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C. Stuart

A SKETCH

OF THE

BRITISH FUR TRADE, &c.



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

BY
THE EARL OF SELKIRK.

SECOND EDITION.

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

1816.

Printed by J. Brettell,
Rupert Street, Haymarket, London.

943753

ADVERTISEMENT.

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



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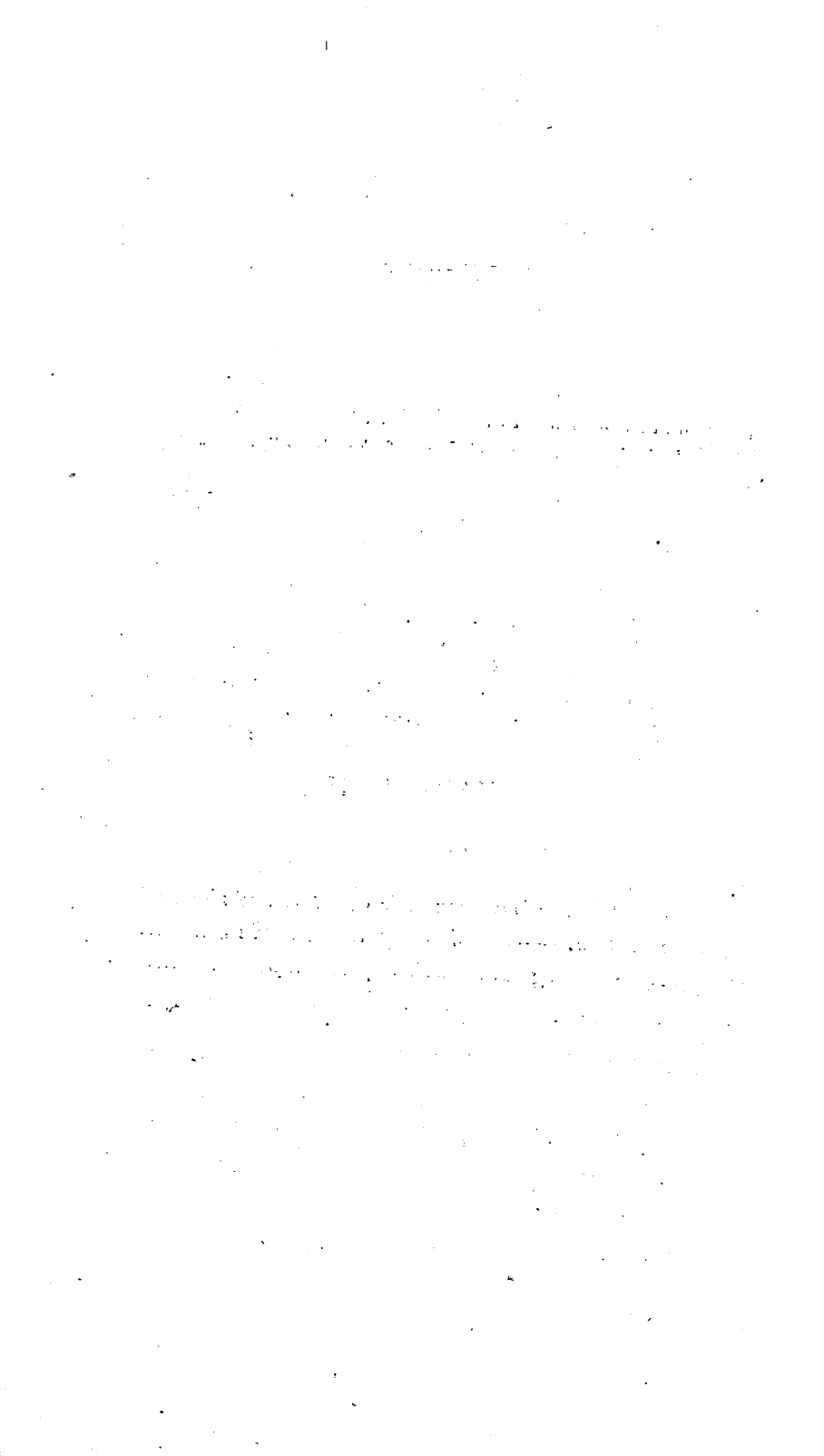
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SKETCH

OF THE

BRITISH FUR TRADE, &c.

CHAPTER I.

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

THE commercial benefits which were expected to accrue from the Fur Trade in Canada, formed the principal object in the original settlement of that colony. For a long period that branch of trade furnished the chief employment of the colonists; but of late years the progress of population, and the increase of wealth, have given rise to other and more valuable branches of traffic. The Fur Trade, however, still constitutes an

important branch of Canadian commerce. An inquiry into the principles on which this trade has been conducted may be interesting, in many respects, not only to those who are connected with the colony, but to all who have turned their attention to the commercial resources, and colonial prosperity, of the British Empire: and the inquiry may be the more important, because the mode in which the Fur Trade is conducted does not appear to be generally understood, or justly appreciated, even in Canada.

While that province was in the possession of France, the Fur Trade was carried on under a system of exclusive privileges. In each district of country, or nation of Indians, a licence was granted by the governor of the province, assigning to some favoured individuals the privilege of trading within the prescribed limits. The persons who obtained these privileges were generally officers of the army, or others of respectable family connection. Whatever were the motives in which this system originated, there can be no doubt that it contributed, in a very great degree, to the main object of the French government in their transactions with the Indian nations of America: *viz.* to establish and extend their political influence. Whoever possessed the

exclusive trade of a district was the only person to whom the Indians could apply for such articles as an intercourse with Europeans had introduced among them; and, independent of the ordinary transactions of barter, the natives had frequently occasion to solicit favours which they could only expect from the indulgence of the privileged traders. These were generally men of liberal education, who knew how to promote the views of government; and they had the greater anxiety on this head, as it was well known that if any of them abused their privileges, or otherwise failed in promoting the general objects expected from them, their exclusive rights would be withdrawn. The conduct of the traders was at the same time closely watched by the Missionaries, whose anxious attention was directed to prevent the abuses which had been found to arise from the sale of spirituous liquors among the savages; an object in which they appear to have been in general zealously seconded by the Provincial Government.

This system appears to have been wisely adapted to increase the comforts, and improve the character, of the natives; as a proof of which, we need only compare the present state of the Indians in Canada, with that in

which they stood immediately after the conquest of that province by Great Britain, at which period populous villages existed in many districts, where at present we meet only two or three wandering families, and these addicted to the most brutal excesses, and a prey to want and misery.

A few years after the conquest of Canada, the former system of traffic with the Indians was laid aside, as inconsistent with the received principles of freedom of trade; and, with the exception of one district, no more exclusive privileges were granted. After the trade was thrown open to the public, the first adventurers who arrived in the Indian country made very large profits, and this circumstance soon gave rise to a keen commercial competition, the result of which, however, was very different from that which would have taken place in a civilized country, where the effect of rivalship tends only to compel the trader to supply his customers with better goods, and on more reasonable terms. Among the Indians it was found that a profuse supply of spirituous liquors was a shorter and more certain mode of obtaining a preference, than any difference in the quality or price of the goods offered for sale. The ungovernable propensity of the Indians

to intoxication is well known, and it is easy to imagine the disorders which would arise, when this propensity was fostered by unbounded temptation. But, to comprehend the full extent of the mischief, it must be recollected, that these rival traders were scattered over a country of immense extent, and at such a distance from all civil authority, as to lead them to believe that the commission of almost any crime would pass with impunity. In such a situation every art which malice could devise was exerted without restraint, and the intercourse of the traders with each other partook more of the style of the savages by whom they were surrounded, than of the country from which they had sprung. The only difference was, that their ferocity was mixed with a greater portion of cunning. Direct personal violence was perhaps seldom resorted to, because it was more easy to succeed when the object was disguised, and effected through the agency of the Indians. Those of the natives who had formed a connection with one trader might be led by him to believe the most atrocious calumnies of another, and to credit the most absurd tales of his hostile and wicked designs; and, under the influence of continued intoxication, there was no pitch of fury to which an Indian might

not be roused, nor any act of ferocity which he might not be impelled to commit. Mr. Henry, one of the first British subjects who engaged in the Canadian Fur Trade, in the very interesting account which he has published of his Travels and Adventures, observes, that on his arrival at the Grand Portage on Lake Superior, in the year 1775, "he found the traders in a state of extreme reciprocal hostility, each pursuing his own interests in such a manner as might most injure his neighbour." "The consequences," he adds, "were very hurtful to the morals of the Indians." (*Page 239.*) The same facts are stated more at large by Sir Alexander M'Kenzie, who, in his Account of the Fur Trade, (prefixed to his Voyage through North America,) states, that "this trade was carried on in a very distant country, out of the reach of legal restraint, and where there was a free scope given to any ways or means in attaining advantage. The consequence was, not only the loss of commercial benefit to the persons engaged in it, but of the good opinion of the natives, and the respect of their men, who were inclined to follow their example; so that with drinking, carousing, and quarrelling with the Indians along their route, and among themselves, they seldom reached

“ their winter quarters; and if they did, it was
 “ generally by dragging their property upon
 “ sledges, as the navigation was closed up by
 “ the frost. When, at length, they were ar-
 “ rived, the object of each was to injure his
 “ rival traders in the opinion of the natives
 “ as much as was in their power, by misre-
 “ presentation and presents, for which the
 “ agents employed were peculiarly calculated.
 “ They considered the command of their
 “ employer as binding on them, and however
 “ wrong or irregular the transaction, the re-
 “ sponsibility rested with the principal who
 “ directed them:—this is Indian law.” (*Page*
x.) The agents here alluded to, were the
 Coureurs des Bois, whom the Author had
 previously described, (*page ii.*) as French
 Canadians, who, by accompanying the natives
 on their hunting and trading excursions, had
 become so attached to the Indian mode of
 life, that they had lost all relish for their
 former habits, and native homes. Of these
 people the Author remarks, that they often
 brought home rich cargoes of furs, but that
 during the short time requisite to settle their
 accounts with the merchants, and procure
 fresh credit, they generally contrived to
 squander away all their gains. He adds,

that “ this indifference about amassing pro-
 “ perty, and the pleasure of living free from
 “ all restraint, soon brought on a licentious-
 “ ness of manners, which could not long
 “ escape the vigilant observation of the mis-
 “ sionaries, who had much reason to complain
 “ of their being a disgrace to the christian
 “ religion, by not only swerving from its
 “ duties themselves, but by thus bringing it
 “ into disrepute with those of the natives
 “ who had become converts to it.” Sir
 Alexander M’Kenzie goes on to state, that
 from this conduct of the traders and their
 servants, the winter was passed among them
 in a continual scene of disagreement and
 quarrels; that the natives could entertain no
 respect for persons who conducted themselves
 with so much irregularity and deceit; that
 from the consequences of this licentious
 conduct, the traders were in continual alarm,
 and frequently laid under contribution by
 the Indians;—in short, that matters were
 daily becoming worse and worse, so that the
 merchants who furnished the traders with
 goods, and participated in their adventures,
 became disgusted with their ill success, and
 were with difficulty persuaded to continue
 their advances. The same Author specifies a

few individuals, who, from greater precaution
 and good sense, were more successful than
 others, but observes, that these partial advan-
 tages “ could not prevent the people of
 “ Canada from seeing the improper conduct
 “ of some of their associates, which rendered
 “ it dangerous to remain any longer among
 “ the natives. Most of them who passed the
 “ winter at the Saskatchewan, got to the
 “ Eagle Hills, where, in the spring of the year
 “ 1780, a few days previous to their intended
 “ departure, a large band of Indians, being
 “ engaged in drinking about their houses,
 “ one of the traders, to ease himself of the
 “ troublesome importunities of a native, gave
 “ him a dose of laudanum in a glass of grog,
 “ which effectually prevented him from giving
 “ further trouble to any one, by setting him
 “ asleep for ever. This accident produced a
 “ fray, in which one of the traders and several
 “ of the men were killed, while the rest had
 “ no other means to save themselves but by
 “ a precipitate flight, abandoning a consider-
 “ able quantity of goods, and near half the
 “ furs which they had collected during the
 “ winter and spring. About the same time,
 “ two of the establishments on the Assiniboin
 “ River were attacked with less justice, when

“ several white men and a greater number of
“ Indians were killed. In short, it appeared
“ that the natives had formed a resolution
“ to extirpate the traders; and, without
“ entering into any further reasonings on the
“ subject, it appears to be incontrovertible,
“ that the irregularity pursued in carrying on
“ the trade has brought it into its present
“ forlorn situation.” (*Page* xiii. xiv.) “ The
“ traders,” he adds, “ were saved from the in-
“ dignation of the natives, only by the ravages
“ of the small pox, which at this period spread
“ among the Indians like a pestilence, and
“ almost depopulated the country. By this
“ calamity, the traders were rescued from per-
“ sonal danger, but the source of their profits
“ was cut off, and very few peltries were to be
“ obtained. Even such of the natives as
“ escaped the contagion, were so alarmed at
“ the surrounding destruction, that they were
“ dispirited from hunting, except for their own
“ subsistence.” In this deplorable state of
things, it is not wonderful that the traders should
have been (as the Author states) very much
reduced in number, and that the merchants
in Canada, who supported them, having fore-
seen that the continuance of such proceedings
would be altogether fatal to their interests,

should have been inclined to form a junction for carrying on the trade in partnership. Accordingly, during the winter 1783-4, these merchants formed an Association under the name of The North-West Company, in which the leading persons were Messrs. B. and J. Frobisher, and Mr. Simon M'Tavish, by whose influence chiefly the coalition had been brought about. The main principle of the arrangement was that the separate capitals of the several traders were to be thrown into a common stock, in consideration of which, each individual held a proportionable share of the combined adventure. In the arrangement of this co-partnership, difficulties were found, from the claims of some individuals (chiefly Messrs. Pangman and Gregory), who were not satisfied with the shares assigned to them, and who, refusing to concur in the coalition, continued to carry on a separate trade. This retarded for some time the formation of a general union, and, after that was effected, it was again dissolved by differences of a similar nature. This led, in the year 1798, to a great secession from the North-West Company, and to the formation of a New Company (known in Canada by the name of The X.Y. Company), which traded for some

years in competition with the former establishment. A coalition, however, was at length effected between these rival bodies in the year 1805, at which time the North-West Company took its present shape.—The means by which this Association acquired a preponderance which has enabled the Company to secure to themselves so extensive and lucrative a trade, will be found well deserving of public attention.

