiting the territories ceded to them.” The Charter itself shows that the principal object was the discovery of a north west passage,—towards which the Company has done comparatively nothing; that another principal object was trade “in other considerable commodities;” and that the constraining

motive was alleged to be a desire to promote "the public good." A brief consideration of what the Company has done in furtherance of objects each far transcending in importance the trade in furs, may not be uninteresting.

WHAT THE COMPANY HAS DONE FOR COMMERCE.

The other "considerable commodities" in which a most extensive trade might have been developed more than half a century ago, are tallow, hides, horns, wool, and minerals of various kinds. The prairies of the Red River and Saskatchewan are covered with immense herds of buffaloes, red-deer, and wild horses; and the country being admirably adapted for the growth of hemp and flax, is capable of producing all the raw produce we now import from Russia; but as to these, and as to corn and provisions, of which quantities almost unlimited might have been produced but for the deadly Upas of its monopoly, the Company has played, and still plays, the part of the dog in the manger, neither trading nor producing itself, nor permitting others to do so. Its own traffic outwards is limited to skins,—inwards to articles for its own use, or for barter with the Indians. It possesses the exclusive privilege of import and export in its own vessels; and will not permit any other ships than its own, to enter the bay, either for trading purposes, or to fish in its waters, where whales and seals abound. No British subject resident in Rupert's Land, the Indian Territories, or Vancouver's Island, can buy or sell furs from or to any body but the Company. It allows some persons to import goods, but only in its own ships, and only by license, which is never granted to persons interfering in any way with the fur trade, or not submitting to such regulations, and paying such duties, as the Company thinks proper to impose. The charge made by the Company for the conveyance of goods from York Factory to the Red River settlement is 20s per 90lbs, or £24 2s 2d per ton, which makes altogether, a freight of upwards of £33 per ton from London. Hence prices are greatly enhanced, sugar and rice for example, being 1s per lb, and salt 1s per quart. One of the results is, that the settlers procure manufactured goods from the America frontiers, instead of from England, which they can do at about half the price. The case of Mr. James Sinclair, one of the settlers at Red River, is

strongly illustrative of the Company's love of commerce, and its desire to develop the resources of the immense territories committed to its charge. In 1842-3 this gentleman, by way of experiment, sent a small quantity of tallow to London in one of the Company's vessels, this being probably the very first consignment of anything but furs, ever made from the Company's territories. The speculation answered beyond his hopes; and next year, he sent a much larger quantity to York Factory, for shipment to England. The Company however refused to take it; it remained at the Factory, under one pretext or other, for two years; and it was then sold to the Company at prime cost. The secret of the refusal was, that this too enterprising merchant had had the audacity to join his brother settlers in a memorial to the British Government, complaining of grievances and praying for redress.

The regulations under which some little traffic is permitted are scarcely credible. Here is a sample of them:—by an order of the Governor and Council of Rupert's Land, dated June 10th, 1845, it is graciously provided that, once in every year, any British subject, resident, and not being a fur trafficker, may import, free of duty, goods of the value of £10, for his own exclusive use. But the liberality of the Company does not stop here, for, once every year, any British subject, qualified as aforesaid, and personally accompanying them, may import, duty free, goods to the value of £50, under similar restrictions. All other imports are subjected to a duty of 20 per cent. *ad valorem*; but the Governor may exempt from this duty all such importers as may be “reasonably believed by him to have neither trafficked in furs themselves since the 8th of December, 1844, nor enabled others to do so by illegally and improperly supplying them with trading articles of any description.” Thus, this knot of private individuals claims a power not possessed by the Queen and her Government,—that of levying taxes without consent of parliament, and it exercises that power with a special view to the maintenance of its own monopoly.

WHAT THE COMPANY HAS DONE FOR COLONIZATION.

