

condition of the Hudson's Bay Company on the eastern side is the same as it is on the western side?—To be sure. That opinion must be qualified. A company which has been in possession for 200 years of the whole of that country, and which has done its duty to the public, would have some claim upon the consideration of the public even if its charter was declared illegal.

5870. That is to say, that wrongful possession for 200 years ought to be paid for?—When you talk of a "wrongful possession," the word "wrongful" would be used against the opinion of every lawyer of eminence ever consulted upon the subject.

5871. I started with the supposition that the charter was proved to be illegal?—Yes.

5872. I want to know your opinion, supposing it to be illegal, what would be the condition of the Hudson's Bay Company on the eastern side of the Rocky Mountains, as compared with the western side?—The same absolutely, with the qualification which I have stated, of the consideration which the Hudson's Bay Company ought to have for their long possession of that country upon equitable grounds.

5873. You dropped a phrase which rather startled my ear, about Vancouver's Island; you talked about compensation?—Yes.

5874. Compensation for what?—It is no compensation; the Hudson's Bay Company accepted the grant of Vancouver's Island upon the condition that if they were required to surrender it again, the money which they laid out *bonâ fide* should be repaid to them by the public; there is no other compensation.

5875. I suppose that that was to be money laid out beneficially, not merely money spent?—Laid out to promote the colonisation and improvement of the island.

5876. And if it should be proved, that so far from promoting the colonisation of the island, they have thrown every obstacle in the way of colonisation, then they ought not to have any compensation?—I do not say that. This is proceeding upon an hypothesis. As far as my information goes, they have done everything which they ought to do.

5877. The hypothesis may be erroneous, but I want to know what the conclusion is?—I can give no opinion upon an hypothesis which I believe to be erroneous in every one of its details.

5878. Is that the rule which you invariably pursue?—It is the rule which I adopt generally.

5879. Do you not take an hypothesis and argue upon it?—If it is a reasonable hypothesis, in my opinion, certainly.

5880. In your opinion, then, it is not reasonable to suppose that there has been any difficulty thrown in the way of colonisation by the Hudson's Bay Company with regard to Vancouver's Island?—I know of no difficulties that ever have been thrown in the way, and I think I know as much of the question as most people can. I speak with impartiality, because I think that the Hudson's Bay Company ought not to have accepted the grant.

5881. I think you stated that the Hudson's Bay Company was more a Canadian than an English Company?—Yes.

5882. What did you mean exactly by that?—I meant that, upon the union of the companies, the whole of the Canadian interest had been transferred to and incorporated with the Hudson's Bay Company; that so far, it was the Canadian trade, in fact, which was incorporated with that of the Hudson's Bay Company.

5883. I think you also stated that, at the time at which you went to Canada, all the leading people of Canada were engaged in the fur trade?—Yes; I will tell you their names; they are of great eminence.

5884. They did not include any of the seigneurs of the country?—I beg your pardon; Mr. Monteur, a seigneur of the country, was one of the partners of the North-West Company.

5885. The great body of the seigneurs had nothing to do with that trade?—The great body of the seigneurs in Canada never had anything to do with trade at all.

5886. Then you meant merely the trading community?—I meant all the English and Scotch people who established themselves in Canada, and established trade there (for there was no trade before), after the treaty of 1763; it has remained in their hands ever since.

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5887. You referred to the Act passed in 1821: do you know that by the fifth section of the Act, the powers of the Canadian judicatures were extended over the Hudson's Bay Company's territories?—They were not extended over the Hudson's Bay Company's territories at all; you will find that they are excepted.

5888. Then if I read from this book the following words, this book is erroneous: "And be it declared and enacted that the said Act passed in the 43d year of the reign of his late Majesty, intituled, An Act for extending the jurisdiction of the courts of justice in the provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces, and all the clauses and provisos therein contained, shall be deemed and construed, and it is and they are hereby respectively declared to extend to and over and to be in full force in and through all the territories heretofore granted to the Company of Adventurers of England trading to Hudson's Bay, anything in any Act or Acts of Parliament, or this Act, or in any grant or charter to the contrary notwithstanding"—That provided, that if the Government of Canada themselves appointed magistrates they might exercise that jurisdiction; and it was purposely inserted in the Act that if a complaint should be made to the government, either of England or of Canada, which they thought sufficiently grounded, that the Hudson's Bay Company neglected in any way to administer justice, the Crown should have the power of appointing justices under that clause, and the Crown has never yet appointed a justice. I beg pardon; in order that I may be perfectly correct, I wish to state that the Crown has appointed justices, at the recommendation of the Hudson's Bay Company, in the parts of the country under the licence which are without the territories of the Hudson's Bay Company, but it never has granted a commission within the territories of the Hudson's Bay Company.

5889. Is that the gloss which you put upon these words, "An Act for extending the jurisdiction of the courts of justice in the provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces; and all the clauses and provisos therein contained shall be deemed and construed, and it is and they are hereby respectively declared to extend to and over, and to be in full force in and through all the territories heretofore granted to the Company of Adventurers of England trading to Hudson's Bay"?—I put no gloss upon it at all. I admit the clause to mean literally what it expresses. But that only gave to the Crown and the Canadian authorities power to appoint justices to bring parties within the jurisdiction of the courts in England or Canada, which power they never have exercised by the appointment of any justice. I put in those clauses myself, in order that the Crown or Canada might have the power of appointing justices under it; but it has never appointed any, therefore the clause is inoperative.

5890. Therefore your interpretation of the Act is, that the powers of the judicature of Canada are not extended over those territories, because the Crown has not appointed special justices for those territories?—It has taken no means of exercising the powers of judicature.

5891. That does not say one word about the powers of judicature?—The answer to that question is, that the power has never been exercised by anybody.

5892. Lord John Russell.] It is stated in the preamble of that Act, "Whereas doubts have been entertained whether the provisions of an Act passed in the 43d year of the reign of his late Majesty King George the Third, intituled, An Act for extending the jurisdiction of the courts of justice in the provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces, extended to the territories granted by charter to the said Governor and Company, and it is expedient that such doubts should be removed, and that the said Act should be further extended"—Yes.