After the junction of the Old and New North-West Companies, the whole concern came to be divided into a hundred shares, of which a considerable proportion is held by the mercantile houses in London or Montreal, which had contributed the capital for the companies; and other shares are held by individuals who are termed *wintering partners*, and who take upon themselves the charge of managing the affairs of the Company in the interior. Of seventy-five shares assigned to the Old Company, thirty are held by one house at Montreal, the successors of those who planned the original coalition in 1783. Of twenty-five assigned to the New Company, eighteen or nineteen are appropriated to the different houses in Montreal or London, which had contributed a capital for the un-

dertaking. All the remaining shares are distributed among the wintering partners, some of whom possess one share, and some two. The partners hold a general meeting every summer, at the rendezvous at Fort William, at the Grand Portage on Lake Superior, where all matters are decided by a majority of votes, every share giving one vote, and the absentees voting by proxy. At this meeting, the operations to be carried on during the succeeding year are arranged, and the station to be assigned to each individual is determined; the accounts of the former year are settled; and every partner brings a statement of the transactions of the department which has been under his charge.

When a wintering partner has served for a certain number of years, he is at liberty to retire from the concern; and, without doing any further duty, to receive not only his share of the capital of the Company, but also, for seven years, to draw one-half of the profits of the share which he had held. Upon his retiring, the vacancy is filled up by the election of a new partner. The candidates for this situation must have served the Company for a certain number of years as clerks, of whom a great number are employed under the

direction of the wintering partners, and are entrusted with the command and immediate management of one or more trading posts situated in the interior. The election of a new partner is decided, like the other affairs of the Company, by the majority of votes at the general annual meeting of the partners: and, as the conduct of the new partner may affect in a material degree the personal interest of every one who has a right to vote in the election, it is not likely that the choice should fall upon a person destitute of those qualifications which are considered requisite for promoting the common interest. No candidate can have much chance of success, unless he be well acquainted with the nature of the trade, the character and manners of the Indians, and the mode of acquiring influence with them. He must also be of an active disposition, and likely to pursue with perseverance and vigour any object that can tend to promote the interest of the Company. The hope of obtaining the envied station of a partner, being kept alive among all the senior clerks, excites among them an activity and zeal for the general interests of the concern, hardly inferior to that of the partners themselves. They act under the immediate

inspection of those who have a direct interest in the result of their management, and are sensible that all their ability must be exerted to secure the favour of their superiors. Every wintering partner watches closely the conduct of the clerks who are under his immediate command ; he is excited to this vigilance, not merely by the common interest in which he participates as a partner, but also by feelings of personal responsibility. He comes to the general meeting to give an account of the transactions of his department ; and the praise or the censure of his associates is dealt out to him, in proportion to the profit or loss which has occurred in the trade under his direction, and to the success, or failure, of the plans entrusted to his management.

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

admitted that they are by no means calculated to produce much respect for the rights of others:—On the contrary, the very nature of the Association, and the extensive range which their operations embrace, cannot fail to produce an *esprit de corps* not very consistent with the feelings of propriety and justice. —This observation will be found particularly applicable to the wintering partners. In the common intercourse of civilized society the necessity of maintaining a fair character in the estimation of the public forms a continued check to that inordinate stimulus of self-interest which too often causes individuals to deviate from the principles of honour and honesty. But a wintering partner of the North-West Company is secluded from all society, except that of persons who have the same interests with himself; and if, in the pursuit of these, he should be induced to violate the rules of justice, he must feel that he is not likely to be judged with extreme rigour by the only persons for whose approbation he is solicitous. The civilized world is at so great a distance, that he cannot be very deeply affected by the chance of his conduct meeting with public reprobation; and he naturally flatters himself that his proceedings will never be inves-

tigated, or that if they should, there are so many persons to share in the responsibility, that it cannot fall very heavily on himself. In these remote situations, the restraints of law cannot operate as in the midst of a regular society.—When a plaintiff has to travel thousands of miles to find the court from which he is to seek redress, and when witnesses are to be brought from such a distance, at a vast expense, and to the total interruption of their ordinary pursuits, it must be a case of extraordinary importance, which would induce even a wealthy man to encounter the difficulty of obtaining it. Every wintering partner, therefore, must naturally be aware of the extent of his power over individuals who are not rich enough to contend with the whole Association of which he is a member; and if under these circumstances, acts of injustice and oppression be committed against weaker neighbours, however greatly they are to be regretted, they cannot form a subject of much surprize.

Thus, from the very nature and organization of the Company, a conclusion may reasonably be drawn as to the line of conduct which they are most likely to pursue. That indeed may be varied in a certain degree by the personal

character of the individuals at the head of the concern ; but even supposing that these were men of the most honourable principles, and incapable of countenancing a systematic violation of justice, it would be with the greatest difficulty that they could restrain this tendency in others. If, upon an investigation of facts, we found that these acts were only committed occasionally, and that the individuals guilty of them had been discountenanced, it would be fair to consider the leading partners as inclined to check, rather than to encourage, the irregularities arising from the circumstances in which the wintering partners are placed. But, on the other hand, if acts of this description are found to be frequent, and even customary,—if a conduct of the same nature and tendency be pursued year after year, and in departments situated at a remote distance from each other,—if acts of illegal violence are allowed to pass without any mark of reprobation ; and still more if promotion is given to those who have been guilty of them, can it be doubted that there exists a regular concerted plan of systematic oppression, carried on with the consent and approbation of those who have the chief active direction of the affairs of the

Company?—and, if so, we may be sure that those who do not concur form a minority who have not the power to oppose any effectual check to the unprincipled conduct of their associates.

CHAPTER II.

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

THE activity and enterprize of the North-West Company have been loudly vaunted.—Every method has been adopted to make it be believed that they, and they only, are capable of carrying on the Fur Trade with success ;—that they have been the means of conferring essential benefits upon the native Indians ; and that their efforts have materially contributed to promote the commercial prosperity of Great Britain. They have extended the Fur Trade, we are told, into regions previously unexplored, and have thereby opened new and extensive markets for the commercial enterprize and manufacturing industry of the kingdom.—On this it may be shortly observed, that their whole export of British goods for the supply of these extensive regions amounts only to about £30,000 a year. They who assert that this is an important

encouragement to the manufacturing industry of Great Britain must do so with an intention to impose upon the ignorance of others, or must be grossly ignorant themselves of the commercial resources of the empire. Trifling, however, as is the total amount of the trade, when considered in the scale of national objects, it cannot justly be said that even this pittance is wholly owing to the exertions of the North-West Company. With respect to the greater proportion of it, they have only changed the course of the trade, bringing home by the way of Montreal those returns which would otherwise have reached England by a different and more direct channel. Before the existence of the North-West Company—before the first British trader had penetrated from Canada to the North-West, (as it is technically called) the natives of those regions were supplied with British goods, and their furs came to England, by the way of Hudson's Bay.

In proof of this assertion we may produce the narratives of the Canadian adventurers themselves. Sir Alexander M'Kenzie, though very far from being inclined to eulogise the Hudson's Bay Company, bears testimony to this fact. In speaking of Mr. Frobisher's expedition in the year 1775, into countries

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

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

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

to be spared the trouble of a long journey, and preferred making their purchases at home. The Hudson's Bay Company were therefore under the necessity of abandoning their ancient system, and of establishing trading houses in the interior as well as their rivals. These changes may be more congenial to the natural indolence of the Indians, but that they are upon the whole more eligible is much to be doubted. If the old system of the Hudson's Bay Company has been generally condemned, it is owing to the subject not having been clearly understood, nor the effects of that system duly appreciated. It is true that the North-West Company, in assuming merit for their own commercial exertions, have accused the Hudson's Bay Company of great negligence in not having established trading houses in the interior at an earlier period.—But there is no solid foundation for this charge.—It is well known that the best season for hunting all the fur-bearing animals is in winter. In summer the fur is universally of inferior quality, and this too is the season when they rear their young. For both these reasons it is desirable that the hunting should be suspended during the summer months, and this was effectually secured, when all the best hunters, all the young and

active men of the Indian tribes, were engaged in a distant excursion. There was therefore a material advantage in requiring them to leave their hunting grounds in summer, and come to the factories on the coast for a supply of European goods. While this was the practice, no furs were brought home, but of prime quality : and as the beavers and other valuable fur-bearing animals were protected from injury during the most critical time of the year, the breed was preserved, and the supply was plentiful. Now that the traders remain constantly in the interior, the Indians are tempted to continue their hunt throughout the year. They are too improvident to abstain from killing the breeding animals, or the young brood. The cub is destroyed with the full-grown beaver ; and the natural consequence is, that these valuable animals, formerly so numerous, are rapidly approaching to the point of complete extermination. Districts in which they once abounded, and from which large supplies were formerly obtained, now produce few or none.

To aggravate this evil, the North-West Company have adopted the practice of employing a number of young men, from the Indian villages in Canada, to go up to the various districts in the interior, as hunters,

paying them at a stipulated rate for the furs they obtain. They say that these men are much superior as hunters; but as they judge the merit of a hunter entirely by the number of furs which he brings in, it is probable that a great part of this apparent superiority depends on these strangers having their whole time at command for hunting, and not having the burthen of providing subsistence for their families. Part of their success may also be owing to the indiscriminate manner in which they extirpate the animals in a country where they have no permanent interest, destroying all without distinction, whether young or old, in season or out of season. The miserable natives, overawed by the warlike reputation and power of the strangers, and dreading the more durable resentment of the North-West Company, witness this destruction without daring to resist; but they complain bitterly that their country is thus wasted, as if it were overrun by fire. While this system of destruction is going on, it cannot be doubted that there must, for a time, be an increase in the annual return of furs obtained; but it is not less evident that the commercial wealth of the empire will be proportionably decreased.

The public pretensions of the North-West

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

The public service to which I particularly allude, occurred immediately on the breaking out of the war with America, when it was discovered that the stores of the Indian Department were almost empty; that nothing had been provided for the presents which it was thought necessary to make to the Indians, in order to obtain their co-operation, and that if they were to wait for supplies from England, the season would be lost. In this dilemma the only resource that occurred was to apply to the North-West Company, whose warehouses were amply stored with the usual assortment of goods intended for their trade in the interior. In such circumstances, the generality of merchants might have thought themselves justified in making Government pay an extra price for the accommodation which was required. The leaders of the North-West Company, however, did not

take this course.—They threw open their stores, and desired the superintendents of Indian affairs to take what they pleased, under no other stipulation than that of replacing the goods in kind, on the arrival of the supplies to be sent out by Government from England. It appears singular, however, that although the Provincial Government seemed, in some measure, to evince its gratitude for this service by immediately afterwards appointing the principal partner of the North-West Company a member of the Legislative and Executive Councils of the Province, it did not take the natural method of giving public thanks to the Company, and making known to the world the important service they had rendered to the colony.