The territories under the sway of the Company, by charter and by license, might have afforded homes to hundreds of

thousands of British subjects who have flocked to the United States, and are now American citizens. There is "ample room and verge enough" for many flourishing colonies. What has the Company done in this way? With one exception, and that sorely against its will, absolutely nothing. In 1811 it granted to the Earl of Selkirk, who had purchased a large proportion of its stock with that view, 116,000 square miles of land on the Red River, situated midway between the American boundary and Lake Winnipeg, and His Lordship located there a colony consisting principally of Scotch Highlanders and their families, whom he conveyed thither from Europe. The purpose was ostensibly that of colonization, for which the country is admirably suited, great portion of the soil consisting of rich alluvion, which, when first tilled, yields crops of wheat forty-fold; and which, after twenty years of successive cultivation, without manure, green crops, or fallow, still yields from fifteen to twenty-five bushels per acre of fine heavy corn. But the main purpose of the settlement was to place a barrier in the way of the operations of the North West Company, not colonization. One of the first proceedings of the colonists was to seize supplies of food intended for the posts of the Canadian Company; and frequent affrays took place, in one of which the Governor of the new colony and several other persons lost their lives. By the treaty of 1818 it was admitted that a large portion of the settlement was within the territory of the United States; the rest of it has since reverted to the Company.

In making this grant the Company exhibited its usual contempt of law, for it had no legal right to create a sub-monopoly, empowering Lord Selkirk to appoint Governors, create courts of justice, and perform other acts of sovereignty, all of which it did. This sole colonizing experiment has proved a comparative failure, as it well might, for the Company seems to have taken the most likely means to make it one. Land was sold at more than double the price of good land fifty miles to the south on the same river, in the American territory, and on conditions which render the purchaser an absolute slave to the Company's monopoly. Every attempt of the settlers to open a traffic with England has been frustrated by the tyrannical regulations of the Company, and by

the enormous rates of freight demanded. They are not allowed to traffic with the Indians in any way. The settlement has been in existence nearly half a century. During this period mere villages, — nay the location of single squatters in the United States, have sprung up into important cities and districts ; but the Red River Settlement has lingered and pined under an incubus opposed to all progress, numbering, at this day a population of from five to seven thousand souls only. On two occasions large bodies of the settlers passed over into the United States, and became American citizens ; the feeling of those who remain is decidedly in favour of annexation to Canada, for which there are many good reasons, rather than to the United States, but the latter course they would decidedly prefer to continuance under the Company's dominion. About this there can be no mistake, for, when the Oregon dispute was still pending, the settlers petitioned congress for admission into the Union, in order to escape from their galling and degrading thralldom. This one fact speaks volumes as to the anti-British tendency of the monopoly.

WHAT THE COMPANY HAS DONE FOR THE UNITED STATES AND RUSSIA.

But, whilst discouraging and repressing their fellow-subjects in every possible way, the conduct of the Company and its officers towards Americans has been very different. In the correspondence already described, the strongest testimony cited by the Company in its own favour was that of Americans, who spoke from a lively sense of personal favours conferred, and advantage to their own country to be expected from a continuance of the Company's system. By its connivance, if not by its influence and positive agency, American citizens obtained that footing in Oregon, which constituted the claim of the United States to a most valuable territory, which unquestionably belonged to England if there were one jot of validity in the Company's Charter, and which the States would never have obtained had the Company permitted British subjects to settle there. In connexion with this transaction the Company seems to have been guilty of something very like treason, if there be any truth in the following

statement made in Fitzgerald's work, page 287 :—"The country south of the 49th parallel, it seems was hunted up—therefore the posts of the Hudson's Bay Company were become of no value at all. By annexing all that country to the United States, and inserting in the treaty a clause that the United States should pay the Company for all its posts if it turned them out—the Company were able to obtain from the Americans a large sum of money for what would have been worth nothing had the territory remained British."

The Company has taken great pains to persuade the Government and people of this country that the Fisheries which it has neglected are worth nothing. The Americans know better, and have turned a portion of them to very profitable account. In a recent Report of the Secretary of the United States Navy, to the Senate, it is stated that in consequence of information derived from the British Arctic Expeditions to Behring's Straits, a whale fishery had sprung up in the comparatively open sea between these Straits and the mouth of Mackenzie's River, which had in two years produced the enormous sum of eight millions of dollars. This trade ought to have been British, and would have been so but for the miserable policy which has excluded British enterprise both from land and sea.