5893. Therefore that was the purpose?—It was for the purpose of doing that; and I remember that I suggested at the time, "Take every power you can to ensure that; to the extent of such means as you may be able to employ, justice shall be administered to your satisfaction."

5894. Mr. Christy.] With reference to that matter, did not you consider that

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the Company entered into an obligation to send all criminal cases, and those civil cases involving an amount above 200 *l.*, to be tried in the Courts of Canada?—I believe it was, whenever they were required to do so by the Crown; I forget the exact words, but it was intended that that obligation should exist whenever the Secretary of State, I think, should require it; the Act of Parliament speaks for itself.

5895. Mr. Rosebuck.] You stated, I think, that the sum derived as profit by the Company for 17 years, amounted to something more than 60,000 *l.*?—Yes.

5896. You stated also that the annual interest of the capital of the Company was 12½ per cent.?—Yes; that the profits of the fur trade were 65,000 *l.*

5897. How do you make those two statements agree, taking half a million to be the nominal stock of the Company?—There would be some difficulty in arriving at that conclusion; but the fact is, the Hudson's Bay Company make other profits upon their trade, and they make interest upon their capital.

5898. Then the statement that they have made only 65,000 *l.* in 17 years, does not represent the actual state of facts as regards the Company?—I beg your pardon, it represents precisely the fact.

5899. Then how do you make it agree with the statement that they divide amongst the shareholders 12½ per cent.?—I tell you that the 65,000 *l.* is the net profit which they derived from the fur trade, not from their trade generally; they have beyond that the interest of money; the Hudson's Bay Company are a large trading establishment, and they employ even more capital than the 500,000 *l.*; they have certain deposits of money in their hands. This Committee does not inquire into the details of the profits of the Hudson's Bay Company; as far as the fur trade is concerned which is connected with the government of the country, and the licence, I tell you exactly the facts; but I do not suppose you intend to inquire into all the details of the affairs of the Hudson's Bay Company; everything that the Committee require with a view to the government or connexion of the Company with the fur trade shall be fully and fairly before them.

5900. I believe that the nominal stock was from time to time raised?—Not the nominal stock; the real stock was raised.

5901. You used the word "nominal" yourself?—It does not necessarily follow that if a railway company has a stock of a million of money, it may not owe another million of money, or that part of its capital may not be borrowed money; the stock upon which the dividend is made, and which is the Hudson's Bay Company's stock, is 500,000 *l.*

5902. When you started it was not that, and you nominally increased it; we will say, for the purpose of taking some figures, that it was 300,000 *l.*, and then you declared it to be 500,000 *l.*?—I beg your pardon. I stated distinctly that at the time of the union of the companies it was 400,000 *l.*, and that it was subsequently increased to 500,000 *l.*, partly by money which had not been divided, which was added to stock, and partly from money actually paid.

5903. You stated also, that the competition between the North-West Company and the Hudson's Bay Company (I use that phrase for the purpose of brevity), led to a great use of spirits among the Indians?—Yes.

5904. And that one of the great benefits which you supposed to have been derived from the union of the two Companies was concentrating power in the hands of certain parties, which enabled them to prevent the use of spirits?—Yes.

5905. In your opinion, is it possible to regulate the morality of any body of people by law?—That is a very wide question. I should certainly say not; but still, when you have to deal with poor people like the Indians, whose passions may be excited easily by the use of spirits, or by the use of any other stimulant, I think it is your duty, as far as you can, to prevent those consequences.

5906. You would give powers to people, which powers would prevent colonisation, in order to prevent the introduction of spirits?—I would give no power to anybody of any description to prevent colonisation.

5907. Therefore, I conclude from your statement now that if there be any powers in the hands of the Hudson's Bay Company which really militate against colonisation, they ought to be taken away?—Certainly, provided you can effect colonisation by any other means.

5908. And if we are told that there are means of communication between

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Lake Superior and the Red River, in your opinion we are misled?—No, I did not say that; there are means of communication, because people travel that way, and trade has been conducted that way perpetually; but the question is whether those means are facile means, or whether the means of communication from Lake Superior are equally easy with the means of communication from Minnesota and the adjoining American territory.

5909. I think you also seemed to lean to the opinion that, unless there was some outlet for their produce, there would be no incitement to colonisation?—That has been the case in America. I do not say that if a great community was established in any place, they might not exist without any outlet to their produce; but that implies a very advanced state of society. I do not think that any part of America would have been cultivated or settled unless they could have had a market for their surplus produce.

5910. What do you say to the territory of Utah?—You talk of moral rules for society. The territory of Utah is held together upon extraordinary principles, and has been principally maintained by immense sums of money which misguided emigrants have carried to Utah.

5911. You believe, then, that Minnesota has been colonised and peopled, because the intervening territory between it and the more civilised parts of the United States has become peopled?—I should think it is because the intervening parts have become peopled, or because there are great facilities of communication between Minnesota and civilised places adjacent.

5912. Will you tell me what those means of communication are?—I believe there is either a railroad actually in existence, or it is expected that there will be a railroad.

5913. An expected railroad is no means of communication?—But an American works in anticipation of all possible events.

5914. Why should not that same principle extend to the Red River?—Because you come to Minnesota from the south. You must come to the Red River from the north, and the means of communication are excessively difficult.

5915. Lake Superior is not to the north of the Red River?—I think the Lake of the Woods is to the north of the Red River. You must come by a communication which is in every respect difficult.

5916. I suppose you know that there is a complete communication now between the Atlantic Ocean and Lake Superior?—Yes.

5917. I mean by steam?—Yes.

5918. So that it is very easy to sail from London to Lake Superior?—I have no doubt of it.

5919. Therefore the only difficulty which arises in our communication with the Red River would really arise between the shores of Lake Superior and the Red River?—But there has never been any difficulty in communication with Lake Superior; that has always been a facile communication. If there have not been steam-boats, there have been other vessels upon Lake Superior as long as I can recollect.

5920. But surely, the communication between the Atlantic and Lake Superior was very difficult 20 years ago?—Not very difficult. We had the same difficulties in the rapids of the Sault St. Mary; the communication between Lake Erie and Lake Superior was difficult; all that has been improved with time, and it has been improved as the country has been civilised and settled. I do not know when you may expect (at least I do not dream of it) the country between Lake Superior and Red River to be settled, and you cannot have good communications through any country in which there are not settlements.