The North-West Company have also claimed merit with the public, on the subject of the capture of Michilimackinack;—an event certainly of as high importance as any that occurred during the progress of the late war. It is well known that on the commencement of hostilities with America, the regular troops in both the Canadas amounted to a very trifling number; the militia were hardly organized, and the disposition of a

great part of them was considered as problematical. The Americans had collected a numerous, and apparently well-appointed army, which was advancing against Upper Canada, as to a sure conquest. The undaunted boldness and admirable conduct by which General Brock stemmed this torrent, has met the deserved meed of his country's warmest approbation. But in the critical circumstances in which he was placed,—circumstances so difficult that it is matter of astonishment how he was able to extricate himself,—it must be evident that success would have been impossible, if he had been deprived of any material part of his small force. Of that force the Indians formed a very important branch, and contributed in the most essential manner to the capture of General Hull. It cannot be doubted that the immense apparent superiority of the Americans must have created feelings of apprehension and doubt in the minds of the Indians, as well as of the white inhabitants of Canada; and if these feelings had led them to hesitate and stand aloof, the probability is that General Brock must have been overwhelmed; and that the success of the Americans at the outset would have de-

tered the inhabitants of Canada from all further resistance. The boldness and decision with which the Indians came forward may therefore be considered as among the primary causes of the preservation of the Province ; and it is certain that the brilliant success of the British forces at Michilimackinack had a most powerful effect in confirming the confidence, and securing the attachment, of those among the Indians who had felt any disposition to waver.

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

the Mississippi and other districts beyond Michilimackinack, and totally unconnected with the North-West Company.

Those to whom the honour of this achievement is due have been too much disregarded, and justice requires that the public should be better informed on the subject. Among the individuals who exerted themselves on the occasion with so much spirit and ability, the first place is generally allowed to Mr. Robert Dickson, who, besides his own men, brought forward a strong body of Sioux Indians, whose example had a most important effect in encouraging the Indians of the neighbourhood. Mr. John Askin took the command of the Ottawa Indians, and Mr. Jacob Franks assisted Mr. Dickson with the Sioux. The Canadian *voyageurs*, or canoe-men, were formed into three companies of volunteers, or militia, of which Mr. Lewis Crawford acted as colonel; Mr. Toussaint Pothier, as major; Messrs. John Johnson, Charles Erma-tinger, and John Baptist Nolan, as captains; Joseph Porlier, Paul Lacroix, Joseph Rolette, and Xavier Brion, as lieutenants. Mr. Henry Forrest took the command of the Brig Caledonia, with the assistance of Mr. John Law as his lieutenant: the captain of that vessel being an American, had refused to act; the

vessel was the property of the North-West Company, and with five of the common sailors, formed the whole of the contribution of that Company to the success of the expedition. Nevertheless it was repeatedly stated in the English newspapers, that a small detachment of the 10th Battalion of Royal Veterans, under Captain Roberts, with the aid of the traders and voyageurs in the service of the North-West Company, had captured Michilimackinack! The agents and partners of the Company at London could not fail to observe these statements, yet they never took any steps to undeceive the public, or to disclaim, for those with whom they were connected, praises to which others were justly entitled.

Another ground on which the North-West Company assumed the merit of superior exertions for the public service in the late war, is to be found in the formation of the *Voyageur Corps*, by which the public was led to imagine that the Company had, at their own expense, brought forward a body of their servants to be enrolled as volunteers for the defence of the Province; and it was naturally supposed, that this could not be done without material inconvenience to their own concerns. It may be remarked that in the

commercial business of the North-West Company, a set of canoe-men (or voyageurs), to the number of three or four hundred, are employed every summer in conveying goods between Montreal and Lake Superior. The articles required for the supply of the Company's trading posts are carried by these people as far as the rendezvous at the Grand Portage, where they meet the others who have wintered in the interior, and from whom they receive cargoes of furs, to bring down to Montreal. In this voyage, and the incidental services required at the place of rendezvous, the men are employed for four or five months; they are engaged at stipulated wages for the trip, but after the canoes are brought back to Montreal, their contract is completed, and the North-West Company have no more concern with, or authority over them, than they have over any other natives of Canada. It was of these men, over whom they represented their influence to be unbounded, that the Company offered to raise a corps; and accordingly the Governor-General issued an order to the following purport. " Il a plu
 " à son Excellence le Gouverneur-Général,
 " d'ordonner à John M'Donell, Ecuyer,
 " d'enroller les noms de toutes personnes
 " résidentes dans les Paroisses de La Pointe

“ Claire, &c. &c.; à Messrs. A. N. M'Leod,
 “ et James Hughes, Ecuyers, d'enroller les
 “ noms des Voyageurs dans les Paroisses de
 “ St. Ours, &c. &c.; à M. William M'Kay,
 “ Ecuyer, d'enroller des Voyageurs dans les
 “ Paroisses de La Norraye, &c. &c.; à M.
 “ Pierre de Rocheblave, Ecuyer, d'enroller
 “ les noms des Voyageurs dans les Paroisses
 “ de La Prairie, &c. &c.; qui sont actuelle-
 “ ment Voyageurs, où qui l'ont été autrefois,
 “ et les faire passer à Montreal pour le 1^{er}
 “ d'Octobre, pour en former un Corps, qui
 “ sera nommé le Corps des Voyageurs, sous
 “ le commandement de William M'Gillivray,
 “ Ecuyer.” The persons pointed out in this
 arbitrary manner were compelled to serve,
 though under the Militia Act no compulsory
 enrollment was authorised, except of those
 elected by ballot. — The measure was evidently
 of material advantage to the North-West
 Company. During the period the men were
 not employed in the Company's service, they
 received pay from Government.¹⁹ And when
 the navigation opened in the spring, they were
 ready at a moment's call to proceed in their
 usual service as canoe-men to the Company,
 which was thus saved the necessity of looking
 out at that season for the requisite servants
 to be engaged for the summer trip. Even in

time of peace, this occasioned some trouble and expense; but during the war, when so great a proportion of the peasantry of Canada were occupied in military duties, the difficulty of finding men for ordinary civil employments was greatly increased. All this, however, was to be avoided by the ingenious invention of the *Voyageur Corps*.—The North-West Company, therefore, are far from being entitled to that praise of superior patriotism and devotion to the public service in the late war, which has been thus assumed by them; and although, if the first of the services above alluded to had stood by itself, considerable merit must certainly have been admitted, yet when it is coupled with the advantages arising from the formation of the *Voyageur's Corps*, and other circumstances, we may certainly be allowed to doubt whether the unreserved offer of their stores to the Indian Department at the commencement of the war ought to be set down as an act of public spirit, or as a well-judged speculation.

Having thus noticed the claims of that Company with respect to the public, let us next see what their conduct has been with regard to individuals. These may be classed into,—First, their servants in the interior.—Secondly, the native Indians.—And lastly,

other private traders who have been engaged in the Fur Trade in the same country with themselves or in their vicinity.—With respect to the first class, we may begin with the testimony of an enlightened foreigner, of whose impartiality no doubt can be entertained.

Count Andreani travelled through America in 1791, and in the course of his tour visited the Grand Portage, where he had an opportunity of learning the mode of conducting affairs in the North-West, with more facility than those travellers who receive their information at Montreal. Speaking of the North-West Company at that time, he says, in his Journal,

“ Comme les employés sont payés en mar-
 “ chandises, on comprend par le prodigieux
 “ profit que fait la Compagnie sur leur vente,
 “ combien les salaires lui coûtent peu. Tous
 “ ces employés achètent d'elle leurs besoins;
 “ celle-ci tient avec eux un compte ouvert;
 “ et comme tous hivernent dans l'intérieur,
 “ et généralement au-delà du Lac Winnepeg,
 “ le rum qu'ils boivent, les couvertures et les
 “ draps qu'ils donnent à leurs femmes, etc.
 “ etc. leur reviennent fort cher. Ces employés
 “ sont généralement libertins, ivrognes, dé-
 “ pensiers; et la Compagnie n'en veut que
 “ de cette espèce. Telle est la spéculation
 “ sur leurs vices, que tout employé qui

“ témoigne dans ses dispositions économie et
 “ sobriété, est chargé des travaux les plus
 “ fatiguans, jusqu’à ce que par une suite de
 “ mauvais traitements, on ait pu le convertir
 “ à l’ivrognerie et à l’amour des femmes, qui
 “ font vendre le rum, les couvertures, et les
 “ ornemens. En 1791 il y avoit neuf cents
 “ des employés de la Compagnie qui lui
 “ devoient plus que le produit de dix à quinze
 “ années de leurs gages à venir.” (Voyages
 dans l’Amérique, par la Rochefoucoult Lian-
 court, Vol. ii. p. 225, *Paris*, An 7.)

In corroboration of this statement, we may refer to the accounts (already noticed) which Sir Alexander M’Kenzie has given of the uncontrolled dissipation and licentiousness of those who were employed in carrying on the Fur Trade in the interior. Indeed it is well known in Canada how very few of the voyageurs in the service of the North-West Company ever realise any property, though employed for a long period of years, at wages nominally double or treble the annual rate of wages in the Province. So far indeed from saving money, or bettering their condition in this service, there are many of them who leave their families in great distress, and never remit any part of their wages, for the support of their wives and children. Strangers

travelling through Lower Canada must be struck with the frequent appearance of beggarly hovels, bespeaking a degree of poverty seldom to be met with in other parts of America, and which seems difficult to be accounted for, in a country where labour is highly paid, and fertile land may be had at a very low price. It will be found on inquiry, that these habitations are usually occupied by the families of voyageurs employed in the North-West, and who seldom or ever remit any thing for their support. And yet the North-West Company claim merit for the encouragement they give to the industrious population of Canada, and boast of the number of men employed by them in the Indian trade as a great public advantage!

The "speculation upon the vices" of their servants is not to be considered as an abuse which may have crept accidentally into the business of the North-West Company. It is an essential part of their system; and without which the Company could not exist on its present footing. The number of men whom they employ is greater than the profits of the trade could afford, if their wages were to be paid in hard cash. The trade might no doubt be carried on in an economical manner with a smaller number of servants; but this would

be fatal to the interests of the Company in another respect. It will appear in the sequel of these pages, that it is chiefly by means of this excessive number of men, that they are enabled to maintain a monopoly throughout a vast extent of the most valuable beaver countries. Being therefore under the necessity (as they deem it) of employing a greater number of servants than they can adequately pay, their trade would soon cease, unless they could have recourse to such means for payment of their wages as those described by Count Andreani.

The extent to which this system is carried; and its importance to the interests of the Company, may be judged by a few facts of public notoriety. The number of voyageurs in the service of the North-West Company cannot be less than 2,000. Their nominal wages are from £30 to £60, some as high as £80, or even £100—the average cannot be less than £40, and is probably higher; so that the sum total of wages must be 80, or 90,000£. The gross return of their trade seldom exceeds £150,000, and when the cost of trading goods, and all the expenses of the concern are taken into consideration, it must be very evident that the Company could never afford, out of this sum, to pay such an

amount of wages. To obviate this difficulty their servants receive goods, the real value of which cannot be accurately known without a reference to the books of the Company; but in the opinion of persons of the best general information, the prime cost of the goods so employed cannot exceed £10,000 sterling. From one article a judgment may be formed of the rest. Spirits are sold to the servants of the Company in the interior, at the rate of eight dollars per quart, which cost the Company little more than one dollar per gallon at Montreal; so that when a servant becomes addicted to drinking spirits (no very uncommon case), it is an easy matter to add £10, or £20, to his nominal wages.

It is accordingly considered as an essential point of duty in the master of a trading post, to take care that the men, under his command, shall have as little as possible of their wages to receive in cash at the end of the year. The management of the trade with the Indians is reckoned an easy task, in comparison with the management of the Canadian servants. The methods described by Count Andreani, as used in order to convert the latter to drunkenness and debauchery, are by no means the whole of the resources that are employed for this purpose. When-

ever any of their servants begins to indulge in habits of expense, credit is allowed him with unbounded facility, till he is deeply involved in debt to the Company. When this has been accomplished he is in complete bondage ; and no alternative is left him but absolute submission to his employers, or a gaol. He must therefore submit to every imposition, which his superiors may think fit to practise upon him.—It should also be remarked that the object of involving the men in debt to the Company is greatly promoted by the custom of calculating by a peculiar currency, (called *North-West Currency*,) in which money is reckoned at only half the value it bears in Canada ; one shilling being equal to two of the ordinary money of the Province. The men who are engaged at Montreal, have their wages calculated according to the established legal currency, but every article which they receive from the Company in the interior is charged at the *North-West Currency*. A man is told the price of some article that he wants, and compares it perhaps with the prices at the store in his native village ; but when his account comes to be stated in the Company's books at Montreal, every pound is converted into two. Those who know how

little education falls to the lot of the peasantry in Canada, and how incapable they are in general of any thing like calculation, will not be surprised, that, by this device, they are led on to expenses beyond their means.—It is evident, however, that the North-West Company must act with a considerable degree of caution, from the necessity they are under of obtaining continual supplies of new servants from Canada.—It is requisite, therefore, in order to blind the ignorant and uncalculating peasantry of that Province, that the system which the Company pursue with respect to their servants in the interior should be in a great measure concealed, and their conduct accordingly, with regard to that class of individuals, partakes more of cunning than of violent oppression.