Russia, also, is under very considerable obligations to the Company for its supine indifference to British interests, if not for its active co-operation and assistance. The reader, on turning to the map, will observe that the Russian boundary, as settled in 1825, includes a long, narrow patch of land, extending far south of the main part of Russian America. By a Company valuing only its trade in furs, and exclusively bent on preserving the interior as a hunting field, access to the sea in that direction was probably regarded as a matter of very little importance. But Russian diplomacy was rather more astute. By the acquisition of this same odd-looking slip, it obtained for Russia the command of nearly half the Western coast of British America—an advantage which will be turned to purposes most prejudicial to British interests, at the first suitable opportunity. During the late war, this absurd blunder might have been rectified, even if it were

thought inconsistent with our professions of perfect disinterestedness to take possession of the whole of Russian America. An expedition was fitted out for some such purpose, but it led to nothing; very possibly its failure is attributable, as has been alleged, to an indisposition on the part of the Company either to do, or to permit, anything offensive or injurious to its Russian neighbours.

The same selfish and anti-national policy continues in operation, and it will, if not checked in time, undoubtedly produce similar results. The Hudson's Bay Company still regards millions of square miles of territory, abounding in all the means of wealth, agricultural, manufacturing, and commercial, and possessing the finest system of water communication in the world as nothing better than one vast hunting field, subordinating all other considerations to that of "some trade in furs." With this sole view it has endeavoured, so far as in it lay, to retain nearly half the Continent of America in a state of wild and barren waste, keeping out men in order that beasts might breed and multiply. As regards subjects of the British Crown, this execrable policy has, to a great extent, succeeded:—not so as regards American citizens. Considering their spirit of enterprise and indomitable energy, it was not to be expected that they would remain on their own side of the boundary when there were rich waste lands, turned to no useful purpose, and never likely to be, by the proper owners, tempting them beyond it. A squatting population first,—then annexation, were the natural consequences. Thus was Oregon lost,—and thus will other valuable portions of British territory be lost also, within the next ten or dozen years, if the Hudson's Bay monopoly be allowed to exist so long. According to the latest news the inhabitants of the new State of Minnesota are looking with longing eyes into the British desert close at hand. Their newspapers speak of "the rich booty that lies to be seized by the boldest and most enterprising;" they state that thousands are flocking to the neighbourhood from all parts of the Union; that invading companies have already been organised; and that sites for American towns have already been marked out on what is, as yet, British territory. All this is very aggressive, no doubt;

but who can blame them for seeking thus to turn God's hitherto neglected gifts to some useful purpose? Their own Government, even if it were disposed to do so, could not prevent this process of absorption. Neither can the Hudson's Bay Company. What resource then remains? None, but in the abolition of its monopoly, and the throwing open of the whole of its usurped territories to British and Canadian enterprise, under the protection of British laws.

HOW THE COMPANY HAS SOUGHT TO DETER SETTLERS.

It has ever been, and still is, the cue of the Company to represent its dominions as unfit for the habitation of civilized man, or any other purpose than that to which they have been put. This description applies to some part of the country no doubt, but the rest of it presents a magnificent field for colonization. In his evidence before the Committee of the House of Commons, in February last, Sir George Simpson, the territorial Governor, was pleased to describe the Red River district, and the parts adjacent to the United States territory of Minnesota, as unfit for the dwelling of man, or agricultural occupation. He also spoke of the Company's possessions generally, in terms of great contempt, asserting that nobody would live therein who was not paid for doing so. The Minnesotans entertain a somewhat different opinion; and so, once upon a time, did Sir George Simpson himself. In his "Overland Journey round the world" vol. I. p. 54, he states that there is not upon the face of the earth, a more favourable situation for the employment of agricultural industry, than the Red River Settlement; he speaks in the most glowing terms of the beauty of the country, the fertility of the soil, its rich and varied produce, its beds of coal extending hundreds of miles, its other great mineral wealth, the spread and navigability of its rivers and lakes, and its many other natural advantages. Being reminded of the glaring discrepancies between his spoken and his written opinions, Sir George Simpson had the hardihood to say, that the truth was to be found in his testimony, not in his book! Thus, by his own confession, Sir George must have palmed the grossest falsehoods,

either upon his readers or upon the committee. No wonder that he left the room crest-fallen after so degrading an avowal.

