

4530. That they are becoming settled agriculturists?—Yes.  
4531. I need not ask you whether there is any limitation to intercourse between them and the white people?—There is no limitation.

4532. There is no restriction upon the introduction of any quantity of spirits which the white people think right to send in there?—There is a law in Canada, certainly, against selling liquor to the Indians.

4533. Have you heard of any people being punished for infractions of that law?—No, I have not.

4534. Is it supposed in the country generally that that law is observed or is violated?—I have not heard of any instances of its being violated, although I dare say it is violated in some instances; of course it must be.

4535. Do you infer then that if the Canadians were allowed to colonise and make settlements along this portion of the Hudson's Bay territories, the same rule would prevail in the communication between the white people and the Indians as prevails between the white people and the Indians in Canada; is that your impression?—Yes, that is my impression.

4536. Mr. *Edward Ellice*.] Does the fur trade exist in Canada?—Yes, to a certain extent; the Hudson's Bay Company have posts in Canada.

4537. With respect to those Indians of whom you were speaking of just now, who are in the habit of being in the society of white men in Canada, is any fur trade carried on by them, or with them?—None.

4538. Therefore there is no occasion for any trade in spirits?—No; but they are so well off that they could purchase any quantity of spirits.

4539. Do you not look upon the Indians near Montreal, for instance, as a very demoralised race?—I believe there they have not done so well as they have at the Grand River, or at the Credit, although I have not been among them.

4540. You just now said that you would prevent the sale, or the consumption of spirits altogether, if the territory was added to Canada, and Canada had the rule over it; what is your reason for saying so; why would you put an end to it?—For the sake of the Indians.

4541. Why for the sake of the Indians; do you think that it would have a deteriorating influence upon the Indians?—Certainly; at least I think that spirits would have that effect if they could procure them.

4542. Mr. *Christy*.] The Chairman asked you with reference to wars amongst the white and red races in the territory of the United States; are you aware of wars amongst the Indians themselves in the territory of the United States?—No, I am not.

4543. Have you heard of any wars in the territory of the Hudson's Bay Company amongst the Indians?—Yes. In 1849 Lieutenant Hooper, who wintered at Bear Lake, came round from Point Barrow; he relates a case of a number of Esquimaux being killed by a party of Loucheux Indians, led on by a white man in the Hudson's Bay Company's employment; it occurred on the Mackenzie.

4544. You have stated a good deal of what you gathered from information which is published. Within your own knowledge, or in the course of your own researches under the Canadian Government, have you discovered any instances in which the Indians have been oppressed at all by the Hudson's Bay Company?—I have seen merely statements of some of their officers in their published works. I have a paper which I have received from Mr. Vancoughnet, the President of the Council in Canada, from Red River direct, containing statistics of the colony, drawn up in March last, by one of the inhabitants there.

4545. Mr. *Groves*.] How did that paper come into your possession?—It was sent to me direct by Mr. Vancoughnet, the President of the Executive Council; I suppose it is for Mr. Draper.

4546. *Chairman*.] What is the paper?—It is Statistics of the Red River Colony, drawn up by a Mr. Gunn there. I spoke to the Bishop of Rupert's Land about Mr. Gunn, and he says that he is a very respectable man.

4547. Mr. *Edward Ellice*.] Just let me see that paper. (*The same was handed to the Honourable Member.*) This is a letter to Mr. Vancoughnet, dated in March; from whom?—From Mr. Gunn.

[The Witness was directed to withdraw.

The Witness was again called in.

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4548. *Chairman.*] The Committee wish that paper to be put in? (*The Witness delivered in the same.*)—I have a copy of a petition from the Red River, which has been presented to the Parliament in Canada.

4549. *Mr. Christy.*] What is the nature of the petition which you have from the Red River?—It is stating certain grievances, and asking to be annexed to the Canadian territory.

4550. I should rather have asked you to whom it is addressed?—It is addressed to the Parliament of Canada; one petition to the Upper House, and one to the Lower House, in the usual form.

4551. What is the date of it?—In April of this year.

4552. By whom is it signed?—I have not the signatures here; but it is signed by, I believe, about 600.

4553. Persons resident at Red River?—Persons resident at Red River.

4554. *Chairman.*] All males?—Yes.

4555. *Mr. Christy.*] Just describe to the Committee what the nature of the petition is?—It states certain grievances; it gives a history of the settlement. The petitioners say that they have invested large sums of money in payment for land to the Hudson's Bay Company, and that they cannot get any deeds for the same; that is one complaint. They say that the Company's agents have endeavoured to force deeds upon them to which they object, which would subject them to become slaves to that body. Then they believe the charter of the Company not to be legal, and so forth. They say that on their annual journeys into Minnesota they have been pursued like felons by armed constables; that they have been searched, and their property taken from them and confiscated.

4556. Do they speak generally with regard to their property, or describe what particular property has been taken from them?—"They searched our property, even by breaking open our trunks, and all furs found were confiscated." Furs they speak of. Then they complain that "the valuable commercial productions of the country are exported for the exclusive benefit of a company of traders, who are strangers to ourselves and to our country." They also complain of being obliged to import everything through the Company, and then they speak of the rule of the Company paralysing the whole of their energies, and therefore they wish to be attached to Canada. They say that they have appealed to the Imperial authorities without effect, and therefore they petition the Parliament of Canada.

4557. Do they give any date at which they appealed to the Imperial Legislature?—No, they do not. They say, "We have represented our grievances to the Imperial Government."

4558. *Viscount Goderich.*] Do you know whether any notice has been taken, or whether any proceedings have been taken with regard to that petition by the Colonial Legislature?—It has only just been presented there. There has been a committee appointed there to inquire into the whole matter. That committee is now sitting.

4559. To inquire into the allegations of that petition?—No, not into the allegations of that petition. It is a committee somewhat similar to this, to inquire into the rights of Canada to the territory, and the rights of the Company under their charter. In fact, the inquiry is a very wide one there; much wider than this.

4560. *Chairman.*] When is that committee likely to report?—Very shortly, because the Legislature is not likely to sit long. The committee was appointed on the motion of Mr. Terrill, the provincial secretary.

4561. *Mr. Edward Ellice.*] Is that a committee appointed to inquire into the validity of the Company's charter?—Yes; that is one of their objects. This petition was presented to the Upper House by Mr. Vancouver, and in the Lower House it was presented by Mr. Macbeth, a native of the Red River Settlement.

4562. *Mr. Christy.*] Does that petition say that the parties signing it petitioned the Crown, or the Imperial Legislature; what are the words in which it expresses itself?—It says, "We have represented our grievances to the Imperial Government;" they do not make the distinction.

4563. Do you know whether the practice has been to transmit any grievance

to

to the Crown, to the Government of this country, and not to the Imperial Legislature?—Do you mean from Canada, or from the Red River? A. R. Boob, Esq.

4564. From the Red River; not from Canada?—Yes, I think they appealed to the Colonial Office in 1849. 9 June 1857.

4565. Mr. *Edwards Ellice*.] Do you know under what authority the Colonial Legislature assume the power of inquiring into charters granted by the Imperial Government, in territories not belonging to Canada?—I do not know that it is any authority which they assume; they inquire into it with the object of ascertaining whether this charter does conflict with any rights which they may have.

Captain *David Herd*, called in; and Examined.

4566. *Chairman*.] I BELIEVE you have, as the captain of a merchant ship, been connected with the Hudson's Bay Company?—I have. Captain D. Herd.

4567. How long have you been so connected?—For the last 23 years.

4568. What has been the nature of that connexion?—I was an officer of one of their ships for three years; and I think I have commanded one of them now 18 or 19 years.

4569. What has been the nature of the trade conducted by those ships?—I merely take the ship backwards and forwards; they put on board whatever they have to put on board, and I take it.

4570. To Hudson's Bay?—To Hudson's Bay; York Fort.

4571. Mr. *Edwards Ellice*.] What are the capabilities of the Hudson's Bay, with regard to whaling?—I have been going there for the last 22 years, and have never seen a whale but once; that was last year; I saw one whale; I have seen what are commonly called whales, but they are porpoises.

4572. Assuming that there were whales there, is the state of the sea, with regard to ice, such that whaling could be carried on in it?—No, I do not believe that it could; I do not believe that whales will ever go amongst ice myself.

4573. For how many months in a year is that bay closed to shipping by ice?—I should think it is open only from six weeks to two months in the year.

4574. And during the rest of the year it is not navigable?—It is not navigable. We generally arrive there about the 10th or 15th of August, and get away again about the 15th or 20th of September.

4575. And if you do not get away as soon as that, you are liable to be kept there the whole winter?—Yes. I have known 13, 14, 15, 16, and even 20 degrees of frost when we have been coming away on the 25th of September.

4576. And you are often delayed on your passage out by the ice in the Straits, are you not?—Sometimes we go through the Straits in four days, and at other times we are five weeks.

4577. That is in the beginning of August?—Yes.

4578. In fact, you do not believe, first of all, that there are fish, and in the next place, if there were fish, that it would be possible to catch them?—I believe that to be the case.

4579. Mr. *Christy*.] Have you ever seen seals on your passage through the Straits?—Very few indeed; I have seen seals.

4580. *Chairman*.] Are there no fisheries of any value in those seas?—None that I have ever seen.

4581. Mr. *Christy*.] Do you ever trade with the Esquimaux?—Yes, we sometimes trade with them; perhaps, upon an average, once in every fourth year or so.

4582. What do you get from the Esquimaux?—We get some walrus tusks, and perhaps a horn or two of the narwal; those are the only things that we get; we very rarely get any skins.

4583. Do you get any seal skins?—We do get seal skins sometimes; but very few.

4584. What number do you get?—The most that I have ever got did not amount to more than eight or nine altogether.

4585. Have the Hudson's Bay Company, to your knowledge, ever sent out any steam vessel?—Never since I have been connected with the service; in  
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fact, if my opinion were asked, I do not think that a steamer would do at all amongst ice to force a passage.

4580. Are you aware that in the recent Arctic Expeditions steam vessels were used for navigation, and that their superiority was established in seas encumbered by ice?—I am aware that steam ships have gone out connected with Sir John Franklin's expedition; but I am not at all aware how they did amongst the ice: I have merely commanded a sailing ship; I know nothing at all about a steamer. If I were asked for my experience, I should prefer a sailing ship, amongst ice, to a steamer.

4587. You say that you know nothing about a steamer?—I know nothing about a steamer.

4588. But you have given an opinion that a steamer is not suited for navigating those seas encumbered by ice?—Not to force a passage through ice.

4589. You are not aware of what took place in the Arctic Expedition with steamers?—No, I am not.

4590. Mr. *Edward Ellice*.] Are not your own ships obliged to be doubled, fortified?—They are fortified with ice chocks forward.

4591. That means doubling and trebling the thickness of the bow?—Yes; the ice chocks are brought out flush with the stem.

4592. Mr. *Christy*.] Do not you think that if you were provided with a screw steamer it would make, at all events, the passage in a much quicker time?—It would entirely depend upon the state of the Straits. Sometimes we are six weeks going through the Straits, and cannot see so much open water as to turn a boat round; in other years we go through and see comparatively little ice; but upon the average we have sailed something like 800 to 1,000 miles through ice, all the years that I have been in the service.

4593. Am I to understand that you think there would be no facility if the Company were to employ steamers?—I could not offer an opinion about it.