The case is different with respect to the Indian inhabitants of those countries in which the Fur Trade is carried on. Among them a material distinction is to be observed between different tribes. Those who inhabit the plains of the Saskatchewan, Red River, and other fertile districts, can obtain such abundance of buffaloe and game, that they are seldom in want of provisions. They can associate together in numerous bands, and are of a bold, warlike character, which is not

the case with those who inhabit the more sterile parts of the country to the East of Lake Winipic, and also to the North on Churchill River, and in Athabasca. These districts are rocky and full of swamps, well adapted for the habitation of the beaver, but they do not abound in the larger species of game. The subsistence of the Indians there is both scanty and precarious; their numbers are consequently small, and it is seldom that more than a single family can find means of subsisting at one place. Living in this scattered manner, they are timid from a consciousness of their own weakness, and dare not resent those insults which could not be safely offered to the Indians of the plains. It is among the natives of these barren districts that the most valuable furs are collected, and from these stations the North-West Company are most anxious to exclude all competitors. To effect this, the timid character of the natives affords them a great facility. If any one of these Indians ventures to sell a beaver skin to a trader who is not of the North-West Company, it is a crime for which he is sure to experience the severest vengeance; and the natives are utterly unable either to resist, or to procure redress for any violence which may be thus exercised against

them. In those districts of which the North-West Company have, for any length of time, had almost exclusive possession, the dread of their resentment is sufficient to deter the Indians from affording the slightest assistance to any stranger ;—even to converse with him is an offence which they dare not commit in the presence of a servant of that Company.

It is not often that the Company think it necessary to advance any excuse to palliate these outrages ; but if circumstances should require a justification, a pretext is always at hand. The Indian is alleged to be indebted to the North-West Company, and the furs in question to be due to them in payment of his debt. It is the established custom of the fur traders to supply the Indians with goods on credit, exacting from them a promise to deliver, in return, a stipulated number of beaver skins, or an equivalent in other furs. From the improvident character of the Indians, there are few of them, who, on the approach of winter, are not in want of supplies, without which they cannot proceed to their hunting grounds :—and, not having the means of making immediate payment, the produce of their winter hunt is anticipated, and pledged to the traders. It may well be imagined, that the traders incur a very great

risk of bad debts ; and this, no doubt, is one cause of the excessive disproportion between the intrinsic value of the goods which are sold to the Indians, and of the furs which are obtained in exchange. The facility, however, with which the Indians obtain this sort of credit is very pernicious, and nothing would contribute more to their improvement and permanent welfare, than the discontinuance of this custom, and the substitution of direct barter. If, however, one set of traders are in the habit of giving credit to the Indians, their competitors cannot refuse to do the same ; and those who, like the traders of the North-West Company, have the superiority of direct force, find it for their interest to keep up the practice, as tending to rivet the subjection in which they hold the Indians. These traders, acknowledging no submission to any magistrate, ask for no other authority than superior strength to take the property of their debtor, and think themselves entitled to add personal correction, if the Indian should hesitate to comply with the demand. The oppression which arises from this summary mode of proceeding is chiefly felt where there is a competition among different traders. If

there be no competition, some sort of regularity is observed; the trader being then sure of obtaining all the produce of the country, finds it for his interest to give the hunter some encouragement to be industrious; and though the Indian receives but a small price for his furs, he at least obtains something to supply his wants. But when a rival trader steps in, the Indian may be tempted, not only to carry his furs to a better market, but to neglect the payment of the debts which he has already incurred; and the bare suspicion of such an intention is deemed a sufficient excuse for every sort of violence on the part of those who have the power in their hands, and who take upon themselves to be judges in their own cause. Numerous instances might be given of Indians being plundered of their property, and of personal violence being exercised towards them by the Canadian servants and traders, for no other offence than that of having presumed to trade with others, who offered them a better price for their furs. Though this is generally done under some pretence of debt, instances are common of the most brutal and atrocious violence, when no such pretence could possibly be alleged. One or two may be mentioned

as strikingly illustrative of their general policy in this respect, and of the means they adopt to keep the natives in subjection.

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

In the year 1802, the Old North-West Company had a small outpost at Pike River, on the banks of Lake Superior, occupied only by three Canadians. In the course of the winter, an Indian from whom the people of this post had received important assistance during the preceding season, being reduced to the last extremity from want of food, sent two of his daughters to petition for assistance. Some fish were given to them, but the supply was so inadequate to the wants of their family, that they were afraid to return. Being unable otherwise to effect their object, they watched the opportunity when one of the Canadians was at a distance from the house, and the other two were off their guard; killed one of them, and wounded the other, who made his escape. They afterwards killed the third who had been absent, and robbed the house of all the provisions it contained.

In the following year, posts were established near the same place by the two rival Companies. That of the Old North-West Company was nominally under the command of a clerk, who was much too young and inexperienced for such a charge, and accordingly allowed himself to be governed by one of their bullies (or *battailleurs* as they are

technically termed) of the name of Comptois. A person of the like description, named Roussin, was employed at the trading post of the New Company. In the course of the winter, an Indian, of the name of Wandegocau, came to trade, and brought with him one of the two women who had committed the murder in the preceding winter, and whom he had since married. In consequence of this, Comptois and Roussin consulted together, and being resolved to revenge the death of their countrymen, told the Indian and his wife to prepare for death. Wandegocau remonstrated, saying that he had no hand in the murder, and that if his wife had been guilty, they ought not to punish him. He also reminded Comptois that he had himself saved his (Comptois) life on a former occasion, when in extreme distress for want of provisions; and, that to obtain a supply, he had prevailed upon Wandegocau to conduct him nearly a hundred miles through a mountainous and rugged country to the Grand Portage. The Indian reproached Comptois with his ingratitude, and could hardly be persuaded that he meant really to carry his threats into execution. His remonstrances were in vain. Comptois and Roussin remained inexorable; and, in presence of six or eight of their coun-

trymen, as well as of the clerk who had the charge of the post, they proceeded to carry their resolution into effect, and butchered Wandegocau as well as his wife.

In the year 1807, Mr. Peter Fidler was sent by the Hudson's Bay Company from Churchill Factory, to explore a part of the country through which it was supposed a more advantageous communication might be opened into Athabasca. He was employed on this occasion merely as a surveyor, and did not attempt to carry on a trade with the natives of those countries through which he passed.—Nevertheless, as his survey extended into a district which the North-West Company were desirous of monopolizing, their jealousy was excited, and one of their servants, named La Roque, a noted battailleur, was dispatched to follow his route. This ruffian having discovered the Indian who had served as guide to Mr. Fidler through part of his route, attacked him for this breach of his allegiance, beat him severely, and left him with two of his ribs broken*.

* In the course of his survey, Mr. Fidler had planted a few sets of potatoes, to supply seed for any people whom the Hudson's Bay Company might send to form a permanent establishment. Even this germ of improvement could not pass unnoticed. La Roque and the

It would be a disgusting task to detail the numerous and continued acts of violence exercised in the most illegal and tyrannical manner against the wretched natives of these districts; and, after what has been stated, it must be superfluous to make any remarks on the total inattention of the North-West Company to the moral and religious instruction of the people under their control, whether with reference to their Canadian servants, or the native Indians within those districts of which the Company have so long had the exclusive occupation. It would be well if nothing more than inattention could be laid to their charge on that score.—But it is an indisputable fact, that the native Indians have been growing more deficient in every estimable point of character from the time that Canada fell under the Protestant Government of Great Britain. The cause of this lamentable and humiliating fact can no longer be a mystery, when it is known that the immediate management of these people has been left without control in the hands of men who speculate upon the vices of their servants.

servants of the North-West Company rooted out and destroyed the plants.

This matter is not one of those in which the whole blame should be thrown on the wintering partners. Those connected with them in London have lent themselves to counteract measures which might have tended to reform the habits, and ameliorate the condition, of the native Indians. It is well known, that the propensity of the natives to intoxication is one of the most serious bars to their civilization; and that if an effectual restraint could be put on the sale of spirituous liquors to the Indians in British America, it would contribute most essentially to their welfare, and progress in the arts of civilized life. It is evident that this can only be effected by a general regulation, to which all the traders should be obliged to conform. Such a regulation has been enacted several years ago by the American Government with the happiest effects, having laid the foundation for the benevolent exertions of a society of Quakers in Philadelphia, who have succeeded in exciting a spirit of regularity and industry, formerly unknown among the Indian tribes residing on the waters of the Ohio. The very interesting account, which has been published of their proceedings, induced some of the friends of humanity in England to propose an attempt of the same kind among the

Indians within the British boundaries.—As a preliminary, it was suggested that an Act of Parliament should be applied for to restrain the sale of spirituous liquors to the Indians in British America. This proposal was communicated to the Directors of the Hudson's Bay Company, who not only expressed their hearty concurrence in the proposition, but addressed a set of queries on the subject to their principal officers in Hudson's Bay, calling for information as to the consequences to be expected from it. The answers to those queries expressed a decided opinion, on the part of these officers, that the trade would not suffer by the measure; that it might at first excite some dissatisfaction among the Indians, which would very soon pass away, and that the ultimate consequences could not fail to be most beneficial to the native inhabitants, and to contribute, in a material degree, to the comfort and security of all who resided among them*.

* The statements returned by the officers of the Hudson's Bay Company, in consequence of the queries transmitted to them, expressed in the strongest manner the lamentable effects produced among the natives by the use of spirituous liquors. No moderation in that respect is ever to be expected from them, and when an Indian is intoxicated, there are no bounds to his fury. In that state they

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

The evils which had been experienced from excessive competition among the Fur Traders, prepared the way (as we have seen) for the formation of the present North-West Company, and it now became the main object of that Association to exclude, by every means in their power, all other adventurers from the trade.—The individuals who had associated enjoyed no rights that were not equally open to every British subject, and they well knew that to apply to Parliament for any exclusive privilege of trade would be useless. Their

commit the most horrid murders, often sacrificing their wives and children. The Indian women are also much addicted to the use of spirituous liquors when they can obtain them; the evident consequence of which is, that their children are often left in the greatest want and misery.

great object, therefore, was to maintain their exclusive possession as long as they could, and, having no legal title to prevent others from trading within the same districts, they hoped to exclude them by means of prior possession, and superior numerical force. In fact, the same measures continued to be pursued which had prevailed during the earlier periods of the commercial rivalry in Canada. These measures of obstruction are adverted to by Sir Alexander M'Kenzie, who informs us that when Messrs. Pangman and Gregory, dissatisfied with the arrangements entered into at the first coalition of the North-West Company, had engaged several other persons (and among these, Sir Alexander himself) to join in a separate undertaking for a trade to the Indian country of Athabasca, they found that in the prosecution of it they had to encounter not only the natural difficulties that were opposed to them, but every other which their opponents, who were already in possession of the trade of the country, could throw in their way. "But," observes Sir Alexander, "after the severest struggle ever known in that part of the world, and suffering every oppression which a jealous and rival spirit could instigate; after the murder of one of our partners, the laming of ano-

“ ther, and the narrow escape of one of our
 “ clerks, who received a bullet through his
 “ powder-horn in the execution of his duty,
 “ they were compelled to allow us a share in
 “ the trade. As we had already incurred a loss,
 “ this union was, in every respect, a desirable
 “ event to us, and was concluded in the month
 “ of July 1787.” *Page* xix. xx.