5921. Then your belief is, that the hope of settling the Red River is illusory, and that in our time we shall not see it fulfilled?—I think it perfectly illusory, unless it should be settled by settlements pushing up from the southward, and going across the plain from the States.

5922. I think you said that the Hudson's Bay Company was the last remaining proprietary company?—Yes.

5923. And you mentioned that there had been a great number of proprietary colonies in the United States?—Yes.

5924. Did not every one of those colonies, as proprietary colonies, break down?—No, I think not. I forget the exact history. I think the proprietor of Massachusetts established a free government, and made terms respecting it. I think Lord Baltimore did the same in Carolina, and Mr. Penn in Pennsylvania.

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The proprietor, according to English notions and fashions, thought that the government was beyond his control, and he interested the people in it, and I believe behaved with great liberality and justice.

5925. In every one of those proprietary colonies, was not there an application made to the Crown for a charter?—Of course there was; they could not hold them without a charter.

5926. I mean afterwards?—I have not the least doubt that the proprietors came to some arrangement on the subject.

5927. Then the government of the colony was the result in fact of the Crown's interference?—Either the Crown's interference or the proprietor's interference; I think you deprive some of those proprietors of due credit for their desire to extend the institutions in the country which belonged to them.

5928. I know that Lord Baltimore was a very benevolent and humane man, but surely the Crown was required to interfere and give power to the colonists to govern themselves?—It is a long time since I have looked to the history of those proprietary governments, but I think you will find that the proprietors had at least as much merit as the Crown in whatever ultimate arrangement took place for the government of these countries.

5929. You said also that the Government of the Hudson's Bay Company had not been found fault with?—I said that it had been less found fault with than in any other colony under the Crown since the union with the Canadian companies in 1821 or 1822.

5930. Are you at all aware that that petition is now before the Canadian House of Assembly (*handing a Paper to the Right honourable Member*)?—I know of no colony from which you have not a hundred petitions, and I dare say you will have a petition from this settlement; I do not mean by my answer to say that the Government of the Hudson's Bay Company has been perfect; all governments are subject to imperfections, and I dare say the Hudson's Bay Company have committed faults like others. But what I said was this: that in all questions which have been referred to the Colonial Office, where the Colonial Office have, either through independent officers or other means, instituted inquiries with respect to the grounds of those complaints which have been made, the Hudson's Bay Company have been informed by the Colonial Office that the complaints generally have been without foundation.

5931. Cannot we assume it to be the fact that a fur company has interests in direct opposition to the colonisation of the country?—I do not think that we can assume anything as a fact. My opinion is that a fur company have very little to do with colonisation, and that the Hudson's Bay Company would have done much better if they had never had anything to do with colonisation; and, in fact, the Hudson's Bay Company never voluntarily undertook colonisation on the Red River, where they believed it to be impracticable. They sold to Lord Selkirk that country, or they granted it to him, and he first established the colony; and when they re-possessed themselves of it, they did it because they thought it at the time inexpedient that there should be no different interests from their own at the Red River, and because Lord Selkirk, in fact, wished to get rid of it. The Hudson's Bay Company, as I have stated to the Committee, have not been backward in establishing colonies upon the western side of the Rocky Mountains, where they had means of conveying the produce of the lands which they cultivated to a reasonable market.

5932. Have they established any colony in the British territory west of the Rocky Mountains?—They established it upon what they supposed at the time was British territory, namely, in Oregon, which was only taken from them by the treaty of 1846; and when it was taken from them, as I have stated to the Committee, provision was made that they should still continue to enjoy those possessory rights which they then held.

5933. The British territory on the west of the Rocky Mountains is quite as well provided with means of transit as the American territory?—The capital of the Hudson's Bay Company is not sufficient to make colonisation everywhere; it is a limited capital. The Honourable Member has never heard from me an opinion that if you can establish a colony successfully anywhere, you should allow the Hudson's Bay Company for one instant to possess that country for the purposes of the fur trade.

5934. Mr. Charles Fitzwilliam.] You have stated that the Hudson's Bay Company established a colony in Oregon, upon what they supposed to be

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British territory; was not the Columbia River generally supposed to be the boundary?—Certainly.

5935. Did not Dr. McLoughlin establish his colony in the Willamet Valley?—Dr. McLoughlin was rather an amphibious and independent personage; he was a very able man, and I believe a very good man; but he had a fancy that he would like to have interests in both countries, both in America and in the English territory; and I am sure I do not know now what has become of him, except that he has left the Hudson's Bay Company's service. I wish to say nothing against Dr. McLoughlin, who I believe to have been a very intelligent and very enterprising man; and certainly while he remained with the Hudson's Bay Company he was an excellent servant of the Hudson's Bay Company.

5936. Mr. Roebuck.] While speaking of the conduct of the Company, you stated, amongst other things, that the moment any servant became too intimate in his relations with the Indians, he was removed: what did you mean by that; did you mean to allude to the fact that when any servant of the Company acquired feelings of commiseration or sympathy with the Indians, he was removed?—On the contrary, the servant would be most prized who, by proper means and humane attention, and attempts to civilise the Indians, established an influence with the Indians.

5937. In your opinion, is it for the benefit of the country, taken as a country, that there should be any monopoly of trade in the hands of the Hudson's Bay Company, with regard to their territory?—If you were to allow competition to take place again in the trade of the north west territories, the competition might last eight or ten years, and the trade would be utterly destroyed; and the Indians would be reduced to a state of want and starvation of which one can give no description.

5938. You stated also, that in America, south of the British line, the trade in fur had almost entirely disappeared?—Yes.

5939. Is not that in consequence of the increase of civilisation in those parts?—Certainly; the march of civilisation naturally puts an end to it.

5940. Therefore, if the same phenomenon were to occur north of that line, you might assume that it was occasioned by the same cause, namely, the increase of civilisation?—Certainly.

5941. Reverse that proposition. If colonisation has not reached across the boundary, is it not in consequence of the maintenance of the fur trade?—I think it will be very difficult to make out that proposition. I do not admit it.

5942. But the fact of the maintenance of the fur trade would prevent anything like colonisation?—Certainly not; the existence of the fur trade prevents colonisation in no respect; there is no reason why colonisation and the fur trade may not go on together.