That must be a bad cause indeed, which requires to be bolstered up by such means. It is evident that Sir George told the truth in his book, for his testimony there is corroborated by that of many unimpeachable witnesses, as also by the great desire of the Americans to get possession of these same sterile regions. Even if such corroboration were wanting, there is, in addition to the genuine testimony of Sir George Simpson, that of his brother Governor, Sir J. H. Pelly, who in the letter to Lord Glenelg already quoted, says of the country on the northern banks of the Columbia river, "In the neighbourhood they have large pasture and grain farms, affording most abundantly every species of agricultural produce, and maintaining large herds of stock of every description; these have been gradually established; and it is the intention of the Company still further, not only to augment and increase them, to establish an export trade in wool, tallow, hides and other agricultural produce, but to encourage the settlement of their retired servants and other emigrants under their protection. The soil, climate, and other circumstances of the country, are as much if not more adapted to agricultural pursuits than any other spot in America." Perhaps if Sir J. H. Pelly be called before the Committee, and referred to this letter, he also will eat his words, and declare that all is barren.

WHAT THE COMPANY HAS DONE FOR THE INDIANS.

When the "merchant adventurers" took possession of the Red man's land, there were upwards of fifty powerful races of Indians inhabiting their own vast hunting grounds, many of the tribes numbering ten thousand souls each, even at the beginning of the present century. They were free, prosperous, and happy, according to their wants and knowledge; savages and heathens, indeed, and ignorant of all that the white man calls civilization, but also endowed with all the virtues of the savage, and untainted with the white man's vices. Heathens and savages, for the most part, they still remain, but they are also vitiated and degraded slaves, and but a miserable and scattered remnant of what they were. Entire races of them have been swept away by drunkenness, by diseases

introduced from Europe, and by sheer starvation. Cannibalism, which was unknown amongst them until they made the white man's acquaintance, has been a thing of common occurrence. Having lost the use of their native weapons, the bow and spear, they are entirely dependant on the Company for those by which they have been superseded. Guns and ammunition are supplied to them at exorbitant rates of profit; and when withheld, as they are when the hunters become old or otherwise unfit for profitable employment, the Indians are reduced to a state of helpless destitution, and often left to perish of want, or to eat each other. This state of things, in a country possessed and ruled by people who pretend to be Christians, seems too horrible for belief; but the fact is stated on unquestionable authority. Dr. King says, "when they (the Indians) become advanced in life, and no longer able to hunt, they are refused a supply of ammunition, which has become essential to their very existence, and they die consequently from absolute starvation. * * * * They have become cannibals by necessity; and scarcely a month passes but some horrible tale of cannibalism is brought to the different establishments." (*King's Narrative, Vol. 11, p. 52.*)

Towards the conversion and civilization of these poor creatures the Company did nothing until the year 1820, alleging that this was not within the province of a mere trading association. But about that period, when the Company was applying for its exclusive license over the Indian Territories, and it was expedient to make some show of service to the natives in this way, the Company permitted the establishment of a mission at Red River, by the Church Missionary Society. Up to that time not a single minister of religion of any denomination had ever set his foot within the country; and whatever good has since been effected, has been through the agency of the Church Missionary Society, the Methodist Missions, and the Roman Catholics of Canada, of whose united labours the Company has not been ashamed, nevertheless, in its various applications to the Colonial Office, to claim nearly all the credit. With regard to schools at the Red River Settlement, Governor Simpson says, "As to the charges of education, four-fifths of them fall on the pious and charitable association just mentioned,

