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COLONIZATION OF VANCOUVER'S ISLAND.

SUBSTANCE OF THE SPEECH

OF

THE LORD MONTEAGLE,

IN

THE HOUSE OF LORDS,

THURSDAY, AUGUST 24, 1848.

EXTRACTED FROM

HANSARD'S PARLIAMENTARY DEBATES.

1848.

LONDON:
GEORGE WOODFALL AND SON,
ANGEL COURT, SKINNER STREET.

S P E E C H, &c.

LORD MONTEAGLE, pursuant to notice, rose to move for certain papers respecting the grant of Vancouver's Island to the Hudson's Bay Company. The question was one which involved important public interests, both present and rever- sionary. Those of their Lordships who had taken an interest in the negotiations carried on between this country and the United States of America previous to the completion of what was called the Oregon Treaty, must be familiar with the political and commercial importance attached to the possession of Vancouver's Island, situated as it was between the territories of Russia on the north, and those of the United States on the south. This por- tion of Her Majesty's dominions was at the present moment a possession of great value, and it might become of almost in- calculable importance hereafter. The cli- mate of the island was fine, the soil fertile, its harbours were excellent, and the place was in all respects most favourable for settlement and colonisation; it contained,

moreover, extensive mines of coal, invaluable in its future applicability to the steam navigation of the Pacific. He was not aware that from the possessions of Russia to the Isthmus of Panama, there existed any other place near the coast capable of furnishing this important article. Whenever a communication should be made, either by railroad or by a canal, across the Isthmus—and that time could not be very distant—the Pacific must become the highway of maritime nations to China and other parts of the eastern world; and in that event Vancouver's Island would become a position essential to our commercial superiority. The opinions of politicians on subjects of this kind were often exaggerated; they were liable to be warped by transitory and personal interests—an object which was in contest, whether in war or negotiation, was likewise too often over-appreciated by contending Powers. Scientific authorities on this account were more to be relied on; and he therefore appealed with confidence to the testimony of the eminent geographer, Malte Brun, who seemed to have discovered, almost by intuition, the future destinies of Vancouver's Island. His observations on the subject were as follows:—

“The vegetable earth in some places forms a bed of ten feet in thickness. A traveller is agreeably surprised to find a milder climate here than on the eastern coast of America in the same latitude. In the month of April, Fahrenheit's thermometer was never below 40° during the night, and in the day it rose to 60°. The grass was already a foot in height. The climate is as favourable to the growth of trees as that of the Continent. What negligence on the part of the Spaniards not to have taken possession of this agreeable and fertile country!—a country which being situated in the rear of their country might, in the hands of intel-

ligent masters, become a military and commercial part of the highest importance."

Mr. Pitt and his Government, in 1790, acted on the admission of the same fact. The port of Nootka Sound, situated on the western coast of Vancouver's Island, was considered at that time to be so important as to be worth the risk of a European war. In the debate on the 6th of May, 1790, Mr. Pitt observed—

"If the claims of Spain were given way to, it must deprive the country of the means of extending its navigation and fishery in the southern ocean: it would go far towards excluding His Majesty's subjects from an infant trade, the future extension of which could not but be essentially beneficial to the commercial interests of Great Britain."

Yet the importance of Nootka Sound was nothing as compared with the possession of the entire island, more especially in reference to its coal field. In the Oregon negotiations, the possession of Vancouver's Island was regarded, both by England and by the United States, as a primary object. The Columbia was a barred river, and the passage to Puget's Sound, surrendered to the United States, was held almost at the sufferance of the Power to whom the possession of Vancouver's Island was secured. The most unquestionable evidence that he could refer to in proof of the resources of this possession, was to be found in the correspondence of the Hudson's Bay Company itself:—

"In the neighbourhood of Port Vancouver," writes Captain Pelly, "the company have large pasture and grain-farms affording most abundantly every species of agricultural produce, and maintaining large herds of stock; and it is the intention of the company, not only to increase them, but to encourage the settlement of their retired servants, and other emigrants under their

protection. The soil, climate, and circumstances of the country are as much, if not more, adapted to agricultural pursuits than any other spot in America; and with care and protection the British dominion may not only be preserved in this country, which it has been so much the wish of Russia and America to occupy to the exclusion of British subjects, but British influence may be maintained as paramount in this interesting part of the coast of the Pacific."

The Peers who had listened to the noble Earl (Earl Grey's) argument on colonisation a few nights back, could not but remember the point on which the noble Earl (Earl Grey) had mainly relied, as characteristic of a sound policy in colonisation—namely, the abolition of land grants, and the substitution of a system of sale. After this declaration, it would hardly be believed that the noble Earl had been himself the party to propose, by a charter to the Hudson's Bay Company, not a lease of Vancouver's Island, but a grant, the most lavish, the most inconsiderate, and, he must add, the most reprehensible ever before made by any Colonial Minister. The much-condemned grants of Prince Edward's Island were infinitely less liable to censure. The noble Earl seems originally to have proposed making this grant without condition, safeguard, or reserve; he proposed to make it gratuitously to the Hudson's Bay Company. The noble Lord would say, that the grant was "made to the intent that the company should establish upon the island a settlement or settlements of emigrants from Great Britain;" and that the express meaning of the condition was, that if the company should not, within five years, have established "a settlement," the grant might be revoked. This condi-