5943. Is that in accordance with what you have just stated, that wherever civilisation comes the fur trade disappears?—To a certain extent, in the immediate neighbourhood where the land is cultivated, the animal will disappear, and of course the trade will disappear with the animal.

5944. Does not the animal retreat to a very great distance from all colonisation: does not the animal get frightened?—Certainly, and the trader retreats with him.

5945. Mr. J. H. Garvey.] Is it not considered that the cold climate is favourable to the quality of the fur?—Certainly; the best fur comes from the coldest climate.

5946. Therefore the best climate for the production of fur is the worst climate for the production of agricultural produce?—Certainly.

5947. Mr. Roebuck.] But the American territory was a fine hunting country once, was not it?—All that prairie country which is now established; as I said before, I remember 500,000 or a million of deer skins coming into Canada from it.

5948. Therefore the statement that the worse the country the better the hunting ground is not quite accurate?—Yes; these statements are both correct; there were different kinds of animals; the deer and the animal inhabiting the plains was not of the same value for its skin or its peltry as the beaver, or the otter, or the marten, which is found in the north; the greater quantity of the one in the plain may have made up for the smaller quantity of the more valuable fur in the northern region.

5949. In the American territory, when it was a fur-bearing territory, was not there a large quantity of beaver?—Yes: there was a large quantity of beaver very far south in the Mississippi at one time, but it is all destroyed; but that beaver was not so valuable as the beaver in the north, or the otter either.

5950. Mr. *Christy*.] I will just ask you a question with reference to one point put by Mr. *Rorbeck*, as respects the communication with the Red River; you are aware of what is termed the direct route, perhaps?—That is the old route by which the Canadian fur traders went by Lake Winnipeg and the Lake of the Woods.

5951. Are you aware that that has fallen very much into disuse by its getting out of repair?—Yes; there never was a regular road there; in the old time the greater part of the distance was never travelled by a cart or by a horse; it was travelled in canoes. Those canoes came to what were called portages, over which the men carried the loads of the canoes on their backs; there never was any other road.

5952. I do not want to dwell on this subject, but Colonel *Crofton* gave in evidence that he would have no difficulty in marching troops by that route?—I have no doubt of it; if Canadian voyagers can take heavy loads of goods in canoes, troops can march easily.

5953. Are you aware that Canada has lately voted the sum of 5,000*l.* for improving and opening that route?—I am very glad to hear it.

5954. I have a paper which has come to my knowledge for the first time since I have been in this Committee, which prints the statement that Canada has voted 5,000 *l.* for that purpose?—I am quite sure that if Canada intends to open that route, Canada will have every assistance and cordial co-operation on the part of the Hudson's Bay Company in that undertaking.

5955. For the purpose of more clearly expressing the questions which I intended to put to you this morning, I have written them, and I will preface them merely by saying that if there are any which are of too personal a nature, I hope you will not attribute them to any improper motive on my part?—There can be none of too personal a nature.

5956. I would also say that I think it essential to institute rather a close examination into the capital of the Company?—This Committee has nothing to do with the capital of the Company.

5957. In reference to the question which I have previously put, I believe you never were in the country of the Red River?—No; but I have been in constant communication with every man who has been across that route from Canada.

5958. The whole of the information which you have given to the Committee this morning is based upon the information which you have derived from various sources?—I beg your pardon, it is given from my own personal knowledge; with respect to whether a country which I have never seen is fit for colonisation, that is not given from personal knowledge, but it is given from statistical information.

5959. And not from any personal knowledge as far as having travelled in any part of this country?—I have travelled in no part of it; I have not travelled beyond Lake Superior.

5960. Then you cannot inform the Committee whether you think that the 5,000*l.* which has been voted by Canada would be a sufficient sum for improving and opening that route?—I can, as far as opinion goes. It would go a very little way. Labour is very dear in that country, and the track being partly rock and partly swamp, if a road is to be formed it will be a very difficult undertaking, and I should think that 5,000*l.* would not go far in establishing a communication, that is to say, which a horse could travel.

5961. I believe you were at one time one of the principal partners of the North-West Company before its junction with the Hudson's Bay Company?—Yes.

5962. I therefore presume that you are well acquainted with the constitution and history of both companies?—Yes.

5963. Are you aware that in 1749 the affairs of the Hudson's Bay Company were brought before a Committee of the House of Commons, and much interesting evidence obtained of the nature and extent of their trade and business operations at that period?—I am not aware of it; but it is a matter of history, I suppose.

5964. The report I have here, which gives a very detailed account of the constitution

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constitution of the Company at that time; referring to that report I wish to draw your attention to the statement which appears of the amount and successive augmentations of the Company's stock up to that time?—The evidence which I have given before this Committee has reference only to the time when I was connected with the Company, which was in 1821, when the Canadian companies and the Hudson's Bay Company united, and formed a very different Company from anything that had ever been known before under the title of the Hudson's Bay Company. Nothing that previously took place in the affairs of the Hudson's Bay Company can at all have reference to what has been the conduct, or the management of the Company, for the last 40 years.

5965. I think you are acquainted with the constitution of both Companies?—Perfectly.

5966. As it is a matter given to the House of Commons, and therefore is a public matter, I wish to draw your attention to the statements of the successive augmentations which are given in the report to which I have referred?—But that is, how many years ago?

5967. One hundred years ago?—Surely what took place 100 years ago has very little to do with what we are discussing now, namely, the state of the Hudson's Bay Company.

5968. Excuse me, it is the only information which has ever been given to Parliament, or which has ever been made public, by which the public have been able to obtain any information of the proceedings of this Company?—It is all printed for the benefit of the public; the public can refer to it; I have never even read it.