(the Church Missionary Society,) while the remaining fifth is borne by such individual parents as are able and willing to spare fifteen shillings a year for the moral and intellectual culture of a child ;” (*Overland Journey, Vol. 1, p. 54.*) However, when it wanted an exclusive license, in 1820, the Company made its first pretence to a missionary spirit: when applying for the renewal of the license in 1838, it again admitted a few ministers of religion, to keep up appearances at home; and now that the Company is making a third application for a license, the same edifying spectacle of religious zeal is again exhibited, Sir George Simpson having astonished the Committee the other day, by his list of missionaries recently sent out, or on their way. It has been stated in evidence before the Committee, that the Church Missionary Society has expended upwards of £50,000 on the civilization of the Indians of Hudson’s Bay, to which the Company did not contribute a farthing. This is the sort of assistance which it does give:—it expends nothing in missions or schools, but it subsidizes missionaries with sums of from £50 to £100 a year, in addition to what they receive from the associations to which they belong—the object being to render them more subservient, and induce them to close their eyes on much that they see going on around them.

HOW THE COMPANY CHEATS THE NATIVES.

The Company’s mode of dealing with the native hunters can scarcely be characterised as honest. It always keeps the Indians in debt. All the articles furnished to them are charged at most extortionate rates. Lieut. Chappel estimates the profits of the Company in some instances as high as 2000 per cent, (*Voyage to Hudson’s Bay, London, 1817, p. 231.*) The Rev. C. G. Nicholay says that a fourpenny comb will barter for a bear’s skin worth £2, (*the Oregon Territory, London, 1846, p. 162.*) Dr. King says that a coarse knife, worth, all expenses included, no more than sixpence, is bartered for three marten skins, worth in London five guineas; and that for the skin of the black sea otter, worth fifty guineas, the native obtains, in exchange only, goods to the value of two shillings, (*King’s Narrative, Vol. ii. p. 53.*)

Where there is competition with the Americans or Canadians the Indians obtain better value for the spoils of the chase, and are in a far less degraded condition than where the Company bears absolute sway.

The standard of barter is the skin of a full grown beaver, which is equivalent to four mink skins, three marten skins, two fox skins, and twelve musquash skins. According to the tariff in force in the Licensed Territory, east of the Rocky Mountains, of which a copy is inserted in Parliamentary Paper, 277, Session 1849, p. 95,—an ordinary gun, of which the prime cost is 22s. is bartered for 20 bear skins, worth £32 10s., or 60 marten skins, worth £46 10s., or five silver fox skins, worth £50, or 20 lynx skins, worth £20, or 20 otter skins, worth £23 10s.! Half a dozen clay tobacco pipes, costing a penny wholesale, are bartered for skins varying in value from £1 3s. 6d. to £2 10s.; a pint of watered rum, worth 4d., is disposed of at the same rates; and with regard to all other articles, the same dishonest system is practised on the poor Indian by the Honourable “Company of Merchant Adventurers trading to Hudson’s Bay.”

As to the light in which Indians are regarded by the Company’s servants, the Rev. Mr. Beaver, once the Company’s Chaplain on the Columbia River, makes this declaration,—“God knows that I speak the conviction of my mind, and may He forgive me if I speak unadvisedly, when I state my belief that the life of an Indian was never yet by a trapper put in competition with a beaver skin.” (*Parliamentary Paper*, 227, *Sess.* 1849, *p.* 14.) The Company itself seems to have held Indian life in pretty much the same estimation, and the trapper may but be putting his own savage interpretation on its motto “Pro pelle cutem,”—skin for skin. It has never, in any one of the many cases of murder which have occurred, adopted means to bring the criminals to justice, or even discharged them from its employment when the murderers happened to be bold and successful hunters. Here is a specimen of atrocity not exceeded in the annals of the most savage of buccancers—Spanish or English:—