tion was, however, without value from its indistinctness. Who was to define "a settlement?" It was not said, of how many families the settlement should consist; any "settlement" would satisfy the provisions of the charter, however insignificant the settlement might be. Then, in regard to the reserved power of resumption by purchase, it was not a power of purchase at the improved value of the property; but on repaying the amount expended by the company. What court of equity was to determine this amount? In fact, the proposed charter might be held to transfer the island without rent or other consideration to a trading company for ever. And this grant was made of an island, the very key of our position in North Western America, the very island for which we had run the risk of two wars. But he had a further complaint to make. He asked the noble Lord how it could enter his mind to grant this charter, and to part with this territory without providing in the very charter itself some stipulation for the future government of the island? After the charter had been approved of, indeed, there was a letter from the Under Secretary of State, containing some vague propositions for the government of the island. This was evidently an afterthought. The question of the future government of the island had been till then altogether overlooked. This reminded him of the blunder of a countryman of his own, who, after completing the building of his house, discovered, when about to enter into possession, that he had forgotten the staircase. A right thing was sometimes marred by being done in a wrong manner; but in the case of the grant of

Vancouver's Island the engagement entered into was most unwise, and the mode of executing it has rendered it still worse. If such a grant were expedient, he contended that at a time when Parliament was sitting it should not have been made by the mere prerogative of the Crown, and without a previous legislative sanction. He (Lord Monteagle) had acted on this principle; and in 1834, before founding the now flourishing colony of South Australia, he had introduced a Bill which led to discussion and examination, particularly on the part of his late noble Friend Lord Ashburton. It was still more necessary to have applied the same principle in the present instance. This island, so valuable both on commercial and political grounds, ought never to have been parted with, and never parted with by the mere fiat of a Secretary of State, without any communication to Parliament. But there were other causes of complaint, when the grant was viewed in relation to the character of the grantee. He maintained, that no trading company was a fitting depository for the functions of emigration or colonisation: he knew of no example to the contrary. Even the East India Company, the greatest corporation of the kind in the world, had not exhibited any great aptitude for colonisation. But the East India Company was not a company of hunters. If any trading company were to be entrusted with uncontrolled dominion, and were selected as the guides and governors of future bands of emigrants—a body like the Hudson's Bay Company, founded, not for the purpose of occupying land for agriculture or settlement, but for the sake of procuring the fur of wild animals, was the

least likely, of all others, to exercise such functions properly. Another matter was deserving of special note. He alluded to the free gift of the coal mines without any reserve, either of rent or royalty, or any stipulated obligation assumed by the Hudson's Bay Company even to work the mines. This was the more surprising from reference to the official correspondence. It would appear that the Colonial Office had at first neglected the subject altogether, or perhaps were not aware of the existence of this valuable property. It was only on the 25th of February, 1848, the negotiations having been in progress from 7th September, 1846, that Mr. Hawes refers for the first time to the "value of the coal" as "necessarily forming a material consideration," and transmits a copy of the agreement made with Mr. Wyse at Labuan as "a guide for any proposal the company may make for working the coal at Vancouver's Island." But no sooner was this hint given, than on the 4th of March, Captain Pelly, in the frankest and most explicit manner, states, "that if the grant is to be clogged with any payment to the mother country, the company will be under the necessity of declining it." In this declaration the Colonial Office seems to have very graciously acquiesced, although at the time the proposed establishment of American steamers in the Pacific gave to the coal a peculiar value. If the question of the constitution of the island had been forgotten from September 1846 to July 1848, and if the question of the coal was noticed only to be abandoned, the principle under which the company should be required to alienate their lands to colonists and emigrants, seems to have been neglected to

the present hour. It should have been known to the Secretary of State, that if the same slavish conditions were to be attached to the future land contracts in Vancouver's Island which were enforced on the main land, it would be impossible that any independent settlement could ever take place. A monopoly of trade, an exclusive command of freight at their own prices capriciously, or perhaps partially, granted or conceded, would wholly defeat the ostensible object sought for by his noble Friend. The whole history of the company and its conduct from its origin, 180 years back, was condemnatory of the grant. The original charter of 1670 partook of the lofty claims of prerogative of the Stuarts. It gave exclusive rights of trading to Prince Rupert and the newly-constituted corporation in all the lands in North America, which could be approached by land or by water from Hudson's Bay, and which lands were not in the possession of any other Christian Power. This grant extended over more than 2,500 square miles. It was not wonderful that the validity of this charter should have been doubted. Accordingly, in 1690, a Bill was introduced into Parliament confirming the charter. The history of these proceedings was curious. The Act as originally applied for was perpetual; but on the third reading, a clause was introduced limiting its duration to ten years. The House of Commons, which evidently appears to have felt itself aggrieved, passed a Standing Order contemporaneously, prohibiting, in future, the reception of any Bill confirming a charter, unless the charter itself were specifically recited in the Bill. But the House of Lords was even more

scrupulous than the Commons. The duration of the Bill was still farther limited; it was reduced from ten years to seven, and in that form was passed. A subsequent application was made to Parliament for a renewal of this Act, but without success, and the Act had never since been renewed. Was it not evident from these facts that the company themselves acknowledged the invalidity of their charter without the confirmatory Act, and that after the expiry of that Act the charter must be considered invalid. Subsequently in the year 1749, the complaints addressed to Parliament against the company were almost universal. Petitions were presented from Chester, Newcastle, Hull, Leeds, Manchester, Liverpool, Lancaster, Kendal, Whitehaven, Bristol, Carlisle, Wakefield, and other commercial towns. They prayed for freedom of trade within the jurisdiction of the company. They impugned the charter. They complained that—