5969. It appears that in 1676, by the books of the Company, their stock was 10,500*l.*; in 1690 the same was trebled, not by subscription, but by the creation of nominal stock, and declared to be 31,500*l.*; in 1720 the stock was again trebled in the same way, and declared to be 94,500*l.*; a subscription was then taken for 3,150*l.* by each person subscribing 100*l.*, and being accredited with 300*l.* It appears to have become trebled also as before, and the amount carried out is 9,450*l.*, making the total capital, as declared on the 23rd of December 1720, 103,950*l.*, only 13,150*l.* of which was actually paid up. The question which I wish to ask is, whether you can give to the Committee any information regarding the profits of the Company at that period, which enabled them to perform these remarkable augmentations?—I can give to the Committee no information upon that subject; but having ascertained the stock of the Company was about 103,000*l.*, I myself offered Sir Richard Neave, who was then governor of the Company, 103,000*l.* Navy 5*l.* per cent. for the whole Hudson's Bay Company about the year 1804. I did it in order to purchase the Hudson's Bay Company for the Canadian companies at the time, and that transaction only was not carried into effect because part of the stock was found to be the property of infants, and other persons incapable of giving a title, or making a transfer, and which would have made it necessary for the parties to go to the Court of Chancery for powers, and I did not at that time want that this transaction should be published.

5970. In the Parliamentary Papers which were printed in 1842, I find a letter from the governor of the Hudson's Bay Company to the Committee of the Privy Council for Trade, in which Sir John Pelly writes to Lord Glenelg on the occasion of his applying for the renewal of the Company's licence in 1838, in which he states that from 60 to 70 per cent. was annually divided among the shareholders?—If Sir John Pelly stated that, he stated that which was not the fact; there must be some mistake.

5971. Mr. *Edward Elliot*. That refers to 1690?—It is more than 100 years ago. There is one thing which occurs to me with respect to this question of profit altogether. If the profit of the Hudson's Bay Company was very much diminished, the Company itself would cease to exist, because the shareholder really does not get more profit for the investment of his capital than any common trader who invests his capital in business in England; and the people who conduct the trade in the interior, where they live probably for six months in the year without tasting bread or an esculent vegetable of any kind, are but poorly paid with the share of the profit which they derive for their labour; and if the profit was to be so diminished as not to give to these men a sufficient temptation in the way of remuneration to remain in the country, the country would become completely disorganised. It is a question entirely of profit whether you can maintain either the Hudson's Bay Company or their servants.

servants. If there is not an adequate profit to maintain them, the thing must of necessity decline and be destroyed.

5972. *Mr. Christy.*] My question went more to the capital than to the actual profit which had been divided?—If you ask anything about capital, from the time that I knew anything about the Hudson's Bay Company, I am quite willing to answer it.

5973. I was wishing to bring down the tradition, as I may say, based upon the only facts which are at my disposal, of the history of this Company from 100 years ago until the present time; in the same document I observed that on the junction of the North-West and Hudson's Bay Companies, the capital stock of the united associations was declared at 400,000 *l.*?—It was 400,000 *l.* actually paid either in the inventories of stock at the different posts, or in money.

5974. It appears to be made up in this way; a call was made upon the shareholders of the Hudson's Bay Company, augmenting their stock to 200,000 *l.*?—Yes.

5975. While the North-West Company contributed a similar sum?—Yes.

5976. Are you aware how that amount was made up?—It was made up, as the question itself states, by the Hudson's Bay Company contributing money to make up the deficiency in their inventories at the time; the capital was composed, for instance, of the inventories of goods at the posts in the interior; there was a great trading capital, some of it took two years to bring the accounts of the stock at the different places; there was the remnant of the furs on hand; there were the goods on hand at the various posts, but the whole was either money or money's worth.

5977. Was the additional 100,000 *l.* contributed by the Hudson's Bay Company actually paid up?—It was actually paid up, because we began the concern with 400,000 *l.*, and therefore it must have been found somehow or other; I believe that it was paid in hard money.

5978. Then it was not nominal capital?—No.

5979. It had not increased nominally as previously?—No; it was actual money or goods; one of the two.

5980. I find by a statement recently laid officially before this Committee, that the present stock of the Company is 500,000 *l.*?—Yes.

5981. How was the additional 100,000 *l.* added to the 400,000 *l.*?—It was in a great measure by undivided profits; that is to say, by money which would have been divided as a bonus; it was supposed that the Company wanted more capital, and instead of dividing the whole profit to the shareholders, the Company only divided 10 per cent. and put the remaining money in stock.

5982. They have increased their capital of 400,000 *l.* by adding profits of 100,000 *l.* to it?—By adding money, whether it was the profits which they had realised or not; the capital of the stock is 500,000 *l.* money capital.

5983. What is the value of the stock, is it 100 *l.* stock?—It is 100 *l.* stock; its value is about 200 *l.*; it pays annually a 10 per cent. dividend, and occasionally there has been a five per cent. bonus.

5984. Can you state to the Committee how much of the present stock of the Company has been paid up?—The whole has been paid up.

5985. In the same statement which has been laid before this Committee, I observe an item of 84,111 *l.* paid to Lord Selkirk for the Red River Settlement?—That is the money actually paid to Lord Selkirk, with interest added to it. The Honourable Gentleman is aware that when merchants make a purchase they open an account, and they debit to that account the money which the estate cost them, and they add the interest, and deduct any revenue or receipt which they have had from it since; and the 84,000 *l.* is the balance of such an account.

5986. In 1836, as you have already stated to the Committee?—Yes.

5987. *Chairman.*] Deducting your profits?—Yes. I am afraid there are no profits; it is the accumulation of interest.

5988. *Mr. Christy.*] The 84,000 *l.* is a moneyed sum due to Lord Selkirk?—It is that money, and interest outstanding upon their books.

5989. May I ask you out of what funds could the money be paid?—Out of our capital or profits. We have a great deal of money which is not in our capital stock; we are depositaries for large sums of money belonging to the people in the interior. Any company of this description has larger transactions than the immediate amount of its capital.

5990. Would that be in the light of borrowed money?—It is deposit money. Bankers,

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Bankers, and other people trading as companies, receive money upon deposit, and probably allow a lower interest than they get for it. We have large transactions beyond the fur trade.

5991. Mr. J. H. Garney.] The Hudson's Bay Company are in fact the bankers for the whole of that district, are they not?—They are bankers for all; it is a facility for their servants. For instance, when the profits are divided, they credit a man's account with the profit, and they allow him interest upon the balance.