“In that winter (1836-7) a party of men, led by two clerks, was sent to look for some horses that were grazing at a considera-

ble distance from the post. As they approached the spot they perceived a band of Assineboine Indians, eight in number (if I remember rightly) on an adjacent hill, who immediately joined them, and, delivering up their arms, encamped with them for the night. Next morning a court martial was held by the two clerks, and some of the men, to determine the punishment due to the Indians for having been found near the Company's horses, with the *supposed* intention of carrying them off. What was the decision of this mock court martial? I shudder to relate that the whole band, after having given up their arms, and partaken of their hospitality, were condemned to death, and the sentence carried into execution on the spot: all were butchered in cold blood." (*M'Lean's Notes*, vol. 11, p.p. 222—3.

It does not appear that these ruffians were ever brought to justice. But with Indians who slay whites, no matter what the provocation, the Company's mode of proceeding is fierce retaliation, which often includes unoffending parties. One of its own servants states that the Company had "an invariable rule of avenging the murder of any of its servants—blood for blood, without trial of any kind." (*Life of Thomas Simpson*, p. 427.) A still higher authority, Governor Simpson himself, says, "whether in matters of life and death, or of petty theft, the rule of retaliation is the only standard of equity which the tribes on this coast are capable of appreciating." Conformably with a rule by which nominal Christians reduced themselves to the level of savages, in August 1840, near the mouth of the Columbia river, one Indian was hung, several others were shot, and their village was set on fire by a party in the employ of the Company, under the command of chief factor Mc. Laughlen, who led them from Fort Vancouver, thus to revenge the death of a man who had lost his life in an affray with the Indians.

To suppress drunkenness, the curse and destroyer of the Red man, and to promote "the moral and religious improvement" of the Indians, were the motives alleged for granting the exclusive license of trade in 1821, and, for its renewal in 1838. But to the Company and its agents the Indians' drunken habits and his consequent depravation are attributable, and they have been encouraged in order that his Christian customers may drive the better bargains with him.

Inasmuch as nothing is imported into the country excepting in its own vessels, and with its sanction, it is obvious that the Company might, if so disposed, have prevented the introduction of spirituous liquors altogether, and thus withheld the means of intoxication ; but it imports them largely, and for the express purpose of trafficking with the Indians. This fact shows the hollowness of its professions in this respect; and also that it regards as nothing the brutalization and destruction of the Indian, in comparison with its " trade in furs."

WHAT THE COMPANY HAS INVESTED.

An estimate of the enormous profits of the Company, up to the beginning of the present century, has already been given on the authority of its Governor. The number of stock holders is now supposed to be under two hundred and fifty. The capital originally subscribed was only £10,500. In order to diminish the apparent dividends, this capital was, by a vote passed in 1690, trebled in amount, but only nominally, no additional capital being subscribed. In 1720 a similar operation was performed, the capital being declared to be £94,500, but still without any fresh subscription. It was then proposed to treble it again by subscription, but in this way, that each subscriber of £100 should receive £300 stock, so that the nominal capital would have been £378,000, though the additional sum subscribed would only have been £94,500. This project fell through, no more than £3,150 being subscribed ; but the capital was nevertheless ordered to be reckoned at £103,500, of which only £13,650 had been actually subscribed. On the coalition of 1821, the Hudson's Bay Company made a call of £100 per share, thus raising its capital to £200,000, and a similar sum being added by the North West Company, the total capital of both now amounts, or is said to amount, to £400,000, a trifle more than was paid the other day, without any parliamentary sanction, to get rid of another of the precious bequests of King Charles II., the Duke of Grafton's pension. The gross value of the furs and skins imported, varies from £200,000 to a quarter of a million annually. At the half-yearly sale in April last the proceeds were £230,000. The Company sends out four or five vessels