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

In the year 1801, Mr. Dominic Rousseau of Montreal, sent a canoe and four or five men, under the charge of Mr. Hervieu, his clerk, to Lake Superior, with an assortment of goods, calculating that he should dispose of them to advantage among the servants of the North-West Company, during their annual assemblage at the Grand Portage on Lake Superior. Small as this adventure was, it excited the jealousy of the North-West

Company. Hervieu pitched his tent, and opened his shop, at the distance of about a gun-shot from their fort, or trading post; but it was not long before he was accosted by some of the partners, and particularly by Mr. Duncan M'Gillivray, who peremptorily ordered him to quit the place, telling him, that he had no right to come there. Hervieu questioned the right of the North-West Company to the exclusive possession of the country, and said that he would not go away unless they shewed a legal title to the land. After some altercation, to avoid further disputes, he agreed to remove his encampment to another spot, which was pointed out to him, but before he had time to effect this, Mr. M'Gillivray returned with Mr. Archibald Norman M'Leod, another of the partners, and ten or a dozen of their inferior clerks and servants, and accosted him in a still more arrogant style than before. M'Gillivray, adverting to Hervieu having questioned the title of the North-West Company to the country, told him that he should see their title, and drawing his dagger, struck it into Hervieu's tent, and tore it from top to bottom. M'Leod then pulled down the tent altogether; overturned a chest containing Hervieu's merchandize; with the most violent threats

ordered him to be gone ; and naming a place a little farther in the interior, told him, that if he were there he would cut his throat. The same gentleman assaulted one Durang, an interpreter in the Company's service, and took from him a tent which he had purchased for his own use from Hervieu. With all the solemnity of a public execution, they cut it in pieces, and after publicly exhibiting it in this state, made a bonfire of it, as a warning to the servants of the Company of the consequence of purchasing from the intruder.

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

Mr. Rousseau brought an action against Mr. M'Gillivray in the court at Montreal, and recovered damages, which were assessed at £500 ; a sum, which in all probability was barely sufficient (if it was sufficient) to compensate for the direct pecuniary loss which

he had sustained. It could not possibly indemnify him for the profit which he had reason to expect, and was a mere trifle to the North-West Company, in comparison with the benefit of maintaining their monopoly, and of deterring others from attempting a similar interference. In England a jury would hardly have overlooked that consideration, but in consequence of the French law, which still prevails in civil causes in Lower Canada, no jury was impanelled on this case, and the damages were assessed by the court.

In the year 1806, Mr. Rousseau again attempted a trading adventure to the Indian country. He entered into partnership with a Mr. Delorme, whom he dispatched from Montreal with two canoes loaded with goods for the interior. Mr. Delorme proceeded as far as Lake Superior, and, in order to avoid collision, he there took the old route by the Grand Portage, which the North-West Company had then abandoned. When he had advanced a few days' journey through the intricate and difficult country beyond Lake Superior, he was overtaken by Mr. Alexander M'Kay, a partner of the North-West Company, with a number of men, who went forward along the route by which Mr. Delorme

was to advance, and proceeded to fell trees across the road, at the portages, and on all the narrow creeks by which they were to pass. They soon accomplished such a complete obstruction, that Mr. Delorme with his small party, found it impossible to open a passage for his loaded canoes. His adventure being thus entirely frustrated, he left his goods, and made his retreat with his men only. On his arrival at Fort William, the trading post of the North-West Company, he found Mr. M'Gillivray, by whose direction these obstructions had been made. To him Delorme presented the keys of the packages which he had left, and remonstrated on the unjustifiable manner in which he had been treated ; but his appeal was fruitless. Finding that no redress could otherwise be obtained, Mr. Rousseau brought an action of damages against the Company ; but the case did not come to a trial, a compromise having been offered and accepted. The North-West Company agreed to pay for the goods which Delorme had left beyond the Grand Portage, at the invoice price as valued at Montreal. By this, Mr. Rousseau lost all the wages of the men, and other expenses he had incurred in the outfit, but he thought it advisable to

accept the compensation, however inadequate, rather than trust to the chance of obtaining justice in the courts of law.

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

Mr. Rousseau was the last private merchant who ventured, singly and unsupported, to send goods into the North-West. At an older date, many other respectable individuals of Montreal had been engaged in that trade

in the countries most accessible from Canada, to the North of Lake Superior, and other districts, but which they were forced to abandon, in consequence of a series of outrages of the same character as those practised against Mr. Rousseau. Some of these gentlemen have quitted the Fur Trade altogether, and others have directed their attention to Michilimacinack and the South-West, where the trade has always been more open to free competition.

Of these traders, however, few ever attempted to stretch into Athabasca, or the remoter Indian countries towards the North-West. Very soon after the formation of the North-West Company, it became evident that no unconnected individual could have any chance of success in these distant countries, and that to carry on trade there, in competition with that body, would require a scale of operations as extensive as theirs, and an establishment of men capable of contending with them at their own weapons. It was on these principles that the New North-West, or X. Y. Company was formed in the year 1798. This undertaking was powerfully supported in point of capital; and was conducted by gentlemen of great experience in the Indian trade, and far superior in point of

talents to most of their antagonists. It was not, however, an easy matter for them at once to form an establishment on so large a scale as that of the Old Company. In addition to the natural difficulties of such an undertaking, they had to contend against every obstruction which their rivals could throw in their way.—Among other obstacles the Old North-West Company not only engaged a much larger number of men than they had ever employed before, but also paid pensions to all the experienced voyageurs, who had already retired from their service, on condition that they should not enter into the employment of their rivals. From this and other causes, the latter Company were always much inferior in point of numbers at their wintering posts in the Indian country, in consequence of which they experienced from their rivals great violence and oppression. From the remote situation, and the difficulty of tracing evidence with legal precision, in a country altogether destitute of police, it would have been useless to have attempted to procure redress in the Courts of Law. The cases were therefore never brought judicially before the public, and, in consequence of the coalition which has since taken place between the two Companies, it is not now an

easy matter to trace out particular facts and circumstances.—The injured party and the aggressors are equally desirous of throwing a veil over the atrocities which took place during their quarrel.—Since they have been united, it is no longer for the interest of either, that the public at large should understand the mode in which business is conducted in the Indian country.

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

CHAPTER III.

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

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

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

asked him, in a furious tone, whether he would come with him; Labau was intimidated, and hesitatingly answered Yes; but, watching his opportunity, endeavoured to escape out of the room. Upon this, Schultz drew his dagger, and aimed a blow, which Labau in vain tried to avoid. He was stabbed in the loin, and died the same evening.

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

After the coalition of the Old and New North-West Companies, and the expulsion of all private adventurers from Canada, the

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

In May 1806, Mr. William Corrigan, a trader in the service of the Hudson's Bay Company, was stationed with a few men at a place called Bad Lake, within the limits of Albany Factory, (in the Hudson's Bay territory,) and near a post occupied by a much

* The Charter of the Hudson's Bay Company was granted by King Charles II. in the year 1670.

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

who threatened to murder the servants of the Hudson's Bay Company who were there, and carried off furs to the amount of fifty beaver. Not long after this, they again forcibly broke open the same warehouse, and robbed it of a considerable quantity of cloth, brandy, tobacco, ammunition, &c. &c.

In autumn 1806, John Crear, a trader in the service of the Hudson's Bay Company, (also on the establishment of Albany Factory,) occupied a post with five men at a place called Big Fall, near Lake Winipic. One evening a party of Canadians in two canoes, commanded by Mr. Alexander Mac Donell, then a clerk of the North-West Company, arrived and encamped at a short distance. In the following morning four of Crear's men set out for their fishing grounds, about a mile off; immediately after which Mr. Mac Donell came to the house with his men, and charging Crear with having traded furs from an Indian, who was indebted to the North-West Company, insisted on these furs being given up to him. On Crear's refusal Mr. Mac Donell's men broke open the warehouse door. William Plowman, the only servant that remained with Crear, attempted to prevent them from entering; but one of the Canadians knocked him down, while another presented a gun at Crear

himself. Mac Donell having prevented him from firing, he (the Canadian) struck Crear in the eye with the butt end of his gun, which covered his face with blood, and felled him to the ground. Mr. Mac Donell himself stabbed Plowman in the arm with a dagger, and gave him a dangerous wound. The Canadians then rifled the warehouse: the furs being taken in summer were of little value; but they carried off two bags of flour, a quantity of salt pork and beef, and some dried venison, and also took away a new canoe belonging to the Hudson's Bay Company. In the following February Mac Donell sent one of his junior clerks with a party of men, who again attacked Crear's house, overpowered him, beat him and his men in the most brutal manner, and carried away a great number of valuable furs. They also obliged Crear to sign a paper, acknowledging that he had given up the furs voluntarily, which they extorted with threats of instant death if he should refuse. Mr. Alexander Mac Donell has lately been promoted to the station of a partner in the North West Company.

In the year 1808, Mr. John Spence of the Hudson's Bay Company, commanded a post fitted out from Churchill Factory, at Rein Deer Lake, in the neighbourhood of which

there was a station of the North-West Company, commanded by Mr. John Duncan Campbell, one of the partners. In the course of the spring, William Linklater, in the service of the Hudson's Bay Company, was sent out to meet some Indians, from whom he traded a parcel of valuable furs. He was bringing them home on a hand sledge, and was at no great distance from the house, when Campbell came out with a number of his men, stopped him, demanded the furs, and on being refused, drew a dagger, with which he cut the traces of the sledge, while at the same time one of his men took hold of Linklater's snow-shoes, tripped him up, and made him fall on the ice. The sledge of furs was then hauled away to the North-West Company's house.— Campbell offered to Mr. Spence to send other furs, in exchange for those which he had thus robbed him of: but they were of very inferior value, and the latter refused the compromise. The furs were carried away, and no compensation ever made.

On another occasion at Isle à la Crosse Lake, (in the year 1805,) the same Campbell attacked two of the servants of the Hudson's Bay Company, and took a parcel of furs from them in the same way: some of the men from the Hudson's Bay House came out to assist

their fellow-servants, but were attacked by superior numbers of the Canadians, and beat off with violence and bloodshed.

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

Mr. John M'Donald had been Mr. Fidler's competitor during the earlier part of the winter, but (not being inclined to set all principles of law and justice at defiance,) was removed, and relieved, first by Mr. Robert Henry, and then by Mr. John Duncan Campbell. The North-West Company having been established for many years at Isle à la Crosse without any competition, had obtained

what they call the *attachment* of the Indians, that is to say, they had reduced them to such abject submission, that the very sight of a Canadian was sufficient to inspire them with terror. In order that this salutary awe might suffer no diminution, the post at Isle à la Crosse was reinforced with an extra number of Canadians, so that the natives might be effectually prevented from holding any intercourse with the traders of the Hudson's Bay Company, and that the appearance of so very superior a force, ready to overwhelm and destroy him, might deter Mr. Fidler from any attempt to protect his customers. A watch-house was built close to his door, so that no Indians could enter unobserved; a party of professed *battailleurs* were stationed here, and employed, not only to watch the natives, but to give every possible annoyance, night and day, to the servants of the Hudson's Bay Company. Their fire-wood was stolen—they were perpetually obstructed in hunting for provisions—the produce of their garden was destroyed—their fishing lines taken away in the night time, and their nets, on which they chiefly relied for subsistence, cut to pieces. The ruffians who were posted to watch Mr. Fidler, proceeded from one act of violence to another, and in proportion as they found

themselves feebly resisted, they grew bolder, and at length issued a formal mandate, that not one of the servants of the Hudson's Bay Company should stir out of their house; and followed up this with such examples of severity, that Mr. Eidler's men refused to remain at the post. They were compelled to leave it, and the Canadians immediately burnt his house to the ground.

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

They have endeavoured to palliate their aggressions against the servants of the Hudson's Bay Company by reerminating upon their competitors.—This was to be expected. Where facts could not be denied, no other resource seemed so convenient as reerimination. Indeed they have attempted, by this mode, to justify acts of still greater atrocity than most of those above adverted to; but as these are now in a regular train of judicial

inquiry, (in consequence of which the facts will be brought before the public at a more proper time, and in a more regular form,) it would not be advisable at present to detail them. If it be true, however, as the North-West Company, in their spirit of recrimination, allege, that the Hudson's Bay Company are as bad as themselves, there is surely the more reason for a serious inquiry on the part of Government. The charge, however, appears to be without the slightest shadow of probability. The servants of the Hudson's Bay Company have always been too inferior in point of numbers to their antagonists in the interior, to have made it at all prudent for them to commit acts of aggression. Besides, their object has always been indubitably lawful; while the aim of their antagonists has been to exclude them from their legal rights.

An additional circumstance may also be noted, which makes it extremely improbable that the Hudson's Bay Company should have at any time been so prone to aggression as their opponents. Till within these few years the officers of that Company have always been paid by fixed salaries, and had no direct interest in the extension of the trade, or increase of its returns. This circumstance alone is perhaps sufficient to account for

much of that comparative remissness (with respect to the prosecution of the Fur Trade) which the Company has been accused of. Their officers in the interior had never that spur to activity which stimulated the wintering partners of the North-West Company, all of whom had a direct personal interest in the advancement of the Canadian Fur Trade, and had under them numerous clerks and servants eagerly watching opportunities to obtain the approbation of their superiors, and rather courting, than avoiding, occasions of personal danger. The allegations, therefore, of the North-West Company are rather curious when they charge the servants of the Hudson's Bay Company, at one and the same moment, with apathy, and with aggression! If it be admitted that the latter Company did not hold out a sufficient stimulus of self-interest to prompt their servants in the interior to exertion in the cause of their employers, it is surely not very probable, that, without any such inducement, the same servants would be disposed, by aggression, to incur the risk, if not the certainty, of personal danger from their more numerous and more powerful opponents*.