5992. Mr. Christy.] I have before me a pamphlet which has been published, known by the name McGillivray's Book, being "A Narrative of Occurrences in the Indian Countries of North America, since the connection of the Right Honourable the Earl of Selkirk with the Hudson's Bay Company." I find at page 65 of that pamphlet, the following passage:—"From Lord Selkirk's acquisition of the majority of votes, the Hudson's Bay Company may be said to centre in one individual. The Governor and Court are merely his agents, and the remaining proprietors, bound by the sense of the majority, can make no opposition. Without intending the slightest imputation to the directors, they can have only the option of resignation in the event of difference of opinion with his Lordship, and the re-election of their successors must depend solely upon his decision. In this manner his Lordship has acquired the immense tract of land before stated, and no attempt till the present one has ever been before made to take advantage of the supposed territorial rights under this charter. We humbly conceive, therefore, that before a title can be secured by length of possession, it ought to be made the subject of inquiry by His Majesty's Government, and directions given to the Attorney-general to eject his Lordship from the occupancy of the land in question, at the suit of the Crown, to whom it can alone belong." That was on the 29th of May 1815?—I am not sure that I am not the author of that libel upon the Hudson's Bay Company; it is either Mr. McGillivray or myself. I have written many things as violent as that against the Hudson's Bay Company, and I suppose that parties who are engaged in a violent contest one with the other, write a great many things which it would be very difficult to reduce to proof.

5993. I think you are quite right; it is signed by "M'Tavish, Fraser & Company," and "Ingis, Ellice & Company"?—I told the Committee before that I had taken every opinion for and against the Company.

5994. Therefore I believe that when you were connected with the North-West Company you denied, in common with other members of that association, the legality of the sub-monopoly granted by the Hudson's Bay Company to Lord Selkirk?—We disputed the rights of Lord Selkirk connected with his grant of land. I do not know that there was any sub-monopoly given to him. Lord Selkirk warned us off as poachers. There were different proclamations made, that we had no right to kill an animal upon his land. Rights connected with the possession of land in Great Britain were assumed to be those which Lord Selkirk could enforce at the time, and we were at actual war with one another, and of course we denied every right which they had. But it is not because we have denied those abuses of the rights of property that we may not now maintain the rights of possession which we have acquired.

5995. You have since asserted them, and found it to your interest, I suppose, to maintain them?—It is not a question of interest at all; it is a question of law. We may have been wrong in our law then, and we may be right in our law now.

5996. However, you took counsel's opinion upon the point, and you wrote, I believe, yourself a book upon the subject?—I did so.

5997. I have not it with me, though I have had the honour of reading that book in former years?—That is 41 years ago.

5998. May I ask whether your opinions are changed, or whether they remain the same with respect to that grant to Lord Selkirk as they were at the time you wrote?—They remain a good deal the same. The Hudson's Bay Company at that time gave to Lord Selkirk a great part of what is now the state of Minnesota. They gave Lord Selkirk not only what is within their own territories, but a great deal of that which is within the American territories, and Lord Selkirk's representatives are at this moment at issue with the United States government, claiming compensation for that which the Hudson's Bay Company over granted. If the Honourable Member means to ask me whether

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I entertain all the opinions which I asserted as *ex parte* opinions upon one side of the case 40 years ago, I should be very sorry to bind myself to them.

5999. I will put a question based upon a deduction; do you not consider that supposing the Company in the first instance made an illegal grant to Lord Selkirk, any claim to compensation would fail if that illegality can be shown?—The United Company, which consisted of the very persons who objected to the grant to Lord Selkirk, as well as the members of the old Company, must have entertained a better view of the title upon re-examination, since they repurchased the territory.

6000. But that might involve other considerations. I think you stated other considerations, namely, that there were separate interests; that it interfered with the Company's trade?—Yes, but we should not have received a legal re-conveyance of the land from Lord Selkirk, which we have done, if we had not supposed that there had been some title to it.

6001. Have you extinguished the Indian title to the land of this settlement?—We are getting into a question about Indian title, which is very difficult altogether. The English Government never extinguished the Indian title in Canada when they took possession; the Americans, while they have been extending their possessions, have extinguished the Indian title, but in Canada there has never been any treaty with the Indians to extinguish the title; the Crown, retaining certain reserves for the Indians, has always insisted upon the right to occupy the lands, and to grant the lands.

6002. Do you know the amount of the compensation made by Lord Selkirk to the Indians?—No. I never heard that he made any, and I am inclined to think that he would have made none, except that he wanted at that time to keep the Indians at peace; he may have given them some wampum. A bottle of rum used to be a very good consideration to the Indians for any given tract of land in those days.

6003. Are you aware whether the rights of Lord Selkirk were under any treaty?—I am not aware of that.

6004. There has been some objection to state the amount of stock standing in the names of the various shareholders; I asked for a return of the names of the shareholders, and the amount of stock which they held; I thought that it was not an unusual return to ask for?—Very unusual.

6005. The return, I believe, has been given to the Colonial Office in the form of names embodied in a pamphlet, but there has been no return of the stock standing individually in those names?—I should think the House of Commons would be very unwilling to inquire into the private affairs of individuals, excepting upon some public grounds. I have never been aware that a Committee of the House of Commons has undertaken that. The Hudson's Bay Company is like any other trading company. Any inquiry which is necessary for public objects the House of Commons I suppose would authorise; but as to going into the private affairs of individuals it is quite unusual.

6006. I believe the House of Commons frequently requires a list of shareholders, with the stock standing in their names?—Yes; whenever a Company applies to Parliament for any privilege, or for any capital, it is so; but it is not so when you do not go to Parliament for anything, and the Hudson's Bay Company do not apply to Parliament for anything that I know of.

6007. I think that the object of this Committee is in consequence of an application to Parliament to assist the Hudson's Bay Company to extend the term of their licence?—That is not an application to Parliament at all, and I do not believe it to be of any great consequence to the Company whether the licence is re-granted to them or not. Some of their traders in the interior rather think that the licence might be dispensed with. If the Crown do not think it of importance to re-grant the licence (and the Crown ought not to re-grant the licence unless they do think it of importance to the good government and peace of the country), if they choose to refuse it, the Hudson's Bay Company cannot complain.

6008. *Chairman.*] You are speaking of the country beyond the limits of the charter?—Yes; we ask for nothing within the limits of the charter. The licence is granted to us as a Company beyond the limits of the charter of the Hudson's Bay Company.