every year, the gross value of the cargoes not exceeding from 70 to £90,000 annually. Of this amount, not more than £15,000 goes to the trade with the Indians, whose consumption of British manufactured goods is estimated at about 2s. 6d. per head per annum. The remainder is supplied to the Settlement at Red River, Vancouver's Island, and the establishments of the Missionary Societies, while personal supplies to the Company's servants absorb about £10,000. The entire trade of the Company, occupying a territory considerably greater than the entire area of Europe, probably does not exceed at this moment, excluding supplies to its own servants, £20,000 annually. This is all the Company does for the promotion of "the public good," in the way of encouraging commerce and manufactures. What its profits really are, there are no means of ascertaining, for, to crown the mercantile character of these "*Merchant Adventurers*" the Company never publishes any accounts, and it refuses to give the proprietors generally any detailed information as to the state of their affairs. There must, however, be full explanations, in the event of any proposition for a compromise such as seems to have been contemplated by Sir J. H. Pelly, who in a letter to Earl Grey, dated March 4th, 1848, says, "As far as I am concerned (and I think the Company will concur, if any great national benefit would be expected from it) I would be willing to relinquish the whole of the territory held under the Charter on similar terms to those which it is proposed the East India Company shall receive on the expiration of their charter, viz. securing the proprietors an interest on their capital of 10 per cent."

WHAT OUGHT TO BE DONE WITH THE COMPANY.

There is no just ground for any indemnity, such as that modestly proposed by Sir J. H. Pelly, for the loss of so monstrous a monopoly. The charter ought to be abolished as illegal in its origin, and throughout its existence, excepting the short period during which it had the temporary sanction of an Act of Parliament, which gave it, for the time, a sort of galvanized legality; it ought to be abolished even if it had been legal originally, as void by the non-fulfilment of any of its conditions, with the exception of that relating to "some trade in furs." If obtained by bribes

to King Charles and his courtiers, either in the shape of money down or free shares, there can be no claim to compensation for the loss of so corrupt a bargain, after nearly 200 years' enjoyment of its advantages. For resources suffered to lie idle so long,—for opportunities neglected,—for injury done to the nation, its commerce, and its people,—for its crimes of omission and commission, the Hudson's Bay Company may consider itself fortunate if it escape retribution,—and still more so if it be repaid the cost of its establishments, and the value of the land, if there be any, which it has brought into cultivation. So much for what is held under its charter.

As to the Indian Territories, its license of exclusive trade expires in 1859. The only consideration given for it was a rental of *five shillings* per annum (considerately remitted for the first four years of the renewed term), coupled with an undertaking to keep accurate registers of all persons employed by it in North America,—to insure the due execution of all civil and criminal processes,—and to adopt such regulations as might appear to be “most effectual for gradually diminishing, and ultimately preventing the sale and distribution of spirituous liquors to the Indians, and for promoting their moral and religious improvement.” There is here no ground for compensation, excepting for the cost of forts and other buildings. Moreover, the license itself contains a proviso that nothing in it shall be construed as preventing the establishment of any colony or colonies within the territories, or annexing any part of them to any existing colony or colonies, or the constitution of any form of government, which to the Crown might seem fitting; and there is also retained full power to revoke the license, or any part of it, at any period.

As to Vancouver's Island, which was made over to the Company on the 13th of January, 1849,—power was expressly reserved to recal the grant at the end of five years, as also to buy back the island, when the license of trade over the Indian territories expires, in 1859, at whatever sum the Company may have actually expended upon it. The grant of this fine island, possessing such advantages of position, climate, harbours, soil, and mineral resources, and admirably adapted in every respect to colonizing

purposes, to a Company which had ever been, from first to last, the determined opponent of colonization, and that, too, at a time when the gravest charges, relative to the management of the territories it already possessed, were pending against it, was a most heinous abuse of power,—a most flagitious neglect of public duty on the part of the government which sanctioned it,—so heinous and so flagitious that the minister who brought it about, supposing him to have acted from private or personal motives, or to oblige importunate friends, not in mere stolid ignorance of where and what Vancouver's Island was, and who the parties were that pretended to want it for colonization only, deserved impeachment for his share in the transaction. At all events, the Company has not the shadow of a claim for compensation beyond that specified in the thriftless deed of gift, on the relinquishment of its booty; and the grant ought to be at once recalled.