4594. Mr. *Edward Ellice*.] Steamers would have to go through the same ice that a sailing ship has?—Yes.

4595. Mr. *Christy*.] Do not you think that you would be enabled to leave London later than you now do, and to reach York Factory sufficiently early with a steam vessel to be able to make the voyage there and back again during the open season?—I do not think it. I did not get out of the ice in 1854 until the 4th of September, and then we were close down to York.

4596. Mr. *Edward Ellice*.] You had ice all through August?—Yes; we just got into the outer roads and the ice was outside of us.

4597. Mr. *Christy*.] What do you consider the actual distance traversed from London to Hudson's Bay?—We calculate it to be about 3,500 miles.

4598. Do you consider that it is further than to Montreal?—Yes, I should say so; and it is a more intricate navigation altogether. The Straits and the ice cause a detention.

4599. What is the value of your average cargo?—I cannot say. I only command the ship. I take in what they give me, and I bring it home here. I do not understand their accounts at all. I know nothing about the country. I am very glad to get there, and very glad to leave it again.

4600. What is your tonnage?—The vessel is 524 tons.

4601. Do you know how much you are insured for?—That I cannot state.

4602. Have you anything to do with the rates of insurance?—No, I have nothing at all to do with it. I never see the policies at all.

4603. *Chairman*.] Was any vessel ever lost in your trade?—There was a chartered ship lost in 1849, a ship called the "The Graham."

4604. Mr. *Edward Ellice*.] That was not one of the Company's ships?—No.

4605. Mr. *Christy*.] They have been sometimes frozen up, I believe?—They have been frozen up previously to my entering the service, not since I have belonged to the service. We once had to return with an outward-bound cargo on board in 1836, from the detention by the ice.

4606. *Chairman*.] Has the climate at all altered, in your opinion, since you have known those seas?—No, it is about the same; the thermometer is about the same by the register which they keep at York.

4607. Mr. *Christy*.] Can you tell the Committee what your cargo usually consists of?—It is furs principally, and oil.

4608. That is your home cargo?—Yes.

4609. What

4609. What else?—We have about 200 tons of stone ballast; we take in stone ballast at York; that is to get the vessel stiff.

4610. Mr. Edward Ellice.] In consequence of the lightness of the goods?—  
Yes.

4611. Mr. Christy.] What other goods do you bring back generally?—All sorts of skins and oil; those are the only things I know of; I believe there is a little Isinglass, and some buffalo tongues.

4612. Are those goods consigned wholly to the Company?—They are entirely consigned to them, and they are all packed, and put on board our ship.

4613. Do you bring any articles for private individuals?—Yes, in the way of presents; these are very often presents; there may be presents of furs.

4614. But you do not know that you bring any cargo for private individuals?—No consignment of cargo; it is all consigned to the Governor and Company of the Hudson's Bay.

4615. Mr. Kissard.] Are you forbidden to carry a cargo for anybody else?—No, I never received any orders at all on the subject.

4616. To accommodate anybody, if there was room in your ship, you would give facilities for anything being shipped at York, and would bring it home?—If they brought me an order from the officer at York to receive it on board, I would take it in.

4617. Viscount Godrich.] Then it would require such an order as that; you would not take it without?—I cannot say; there has never been such a thing; we have taken a cargo on board of presents.

4618. Mr. Christy.] You speak of presents; that I can quite understand; but I understand you to say, that you are not aware that you bring any cargo, if I may use such a term, for merchants, or for any persons in that country whose goods they are, exclusive of the Company, and who themselves possess the value of the goods; you do not know that?—I do not know it.

4619. Is your home cargo more bulky than your outward cargo?—No; the home cargo is not nearly so bulky as the outward cargo, generally speaking. One year it may be rather more bulky than in others; but it is not so bulky, generally speaking, as the outward cargo.

4620. What does your outward cargo generally consist of?—It is principally supplies for the country; tea and sugar, and manufactured goods, cloths and blankets, and a general cargo; the common necessaries of life.

4621. Have you any knowledge of the value of that cargo?—No, I have not.

4622. You have nothing to do with the insurance?—I have nothing at all to do with it.

4623. Is your ship generally full (I am speaking now of an average of years) which comes from York Factory?—No; this ship which is now sent is seven years old. She is, perhaps, what you would call full, but sailors would not call her full, perhaps, once out of those seven years. Of course it greatly depends upon how you stow a ship; you can fill her as you like.

4624. Did it ever occur to you that a traffic might be had in tallow, or any other produce of that country, for instance, from the Red River, which you might bring home if your ship were not full; heavy goods which you might use instead of the ballast which you have told us you are compelled to use?—I have not given that point much consideration; but I have always understood that there was such a difficulty in getting tallow from Red River, that it was not to be had; that they could not get enough to supply themselves at Red River, let alone sending it away.

4625. Then you have never had any applications, to your knowledge, which have been refused?—Never.

4626. Do you understand my question?—I do, perfectly.

4627. Describe my question?—Supposing you to be a merchant at York, you have never applied to me; no merchants at York, except the Hudson's Bay Company's factors, ever put cargo on board the ship, or ever applied to me to put cargo on board the ship.

4628. You have not heard that applications have been made to bring home produce in the Company's ships which have been refused?—No, I never have.

4629. Mr. Charles Fitzwilliam.] You mentioned that you brought home oil

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in the ship; in what quantities do you bring it home?—It never exceeds 20 puncheons.

4630. Do you imagine that that is all the oil which could possibly be collected in the Hudson's Bay?—That is all that I collected upon the west side of the bay.

4631. Do you imagine that that is all the oil which could possibly be collected in the Hudson's Bay?—I cannot say. I only know about that part to which I have been going. I cannot say what there is on the east side. I have never been on the east side.

4632. Do any other ships trade to the Hudson's Bay?—No.

4633. Any to Moose Fort?—One ship goes down to Moose.

4634. Two ships then go to the Hudson's Bay?—Two ships go to the bay, and a chartered ship occasionally, making three.

4635. Is there in each ship, do you imagine, a quantity of oil brought home?—I think there was some oil brought from Moose last year, but I cannot speak positively about it.

4636. Have you ever been to Moose yourself?—No; but whether it was caught at Moose or at Whale River, I cannot say.

4637. Where is Whale River?—That is upon the east side of the bay.

4638. Why is it called Whale River?—They are white porpoises, in fact, but they are commonly called whales in the country.

4639. Do they abound?—No; I have seen very few of them all the years that I have been going there, not sufficient to pay for an establishment, I believe.

4640. Mr. Christy.] Are not porpoises, where they abound, very valuable for purposes of oil?—I cannot answer that question, I never had anything to do with them.

4641. And also for their skins?—I cannot say.

4642. Viscount Goderick.] Did I rightly understand you to say, that you did not think that any greater facilities would arise from the use of steamers in that sea than from the use of sailing vessels?—If my opinion were to be given, I should say decidedly not; they might succeed very well in one year, but taking the average of years, I think myself that a sailing vessel is far preferable.

4643. Has not the experience of the Arctic Expeditions rather a contrary tendency?—The Arctic Expeditions were carried to a certain distance; but we must get to the other side, and get back again in time before the season sets in. If we met with any accident to our machinery where could we go to get it repaired; we should lose our voyage.

4644. On the other hand, would not a steamer, being quicker, enable you to go there and back again in less time?—It would entirely depend upon the state of the ice.

4645. Mr. Christy.] It would be, of course, during the open season?—In an open season of course that would be so, if you could depend upon the Straits being entirely clear of ice; but that would be an exception to the general rule.

4646. I refer to the season from the 10th of August to the 20th of September?—I have been as late in Hudson's Straits as the 25th of August, beset amongst ice; it has been the 25th of August before I have got out of the ice going out, before I have got out of the Straits; then, when I have been coming home again, I have been in the ice 17 days, and even three weeks.

4647. Mr. Kinnaird.] Did you ever know of any vessel coming into the bay, or calling at York Factory on her own account?—Never, I was in company with Sir George Back when he went out in the "Terror;" he wintered there in 1836.

4648. I meant for trading purposes?—No.

4649. Mr. Christy.] I suppose you really know nothing of the country in any way except the sea voyage from London?—That is all I do know; the appearance of the country is so unfavourable that I never got out of my ship when I am there; I am glad to get there, and glad to get away again.

4650. You are always very far north?—We are in 57° at York, and 92° west.

Mr.

Mr. John Miles, called in; and Examined.

4651. *Chairman.*] ARE you acquainted with Vancouver's Island?—Yes; I went to Vancouver's Island in 1852; that was the first visit I made there, and on my return from crossing the mountains I was there in 1854.

4652. What were your inducements for going there?—On the Company's business; inspecting the accounts of the Company.

4653. You went there as a servant of the Hudson's Bay Company?—Yes.

4654. What opinion did you form of the soil and climate of that country?—Its soil is very good and very rich, and the climate is, I think, superior to that of England.

4655. It is very well covered with timber, I believe?—Yes; some parts of it.

4656. Did you go much about it?—No; I only went about 15 miles north of Victoria, across to the Sanmitch Inlet.

4657. Do you believe the coal mines to be valuable?—I think they are very valuable; I did not go to the coal mines.

4658. With regard to the fisheries, do you think that they are likely to be very productive?—They will be in course of time, when you begin to know how to fish there; but at present they are not much used, excepting the salmon and herring round the island by the Indians themselves.

4659. The progress of settlement in Vancouver's Island has been very slow, I believe?—Very slow.

4660. To what do you attribute that circumstance?—To the great distance from England, and to the nearness of the gold fields in California. Men that we have taken out there, especially miners, have made their escape and gone away there in defiance of contracts.

4661. But do you think that the island possesses sufficient attractions to render it probable that it will ultimately become a considerable settlement?—There is every necessary in the island itself for its becoming one of the finest colonies in the world, I should imagine. It has got wood, coal, good land, and iron; the fisheries are good round about it; the position is good, and the climate is good.

4662. The situation of the harbour is very favourable, is it not?—Yes, of Esquimault Harbour; Victoria Harbour is small.

4663. Mr. *Kissard.*] How long did you say you were there?—I was six months on my last visit there.

4664. You have been more than once?—I was there a fortnight, only the first time, in 1852.

4665. *Chairman.*] Do you know the country on the main land, adjoining Vancouver's Island, at all; Fraser's River?—No, I have never been in Fraser's River; I crossed from Nisqually.

4666. Did you ever get any reliable information while you were there of what was the general character of the soil and climate of that country?—Yes, I saw several gentlemen who were intimately acquainted with the country, and had lived there for years. The climate round Thompson's River seems to be very good; the timber is very good there.

4667. I suppose it bears a considerable resemblance in those respects to Vancouver's Island itself?—I do not think that the soil is so good. If it is to be judged of by the soil south of it in Oregon, through which I passed, it is certainly not so good as that in Vancouver's Island.

4668. Mr. *Charles Fitzwilliam.*] I believe you went by sea, in the first instance, to Vancouver's Island. In returning you went up the Columbia River, I believe, by the common route to York?—Yes, I went up the Columbia River, crossing the Rocky Mountains between Mount Hooker and Mount Brown.

4669. North of the boundary, where the boundary line crosses the Columbia River, will you give us some description of the nature of the country?—It is a woody country, not very fertile, and rather mountainous; the grass is scant, but apparently nutritious. The country at the back, I was informed, was studded with small prairies.

4670. Will you describe the country from Fort Colville to where you crossed the mountains?—From Fort Colville, or the north side of the Columbia River, seems to be a prairie country, something like near the Dal's.