* Within these few years a change has taken place in the management of the Hudson's Bay Company's affairs,

When we consider also the constitution of the Hudson's Bay Company at home, it appears still more unlikely that any aggression should originate from those employed in their service. The management of the Company's affairs (as in other chartered bodies of a similar description) is entrusted to a Board of Directors in London, who attend to the concerns of the Company more from a principle of duty to their constituents, than from the expectation of any great personal benefit likely to arise from their exertions. Each of them individually has avocations of higher interest, than what arises from his connection with the Hudson's Bay Company. He can only therefore occasionally bestow his attention on their affairs. The partners of the North-West Company, on the contrary, have generally their whole property embarked in that concern.—

on the principle of allowing to their chief officers a considerable participation in the profits of their trade. It was found absolutely necessary to adopt some step of this sort, as nothing short of such a measure could be sufficient to stem the torrent of aggression, with which they had been assailed by the North-West Company; and their absolute ruin must have ensued, if some effectual means had not been taken, not only to rectify some of the abuses which had crept in under the former system, but also to rouse their officers to a more effectual resistance of the lawless violence practised against them.

At least this is the case with the wintering partners, and with all those who, in Canada, take an active management of their affairs. It is natural, therefore, that their undivided attention should be directed to the interest of the body with which they are connected, and that they should pursue such interest with a degree of keenness and avidity, which cannot be supposed to actuate the Directors of the Hudson's Bay Company, who, from the circumstances of their situation, must have too much regard for their own character, to sanction their servants in acts of violence. Besides, in the service of the latter Company, every thing of importance is transacted by written instructions from the Directors, and it is not likely that they would commit themselves by any instructions, even of a doubtful nature. On the other hand, their officers dare not act in any essential point without written instructions, which, if they disobey, would be held by the Directors a sufficient ground of dismissal from their service. Thus, by the constitution of the Hudson's Bay Company, there exist very important checks, which cannot fail to restrain their officers from acts of aggression; while at the same time they have not the same temptation as the partners and clerks of the North-West

Company to commit them. The truth of these remarks may be illustrated by a few facts which cannot be contradicted.

At a very early period after the establishment of the Hudson's Bay Company, they fixed a standard by which their officers were instructed to trade with the Indians; pointing out the quantity of every kind of trading goods, that were to be given in exchange for a beaver skin, or any other fur. Notwithstanding the variations which have taken place in the circumstances of the country, and in the comparative value of different species of furs and of European goods, the Company adhered to this standard with scarcely any variation, till within a few years of the present time. Although this cannot be quoted as a proof of judicious attention to their own interests, it certainly evinces the moderation of their views; for the standard thus laid down by the Hudson's Bay Company was more favourable to the Indians, than any which has been adopted by other traders. Even in those parts of the Indian country, where there is the freest competition*, the traders do not supply the Indians on the same moderate terms, as the Company pre-

* In the South-West, and towards the Mississippi.

scribed to their officers, at a period when they had an uncontested monopoly, and when the Indians of all the countries round Hudson's Bay had no other market. With such scrupulous attention was this rule adhered to, that in one of the publications brought out against the Company, at the period of Mr. Dobbs's attack upon them, it is enumerated among the instances of misconduct, that some of their factors had deviated from this standard, and traded on terms less favourable to the Indians ; and this is spoken of as a practice " big with iniquity," though it does not appear that any one ever went so far as to charge the Company's goods at one tenth part of the price at which similar articles are now bartered with the Indians by the North-West Company in Athabasca.

In likemanner the Hudson's Bay Company long ago laid down a tariff of prices at which their servants were to be supplied out of their stores, with any articles which they required for their own use. To this rule they adhered without deviation, till, from the change of times, and depreciation in the value of money, the prices in the tariff came to be in many instances lower than the manufacturer's prime cost. This error was rectified by varying the prices so as to bear a proportion to the origi-

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

acknowledge that, with respect to sobriety, orderly behaviour, and steady adherence to their moral duties, the servants of the Hudson's Bay Company are much superior to any other class employed in the same business.

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

profit from the vices of their servants, and had given a constant preference to drunkards and spendthrifts, rather than to sober and steady men, there can be little doubt, that they would soon have brought about a corresponding change in the habits of their people.

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

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

The only Act of the British Legislature

which appears to relate to them, is that of 48 Geo. III. cap. 138, commonly called the "Canada Jurisdiction Act," and, in that Province, known by the name of the "Act of 1803." This was passed after the formation of the New North-West Company, in consequence of some violent proceedings that had taken place between their servants and those of the Old Company, and which had ended in bloodshed. The professed object of this Act is to remedy a defect of the law arising from the circumstance that some parts of British America, were not within the limits of any British colony, so that offences committed there could not be tried by any jurisdiction whatever. In order to remedy this evil, the courts of law in Canada are allowed to take cognizance of any offences which may be committed within certain districts, termed in the Act the "Indian Territories." This vague term has been used without any definition to point out the particular territories to which the Act is meant to apply. From the preamble it would appear, that the persons who drew it up were ignorant of the existence of any British colony in North America, except Upper and Lower Canada; and an argument has been maintained, which, under the denomination of Indian Territories, would include not only

those of the Hudson's Bay Company, but New Brunswick, Newfoundland, and Nova Scotia. There are, however, extensive tracts of country to which the provisions of the Act unquestionably do apply; *viz.* those which lie to the North and West of the Hudson's Bay territories, and which are known in Canada by the general name of Athabasca. It was here that the violences which gave occasion to the Act were committed, and these are the only districts in which that total defect of jurisdiction, described in the preamble of the Act, was to be found. The necessity of an enactment for bringing these territories under the cognizance of some established British Judicature cannot be denied; but the propriety of giving it to the courts of Canada is not so evident.

It seems to have been supposed that these districts had a natural connection with Canada, and were inaccessible to British subjects by any other route than that of Montreal. But this is very far from being the case. The route by way of Hudson's Bay is much shorter and easier than that by way of Canada, and there is no reason to suppose that the trade of these countries must always centre in Montreal. The Hudson's Bay Company have certainly as good a title to trade into Athabasca

as the merchants of Canada, and even if they should not choose to avail themselves of this right, a trade might be carried on by others from England through that channel. Though at present the road is within the exclusive territory of the Hudson's Bay Company, it might be thrown open to the public by Act of Parliament, or the right might be communicated by the Company to other British merchants by private agreement. In any one of these cases the fur traders from Canada might come into contact in Athabasca with others trading directly from England. If differences should arise between them, and lead to acts of violence or oppression, the cases, as the law now stands, must be tried in Montreal, a distance of three or four thousand miles; and thither the parties must repair by an inland navigation far more tedious and difficult than a voyage to England. By this route, however, the canoes of the Canadian traders necessarily pass up and down every season. To them there can be no difficulty in conveying their witnesses to Montreal, and (in the case of a criminal prosecution) should it be a Canadian who is brought down to that place for trial, he is there in the midst of his friends and connections, with his employers at hand, anxious to defend his

cause, and to see that no advantage is lost in the prosecution of it.—But how is it with the English trader, who is dragged down by this route to take his trial in a place where he is an utter stranger;—in the midst of his enemies;—where his employer may probably not have a correspondent to pay the smallest attention to his interest;—and where he cannot bring down a single witness for his defence, except at an enormous expense and inconvenience? In fact the disparity is so extreme that it may almost be considered as amounting to a total denial of justice towards any person not connected with Canada.

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

In the winter 1801-2, Mr. John M'Donald managed the affairs of the Old North-West Company in the Athabasca country. Mr. Rocheblanc those of the New Company, in the same district. Mr. M'Donald had under his command a clerk of the name of King, an experienced trader, of a bold and active character, and of a Herculean figure. Mr. Rocheblanc's assistant was Mr. Lamotte, a

young man of a respectable Canadian family, of a spirited and active disposition, but much younger, and of less experience among the Indians, and not to be compared to King in point of personal strength. In the course of the winter, two Indians arrived as deputies from a band, with which both parties had had transactions, to inform the traders that they had furs ready at an encampment, at the distance of four or five days' march. King was sent with four men, to collect those due to the Old North-West Company; Lamotte, with two men, for those due to the New Company. Both of them were charged to use the utmost diligence, and to defend the rights of their employers with courage. They set out accordingly on their mission, and great activity and address were used by each to get the start of the other, but without success on either side. When they reached the Indian encampment both parties proceeded to collect the furs due to them; but King, by means of the superior number of his assistants, got possession of all the furs, except one bundle, which was delivered to Lamotte by the same Indian who had come as delegate to the New Company. King then came to Lamotte's tent, accompanied by all his men armed, and perempto-

rily demanded that bundle also, threatening violence, and declaring his intention to take the furs by force, if they were not given up to him. Lamotte was determined to defend the property of his employers to the last extremity, and warned King, that if he ventured to touch the furs, he should do it at his peril. King, nevertheless, was proceeding to put his threats in execution and to seize the bundle, when Lamotte pulled out his pistol and shot the robber dead on the spot. King's men would have revenged his death, but the Indians interfered, and expressed their opinion that he had merited his fate.

Though it would be difficult to quote an instance of homicide more decidedly justifiable, all Canada rung with the clamours of the Old North-West Company against this murder, as they chose to term it. It was upon this occasion that the Act of 1803 was obtained, under the idea that the case could not be brought to trial, though it might undoubtedly have been tried at Westminster under the Act of Henry VIII. Every effort was subsequently used by the North-West Company to take Lamotte, but it was not till the spring of 1805 that he fell into their hands. He was brought to a trading-post, commanded by Mr. Archibald Norman

M^cLeod, where he was kept for a considerable time in the most rigorous confinement, subjected to every insult, and experiencing every species of severity and privation. But, before he was brought down to Montreal for trial, the coalition between the two companies had taken place : he was liberated, and no legal proceedings instituted against him.

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

In the autumn of 1809, Mr. William Corrival acted as a trader in the service of the Hudson's Bay Company, at a post which he occupied near Eagle Lake to the North of Lake Superior. On the 15th of September, a party of the North-West Company established an encampment about forty yards from his house, under the command of one Æneas Mac Donnel, a clerk of the latter Company. The same evening an Indian arrived in his canoe to trade with Corrival, and to pay a debt which he owed him. He was not able, however, to defray the whole

amount, and Corrigan told him he would take the canoe in part payment. This the Indian consented to, but requested that it might be lent to him for a few days, when he would return with it. This was agreed to, and the canoe was brought up to Corrigan's house, where the Indian remained all night. Next morning he received some more articles in advance, such as clothing for his family, ammunition for his winter hunt, &c. ; and when he was going away, three of Corrigan's men were sent down to the wharf, with the canoe and the goods. This being observed from the North-West Company's encampment, Mac Donnel immediately went down to the lake, armed with a sword, and accompanied by a Canadian, named Adhemar, armed with a brace of pistols.—Upon pretence that the Indian was indebted to the North-West Company, they proceeded to seize and drag away the canoe with the goods, to their own wharf, when Mr. Corrigan observing them, ordered two of his men, James Tate and John Corrigan, to go into the water, and secure the canoe and the property. They proceeded to obey his orders, when Mac Donnel drew his sword and struck two blows at Tate's head. The latter was unarmed, and, in order to guard his head, raised his arm,

which was in consequence severely cut across the wrist. He then received another deep wound in his neck, immediately below his ear, which felled him to the ground. Adhemar at this time had seized John Corrigan, (who was also unarmed) and presenting a cocked pistol to him, swore that if he went near the canoe, he would blow his brains out. Several of the Hudson's Bay Company's servants who were near the spot, observing what was going on, and perceiving that the rest of Mac Donnel's men were collecting with arms, ran up to their own house, which was only about forty or fifty yards from the Lake, to get weapons for the defence of themselves and their fellow-servants. Mac Donnel next attacked John Corrigan, who, to escape from him, ran into the Lake; but finding the water too deep, he was soon obliged to make a turn towards the shore, when his pursuer made a blow at him with his sword, cut his arm above the elbow, and laid the bone bare. He followed this up with a tremendous blow at his head, which Robert Leask, one of Corrigan's men, fortunately warded off with the paddle of the canoe, which was cut in two by the blow, as stated upon oath by Leask in his affidavit. Mac Donnel then attacked another servant of the name of Essen, making

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

Mr. Corrigal immediately got his party up to the house, had every care taken of those who were wounded, and consulted with his men about the best mode of securing themselves from further attack. In a few hours Adhemar the Canadian, sent off a light canoe to Lake Sal, where Mr. Haldane of the North-West Company (under whom Mac Donnel had been placed) was stationed. Another canoe was also dispatched to Lac La Pluie, to a Mr. McLellan, under whom Adhemar himself had acted. On the 24th Haldane arrived in a canoe with ten men, and on the following

day M'Lellan also made his appearance in a canoe with about the same number, all armed. They shortly afterwards came to the gate of the stockades with which Corrigan and his party had barricaded themselves, and demanded the person who had shot Mac Donnel. Corrigan told them that he had not seen Mac Donnel shot, and could not say who the person was who killed him. They answered him by declaring that if the person was not immediately delivered up, they would either shoot every one of them, or get the Indians to kill them, were it even to cost them a keg of brandy for each of their heads. In order to prevent further bloodshed, Corrigan then told them, that three of them might enter within the stockades, and fix upon the person if they could, and that he would call out all his men for that purpose. This was accordingly done, and they fixed upon Edward Mowat. Corrigan told them it could not be him, as he was in the house at the time Mac Donnel was shot. John Mowat then stepped forward, saying, he was the man, and that he would do so again in his own defence. He then voluntarily agreed to surrender himself, and it was settled that two of Corrigan's men should be taken down with him to Montreal as witnesses in his behalf. James Tate and

Robert Leask volunteered for that purpose, and it was stipulated that if Mowat was taken down straight to Montreal, the two witnesses should be carried along with him, but if he was detained till the spring, one of them should be sent back to Eagle Lake, and that Mr. Corrival himself should go to Montreal as a witness in his room.