“ An important trade was locked up in the hands of a few to the detriment of the many ; that the company only employed a few ships, to the detriment of the nation ; and that the company had made but few settlements, and those mainly of their own hired servants, every public benefit being neglected.”

A Select Committee was appointed, and reported facts fully confirming these complaints, which were all couched in language applicable to the present state of things. But the matter was dropped. Financial embarrassments were not peculiar to the present times. It was felt that a supercession of the charter would have cast on the public the duty and the expense of governing the country. England was not rich enough to do what was right

and just, and the matter was allowed to drop. He must also remind the House of the violence, lawlessness, and bloodshed which were proved before Parliament in 1819 to have taken place in the case of the Red River Settlement. These facts were proved in official documents laid before Parliament, on which occasion Mr. Edward Ellice, though stating himself to be a large shareholder in the company, gave evidence to their unfitness to undertake colonisation. His words were remarkable, and were applicable and conclusive at the present time :—

“ Though Lord Selkirk’s primary and principal object was colonisation, yet he must be pardoned for saying that it had afterwards become connected with purposes of trade. The noble Lord was a considerable proprietor in the Hudson’s Bay Company ; and he could not help thinking that if his Lordship’s only object was colonisation, he should not have embarked in trade. He (Mr. Ellice) was a considerable proprietor in the Hudson’s Bay Company ; and when the plan of colonisation was first proposed, he, at a meeting of the shareholders, entered his protest against it. The opinion of the late Attorney General, now Chief Baron of Scotland, was, that the Crown had no right to grant the land to the Hudson’s Bay Company.”

At that time an opinion was given by lawyers of the very highest eminence, who agreed in questioning the validity of the charter. That opinion was signed by Sir Arthur Pigot, Mr. Brougham, and Mr. Spankie, and it contains the following passage :—

“ By the temporary Act of 2nd William and Mary, for confirming to the Governor and Company their privilege and trade, the duration of that confirmation is expressly limited to seven years, and to the end of the next Session of Parliament, and no longer. Part of the preamble to the Act is, in fact, a legislative declaration of

the insufficiency of the charter for the purposes professed in it, without the authority of the Legislature, and which authority ceased entirely soon after the expiration of the seven years after that passed.

“ * * There are various clauses in the charter—particularly those empowering the Company to impose fines and penalties, to seize and confiscate goods and ships, and seize by arrest the persons of interlopers, and compel them to give security in 1,000*l*.—which are altogether illegal, and were always so admitted.”

On these grounds he contended that the company was altogether unfit to be trusted with the duties of government, and contended that the Parliamentary inquiries of 1749 and 1819 had proved that, whatever might be the professions of this company, they had exhibited a total forgetfulness of those moral obligations which were connected with the functions of a Government. Nor did he believe them to have advanced the progress of religion or civilisation within their territories; what had been done was, he believed, mainly attributable to the religious societies of this country; and the conduct of the company towards the Indians was alleged to have been oppressive. Memorials setting forth these facts were now lying in the Colonial Office. Such were the circumstances which had induced him to bring the matter under the consideration of the House. The noble Lord concluded by moving—

“ For Copies of the Correspondence between the Government and the Hudson’s Bay Company, and for other Papers relating to the Grant of Vancouver’s Island to that Association.”

LORD MONTEAGLE, in reply, said, he had heard with much satisfaction some part of his noble Friend's explanation, though he could not flatter him by saying that he had justified his proposed grant to the Hudson's Bay Company. It appeared that the whole question of the grant and its conditions would be subject to re-examination before the Privy Council. He trusted that the grant of the coal mines, and the principles on which the land was to be hereafter alienated by the company, whether by sale or lease, would be carefully attended to. His noble Friend had stated that he had not contemplated charging either rent or royalty for these mines, and that Mr. Hawes's reference to the contract at Labuan only related to possible contracts between the company and their future lessees. It was evident that such was not the interpretation put upon the proposal, at the time, either by Mr. Hawes or Captain Pelly. If it had been so understood, why should the latter have rejected it "as clogging the grant with a payment to the mother country?" Why should Mr. Hawes have referred to the conditions imposed at Labuan as "a guide to the proposals of the Hudson's Bay Company?" Two statements of the noble Lord were deserving of special notice. The one, his admission that the grant was made to the company as trustees for the people of England. He (Lord Monteagle) wished that the terms of this trust should be clearly laid down and defined, and some mode of enforcing them