Mr. J. Miles,  
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4671. Producing good grass?—Yes, it is pretty good grass; nothing very valuable. Then as you approach the boundary, it is a timber country, and it is timbered all the way up to the Arrow Lake.

4672. What is the description of timber?—Some part of it is pine, and hard wood, elm and beech. After you get from the Arrow Lake you get into a mountainous region altogether, and there is a succession of mountain ridges almost the whole way up the Columbia, to the boat encampment.

4673. Mr. *Kinnaird*.] Do you do that on horseback?—No, in boats; we cross the Rocky Mountains on foot.

4674. Mr. *Charles Fitzwilliam*.] Of what height is the pass?—Mount Hooker is called 24,000 feet, I think; I am not sure. The pass is between it and Mount Brown.

4675. From there where do you cross: from the boat encampment, where is the point on the east side of the mountains at which you leave the mountains?—It is two days' level walk on the head waters of the Columbia before you reach the mountain itself which you cross; it is a good day's work to get up to the top of the mountain, and very hard work too; you sleep there; the next morning you descend the mountain, and I think we were three days before we got out of the mountain ridge altogether.

4676. Mr. *Kinnaird*.] Is there a sort of track?—Yes, there is a simple track; an Indian track.

4677. Mr. *Charles Fitzwilliam*.] When you have crossed to the east side of the mountains, will you describe what is the nature of that country?—Our route lay by Jasper's house, and down the Athabasca River, which runs into Slave Lake; the whole of that country is a flat country, producing nothing but pine and spruce, and timbers of that description; the country appears to be swampy.

4678. Does it produce grass?—There is some grass.

4679. It is not what you would call a grass country?—No, by no means; it produces more of the moss species altogether.

4680. From Jasper's House, what route did you take?—I went down the Athabasca River to Fort Assiniboine; from that place I went on horseback, and crossed over to Edmonton, on the Saskatchewan River, and went down through the Saskatchewan Valley to Lake Winnipeg, Norway House.

4681. Will you describe the country from Edmonton, down the north branch of the Saskatchewan River, to Norway House?—From Edmonton to Carlton was a succession of prairie lands, producing a scant grass, not at all a rich grass, excepting in gullies in the rivers, where the water courses run down. From near Carlton to Lake Winnipeg, to the Grand Rapid there, it is a wooded country the whole way.

4682. Do you know anything of the country back from the river?—I have not been there; I only know it from report, of course.

4683. Of course you descended the river in a boat?—Yes.

4684. At what time of year were you there?—We left the foot of the Rocky Mountains on the 1st of May; it was in May the first time that we were there, and August when we came back again.

4685. Was the country then completely free from snow; had all the snow disappeared?—Yes; all except on the Rocky Mountains. When we got to York there was snow and ice in plenty.

4686. But in the valley of the Saskatchewan how was it?—There was none in the valley of the Saskatchewan.

4687. Was there any appearance of snow having lain there to any great depth?—None but in the rise of the river; the river was very full of water; that would be the only criterion by which I could judge of the depth of snow.

4688. Can you tell us what opinion you formed as to depth?—They say that about the average depth of snow which falls in the prairies is four or five feet; at least that is what the hunters told me; men who were living there.

4689. What was their description of the climate generally?—That it was very cold in the winter, and in the summer season very hot, sultry. In fact, it must be very hot there in the summer season, because the grasses are all dried up.

4690. At what time?—When we passed there in August they were all dried up. When I returned I went to Edmonton from Carlton, nearly the whole way,



way, on horseback. We had sometimes difficulty in getting grass for the horses at night.

4691. *Chairman.*] Can you give the Committee any idea whether the country is good for settlement?—The prairies, I think, are not so productive as people imagine they are; there is no doubt that in the gullies, where the little streams run down into the Saskatchewan, and in some part of the Saskatchewan itself, it is very fertile.

4692. Do you know the Minnesota country?—No. I have never been there.

4693. *Mr. Charles Fitzwilliam.*] Is there any cultivation on the northern branch of the Saskatchewan; any farming?—We have a small farm at Edmonton.

4694. What is produced there?—They tried to grow wheat; they put up a windmill first of all, and tried to grow wheat, and then they found that they could not grow it.

4695. Will barley grow there?—Yes, I think barley grows there.

4696. And oats?—Yes.

4697. Have they attempted to grow Indian corn?—No.

4698. Do cattle thrive well?—Very well; we have some cattle there. It is curious to say that the people will not eat them; they get so much buffalo meat that they will not eat our stall-fed animals.

4699. Are buffaloes very abundant in that part of the country?—Yes, the whole way through there.

4700. Giving evidence that the country is well adapted to support animal life?—Yes; there is no question of that, I should think.

4701. How many days were you in getting from the boat encampment to Jasper's House?—I think we were seven or eight. When I referred to getting out of the mountains I meant where we met our horses to take us to Jasper's House; we were two days after we met the horses, after we got out of the mountain passes, in getting to Jasper's House.

4702. Is there any other pass across the mountains besides that from the Boat Encampment to Jasper's House, north of the boundary line?—The only one is through the Peace River to the north. I never heard of any other.

4703. *Mr. Christie.*] Is the pass over the Rocky Mountains very precipitous and difficult?—Yes, very difficult. In returning over the mountains we were on horseback, and we were obliged to get off our horses; we could not sit on them.

4704. On which side is it the most precipitous?—On the west side.

4705. Did it appear to you that there would be any means of making a better communication between the east and the west sides for the purpose of getting over that ridge of mountains?—I saw nothing but difficulties anywhere excepting in the road itself, and there were quite enough there, certainly.

4706. Did you make any inquiry as to whether there was any better pass which could be resorted to?—I made no inquiry, because I thought that they would naturally take the best pass for crossing the mountains. I know that there is no pass until you come to the Kootanais pass, which is in the American territory.

4707. *Mr. Kimbird.*] Is that very much lower in point of height?—Yes; I believe they cross there with waggons.

4708. Are there any beasts of burthen which ever pass over; do the Indians employ any beasts of burthen?—None but horses.

4709. You never heard of any crossing that part?—No.

*Joris, 11<sup>e</sup> die Junii, 1857.*

Mr. Blackburn.  
Mr. Christy.  
Mr. Edward Ellice.  
Mr. Charles Fitzwilliam.  
Viscount Goderich.  
Mr. Gregson.  
Mr. Grogan.

Mr. Percy Herbert.  
Mr. Kincaid.  
Mr. Labouchere.  
Mr. Lowe.  
Mr. Matheson.  
Mr. Roebuck.  
Viscount Sandon.

THE RIGHT HON. HENRY LABOUCHERE, IN THE CHAIR.

Mr. John McLaughlin, called in; and Examined.

Mr.  
J. McLaughlin.  
11 June 1857.

4710. *Chairman.*] ARE you acquainted with the affairs of the Hudson's Bay Company?—Partially.

4711. What has led you to become acquainted with them?—I lived there for a number of years.

4712. In what capacity?—Not in any capacity connected with the Company; I was there partly as a settler, and partly I went there merely to see the country at first, but I remained there for some years.

4713. Where did you reside as a settler?—In the Red River Settlement.

4714. How many years were you there as a settler?—About five years, I think.

4715. Have you any property there still?—No property.

4716. You have no intention of returning to it?—No.

4717. Were you ever connected with the Hudson's Bay Company in any manner?—In no manner further than that I have done some little business for them.

4718. You were never in their service?—Never.

4719. Mr. *Gregson.*] What was your occupation there; an agricultural settler?—No; I have a relative there, an uncle, who has been there for some 30 or 40 years, and I was living with him when I went there.

4720. *Chairman.*] How many years ago was that?—I left in the latter part of 1849.

4721. Mr. *Christy.*] Did you ever possess any land or property while you were there?—Never, except goods.

4722. What was your chief occupation?—I traded there a little.

4723. In what?—In general goods.

4724. Will you give us a little more information as to the nature of the goods in which you traded?—I brought goods from the United States there, and traded them with the settlers or others.

4725. What were the kinds of goods?—The general description of trading goods which are required in an Indian country, or in fact anywhere.

4726. *Chairman.*] What articles were the principal part of your stock in a commerce of that kind?—Blankets and cottons; some ammunition, and tobacco.

4727. Mr. *Roebuck.*] Had you any spirits?—Never but once; I brought spirits once through the country, that is all.

4728. For what purpose; to trade with?—No; for private use.

4729. *Chairman.*] You never sold any spirits at all?—I cannot say that I have done so on my own account.

4730. Did you ever, on your own account, or on the account of anybody else, engage at all in the trade of spirits?—It is such a length of time back that a person has really to refresh his memory before he can possibly answer the question properly.

4731. You are not prepared to tell the Committee that you did not?—No, I am not.

4732. Mr.

4732. Mr. *Edouard Ellice*.] Have you any knowledge of that document (*handing a Paper to the Witness*)?—Yes.

4733. Was your name attached to it?—It was; it is rather bad French.

[*The same was read as follows:*]

AUX MÉRITES ET COLONS DE LA RIVIÈRE ROUGE.

IL vous écrit pour vous informer que votre cause dans ce pays-ci, fait des progrès et triomphe rapidement. J'étais vraiment surpris de trouver en arrivant ici combien elle avait universellement excité l'intérêt générale du peuple de la Grande Bretagne. Continuez hardiment et sans crainte dans votre présente attitude. Surtout n'ayez point recours à des moyens violens, mais soyez ferme et résolu de soutenir vos droits. Vous avez plein pouvoir comme représentent les Jouineaux Anglais, et surtout Le Parlement Britannique, de faire, avec qui il vous plait le commerce dans toutes les productions de votre pays.

N'écoutez pas ces histoires ridicules que l'on vous racontera pour vous intimider. Vous avez Le Droit pour vous. Votre compatriot, M. Isbister, a intéressé des amis très-puissans de ce côté-ci des mers, qui vous supportent si vous vous montez dignes de l'intérêt qu'ils vous portent.

Courage! mes amis. En avant!!

Votre très sincère ami,

*John M. Langhlin.*

4734. Mr. *Roeback*.] When was it that you put forth that very interesting document?—It was written in 1850.

4735. Had you heard that anybody interfered with the trade, because you tell the natives that they must sell the productions of their country to whom they please. Had you ever heard that anybody interfered with them?—For some years they were in opposition to the Hudson's Bay Company; they traded furs all throughout the country, and it was that in a measure which led to the disputes with the Hudson's Bay Company, and I dare say to the present commission of enquiry.

4736. Mr. *Edouard Ellice*.] They trade in furs?—They trade in furs.

4737. Mr. *Roeback*.] It led to disputes with whom?—Disputes between the Hudson's Bay Company and the settlers.

4738. Did the Hudson's Bay Company interfere with the Indians selling their peltries to the settlers?—Often.

4739. In what way?—In every possible way they could do it; by persecution and other means.

4740. How did they persecute?—By stopping their supplies on them.

4741. Supposing an Indian had come to you with his hands full of furs, would you have dared to buy them?—Certainly.

4742. And he would have dared to sell them?—He might not have dared to do it in the same way that I would have dared to have bought them.

4743. What would have been the consequence to him of selling them to you?—In some cases their furs have been seized and impounded; they have imprisoned the parties, or impounded the furs.

4744. Supposing they had passed from his hands to yours, would the Hudson's Bay Company then have seized them?—I dare say if they thought that they had the power to do so they would.

4745. Did you ever experience anything of that sort?—Not with myself, but I have known cases with others.

4746. Mr. *Grogan*.] Have you any cases of parties who were imprisoned for selling furs to settlers?—Yes, I have.

4747. Were those furs ever forfeited, or was the value of them given to the party who sold them?—In several cases they have received value, in other cases they have been impounded upon the plea of debt.