Public justice,—the commercial and manufacturing interests of the country,—the pressing need of suitable locations for emigrants,—the contentment of our North American colonies,—the well-being of British settlers in the Company's dominions,—the improvement and civilization of the native races, nay their very existence;—all considerations of policy and humanity combine in demanding the abolition of this hideous monopoly at the earliest possible period. Will it be abolished? Not if some of the members of the Government have their way;—not unless the House of Commons, which is but too much at the beck of the Government, is urged and kept to its duty;—not if the public generally remain as strangely apathetic as they have hitherto been to questions so vitally affecting the greatness and prosperity of our colonial empire, that it is almost impossible to exaggerate their importance.

It is supposed that the inquiry now proceeding before the House of Commons will be concluded in the present session, and that next year Government will be prepared with a measure founded on the report of the Committee. The nature of that measure will depend much more upon the public out of doors, than upon either the report of the committee, or the House of Commons. Let it be remembered that evidence most condemnatory of the Company and

its system was before the Government in 1847—9 ; that the Government of that day could see nothing in it requiring parliamentary investigation, refused to appoint a commission of inquiry,—and would not refer the question to the decision of either of the tribunals recommended by its own law officers, excepting on condition that an individual should take upon himself all the *expense* and responsibility of an investigation, affecting not private, but national interests. Above all, let it not be forgotten that, on the “mere assertion” of the Company itself, and on the testimony of two prejudiced and manifestly incompetent witnesses, the Government not only quashed all further inquiry, but made the Company a present of an additional territory belonging to the nation, and of great value for national purposes. Similar influences are still at work, and the result will probably be similar, if the people and their representatives are acquiescent.

Let it not be said that this is a matter in which the public have little or no concern. All classes have an interest, and a deep one, in putting an end to that abominable system by which so fair and extensive a portion of the British dominions has been so long suffered to run to waste, and under which so much of it has already been lost, with the certain prospect of losing more, perhaps all that is worth having, if it be suffered to continue but for a few years longer. The popular voice alone will suffice for its extinction. All classes should therefore join in demanding prompt and efficient justice. Petitions ought to be poured in from every county, town, and hamlet in the country, calling upon Parliament to do its duty. The history of the world presents no example of a monopoly so monstrous and so prejudicial as that of the Hudson’s Bay Company; and the history of the world will present no parallel to the fatuity of the British people, the corruption of their Government, and the subserviency of their parliament, if that monopoly be not at once, and for ever, abolished.

By order of the Council,

ROBERTSON GLADSTONE,

PRESIDENT.

POSTSCRIPT.

The inquiry before the Committee of the House of Commons was brought to a termination on Tuesday, the 23rd inst. From the manner in which it has been hurried over, from the constitution of the Committee itself, and from the non-examination of one very important witness, whose name, as the Council have reason to know, was given in to the chairman, there is but too much cause to apprehend that the public interest will again be sacrificed. One of the last witnesses examined was the Right Hon. Edward Ellice, who, as a leading member of the North-West Fur Company of Montreal, so stoutly opposed the Hudson's Bay Company, utterly denying the validity of its charter, and accusing it of all manner of crimes, murder and robbery included. The two Companies being now one concern, and Mr. Ellice one of the principal shareholders, he is quite in love with the Company's policy and rule; and he professes to believe that the chartered rights, which he once utterly repudiated, are quite incontestable! He concedes, indeed, that the monopoly gives the Company power to fix what prices it pleases with the Indians; but he contends that the results of competition would be to deluge the Indians with spirituous liquors, and cause them to make war upon each other! Yet even he admits that Vancouver's Island should be recovered as soon as possible, and constituted a British colony. He was followed by Mr. A. K. Isbister, who gave valuable evidence as to the capabilities of the country, and the withering effects of the monopoly, and handed in a memorial from the Red River settlers, specifying a long array of grievances against the company. The question that remains to be solved is, whether Parliament and the public will consent to hoodwinked by such glaring tergiversation as that of Sir George Simpson and the Right Hon. Edward Ellice.