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

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

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

From the 22nd of June, to the 10th of July, canoes went off almost daily to Montreal. The witnesses, repeatedly requested that they should be sent down there, but in vain. During that period they were not allowed to hold any communication with the prisoner, being only permitted to look into his cell, at the time his allowance of victuals was handed to him. On the 10th, Tate got an opportunity of speaking to him. Upon inquiring how he was treated, Mowat said he was well off for food, but that he was kept in hand-cuffs from seven o'clock every evening till nine in the morning. After this the prisoner fell sick, and when Corrigan and Tate were informed of it, they went to see him, but were refused admittance. He grew worse on the 16th, and sent for Tate, who found him in a most lamentable state, his arms cut with his fetters, and his body covered with boils. He had asked for medicine, but got none, though there was a doctor in the place. From this time Tate continued to visit the prisoner as often as he could, dressed his sores, washed his linen, &c. &c. and on one occasion procured for him some medicine. On the 26th M'Lellan, and the person who had the custody of Mowat, told Tate that the prisoner wished to see him. They all went together, when Mowat advised

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

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

The day after his arrival, a servant of the

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

* The charge of *aiding and abetting* (in the murder) as it was irregularly specified in the commitment, was laid upon the oath of Joseph Parisien!—The reader may recollect that this miscreant had been amongst the most ferocious of the party who made the attack at Eagle Lake, and by a blow with his felling axe, had almost killed John Essen, who was unarmed, and had fallen in the water.

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

Thus were these two men entrapped, who had volunteered to be taken down to Montreal (a distance of at least fifteen hundred miles) as witnesses in behalf of Mowat, who had, on that condition, peaceably delivered himself up at Eagle Lake. Mowat and his two witnesses were utter strangers in Montreal, and it was evident that if the former was to be deprived of the testimony of Corrigan and Tate, no other witness could be expected to appear in his favour. In order, therefore, entirely to preclude the accused from obtaining their testimony to clear him of the crime which had been laid to his charge, the ingenious device was resorted to of indicting his witnesses as being themselves concerned in his guilt!

Corrigan and Tate, (the former of whom had been four months, and the latter a year, in the detention of the North-West Company,) remained in prison in Montreal about six months, and during most of that time, they, as well as Mowat, experienced great distress and want. During part of that period, how-

ever, they excited the commiseration, and received the charitable aid of some benevolent individuals of that place.

The Hudson's Bay Company, it should be observed, had, at that time, no agent or correspondent at Montreal, or at any place in Canada. It was not till the end of November that the Directors heard of the prosecution thus carried on against their servants, when immediate steps were taken for their protection, and able Counsel engaged for their defence. Mowat and his witnesses were indicted for murder. The Grand Jury found a true bill against Mowat, but none against the others. These were, in consequence, discharged, and were thereby rendered competent witnesses at Mowat's trial which fortunately had not taken place before their liberation. Had the attempt to preclude them from giving evidence succeeded, it is not unlikely that a more fatal sentence would have been pronounced against the prisoner than that which awaited him. In England it has been generally supposed that it is almost impossible, at least extremely improbable, that an innocent man should be convicted; but the guards which are placed by the law of England for the protection of the innocent, are strengthened and secured by

circumstances which, unfortunately, are not always to be found in a different and more contracted scale of society. When, in a town of such limited population as Montreal, there exists an extensive commercial establishment, giving employment to a large proportion of the tradesmen of the place, and including a great number of partners, who form a principal part of the society, and who are connected by marriage or consanguinity with almost all the principal resident families, it is not unreasonable to suppose that it may be difficult to find either a grand or a petty jury totally unconnected with that Association; and that even the bench itself may not be altogether free from bias in cases wherein the interests of that Company might be eventually concerned. In the case of Mowat, it is well known that several partners of the North-West Company were upon the grand jury which found the bill of indictment; and out of four judges, who sat upon the bench, two were nearly related to individuals of that Association. In the course of the trial circumstances occurred, which could not have taken place in a court of justice in England, without exciting indignation from one end of the kingdom to the other. The counsel for the prisoner was repeatedly interrupted in his

cross-examination of the witnesses for the prosecution, by the judges prompting the witness, and helping him to preserve his consistency. One of these witnesses, however, did, on his cross-examination, acknowledge facts totally inconsistent with the evidence which he had given upon his examination in chief, and upon this, one of the judges interrupted the counsel in an angry tone, and reproached him for having made the witness contradict himself. It was with great difficulty that the advocate for the prisoner could obtain leave to address the jury on the point of law, and to explain the distinction between murder and justifiable homicide. His argument was repeatedly interrupted from the bench; and, notwithstanding the clearest evidence that Mac Donnel began the fray in the most unprovoked and unprincipled manner,—that he was engaged in an act of direct robbery, and that he was threatening the lives of Mowat and his fellow-servants at the time he was shot; it was the opinion of the bench, that the man who killed him was guilty of *murder*, and such was their charge to the jury. After a consultation of fifteen or sixteen hours, the jury brought in a verdict of *manslaughter*.

Among the minor irregularities in the proceedings, it may be observed, that no suffi-

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

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

suasion could bend him. He declared that he would ask no favour in a country where he had been so unjustly condemned, and he was accordingly burnt in the hand in pursuance of his sentence*.

The circumstances of the whole of this case evince such an abuse and perversion of the intentions of the British Legislature, that one cannot but hope, that as Mowat's trial was the first which occurred under the Act of 1803, so it may be the last. By its operation, that Statute only tends to confirm and augment the despotism of a trading company, the partners of which, till recently, have been exclusively nominated Magistrates for those countries which have been so vaguely described in the Act. It places in the hands of a commercial association a dangerous weapon, by which they are enabled to crush almost every one who comes in competition with them: because, nothing can be more easy than to invent a plausible subject of accusation, which may serve as a pretext for sending off a rival trader, hundreds, even thousands

* After his discharge, Mowat proceeded from Canada to the United States, in order to return to England, but has never since been heard of. He is supposed to have been drowned by the breaking of the ice, in one of the rivers he had to cross in his way.

of miles to Montreal. The person aggrieved may indeed have his remedy by an action for false imprisonment, and after two or three years have passed in law proceedings, he may be ready to resume his trade; but in the mean time the North-West Company have got rid of a competitor; and if the damages be assessed on the same principle as those adjudged to Mr. Rousseau, they will form but a very small drawback to the advantage of preserving their monopoly unimpaired during the interval*.

When we consider how little is known in England of the local circumstances of our colonies in North America, it will not appear surprising that so injudicious an Act of Parliament should have passed the Legislature. The only persons consulted on the subject of the introduction of the Bill, were the partners and agents of the two Fur Trading Companies of Montreal, whose interests upon this point were completely united, and who were not very likely to suggest that other parties might also have an interest in the question. The Hudson's Bay Company in particular, as I have been informed, never received any intimation of such a measure being in contemplation. According to established usage, and

* See Rousseau's Case, page 56.

to those principles of justice and fair dealing which are held sacred by the British Legislature, an opportunity should undoubtedly have been allowed to that Company to state their claims, and point out where the provisions of the Bill might have militated against the rights of their Charter, if such indeed could at all be affected by its enactments. Yet the advocates of the North-West Company have gone so far as to maintain that the Act not only extends to the Hudson's Bay territories, but that it has the effect of taking away the rights of jurisdiction conferred by the Charter. That those who suggested this Act might have entertained a secret view to this object, is by no means unlikely, but they will probably find the attempt to make it bear that interpretation fruitless. It is unnecessary, however, to enter upon that point. But before quitting this subject, it may be proper to offer some observations upon the general policy of those clauses in the Hudson's Bay Charter, by which the jurisdiction of their territory is vested in the Company.

Those rights of jurisdiction which in the feudal times were so frequently annexed to private property, are now generally abolished, or if, in any instances, they still exist in Great Britain, they are justly considered

as the remains of a rude and barbarous system. Against any new establishment of the same description a strong prejudice must naturally be felt; and the objection is perfectly just wherever such jurisdiction would interfere with the ordinary administration of justice in the King's Courts. But among the colonial possessions of Great Britain, there are situations where it would have no such effect, and where, in fact, there is no alternative between having a private jurisdiction, or no jurisdiction at all. Generally speaking, this must be the case wherever a colonial establishment is formed by individuals without any assistance from the public purse. Such establishments are now very rare; but they were not so at the period when the Charter of the Hudson's Bay Company was granted. Nearly about the same date (1670) other large provinces in America were granted by the Crown to individuals, or to companies, who undertook to colonize them at their own expense; and it was then no uncommon circumstance, that individuals of the highest rank should be concerned in speculations of this nature*. All the most flourishing colonies

* The following were the original Grantees named in the Hudson's Bay Company's Charter, *viz.* Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cum-

in British America were established on this principle. Maryland and Pennsylvania are well-known instances ; Carolina, New Jersey, Connecticut, New Hampshire, and Maine, were settled on the same plan ; not to speak of the original colonies of Virginia and New England, which were first established by private speculators, though the Crown afterwards assisted in their support. In some of these cases the territory was granted to individuals, and the jurisdiction reserved to the Crown ; in others, the right of jurisdiction was granted along with the territory. Where the jurisdiction was reserved, the Crown was to be at the charge of providing for the administration of justice ; but where it was thought not advisable that this expense should be borne by the public, the right of jurisdiction was delegated to the proprietors of the soil. This arrangement was a matter of necessity ; for if

berland, &c.—Christopher, Duke of Albermarle.—William, Earl of Craven.—Henry, Lord Arlington.—Anthony, Lord Ashley.—Sir John Robinson, and Sir Robert Vyner, Knights and Baronets.—Sir Peter Colleton, Baronet.—Sir Edward Hungerford, Knight of the Bath.—Sir Paul Neele, Knight.—Sir John Griffith, and Sir Philip Carteret Knights.—James Hayes, John Kirk, Francis Millington, William Prettymen, John Fenn, Esquires.—and John Portman, Citizen and Goldsmith, of London.

the Government had neither provided for the administration of justice, nor enabled the grantees of the Province to do so, it would have been utterly impossible to have formed colonies on any just principle of policy or civilization. Where justice could not be administered by the immediate officers of the Crown, the natural course was to delegate the task to those who, from their rights of property, had a superior degree of interest both in the maintenance of good order, and in the general prosperity of the province. The persons who were subjected to this delegated jurisdiction had in all cases a right to appeal to the King in Council—a check which was sufficient to prevent any gross injustice or oppression towards the colonists; and if the institution was not theoretically perfect, it seems at least to have been the best that the circumstances of the case could admit of. Though in some instances the rights of jurisdiction thus conferred by the Crown, were afterwards taken away by Act of Parliament, that measure was never resorted to, but upon proof of misconduct and mal-administration. In some provinces (Pennsylvania and Connecticut for instance) the jurisdiction established by their respective charters, continued to be

exercised in a satisfactory manner, till they ceased to be colonies of Great Britain.