4748. Is this what you mean by the term "persecution," which you used a short time ago?—Yes.

4749. You said something about stopping their supplies: will you explain that?—The general means that an Indian has of living is by receiving a certain amount of debt, in the spring or fall of the year; and if they do not receive those supplies they must starve, unless they can get them from some settler or some other party.

4750. In point of fact, have you known any instance in which those supplies have been refused?—Yes, many instances.

4751. Have you ever known a case of starvation resulting from such refusal?

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J. N. Longblin.  
11 June 1857.

—No, I cannot exactly say that I have, but I know that that would be the consequence.

4752. Have you known any case of severe suffering among the Indians from the want of such supplies?—I have known that they have been thrown upon the community, unable to go out to their hunts.

4753. Is the impression general in the minds of the Indians, that in the event of their trafficking in furs with the settlers they will be subject to such privations?—Yes; therefore in selling the furs they have to smuggle them to the settlers, or to the parties who purchase.

4754. Does the system which you have just explained to us, as to the trafficking in furs between the Indian and the settler, apply to the trafficking in furs of the Indians and the half-breeds?—It applies to some.

4755. Is there any difficulty in the trafficking in furs between the Indians *inter se*?—There is a certain traffic, but it applies generally, to all parties; the Company strive to prevent it in every possible way, even amongst the Indians.

4756. Will you explain what you allude to?—I mean to say that the Indians are prevented even from making presents to one another; they cannot trade with each other; if the Hudson's Bay Company are aware of it, they will take means to stop it. They even prevent presents from one Indian to another, and have gone so far as to try to bring missionary efforts to prevent them even wearing furs.

4757. Mr. Roebuck.] In what way did they bring missionary efforts; did they tell them, for example, that the anger of God would follow the wearing of a fox skin?—I dare say they might not have spoken in that way, but they wished them to exert their influence. I know one particular case myself where it has occurred, where they applied to the missionary to interfere; they had been wearing furs about the bottom of the river, and Mr. Smithurst was applied to for the purpose, but he refused.

4758. Mr. Gregory.] Was he the missionary?—He was the missionary. If I am not mistaken, he is in England at present, perhaps in London; I dare say he might corroborate the statement if he was called upon.

4759. Mr. Roebuck.] What was he asked to do?—He was asked to interfere.

4760. In what way?—The missionaries there have a certain power and influence over the Indians; I do not say that he was to do it officially from his pulpit, but to speak to those around him, and to bring his influence in that manner to bear upon them.

4761. He was asked, then, by some authority of the Hudson's Bay Company to go to the Indians, and in his character of missionary to try and persuade them not to wear furs?—Whether in his character of missionary or not, I cannot say, but in his character as a person having influence over them.

4762. Will you state certain particulars, and give cases to the Committee in which this sort of what you call persecution on the part of the Hudson's Bay Company took place?—It was so general that it would be impossible to do it at this time of day.

4763. Is a thing so general that it is impossible to state any particular?—I think so; when it is so general, that is where the impossibility lies; if it was an individual or solitary case, I could at once light upon the party; but I know that in 1845 and 1844, at the time that this trading was carried on to such an extent, the Indians and the settlers, or those parties who traded in furs, received immense annoyance in that way from the Hudson's Bay Company in their refusing to sell them goods and to give them certain supplies.

4764. Mr. Christy.] Was that a time of peculiar excitement?—Yes.

4765. Will you endeavour to describe that to the Committee. Instead of merely answering the question, unless you endeavour to describe to the Committee what you mean to represent, it involves a number of questions being put which perhaps might be unnecessary if you would enter into a more general description upon that which you wish to state?—In 1844 and 1845, and for two years, there was quite a ferment in the settlement, owing, in a measure, to this trading in furs; and not only that, but other disadvantages under which they laboured created this excitement. There were prohibitory duties placed upon goods coming into the settlement; upon manufactured goods entering the country.

4766. Mr. Edward Ediec.] Will you state of what those prohibitory duties consisted, and how they were put on?—I shall refer to them again if you will allow me. I have the original documents on the subject in my possession. They were

were prohibited from trafficking or importing goods from the United States except once a year, and that only to the amount of 50 l. sterling. There was a complete discouragement thrown in the way of an export trade with England in tallow and hides and tongues; there was an issue of land deeds of the most peculiar and ridiculous nature, and of such a character as no British subject could possibly submit to. In fact there was a licence of a very severe nature, and no person could trade at all except under this licence. With regard to these land deeds, one peculiarity in them was—I might mention, that the parties had received this land, and purchased it some 20 years previous to this from another proprietor entirely, and they were called upon then to sign away their powers—one provision of the deed was, that the Hudson's Bay Company should grant them permission before they could sell their land to any other party. They could not even trade in furs in any other part of North America, and there were some other things like that. Then again there was a total prohibition of the fur trade, the only natural production of the country in its present wild state, with a great many other things that they had to complain of. These proclamations perhaps were contingent upon the fur trade, but at the same time they kept the settlement in a state of ferment.

4767. Mr. Rossack.] You have mentioned three separate facts, and I want you, if you can, to supply to the Committee evidence of those facts. First, you say there was a prohibition to trade?—Yes.

4768. Have you any documents in proof of that?—I have. I think, if I am not mistaken, some of those proclamations were put in before; there is one here.

4769. What is that document?—This document is with regard to sending letters open to the Fort actually for the perusal of the Company.

4770. What is the character of the document itself?—It is a proclamation which has been issued by Alexander Christie, Governor of Assiniboia.

4771. Will you be good enough to let me look at it? (*The same was handed to the Honourable Member.*) I see this is a copy. Where is the original?—I think I can show you the original (*handing the same to the Honourable Member.*)

4772. This is No. 4, "Winter Express."—All letters which are intended to be sent by this conveyance must be left at this office on or before the 1st of January; every letter must have the writer's name written by himself in the left hand corner below, and if the writer is not one of those who have lodged a declaration against trafficking in furs, his letter must be brought open, its inclosures, if any, being open also, to this office, and here closed. *Alexander Christie, Governor of Assiniboia, Upper Fort Garry, 20th December 1844.* That is an original document?—It is an original document; this is also a letter bearing upon it.

4773. Viscount Goderick.] Do you know that that is Mr. Christie's signature?—Perfectly.

4774. Of your own knowledge?—Of my own knowledge.

4775. Mr. Grogan.] It was publicly proclaimed to the settlement?—Yes, I took it down myself to make certain of it, which I did with all the other proclamations.

4776. Mr. Rossack.] Does this letter apply to that?—It applies to that.

4777. Chairman.] From whom is that letter?—From one of the Company's clerks on the subject.

4778. Mr. Rossack.] It is signed by "R. Lane," and addressed to "Andrew M'Dermot." "My dear Sir,—As by the new regulations regarding the posting of letters, it would be necessary that Mr. McLaughlin should send up his letters open for my perusal, a thing which cannot be agreeable to him, will you have the goodness to tell him that in his case I shall consider it quite sufficient his sealing the letters in my presence without any perusal on my part, and for that purpose I shall call in at your house to-morrow evening. Believe me, yours very sincerely, R. Lowe."—Yes.

4779. Mr. Grogan.] Do you know whether any of the settlers at the Red River, besides yourself, took exception to that proclamation and refused to submit to it?—Yes, it was general from one end of the settlement to the other.

4780. Was the regulation endeavoured to be enforced by the government, so far as refusing to take the letters unless they complied with the proclamation?—Mr. Sinclair's letters were refused.

Mr.  
J. M. Langdon.

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4781. Mr. *Edward Ellice*.] Who was Mr. Sinclair?—He was a settler.
4782. Was he one of those who trafficked in furs?—Yes, he trafficked in furs the same as the other settlers.
4783. Mr. *Grogan*.] Was Mr. Sinclair the gentleman concerned in a speculation in fallow which the Company refused to take to England?—The same gentleman.
4784. Mr. *Roebuck*.] I see Proclamation No. 2 in the paper which you have handed to me, by the governor of the Red River Colony; I suppose this is a copy also?—That is a copy.
4785. Have you the original of it?—I think so.
4786. This is the proclamation: "Whereas, under the fundamental laws of Rupert's Land, it is notoriously illegal to traffic with other countries, or in imported commodities, unless under the protection of the written licence of the Hudson's Bay Company; and whereas, under the general law of England, an illegal transaction cannot be aided by a court of justice, whether to make the debtor pay what he owes, or the agent account for what he has received, I hereby give notice, that in order to guard the fair and honest dealer against otherwise unavoidable embarrassment and loss, I shall forward to every maritime importer who has lodged a declaration against trafficking in furs a licence to the following effect: 'On behalf of the Hudson's Bay Company, I hereby license to trade, and also ratify his having traded in English goods within the limits of Red River Settlement, this ratification and this licence to be null and void from the beginning in the event of his hereafter trafficking in furs, or generally of his usurping any one whatever of all the privileges of the Hudson's Bay Company.' Given at Fort Garry this 7th December 1844;" but there is no signature?—No.
4787. Have you the original?—I have (*handing the same to the Honourable Member*).
4788. Mr. *Edward Ellice*.] The date of that is 1844; you remained in the country for some years after that; did not you?—I did.
4789. Are you aware whether those proclamations were disallowed by the Hudson's Bay Company in London?—I am not aware of that; I think there is quite a difference between the Hudson's Bay Company in London, and the Hudson's Bay Company in Hudson's Bay.
4790. Were those proclamations put in force after the first year?—They were.
4791. For how long were they put in force?—Until 1848, I think, or some time like that. This petition, some years afterwards to the Council, was sent on the very same subject, if you will allow me to read it: "We, the undersigned American importers, most respectfully lay before the Governor and Council of Assiniboia certain claims for drawback upon imports from the United States, paid the Collector of Customs under protest" (that shows they were paid), "which we hope your honourable body will order to be refunded, as at the time of importing these goods your humble petitioners were not aware of any revenue law being in force other than the one known as the 4% law, and applicable to imports either way; that as *ignorantia facti excusat*, and a sufficient publicity not having been given, your petitioners do not consider themselves liable to this extra impost, and would with submission urge their reasons for so believing: 1st. That this duty, founded on the Canadian tariff, was never promulgated, and was framed for peculiar purposes, 15th June 1845, to suit the exigencies of that period; 2nd. That it remained a dead letter for two years, and as no action had been taken on it during that time it should be now considered as null; 3d. That several of your petitioners had sent for goods before aware of its existence, and have sustained losses in consequence; that many of them are yet ignorant of the duties payable upon the different descriptions of merchandise, so that as likely as not the articles imported might be under prohibition, or such as would entail positive loss to the importer; 4th. That these goods were brought at a time when the settlement stood greatly in need of them; 5th. That a colony situated as this is, isolated from the world, and possessing no export advantages, should not be taxed the same as Canada; for whilst we admit that there should be a protection extended to British manufacture here, as well as in other English colonies, still the tariff should always be regulated to suit the condition of the country, for what may be admitted free in one country might be heavily assessed in another, and both under the same government. Your petitioners  
respectfully

respectfully consider that a trade carved out by themselves, and attended with so much risk and labour, should rather be fostered and encouraged than have restrictions thrown in its way; they would therefore beg of you to rescind the 7th resolution passed 15th January 1847, except in so far as relates to the exportation of cattle, as the wants of Her Majesty's troops stationed here could in no way so improve the condition of the American importers as to justify its adoption, as it is a well known fact that most of our exports to the United States consist in leather, mocassins, buffalo tongues, and Indian curiosities, articles which meet with no demand from the military, and afford employment to many families in the settlement. Your petitioners would earnestly urge upon the consideration of your honourable body, the necessity of assimilating the duties imposed upon American imports to the English tariff, or at least in so far re-modelling the same that they will not amount, as at present, almost to a prohibition, and respectfully suggest that five per cent. or six be the maximum rate on all foreign imports, without any differential duty, except on such articles as may interfere with the existing laws of the United States or England, or your honourable body may deem injurious to the welfare of the settlement."