6009. *Mr. Christy.*] Then you think it an improper question to ask for the

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amount of stock standing in the names of the shareholders?—It is unusual; I do not know whether it is improper.

6010. May I ask you upon what authority the Company hold courts of record at the Red River Settlement?—Under the powers granted by their charter.

6011. I see in the letter to which I have referred, at page 25 of the Parliamentary Papers of 1842, which is signed by Sir John Pelly, that at that time when the Company were asking Parliament to give them powers, he alludes particularly in that letter to the courts of record under the Great Seal?—Yes.

6012. Subsequently to 1838, courts were established; are they under the Great Seal, or under what authority?—They are under the seal of the Company.

6013. Is the Great Seal the seal of the Company?—The seal of the Company. The charter is under the Great Seal of the Crown, from which they derive their authority.

6014. I think I asked you before as to the obligation of the Company to send criminal cases and civil cases above 200*l.* to be tried in the Court in Canada; may I ask you again whether you understand the reference in those grants and in the Act of Parliament to compel the Company not to adjudicate on such causes, but to send them to Canada under a penalty of 5,000*l.*?—Sending them to Canada depends, I believe (I have not looked at the Act lately), upon the requisition of the authorities in this country so to send them. There is nothing imperative in the Act of Parliament requiring the Company to send for adjudication anything within their own territories. I take all the provisions of the Act to relate to territories beyond their own boundaries. I have not looked at the Act lately. As far as I recollect, those are the terms of the Act.

6015. When you were connected with the North-West Company, you were chiefly instrumental, I believe, in obtaining that Act of the 43d of George 3d?—No.

6016. In the grant of the renewal of the charter in 1838, were not express stipulations entered into with reference to cases of this nature?—There never was a re-grant of the charter that I am aware of; there was a re-grant of the licence. There was no stipulation entered into then at all. The same conditions were implied which were implied at the original grant of the licence, and a new one was added; the right of establishing colonies within the Indian territories over which the licence was given.

6017. I think it applies to both licensed and chartered territories distinctly, as I understand it, and, I believe, as many other persons understand it too; but I understand you to take a different view, namely, that it only applies to licensed territories?—So far as I recollect the terms of the Act, excepting simply the provision which Mr. Roebuck read to me, and which enabled the Government to constitute justices within the territory, overriding all the rights of the Hudson's Bay Company, all the other provisions of that Act refer to the territories without the limits of the Hudson's Bay Company.

6018. If the trade was thrown open, would not the Company, by means of their forts and establishments over the whole of the hunting districts, together with the long friendship which has existed between them and the Indians, be enabled to retain the great bulk of the trade against any probable competition which might arise?—I have no doubt that whether the licence is granted to them or not, the Hudson's Bay Company can prevent any other trade with the Indians; and not only that, but if you were to destroy the Hudson's Bay Company, their servants now in the interior, in possession of the trade, and having intimate relations with the interior, would carry on that trade against any competition from Canada, or against any competition from elsewhere; and even if it was necessary, and if the attempt was made to deprive them of what are, in short, their sole means of existence, they would find means, either by communication with America or somewhere else, to carry on the trade, and exclude every other party.

6019. Did not the North-West Company practically enjoy a monopoly of the fur trade, although no exclusive rights were granted them?—No; the original North-West Company soon split into two, in consequence of a difference about interests; then the two Companies were in active competition against each other, as well as in competition against the Hudson's Bay Company, and it was

very

very uncertain for a long time which of them lost most money; none of them gained money.

6020. Can you inform us of the money value sold in London of the furs imported from the United States?—I cannot; and I do not think it has much reference to the inquiry before this Committee: I know nothing about it.

6021. I think you informed the Committee that the trade in furs in the United States territory, and the trade in the southern portion of the Hudson's Bay territory, was very nearly extinguished?—It is very nearly extinguished in the States by the advance of civilisation and settlement, and there is very little valuable trade left in the southern part of the Hudson's Bay Company's territories; the animals are extinguished by competition between the traders upon both sides of the line.

6022. By competition, and by the advance of civilisation, I understand that the fur trade has very much decreased; yet at the same time, I suppose you are aware that there is a very large importation sold annually in London from these districts of which we have been speaking?—There is a certain importation, but nothing in proportion to the importation which I recollect of furs from America; on the contrary, there is an exportation to America from this country of furs, which are imported here by the Hudson's Bay Company.

6023. Should you suppose that the importation from the United States amounted to 100,000*l.* a year?—I have known it amount to nearly a million; that consists of skins of various descriptions which we should scarcely call furs. There is a trade in furs which comes even now from South America: the skins of a few animals are collected in various places all over that vast continent, and I dare say they may come here, to the extent of 100,000*l.*; no doubt of it.

6024. I assume that the valueless nature of the trade in the southern district of the Hudson's Bay Company's territories, and we may say in the northern districts of the United States' territories, arises from competition, and from a higher price being given originally?—Not at all; it arises from the nature of the country, which is not a fur-bearing country; that part of the country is plain; there are buffaloes, and some wolves found there, always attendant upon herds of buffaloes, but there are no very valuable animals in that district; the trade in that country is chiefly of value to the Hudson's Bay Company for the supply of meat, which they obtain by killing buffaloes, and by trading with the Indians in buffaloes.

6025. The Hudson's Bay Company have posts established in Canada, I think?—Yes.

6026. Is it not the case that the furs collected at those posts do not afford much profit to the Company; I think you stated that some of them were a loss?—I did not say that with reference to the posts in Canada. I said it of the posts established upon the frontier between the United States and the Red River. I believe the Hudson's Bay Company would not carry on the posts in Canada unless they derived some profit from them; people are not apt to carry on business without the expectation of profit; the furs collected in the posts in Canada, which are let by the Government of Canada to the Hudson's Bay Company, are very valuable; they come from a country very far north.

6027. Would you see any objection to giving the tariff price which was paid to the Indians, as was given in 1749 to the House of Commons?—I see this objection, that you are entering unnecessarily into the details of the trade; those details when published may encourage other people to enter into competition with the Company. I do not see that there is any advantage to be gained to the public by that.