From these observations, it will be sufficiently evident, that the jurisdiction vested in the Hudson's Bay Company was, under the circumstances of their case, a necessary accompaniment to the grant of territory which the Charter conferred on them. If that jurisdiction should be abused, it may be taken away, as others have been; but it would by no means be analogous to the usual mode of proceeding in the British Legislature, if such a step were to be taken without inquiry, and without giving the Company an opportunity of being heard in their own defence; still more were it to be effected without the slightest proof of mal-administration in the Company, or abuse of their Charter, but merely by the oblique operation of an Act of Parliament passed for a totally different purpose. If the officers of the Hudson's Bay Company had been guilty of misconduct in the exercise of their jurisdiction, we may be sure that the North-West Company would not have allowed it to remain unobserved. They have never, however, ventured to bring forward any charge of this kind before the tribunal to which the cognizance of such

matters properly belongs ; and, till they take this step in a manly and distinct manner, no attention can be paid either to anonymous charges, or to the avowed accusations of interested parties, brought forward extra-judicially, and vaguely asserted without daring to come to issue on the proof. There is, therefore, no reason to admit that the Hudson's Bay Company have hitherto done any thing to warrant a forfeiture of their privileges. If, however, any paramount consideration of public interest should ever require the abolition of the rights of jurisdiction conferred by the Charter, it cannot be done without substituting in its room some less objectionable system of judicature ; and much reasoning cannot be required to shew that such system must not be looked for in enactments similar to those of the Act of 1803.

We have already noticed the extreme hardship and injustice of having *criminal* offences tried at Montreal, when the cases occur in remote parts of the Indian country. If this be the case with the *fur traders*, how much greater must the hardship be on the *settlers*, who now hold, or may hereafter possess lands, by grant or permission from the Hudson's Bay Company. To men of this description it will, in most cases, be an absolute

impossibility to undertake a journey to Montreal at their own expense; and if that is to be the nearest place where redress for injuries can be legally obtained, they can have no alternative but to submit to every outrage, or, like the savages, to take redress in their own hands. Every man who has acted as a magistrate must be aware of the multitude of petty offences which can only be judged of on the spot where they occur, and which no one would think of carrying to a distant tribunal; yet, if petty injuries cannot be speedily redressed, the probability is, that, by retaliation and a succession of mutual violence, provocation may be aggravated, till the deepest crimes, and murder itself be the result. The necessity of a local jurisdiction is no less evident, in respect to matters of *civil* right. Can it be supposed that such questions as a disputed boundary between two farms;—the recovery of a debt of eight or ten pounds;—or the damages occasioned by the trespass of a horse or a cow into a neighbour's corn-field, are to be referred to a tribunal at the distance of two or three thousand miles? If, therefore, the powers of jurisdiction vested in the officers of the Hudson's Bay Company are to be taken away, a local judicature must be esta-

blished and supported at the public expense. If the public are satisfied to incur this charge, the Company are not likely to feel any great reluctance in giving up the administration of justice into better hands. That privilege can be to them nothing but a burthen which the necessity of the case obliges them to undertake, but which they cannot be anxious to retain, if other and sufficient means be found of enforcing a due regard to the laws of England. It may be doubted, however, whether a new establishment, calculated effectually to accomplish this object, would be at all acceptable to the North-West Company. It has evidently been their aim to have no administration of justice that would at all interfere with their immediate trading interests. Superiority of numbers and of physical strength has proved to be their only rule of right. But as they cannot expect a formal recognition of that code, or hope to obtain a sweeping repeal of the Law of England in their favour, they will probably attempt to continue their monopoly by means similar to those they have hitherto exerted to maintain it. If a choice were to be made between two plans of judicature, their interest, if we may judge of the future from the past, must lead

them to prefer that which is most likely to be inefficient; and to no new measure can we hope for their cordial approbation, unless it would admit of being perverted into an engine of oppression, like their favourite Act of 1803, or would tend to confirm that system of jurisprudence which Sir Alexander M'Kenzie so emphatically describes—"this is Indian law."

In as far as this question affects the interest of the agricultural settlers, who hold lands by grant from the Hudson's Bay Company, it may perhaps be advanced, that no attention whatever ought to be paid to them; for it appears that the advocates of the North West Company have made the singular discovery, that it is highly impolitic, and injurious to the interest of the public, that these territories should be colonized at all! Indeed they have not only advanced this paradox theoretically, but have, by means of their servants, clerks, and partners, stepped forward in a very *energetic* manner, to give practical effect to their doctrine. The methods used for this purpose we shall not now detail, as the facts will come soon under the cognizance of a court of justice, and the proofs be submitted to the public.—Suffice it to say, that, from the first moment when the Hudson's Bay Company made a grant of land for the purpose of forming an agricultural settle-

ment upon an extended scale within their territories, the North-West Company avowed the most determined hostility to the undertaking. The settlement in question having been formed in a district, which had been exhausted of valuable furs by the extirpation of the beaver, and the settlers, by the very tenure of their lands, being also debarred from interfering in the Fur Trade, it may appear extraordinary that any set of traders should have entertained such a determined animosity against its establishment*. Nothing surely can be imagined more harmless in itself than the occupation of a farmer; nor does it at first appear very obvious how his peaceable industry should interfere with the Fur Trade, particularly as the settlement alluded to is at a great distance from any valuable hunting grounds. But, to those who have considered the system of the North-West Company in all its bearings, the mystery will soon be solved. The key to this, as well as to all the rest of their conduct, is to be found in the leading object of their association,—the maintenance of exclusive *possession* where they have

* The settlement alluded to was established a few years ago on the banks of the Red River (near its junction with the Ossiniboyne River) to the South of Lake Winnipic.

no exclusive *right*. In this view they are jealous of every establishment which can be formed within the range of their grasping monopoly. Whatever may be the nature or object of that establishment, if it be independent of the North-West Company's control, it will shew to the miserable natives, that those who compose this Association are not the sole and absolute masters of the country; and a permanent agricultural settlement would tend more effectually than any other to destroy the notion of their irresistible power. A rival trading post may be overawed by superiority of numbers; the native Indians may also be kept in miserable subjection by superior force;— but when a body of industrious farmers have once been firmly established, the natural growth of population in a favourable and fertile situation, must soon put it out of the power of any lawless combination of traders to overawe and insult them. It must also be evident, that a flourishing settlement of that description will necessarily bring along with it, in due time, an effective police, and a regular administration of justice; than which, nothing can be a greater object of dread to men who maintain a commercial monopoly by the habitual exercise of illegal violence;—men to whom no code is accept-

able but the law of the strongest—and who never will be fully satisfied unless the extensive regions in the North-West of America continue in the exclusive occupation of the savage Indians, the wild beasts of the forest, and themselves.

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

Many of those connected with the North-West Company were extremely unguarded in their expressions of inveterate hostility against this infant colony at its commencement, but as their real motives could not be acknowledged, it was necessary to assign an ostensible pretext, and they did not scruple to avow that they objected to the colonization of the

country, because it would interfere with the Fur Trade. Indeed, they not only asserted that it would ultimately prove the destruction of their own commercial concern, but that of the Fur Trade generally, including that of the Hudson's Bay Company itself. With a surprising degree of disinterested benevolence they expressed their pity for their commercial rivals, who, they said, were so totally ignorant of their own interests as to allow a regular settlement to be formed on their lands, and determined to save them from the ruinous consequences of such folly! They forgot, however, that the Hudson's Bay Company are not only merchants engaged in the Fur Trade, but also proprietors of a very extensive tract of land; and that they are entitled to judge for themselves how far their interest as proprietors may be allowed to modify, or even to guide their conduct as fur traders.

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

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

namely, that those to whom the Hudson's Bay territory was granted should be precluded from even attempting to improve it, because others conceive or pretend that such improvement would be against the interest of the grantees themselves!

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

* This estimate does not include the value of furs obtained by the merchants of Canada from districts lying within the territory of the United States.

possessing the greatest natural advantages, is to be condemned to perpetual sterility!

It has been the policy of the North-West Company, in pursuance of their object of excluding all other British subjects from these territories to represent the extensive tract of land, stretching from Lake Superior to the Pacific Ocean, and to the Northern extremity of the Continent, as altogether a wild and uninhabitable region bound up in perpetual snows.—Nothing can be more wide of the truth.—Not only in the territories of the Hudson's Bay Company, but even in Athabasca, and still more in New Caledonia, beyond the Rocky Mountains, there are most extensive tracts of fertile soil, which, from the temperature of the climate, are perfectly capable of advantageous cultivation. In so vast an extent of country, there must, of course, be great varieties of climate; but there is a breadth of at least twelve or fifteen degrees of latitude, as fit to be inhabited as many of the well cultivated countries of the North of Europe; and within this range, extensive districts may be found that are preferable both in soil and climate, to any of the remaining British Colonies on the continent of North America. It is a very moderate calculation to say, that if these regions were occupied by an indus-

trious population, they might afford ample means of subsistence to more than thirty millions of British subjects; and these immense resources of national wealth are to be lost sight of for ever, for the sake of a trade to the gross amount of 200, or 300,000£. per annum!

Even if we should look no further than to the Fur Trade alone, it is evident that the national interest will not be promoted by an adherence to the system of the North-West Company. It has been observed above, that their object is to obtain a great immediate return of furs, without any regard to its permanent continuance. Their tenure of the country is too precarious to encourage them to make any present sacrifice for the maintenance of an undiminished produce in future. A war of extermination is therefore carried on against all the valuable fur-bearing animals. The diminution of their numbers is already very sensible, and in no long period of time, the beaver may be nearly extirpated, unless some means be taken for their preservation; and it is evident that this can never be effected, except on the principle of exclusive landed property, by which the Indians may be encouraged to a less destructive method of following the chase. On this

point the interest of the Hudson's Bay Company, and that of the Indians within their territories, is completely united with that of the public, while the gigantic system of *poaching*, carried on by the North-West Company, is no less injurious to the public, than it is to the Indians who are the occupiers, and the Company who are the proprietors, of the land. It has been observed that the North-West Company bring bands of Indian hunters from Canada, who destroy all before them, and will soon leave the country incapable of affording either a subsistence to the wretched natives, (who never cultivate the ground,) or a valuable trade to the Hudson's Bay Company. If the rights of landed property vested in the Company were effectually protected, it would be their interest to prevent this cruel encroachment on the native Indians, and to assign to each of them separate hunting grounds on a permanent tenure; so that if they would take pains to preserve the breed of beaver, and other valuable animals, they might be sure of deriving benefit from their own moderation and foresight. Upon this principle there can be little doubt that many districts now exhausted of furs might be restored. The beaver would be preserved with nearly the

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

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

The evils which now press so severely on the miserable natives of Athabasca and the remote Indian countries, as well as those within the Provinces of Upper and Lower Canada, are radically owing to the premature attempt to establish a system of free trade. We have seen the manner in which this attempt led, first, to all the evils of anarchy; and then, as a natural consequence, to the establishment of a ferocious despotism in the

hands of a Trading Company. It would be an insult to the understanding, as well as to the heart of the reader, to suppose that any doubt can remain, as to the propriety of putting down the power of such an Association. --The question is, how to prevent the renewal of the same tyranny in other hands.

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

from the paramount rights of landed property during the period of their lease, but under such regulations as may protect the Indian natives from oppression, and preclude them from the use of spirituous liquors which has proved the greatest bane to their improvement.

The rents of the districts within Lower and Upper Canada ought to be added to the rest of the revenue of these two provinces. The revenue derived from the remote districts of Athabasca, and other parts which have no immediate or natural connection with Canada, may form a separate fund, applicable to the protection and improvement of these respective districts. Two-thirds of the rent might perhaps be appropriated to defray the expense of a small corps of fencibles, or militia, to be raised for the special purpose of maintaining the police of these remote possessions, supporting the rights of the lessees, and defending the country from any marauding attack to which it may be exposed. The remainder of the fund might be applied to defray the expense of missionaries, to be stationed among the Indians, not only for their religious and moral improvement, but to combine this object with their instruction in agriculture and the domestic arts, and to watch

every opportunity of exciting among them a spirit of industry. These missionaries would form a check against any attempt, on the part of the lessees, to tyrannize over, or to deprive the Indians of the rights reserved to them.

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

With these measures it would be necessary to combine a complete revision of the Act of 1803, and the establishment of a system better adapted for the fair and effectual administration of justice. The basis ought to be laid

in the establishment of a resident local magistracy in the hands of the lessees, and the missionaries, who may be authorised to determine immediately, and on the spot, all questions of small consequence, combining this system with an arrangement for bringing the more important causes (such as may arise between the lessees of different districts), as speedily and directly as possible, to the great and pure fountain of English Law at Westminster, without passing through the muddy channel of colonial judicature.

FINIS.