4792. Mr. *Gregson*.] What is the date of that petition?—It was some time in 1848 that it was sent.

4793. Mr. *Edward Ellice*.] Were those proclamations in force when you came away from the colony?—No.

4794. Mr. *Gregson*.] Was there any official answer returned to that petition which you have just read?—A petition was presented through Mr. Thom for remission of duties, which he never replied to.

4795. Is that the one which you have just referred to?—Yes.

4796. Mr. *Roeback*.] I have read to you the Proclamation No. 2. I find appended to it a copy of Minutes of Council?—Yes.

4797. I find that the date of those Minutes of Council was the 3d April 1845. Are these Minutes of Council subsequent to the Proclamation No. 2, which I have read?—I have not read those at all for years, and perhaps you will permit me to do so.

4798. The proclamation is, "Given at Fort Garry this 7th December 1844," and the other document is in 1845?—The excitement was going on until the troops arrived.

4799. There were present at this council, "Alexander Christie, Adam Thom, the Right reverend the Bishop of Juliopolis, the Reverend William Cockran, James Bird, John Pritchard, Alexander Ross, Robert Logan, George M. Carey, the Reverend John McCallum, Andrew McDermott, Cuthbert Grant, John Bunn, and John P. Pruden"?—Yes.

4800. Who were those latter persons in that council; were they settlers?—They were all connected with the Hudson's Bay Company; I think every one of them. Will you allow me to look over the names; it is some years since I have read them? (*The document was handed to the Witness.*) The Rev. Mr. Cockran and the Right rev. the Bishop of Juliopolis were both pensioners of the Company; George M. Carey was also connected with the Company, receiving a certain sum. They were every one in some way or other connected with the Company.

4801. Then in your opinion that council did not fairly represent the colonists of the Red River?—Not at all; it represented the Company.

4802. They were in fact the representatives of the Company of Hudson's Bay?—Yes.

4803. "The President having stated that he had called the present meeting in consequence of Mr. Bird, the collector, having on Monday last informed him that certain importers of American goods had refused to pay the duty on their imports, requesting at the same time the president's instructions as to the steps that should be taken for enforcing payment of the same, the council declined sharing with the collector any part of the responsibility. The following resolutions, which were proposed by Mr. Thom and seconded by Dr. Bunn, were then unanimously passed." I find a note; is this in your handwriting?—It is not in my handwriting.

4804. There is a note upon the name of Mr. Thoes, and as that note contains a very important statement, I wish you to look at it and tell me in whose handwriting it is?—That is Peter Garrick's writing in the settlement, if I am not mistaken in the writing.

Mr.  
J. M'Laughlin.  
11 June 1857.

4805. Does that statement agree with your experience?—I could not possibly say.

4806. Of your own personal experience, can you say that that is true?—I should say not; I think it is only a suggestion, more than anything else.

4807. These are the resolutions:—"Whereas all matters of general interest ought to be tried and adjudged before the General Court: It is resolved, 1st. That all questions of revenue or prohibition, or license, however inconsiderable may be the amount of the claim, shall be determined by the governor and council, and a jury; whereas, in the absence of written agreements the best evidence is commonly to be found in the breasts of the parties themselves; Resolved, 2d. That in all cases coming before the General Court, the plaintiff may summon the defendant, or the defendant may summon the plaintiff as a witness; and it is Resolved, 3d. That Adam Thoms, John Bunn, and Alexander Ross, Esqrs., shall be a commission for examining such parties according to the English principles of equity; and it is Resolved, 4th. That the results of such examination shall go as evidence to the jury, either with or without evidence; it is Resolved, 5th. That this council do now adjourn." Does that mode of administering law agree with your experience of what occurred while you were there?—That was the common mode afterwards.

4808. After those resolutions were passed?—Yes. With regard to the plaintiff and defendant, I know one case (I do not like to be personal) where the recorder of the court, in a case of his own, was summoned, and he denied the competency of the court to try him. I know a similar case where the governor was concerned, and he denied the competency of the country to try him; that is to say, that he was beyond all legal influence.

4809. You have used the words "try him;" was it a cause that was to be tried, or was it the governor?—A cause, I suppose.

4810. Did he deny the competency of the country to try a cause between him and a private individual?—That was what it was; it was a matter which was brought before him.

4811. *Chairman.*] Was it a civil or a criminal cause?—It was a civil matter.

4812. *Mr. Grogan.*] There was a dispute between the governor and some of the settlers, and on the settlers seeking justice, the governor said that he thought that the authorities on the spot were not competent to decide it; is that the substance of your evidence?—It was a mercantile dispute.

4813. And the governor said that the authorities on the spot were not competent to entertain and decide that matter?—Yes.

4814. *Mr. Roelback.*] What was the nature of the dispute?—It was a matter with regard to a dispute in freight. Certain parties in the country had agreed to take freight from York Factory to the Red River for the Company, and, by the contract, each piece of goods was to have been 90 lbs. avoirdupois weight; it appears that the Company had been in the habit of making up pieces in England; I do not say that they were aware of the circumstance themselves; but, however, there was an increase of some 10 or 15 lbs., and in some cases more, to each piece, for which they were paying only at the rate of 90 lbs., for which the contract was made. It was about this dispute in claiming for the over-freight that the action was brought, or attempted to be brought against the governor.

4815. And upon that matter of civil contract the governor said, that he being the party contracting was wholly beyond the limits of the law, and that no law could interfere between him and anything that he did?—Yes. If I could run through my papers, I have a letter here, I am sure, with the substance of that in it.

4816. I suppose the result of that transaction was, that the parties got no justice?—They got no justice in any way; it had to be referred to this country.

4817. In what way?—It was referred to Canada first of all; I was the party that brought it forward. I went to Montreal; I offered to lay it before the Board of Trade in Montreal—that is to say, the Chamber of Commerce—and they refused to submit it to that mode.

4818. Who refused?—The Hudson's Bay Company. Then I brought it to London, and offered to lay it before the Board of Trade here. The Hudson's



Bay Company refused that, but they offered to leave it to arbitration in a certain way, provided they were all legal referees or legal parties to it.

4819. Mr. *Edward Ellice*.] And it was settled?—It was ultimately settled after putting me to a little inconvenience.

4820. Mr. *Roebuck*.] How was it settled?—By paying a certain sum.

4821. Did the Company pay a certain sum?—They paid a certain sum to Messrs. *McDermot* and *Sinclair*.

4822. So that the result was that the Company turned out to be wrong?—The very payment might establish it to be so; but they must have been wrong decidedly.

1823. Then they gave the parties the trouble of bringing that matter from Hudson's Bay to England?—Yes; and at the same time they brought a charge against me on that very subject—for writing rather indiscreetly—and they entered a criminal action against me, and imprisoned me.

4824. Mr. *Edward Ellice*.] That was for libel, was it not?—Yes.

4825. Mr. *Roebuck*.] Where?—In the Criminal Court in the Old Bailey, which was dismissed of course.

4826. Mr. *Edward Ellice*.] Was it not for an attempt to extort money?—That was the charge; and it is the usual mode of the Hudson's Bay Company to bring forward such charges. It is very easy to bring forward a charge, but it is not so easy to substantiate it.

4827. The charge was an attempt to extort money by threatening to publish a libel, was it not?—Yes, that was the charge which was made. The charge of course was dismissed in the Old Bailey.

4828. Mr. *Roebuck*.] In what way was the charge brought before the Old Bailey?—By a judge's warrant which was issued.

4829. A judge's warrant issued against you?—Yes; four or five years after the occurrence.

4830. Was there any indictment laid before the grand jury?—Yes, I should say so.

4831. Was that indictment found by the grand jury?—I do not understand the mode which was taken at all in the matter, further than that I was arrested and the matter was tried here.

4832. You were arrested; were you brought into court?—I was.

4833. Were you brought before a jury?—I was brought forward there. I do not understand much about law.

4834. Was there a jury sworn to try your case?—I do not know really; the thing was dismissed, I know. The fact was, that it went off so lightly that I did not understand the process.

4835. Mr. *Grogan*.] Do you know what court it was?—The Old Bailey.

4836. Did you employ counsel to defend you on that occasion?—I did.

4837. Whom?—Mr. *Parry*.

4838. Did the judge charge the jury with regard to your case, and did the jury acquit you?—The judge acquitted me.

4839. Did you know whether there was a jury or not?—No, I cannot say really.

4840. Was it in court that you were brought, or before the judge himself in chambers?—The court.

4841. And the charge was stated that you had published this libel with intent to extort money?—Yes.

4842. And your counsel endeavoured to defend you?—Yes.

4843. And on the statement on both sides being heard by the judge he dismissed you?—Yes.

4844. Mr. *Roebuck*.] Was there any evidence given?—No evidence.

4845. Mr. *Edward Ellice*.] Did the indictment go off upon the ground that the statute did not apply to a corporation?—Yes, I think so; it is the usual mode of doing it; it is only very lately that the Hudson's Bay Company have brought a charge against a clergyman for trading a buffalo robe, or at least mentioned they would do so.

4846. Mr. *Grogan*.] On your dismissal from the court, so ended the whole of that transaction?—Yes.

4847. Did you, in justification of yourself, take any step against the Company afterwards

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afterwards on the ground of false imprisonment, or anything of that kind?—  
I would have done so, but my father prevented me.

4848. Was it your intention to have done so except for the interference of  
your father?—Yes, I had taken the preliminary steps.

4849. You had commenced an action?—I had commenced an action, and had  
served a notice upon the Hudson's Bay Company.

4850. Did you do that under advice?—Under advice.

4851. Mr. *Edward Ellice*.] Did you take out a writ?—I was prevented; I  
merely took the preliminary steps; my father prevented me from proceeding  
any further.

4852. What were those preliminary steps?—Serving a notice upon the  
Company through my solicitor.

4853. Mr. *Grogan*.] Can you give us the date when the application was  
made to the Governor by these contractors for payment of the over-freight which  
they carried?—I might mention that, after this very occurrence, I was actually  
in the Hudson's Bay Company's employment; some years afterwards I was  
employed by them to go to the United States, and they gave me a passage  
home through the Hudson's Straits in their vessel, and even informed me when  
I was in Liverpool that they were going to serve me with a Bench warrant,  
just to give me an opportunity to leave the country; if they wanted to arrest  
me they could easily have done it; I just consider it necessary for me to make  
this statement, as it has gone forward.

4854. Can you mention the date at which the application for the payment of  
the over-freight was made to the Governor?—You mean in the settlement  
there; not here?

4855. Yes.—The 22d day of July 1845.

4856. How shortly after that was it that the Governor declared himself as  
out of the jurisdiction of the law; was it the same year?—I think in August  
or in July.

4857. In the same year?—In the same month.

4858. Then you went to Canada about this, and finally you came to England?  
—Yes.

4859. When you were in England the Company paid this over-freight?—  
No, it was afterwards; when I was in England I made the demand perhaps  
rather indiscreetly. I am rather wild sometimes in my epistolary corres-  
pondence.

4860. You made a second demand in England?—I made a demand in  
England.

4861. Where and when was the amount so demanded paid?—It was paid  
afterwards to Mr. M'Dermot and Mr. Sinclair, in Red River.

4862. Do you know where it was paid?—No; I should think it was in 1850  
that it was paid.

4863. Are we to understand you that between the period of demanding  
payment for the over-freight and the payment of the debt itself, five years, or  
thereabouts, elapsed?—Yes, it was four or five years before they made any  
acknowledgment or return, or paid this freight.

4864. Then this prosecution of yourself, to which you have called our atten-  
tion, arose out of the letter addressed by you to the Company in this country  
on that subject?—Yes.

4865. Mr. *Roebuck*.] Do you know what the sum demanded was; was it  
353 *l.*?—I think so; 300 *l.* or 400 *l.*

4866. How much was paid eventually?—I really cannot say; but I think it  
was 100 *l.* each that they paid them; they were glad to get anything.

4867. So that, eventually, after five years' waiting, the parties received 100 *l.*?  
—So I understood.

4868. Mr. *Edward Ellice*.] Is that Mr. M'Dermot's writing (*holding a paper  
to the witness*). Is that Mr. M'Dermot's signature?—This is his signature,  
certainly.

4869. That is a receipt for the money; in what year?—In 1846; but will  
you allow me just to look through some of these documents; I may be a little  
hasty in dates. There is such a confusion, and so long a time has elapsed, that  
I have not looked over these things, and I may be hasty. It is impossible that  
the money could have been paid in 1846, because it was in 1849 that I was  
arrested.

4870. Mr. Grogan.] And you were arrested previously to the payment:— I can show you a power of attorney from Mr. M'Dermot during that date, which will settle the whole matter.

4871. Mr. Roebuck.] This is a receipt given by Andrew M'Dermot in full of all demands: "Received from the Honourable Hudson's Bay Company the sum of 100 L sterling in full of all claims and demands whatsoever, in reference to all transactions between myself and the said Company, or its representatives, which have taken place up to this date;" and the date is the 25th of July 1846:—That might have reference to some other proceeding.

4872. When did this transaction take place about which you say these disputes occurred?—I shall have to go over the whole affair, as it is brought forward. In 1846 I was in communication with the Hudson's Bay Company in January and February, and perhaps March, on this very subject. Then I returned to Hudson's Bay after that, and when I was there it was not settled, nor did I understand that it was settled.

4873. This is a receipt given in July 1846, in full of all demands?—Yes.

4874. Your transactions, you say, with the Hudson's Bay Company, took place in the spring of that year, in January and February:—Yes.

4875. Therefore is not that a receipt in full of all those demands?—I do not know whether it refers to that exactly or not: I could not possibly say, because I had not arrived back again in the settlement in the July of that year. I did not arrive back again in the settlement until September, I think.

4876. When was the demand made in England?—In January.

4877. Of 1846?—In 1846.

4878. Then this is a receipt in full in July:—It might have been got behind my back; I only understood this much, that it was settled.

4879. It was settled in that year?—It might be; I cannot say. It might refer to that; but it does not state the freight account there.

4880. So that your former statement that five years elapsed between the settlement and the claim is inaccurate?—It might be, I admit; but I cannot possibly say whether it refers to that or not: I am only aware that afterwards I received a letter stating that it was settled for 100 L each.

4881. Have you that letter with you?—No; it is a private letter from my uncle stating it. I have a power of attorney here from Mr. M'Dermot, to collect this very freight.

4882. You have stated that there were land deeds issued of a very peculiar character?—Yes.

4883. Have you any land deed with you?—I had a land deed, and I do not know what has become of it. I came off very hurriedly, and just scrambled up all the papers that I could lay my hands upon; I had only a few hours' notice.

4884. You cannot find that land deed?—No.

4885. Can you from memory state what the purport of that land deed was?—Yes; I can state distinctly that one portion of it was that they could not sell their property without first of all receiving permission from the Hudson's Bay Company. Another portion of it was, that they could not trade in furs or leather in any part of North America.

4886. You say that one part of it was that they could not sell their property without the permission of the Company; was that their produce; did it include wheat or corn which they produced upon the land?—No, their land; the fee-simple of it, I suppose.

4887. Was that the universal form adopted when land was conceded by the Hudson's Bay Company?—It was literally that this land deed was brought forward; it was during the time of these troubles.

4888. You also stated that there were certain licences to trade?—Yes.

4889. Have you any copy of those?—Yes. I have really given this subject very little attention for such a number of years (it is now eight years since I was there), that I may be confused with regard to dates; I really cannot lay my hand on it, but I have it somewhere.

4890. Do you know the date to which the licences refer?—I cannot say, really; it must have been about 1844 or 1845.

4891. In the paper you have handed to me there is a copy of a "Licence to freight goods from York Factory;" is that one of them?—It must be one of them.

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4892. "I hereby license \_\_\_\_\_, of Red River Settlement, to carry on the business of a freighter between Red River Settlement aforesaid and York Factory; provided, however, that this licence shall be null and void for every legal purpose from this date, if he traffic in any thing whatever beyond the limits of the said settlement, excepting in so far as he may do so under any municipal regulation, or if he traffic in furs within Rupert's Land or without, or if he become or continue to be the employer, or the agent, or the partner of any person who may traffic or usurp, or may have trafficked or usurped as aforesaid, or of any such person's debtor." In your recollection is that a true copy of any such licence?—Yes, that is the freighter's licence.

4893. "Given at Fort Garry, this 29th day of July 1845. (Signed) Alexander Christie."—Yes.

4894. Does your experience tell you that you have seen such licences as this in the original?—Yes, I have.

4895. I find also a proclamation by the Governor of Red River Colony, dated 7th December 1844, to the following effect: and I want hereafter to ask you whether you have the original of this proclamation:—"Whereas certain persons are known to be trafficking in furs, I hereby give notice that, in order to preclude, if possible, the necessity of adopting stronger measures for the suppression of this illicit trade, the Hudson's Bay Company's ship will henceforward not receive at any port goods addressed to any person whatever, unless he shall, at least a week before the day appointed for the departure of the winter express, lodge at the office of Upper Fort Garry a declaration to the following effect: 'I hereby declare that since the 8th day of December instant I have neither directly or indirectly trafficked in furs on my own account, nor given goods on credit, or advanced money to such as may be generally suspected of trafficking in furs; moreover, if before the middle of August next I shall appear to have acted contrary to any part of this declaration, I hereby agree that the Hudson's Bay Company shall be entitled either to detain my imports of next season at York Factory for a whole year, or to purchase them at the original cost of the goods alone.'" The proclamation goes on: "I feel confident that the community at large will appreciate my motives for extending this regulation for the present to all importers without distinction; and in order to lessen as much as possible the trifling inconvenience of making the necessary declarations, the accountant has prepared a sufficient number of copies for the signatures of parties. (Signed) Alexander Christie, Governor."—Yes.

4896. Can you state, upon your own knowledge, that that is a true copy of the proclamation?—Distinctly.

4897. Mr. Grogan. Have you the original?—I have.

4898. Have you it with you?—No; Mr. Isbister, I think, has it, if I am not mistaken.

4899. Mr. Rodock. I will now read to you a law, said to have been passed at Council, on the 19th of June 1845, and I will ask you after that whether you can state positively, from your own knowledge, that this is a correct copy of that law: "If any one shall attempt to influence the testimony of such members of his family as a painful necessity may compel the law to call as witness against him, he shall be held to be guilty on his own implied confession; provided, however, that he shall still be liable for all the pains and penalties of the grave misdemeanor of tampering with the course of justice. The Company undertake to reduce its native spirits to proof, and to tinge them with a peculiar hue not easily imitated. The Company will issue gratuitous licences to suitable applicants, permitting and obliging them, during all lawful days, and at all reasonable hours, to retail on their respective premises the Honourable Company's native spirits, in duly measured quantities, less than half a gallon, at the rate of 8s. a gallon, for ready money only. The Company undertakes to pay 1s. a gallon duty, provided all other claims of the settlement for duties, penalties, and the like, have previously either been paid in fact, or satisfied in law." Does your experience tell you that that is a correct copy?—This is perfectly correct.

4900. Have you any knowledge of any person being punished for endeavouring to tamper with the course of justice, because he endeavoured to influence the evidence of his family?—I am not aware of any case to that effect.

4901. You cannot say that that law has been carried into effect?—I think not;

not; I cannot say that it has; so far as regards tinging the liquor with a peculiar hue, I am aware that it has not.

4902. I will read also from a proclamation signed by "Alexander Christie:" "Finally, in taking this second step in a well weighed cause of negative coercion, of which the still distant close will, if necessary, usher in a different system of proceeding, I confidently expect the cordial sympathy of all good citizens in aiming at the suppression of the illicit trade in furs; a trade as prejudicial to the solid prosperity of the settlement as it is pernicious to the permanent welfare of the Indians"—I remember that distinctly.

4903. Here is a document which requires some explanation; perhaps you can give it: it is "Extract from letter of instruction received by Captain E. V. Sumner, 1st Dragoons, United States army, dated Head Quarters, Third Military Department, 7 May 1845;" are these instructions to the United States army?—It was from Mr. Kison that that was received, an American fur trader on the Pembina.

4904. What relation has this to the Hudson's Bay Company?—The half-breeds were prevented from hunting buffalo on the other side of the 49th Parallel by receiving that, and consequently they made claims upon the Hudson's Bay Company for trafficking in furs, to make up for this loss which they met with on being prevented from hunting buffalo.

4905. They were prevented hunting buffalo by the United States Government, and in consequence of that they made certain claims upon the Hudson's Bay Company; do I understand you rightly?—Yes.

4906. Were those claims acknowledged by the Hudson's Bay Company?—Not at all.

4907. Upon what ground did they claim any right to make a demand on the Hudson's Bay Company in consequence of that?—One portion of their support was taken away from them; and at the same time, when they found that they would get nothing from the Company, they even made a claim upon the American Government.

4908. Mr. *Edward Ellice*.]—Will you tell me whether that is Mr. M'Dermot's signature and handwriting (*handing a paper to the Witness*)?—It is so.

4909. Should you be surprised if Mr. M'Dermot had written to a gentleman in London, dated the 8th of August 1846, before the settlement which you were speaking of, saying everything that was settled amicably between himself and the Company, and ending in this way: "My nephew, ——" that is yourself?—Yes.

4910. "My nephew, who went home last year, has not made his appearance yet. I am sorry to say that he is a very imprudent young man. He might well know that, whatever he might gain with the Company by being polite, he could gain very little by bullying them to come to terms. When he left here I advised him for the best, but he did not follow my advice in one instance. And all the stuff he collected about this settlement was furnished him by people in the service, and others who could be little suspected for such a thing." Should you be surprised if he had written that?—No, I should not be surprised in the least. I am perfectly aware of the Hudson's Bay Company's mode of getting up theatrical matters.

4911. That letter is a letter on private business to a friend of his?

*Witness*.—Might I ask the question whether the friend is not the Secretary of the Hudson's Bay Company?—Yes.

4912. Mr. *Christy*.] Probably this gentleman is, in a measure, under their influence?—Immensely; he can do anything they wish him. I could perhaps produce letters from Mr. M'Dermot which would rebut a great deal of that evidence, furnishing me with the very things which he now says I received from others.

4913. Mr. *Grogan*.] You mentioned that after your application, as Mr. M'Dermot's agent to the Company, for payment of the over-freight, you were employed in the service of the Company?—Afterwards.

4914. In what years were you in the service of the Company?—I was not in the service of the Company.

4915. Were you engaged by them?—I was engaged by the Company at the time the troops went out there to procure cattle and flour from the United States.

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4916. *Chairman.*] Do you mean that you had transactions with the Company as a merchant?—I had transactions which they would not, of course, have intrusted to me if they had not some little confidence in me, and especially after a transaction of extorting money from them.

4917. Were you in the transaction to which you have just referred, the purchasing of cattle for the troops, employed by your uncle Mr. M'Dermot to do it, or were you employed by the Company?—I had an interest in the matter; it was a joint transaction with my uncle and myself.

4918. Then you were not under the Company at all?—I was not under the Company. I can show documents from the Governor of the Company, distinctly entrusting me, and writing to me on the subject (*producing a letter*).

4919. What is that letter?—I do not know; that is one of them; I have a lot of them here.

4920. *Mr. Christy.*] With respect to the spirits, a question was asked you whether you had not yourself dealt in some spirits during the time that you were in the Red River Settlement. Are you aware whether the Company sell spirits to the Indians, or barter them in exchange for furs?—I am not aware whether they do so at present, but I know that in my time they did.

4921. Of course, I am speaking with reference to your own knowledge?—Yes.

4922. Was it a matter of notoriety that they exchanged spirits in barter for furs?—It was.

4923. You have heard it over and over again asserted that that was the case?—Yes. I have seen it myself; I have not only heard it asserted, but I have seen it.

4924. Are you aware that a considerable amount of spirits is imported in the ships of the Company every year?—I am not aware of the exact amount; I have never seen any official returns.

4925. I think it has been given in evidence, that there were 4,900 and some odd gallons annually. Can you tell me what you suppose becomes of that quantity of spirits taken annually in the Company's ships?—I should say a certain portion of it may be for the use of the servants in their employment, and the remainder for trade and traffic.

4926. Would you suppose that the quantity which I have mentioned was distributed equally over the year, or at any particular period of the year?—I cannot possibly say how it is; I have no means of knowing the internal arrangements of the Company.

4927. Can you give us any information from your own knowledge of how that quantity of spirits which it must be notorious is imported every year into the territory in the Company's ships is disposed of?—Wherever there is an opposition the greatest amount of spirits is used; while on the Pembina at the time that Mr. Kitson and the American Fur Company and the Hudson's Bay Company were in opposition, the liquor was the principal item of goods which went out to supply the Indians to get the furs.

4928. *Chairman.*] You think that the sale of spirits increases with competition as a general rule?—Not with competition, but with opposition.

4929. By competition I mean competition in the fur trade?—I think a general competition in the fur trade would not induce the diffusion of spirits; I think that a single opposition might, where there are two monopolists fighting against each other, but where the country is thrown open to every one, I think not.

4930. Why do you believe that if the fur trade was generally thrown open to all the world it would not be conducted very much through the introduction of spirits?—I should think not; with two great monopolists such as the North-west Company and the Hudson's Bay Company, or the American Fur Company and the Hudson's Bay Company, they might bring those weapons to clash against each other, but I think that where it was general, the diffusion of spirits would not be used; there would then be individual trade amongst each other; trade would be conducted in the manner in which it is conducted here, upon general principles; it is only with two great companies that a war like that, or the scenes of the North-west Company could be enacted over again.

4931. Do you believe that if the trade was thrown open altogether, it is probable that the fur trade would be conducted by a great number of individuals, or that it would not be conducted still by several powerful companies competing against each other?—I think that the nucleus about Red River would form the great portion of the trading community. The present parties who are there

have

have so much of the half-breed element, that it would be conducted from that point; I think it would not attract companies there, because every man is naturally a trader there.

4932. Do you think that it would be conducted by the insulated and disconnected efforts of individual merchants, or do you think that it would be conducted by merchants combining together and conducting it upon some system?—On account of the great monopoly which the Hudson's Bay Company have had for years, and the immense profits which they have received, it might be the means perhaps of starting a formidable company in opposition to them; but I rather think that it would be general over the country; that it would be individuals who would be engaged in it, and that supplies would be received from the settlement; that it would create a greater number of merchants from Canada and England for the supply of these parties to trade with the Indians.

4933. Do you believe, for instance, that a trade in distant parts of North America could be advantageously conducted by insulated individuals not possessed of great capital?—I think in the course of time it might; but for my part I should draw a line of distinction as regards that portion of the country which is better adapted for colonization and cultivation, and if the remaining portion were left in the hands of the Hudson's Bay Company it might gradually disappear.

4934. Am I to understand you that you would apply a different system with regard to trade and colonization to those districts of the country where you think colonization could be introduced, and that the more distant portions of the country, which are not likely within any assignable period of time, for some years at least, to be fit for settlement, you would still leave under the management of the Hudson's Bay Company?—That is my opinion; for a certain portion of time. There is a certain portion of the country which, of course, is so inhospitable that it would be impossible to colonize or cultivate it. But the Indians, at the same time, by a proper course might be all drawn down to the more habitable portions, as they are such a race that they might amalgamate with the others.

4935. Are you at all prepared to state where you think the line should be drawn dividing the two countries, which you think should be treated on these different principles?—Yes.

4936. Where would you draw the line?—I would draw the line from the northern point of Lake Winnipeg, from Norway House along by the southern branch of the Saskatchewan to the Rocky Mountains.

4937. Putting all questions of right and charter for the present out of consideration, do you think that it would be expedient that the territory to the north of that line should be for the present managed by the Hudson's Bay Company?—I think so.

4938. Would you leave them the exclusive right of trade within those limits?—I think that it is a very hard matter to give the exclusive right of trade to anybody. I think that their own power and settlement in the country would prevent anything like competition in that quarter, or much competition.

4939. Do you think that there is nothing inherent in the nature of their trade which renders it necessarily exclusive, if it is to be conducted at all?—I do not think so. I know that even small traders made their way up from Canada 30 or 40 years ago; right up to the Saskatchewan; to the Slave Lake even.

4940. But if you allowed either small traders, or a company, to interfere with the Hudson's Bay Company's management of the Indians, under that system should you not be apprehensive that spirits would be introduced there?—It is impossible; there is a key to the country, so that it would be an impossibility to introduce spirits into the country. There is a key which would lock up the entire country, and prevent anything like spirits being brought into it.

4941. To what do you allude?—I would allude to the point at Norway House. I would allude to another point where there could be a Government Commissioner to prevent it, either at Norway House or at Fort William. With regard to the Americans, the same rule applies now as would apply at any other time, because the Americans may come at present; you cannot exclude them. But with regard to the Americans it is quite different. I have travelled a good deal through the entire Minnesota territory, and you never see or hear of spirits among them; it is impossible. In their licence to trade they are so very particular that they even search the carts, when they are going out, to see that no

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spirits shall go. I think I have here a copy of their licence to trade, which will show you that it is to that effect.

4942. What do you exactly mean by saying that you think that the territory to the north of the line which you have drawn should be still left in the management of the Hudson's Bay Company?—I suppose that I would allow them that for compensation for giving up the remainder.

4943. What advantages do you give them at all if you only say that they may trade there as well as anybody else; what do you mean by saying that you would give them the country in any sense, if you say that they may go there, but that anybody else may go there too?—I would permit them to have a licence; but I would not permit them to have an exclusive right to the country.

4944. Then no licence of course would be necessary for that; is it not so?—I do not know; I do not know that their charter is so very valid as that.

4945. Mr. *Christy*.] Do you think that if the trade was entirely thrown open the Hudson's Bay Company would, for a long period to come, have almost the exclusive control of it?—I should think so, by the position which they are in.

4946. You think that from their position, from the establishment of their forts, from their general organisation, and from the knowledge of them possessed by the native population of the country, they would still have the largest share of the trade, and almost the exclusive trade, in that northern portion of country which you say might for a time be handed over to them?—Yes; I think they have facilities which no others have.

4947. If the trade was entirely thrown open, that is your opinion?—Yes; I think that from the position which they hold at present, they could maintain it; and it is only by competition, of course, that the Indians will receive anything like fair play.

4948. *Chairman*.] And you have no fear, as I understand you, that in the course of this competition spirits would be introduced, first of all by one party, and then in self defence, by the other, to the great injury of the Indians?—Not the slightest. The key at Fort William and Norway House would prevent that from our territory.

4949. Mr. *Christy*.] How far have you travelled in this country west?—To the mouth of the Yellowstone River.

4950. What is your general opinion with regard to that southern portion of the country of which you spoke?—I think it is a very fine country, fit for colonization.

4951. Mr. *Grogan*.] Yellowstone is in the States?—Yes, on the Missouri.

4952. Mr. *Christy*.] Have you formed any opinion as to whether there could be a better mode of communication, either by water or in any other manner, formed in that country from Lake Superior to the west?—I think that the old route which is at present pursued by the Hudson's Bay Company, and which was used by the North-west Company, could be very much improved.

4953. Viscount *Goderick*.] That is to say, the route by the Rainy Lake?—From the Lake of the Woods in that direction, and by Fort Alexander into Lake Winnipeg.

4954. Mr. *Edward Ellice*.] Have you ever been there yourself?—I have been more in the direction towards Red Lake.

4955. But have you ever been in the country of which you were speaking just now?—I have never been in the route from Fort William, except that I know the description of country. The principal portion of the country which I have travelled over, and which I know has been between St. Peter's and Lake Winnipeg, and then off again towards the Missouri, and that strip of country along the valley between the Saskatchewan and the 49th parallel.

4956. Mr. *Grogan*.] Have you travelled the route from the Red River Settlement to Lake Superior yourself?—Never that route.

4957. Mr. *Christy*.] Will you explain to the Committee in what way you think there might be an improvement made in the water route?—In getting over some of the portages.

4958. Are you aware whether the Company have done anything to improve them for a considerable length of time?—They have done nothing to improve them; it is not their object.

4959. But you think that they are capable of great improvement?—So I am  
led



led to believe from every opportunity that I have had of knowing; and I have of course been thrown into intimate communication with parties who have travelled that way often and continuously.

4960. Viscount *Goderich*.] Have you yourself been on the Saskatchewan River?—Never on the Saskatchewan; never so far to the northward.

4961. I understood you to say that you would leave the country round the northern branch of that river in the hands of the Hudson's Bay Company?—From that I would draw the line to the northward, and take the valley of the Saskatchewan.

4962. You took the southern branch, did you not?—I did.

4963. Then you would leave the northern branch of the river in the hands of the Company?—Yes; I mentioned the southern branch more as a boundary.

4964. Have you any reason to believe that the country in the neighbourhood of the northern branch of the river is not suited for cultivation and settlement?—Yes, I believe it is suited for cultivation and settlement between the northern and the southern branch.

4965. But you do not know anything of that country from your own knowledge?—Not from any personal knowledge.

4966. Mr. *Christy*.] While you were at the Red River Settlement what means had the settlers of knowing the regulations of the Company?—By proclamations, those that have been read.

4967. Proclamation, such as we have had before us to-day, was the means of communication with the settlers by the council?—Yes.

4968. And the only means?—The only means.

4969. Was the trade in the Red River Settlement like that of the Indian country, one exclusively of barter?—No, they had a paper currency.

4970. Will you describe of what sort it was?—They had a currency of a most peculiar character: the bills were from shillings to a pound; they were at 60 days after date, if I am not mistaken, and were payable on the coast nearly 800 miles from Red River, or in London; the fact of the matter is, that in one or two instances the Hudson's Bay Company threatened to withdraw these notes from circulation.

4971. Was that in times of excitement?—In the times of excitement.

4972. With a view to putting down the excitement which existed?—With a view to preventing trafficking in furs and trading.

4973. Was there an objection raised to that currency which was employed in the settlement?—A very great objection on that very account, that bills of exchange had been refused to several of the parties who had been trading in furs, and also a premium of 5 per cent. had been placed on bills of exchange upon goods going to the United States.

4974. You have spoken of some circumstances connected with Mr. Thom, the recorder, were there any complaints of the administration of justice when you were in that settlement?—Where an action lay between the Company and the settlers, of course there was want of faith that that administration would be effective, and the people very naturally were afraid to bring any actions or disputes, or anything like it.

4975. Was that during the time that Mr. Thom was recorder?—Yes.

4976. Was there a general dissatisfaction with Mr. Thom during the time that he was recorder?—So general that it was rather feared that he would receive some rough treatment from the people.

4977. Did he continue recorder of the court, and continue to exercise his functions as recorder of the court during the whole time that you were in the settlement?—No, for a portion of the time; a person was imprisoned for trading in furs, there was a trial about it, and the excitement was very great indeed.

4978. He ceased to be recorder at a certain period?—He ceased to be recorder, and I think he was clerk in his own court afterwards, if I remember rightly.

4979. Do you know why he ceased to be recorder of the court?—On account of the feeling of dislike which was abroad in the settlement against him.

4980. Do you suppose that that feeling of dislike, which we have heard of several times, and which has been described as a complaint of the administration. 24—Sess. 2.

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tion of justice, arose from an improper administration of justice on the part of Mr. Thom?—It arose from those proclamations, which they attributed to him solely.

4981. Mr. *Edward Ellice.*] Not to the Company?—Of course to the Company, too; but they attributed them in a great measure to him; they imagined that if there had been no lawyer in the settlement, they would have got along far better.

4982. Mr. *Christy.*] I think that you have before said, that there was no organisation in the settlement, except that of the council from whom these proclamations proceeded, consequently the authority of the Company was exercised by that council?—Yes.

4983. Mr. *Edward Ellice.*] But the people thought that they could get on much better if there was no lawyer in the settlement?—In a serious case of life and death there were no means of defence for the prisoner, and on the merest circumstantial evidence he might be convicted.

4984. Mr. *Christy.*] Have you any knowledge of any particular case in which Mr. Thom became unpopular from the course which he pursued?—I think, from the very time that I went there, he was generally unpopular.

4985. I want to know whether it occurs to your mind that there was any particular case in which he exercised his judicial authority in a way which was considered one of partiality or injustice?—It is very hard for me to answer that question.

4986. *Chairman.*] You can say whether you do or not know any particular case?—I do; I know his own case, where he was summoned for a debt, and he denied that he could be tried in his own court. That in a measure might help to bring him into popular dislike. I do not like to introduce personal things like that.

4987. Mr. *Grogan.*] Is that the case to which you have already alluded?—It is.

4988. Mr. *Christy.*] Was he consulted by persons in the colony in reference to their case before he adjudicated upon it?—I cannot speak of my own knowledge.

4989. Was it notorious; you can speak from what was said?—I have heard that such was the case.

4990. During the time that you were in the colony?—Yes.

4991. *Chairman.*] But you do not know it?—I do not know it of my own knowledge.

4992. Mr. *Christy.*] Have you mixed much with the half-breed race in the settlement?—A great deal.

4993. What is your opinion of them?—Do you mean physically or intellectually?

4994. In any way that you choose to give the information to the Committee?—I think that physically they would be an improvement upon the breed in this country.

4995. We will go to their honesty, respectability, and general intellectual character?—I think that intellectually they are not inferior to the whites; they have risen, in fact, in a much greater ratio than the whites in Red River. I can refer to many of them in this country and in Canada who are in different professions as engineers and as doctors, and in different other situations in life, and I cannot point to a single white man's son in Red River who has done the same. I think that is a sufficient test.

4996. Would you entertain any apprehension, in the event of the country being thrown open, of the half-breed race disappearing?—Not the slightest. I rather think that they would leave the others in the shade; that they would have the preponderance; that they would intermix—

4997. Can you tell us how they are regarded in the United States?—The half-breeds in the United States are equal with the whites in every possible way, and about St. Peter's, they hold very good positions and are the principal merchants there. There is a reservation of land always given to them by the Government.

4998. Mr. *Charles Fitzwilliam.*] Are those Red River half-breeds or United States half-breeds?—I was speaking of the Red River half-breeds; at present I have been speaking about those at St. Peter's.

4999. Are those at St. Peter's American half-breeds or Red River half-breeds?—At St. Peter's they are American half-breeds.

5000. Mr. *Christy*.] Have you any knowledge of the amount of the exports of the country?—If I might judge from one of their minutes of council, it states that in 1836 or 1837 their entire outfit was 25,000 *l*. for the annual supply of the country; and if I might refer to Captain Herd's evidence on Tuesday, it states that the amount received from the country in one vessel was not equal in bulk to the cargo which went to supply the country. I think that that may be a pretty fair test to show the quantity which goes there. I can give a statement for several consecutive years of the profits of the Company.

5001. With reference to what was given in evidence by Captain Herd, who said that he thought that tallow did not form an item in the export of the country, because he understood that it was all required at the Red River Settlement, what is your opinion with regard to that article as a product of the country?—It is an article a great deal of which could be got if there was an opening for the export of it; but the Hudson's Bay Company have thrown cold water on it from the very commencement. I have a document with regard to this tallow which I would wish to read: "Mr. M'Dermot and Mr. Sinclair determined to ship a quantity of tallow, provided the freight would admit of a profit, and accordingly applied to Mr. Finlayson on the subject, who informed them 8 *l*. would be the lowest possible price." That is the freight per ton. "Aware of the jealousy of the Company in that country, they at the same time applied privately to London, and received for answer,"—(I give them all credit in London for being more humane, and wishing to advance the interests of the colony more than I do the resident portion of the Company)—"that they (the Company) were very glad to find the people of Red River were thinking of such a thing, and would be very happy to encourage them in any manner.' At the same time they placed the freight at 2 *l*. per ton." They then took advantage of this offer, and they shipped tallow and tongues to York Factory, for the purpose of getting them out to England. They found to their astonishment that the tallow had not gone that year, the Company making an excuse that there was no room in their ship. The same thing occurred (a most extraordinary thing) the second year, and they found that it was just done to throw cold water upon it; and the consequence was, that they had to sell their tallow and tongues to the Company at the price which they chose to give them for them. This destroyed the tallow and tongue trade, besides hides.

5002. I understand you to say that the tallow which was sent to York Fort in the expectation that it would be shipped to London in the Company's ships at 2 *l*. a ton, remained until the following year?—Yes.

5003. And the same occurred in the year succeeding that?—Yes.

5004. What was the amount charged?—The Company in Hudson's Bay charged 8 *l*., but the Company in London remitted it to 2 *l*., but however, they could never take advantage of that very liberal offer.

5005. In consequence of the price being so high as 8 *l*., it did not enter into the intention of the settlers at Red River to go into the trade?—The freight would have been rather high.

5006. But when it became known that the Company in London were willing to reduce the freight to 2 *l*., they then entered into the trade?—They then entered into the traffic, and sent down their supplies which they would have carried out.

5007. Mr. *Grogan*.] What might be the quantity of tallow on this transaction, how many packages, or tons, or cets?—I cannot speak from my own knowledge at this time of the exact amount; it is now 8 or 10 years since; it is impossible for me to remember.

5008. Mr. *Christy*.] Do you think that the trade of the Red River Settlement could be carried on through a route which was more expeditious than that of the Company's ships, and by Hudson's Bay?—I think from Canada; I do not conceive any difficulty at all in opening a way with Canada, especially now as the settlements are up to the Saulte St. Mary. I might mention, to show you how the Americans are working their way up in that direction, that I was the first person with seven others who cut that entire route through the woods from the Mississippi and from Crow Wing River, right through, that is the route that is now used; and when I arrived at the Otter Tail Lake, the great majority of the Indians had never seen a horse before; they were called the Pillagers among the

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woods; they lived there, and now there is a settlement actually at the Otter Tail Lake.

5009. Mr. *Grogan*.] What may be the price of land which the American Government charge to settlers there?—A dollar and a quarter an acre.

5010. For the fee of it?—For the fee of it.

5011. What may be the price of land in the Red River?—Twelve shillings and sixpence, I suppose, on account of there being no market for the produce.

5012. You have spoken of a settlement being established on the Otter Tail Lake, and you describe it as in the heart of the woods; what outlet would there be for their produce there?—A connecting link by water from the Otter Tail Lake right into the Mississippi.

5013. If the facilities of water communication were afforded to the Red River, have you any doubt that the settlement would then go on as fast in that district as on the American side of the 49th degree?—I have no doubt, not from personal observation, but from the statements of others, that from Saulte St. Mary it would very soon fill up, if free grants of land were given for a time in a certain portion of the country.

5014. Have you been to Saulte St. Mary yourself?—No, I have never been there.

5015. You mentioned to us, some time ago, something about the authorities in the Red River refusing to post and despatch letters unless they were delivered to them open and sealed in their presence?—Yes.

5016. Have you ever known any instance in which letters were opened by them?—No; I only know that some letters which I sent never reached their destination.

5017. They might have been lost on the route?—They might have been lost on the route; I know that the letters were brought up open to the fort for the perusal of the Company at that time when the proclamation was issued.

5018. Did you ever know of any instances in which letters had been opened by them?—Never.

5019. You spoke of the administration of civil justice by Mr. Thom, the recorder there; did he administer criminal justice also?—Criminal as well as civil.

5020. What might be the nature of the criminal justice; was it little petty offences, and things of that kind?—There was an Indian hung while I was there.

5021. Under order of the recorder of the place?—Yes, he passed sentence.

5022. What was the offence?—Some Sioux came there to pay a visit, the grandfather of this Indian had been killed by the Sioux, and of course he considered, as all the Chippewas, and the Crees, and the Assiniboines do, that he was not under the jurisdiction of the Company, he retaliated in the mode that they do in Indian warfare, and shot this Sioux, the same ball killing a Chippewan.

5023. And he was hung for that offence?—Yes.

5024. That is the only instance within your knowledge in which capital punishment was inflicted there?—The only one that I know from personal knowledge.

5025. Mr. *Christy*.] Do you know that the Company are bound under an Act of Parliament to send all cases of capital punishment to be tried in Canada?—Yes, I am aware that they are bound in the sum of 5,000 £, I think.

5026. Do you suppose that that is known in the Red River Settlement?—Perfectly well.

5027. Mr. *Grogan*.] How is it, then, that the colonists resident on the spot did not remonstrate against this execution?—It is impossible for them to remonstrate there; they are too much under the control of the Company; the Company would stop the supplies.

5028. Mr. *Grogan*.] Was this man tried by a jury?—He was tried by a jury, without any defence.

5029. Mr. *Edward Ellice*.] There is no doubt that he shot the man?—The principal witness, Sayer, had first of all given in charge another Indian; certainly, if the man had had counsel it might have been different.

5030. Mr. *Grogan*.] You spoke of an import duty on goods brought into the colony: was this duty impartially and universally levied on all goods?—There was a distinction between American and English goods.

5031. What