6028. Will you inform the Committee whether the Hudson's Bay Company have taken any step to prevent any portion of their territories, which are capable of settlement, from falling into the hands of any foreign state?—No foreign state is likely to wish to have possession of them; but I have no doubt they would take every precaution they could against the invasion of their territories, and they would take that most reasonable of all measures in such a contingency, they would make a representation to the Government of this country, that an English territory had been taken possession of by persons having no claim to it.

6029. Do you think that there is any apprehension at the present moment of such a settlement being made within what you consider to be the southern territories of the Hudson's Bay Company?—None in the lifetime of the youngest man now alive.

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6030. Were any steps taken with regard to the Oregon district at the time when Dr. McLaughlin took over into Oregon people who were said to be, and who were, I suppose, at that time, under the government or control of the Hudson's Bay Company, and who were handed over by him to the American Government; were any steps taken to prevent that at that time by the Hudson's Bay Company?—I have already told you that Dr. McLaughlin was rather a singular and independent man; he followed his own course. He went over with some of his people, but the Hudson's Bay Company did not think it for their interest to dispute with him. He may have taken some of the people over, and established himself in the district of the United States, and he probably has become a citizen of the United States. Surely the Government of this country, or of Hudson's Bay, could not prevent that if he was so inclined?

6031. But I think that at the time when people were so taken, they supposed they were going into a British settlement?—Very likely; then Dr. McLaughlin misled them, that is all.

6032. Mr. Loez.] We have heard of Governor Douglas, the Governor of Vancouver's Island; have you formed any opinion of that gentleman?—I believe he is an excellent Governor; the Colonial Office had a great opinion of him from all that I have heard.

6033. Supposing that we should found a colony on the Red River Settlement, can you give us any idea of the steps which would be required to be taken in order to do it, and the expense which would be incurred?—You must pass some Act of Parliament to constitute a Government there. I do not think it would be safe to have recourse to the power of the Crown, which every now and then is relied upon in founding these colonies. Then you must appoint a Governor and Judges, and you must appoint other officers of that Government. It would be rather an expensive affair, and I do not see from what possible source you could derive one shilling of revenue towards the expenses.

6034. Should we require a military force there?—There has been a military force once or twice, sent there at the desire of the Hudson's Bay Company, and latterly they have applied to the Government again. They were threatened with the invasion from Canada of some gentlemen coming in to look after the fur trade. They thought that that might excite some disturbance among the half breeds, and that it might extend easily across the line. There was further danger from disputes and threatened hostilities between the Americans and Indians. It would not be very advisable to leave that part of Her Majesty's dominions without protection under such circumstances. They have therefore lately applied to the Government to send out some troops, which the Government pay, and the Hudson's Bay Company feed.

6035. Would the colony require more or fewer troops than under the management of the Hudson's Bay Company?—It would necessarily require more; the instant that you establish the Queen's government anywhere you have the American government established opposite. I do not think it would be a very advisable experiment.

6036. You would have to place the settlers upon land?—Yes, and to maintain them until they could maintain themselves.

6037. Is there abundance of land sufficient to entice settlers?—I believe not. From all I have heard upon the subject, the alluvial soil collected upon the banks of the rivers is very good and very fit for cultivation; the moment you get upon the prairie it becomes marshy and very bad.

6038. Would you not require a road?—Certainly you would require communication with some other dependency of the Crown.

6039. You were asked what colonised Minnesota; was not it the Mississippi River?—It was the Mississippi River and the gradual extension of settlements up the Mississippi River.

6040. The Mississippi River does not extend near the Hudson's Bay Territory?—If it did, the Hudson's Bay Territories would very soon become American.

6041. When we have taken all these steps, can you mention any inducement which would make settlers go there?—I know of none while settlers can establish themselves on lands in America under very much more favourable circumstances; in this very country of Minnesota in Upper Canada, and in parts of Lower Canada, the country within the ken of good institutions is not one-tenth part peopled yet, and it is very difficult to settle wild countries, even in the best situations, without the advance of great capital.

6042. And

6042. And you do not see, I take it, any means of raising a revenue?—None.

6043. You do not see any means of exporting produce?—It is impossible to export from the Red River unless a railroad comes from the south. If a railroad come from Minnesota that would carry any produce from the Red River, but it is a dreadful navigation to Hudson's Bay, the only other means of export; and even if they got it to the shores of the bay, the season is so uncertain that very often the ship would leave the produce behind.

6044. Would not the trade of such a colony necessarily pass through the United States, whatever it was?—I think it must. I think a great number of attempts have been made in America to determine routes for political reasons, but they all end in the natural communication being followed.

6045-6. Supposing we have got over all these difficulties and formed the colony, what would be the fate of that colony in case of a war breaking out between this country and the United States?—You could send no success there; you could not maintain your troops. You have no means of maintaining a garrison, unless precautions are taken beforehand to import provisions through Hudson's Bay, or to obtain provisions in the interior. If there was any war between England and the United States the country would be entirely at the mercy of the different tribes of Indians upon the frontier, paid or bribed by either party to commit excesses one against the other.

6047. Mr. J. H. Gurney.] With reference to the stock, is any considerable portion of the Hudson's Bay Company's stock held in Canada?—I think not. I think the Hudson's Bay Company's stock held in Canada, which was a very large proportion of the whole stock, was sold in consequence of the failure of the parties in Canada who had been ruined by the trade. I saw a statement the other day that three-fourths, or certainly two-thirds of the stock, is now held by different people from those to whom it was apportioned in the division in 1821 or 1822.

6048. Mr. Grogan.] You have stated that some troops are going out to the Red River Settlement at present?—Yes.

6049. For the purpose of the preservation of peace, I presume?—Yes; to prevent any alarm about the half breeds; there have been disturbances in the adjoining territory between the Americans and the Indians; there have been such disturbances in Minnesota; the country has been threatened with war there lately, and we were alarmed that it might extend; the Indians, when once engaged, get to war with one another, and they are not over scrupulous as to whom they attack, and it was supposed to be better to be in a state of preparation against any contingency.

6050. Chairman.] I believe troops have been stationed there before?—Troops have been stationed there for the very same reason before; the country became quiet and the troops were withdrawn; apprehensions were entertained in consequence of this Indian warfare going on in the neighbouring state, and an application was made again for troops.

6051. Mr. Grogan.] When the Queen's troops were stationed there in the first instance, were not they sent there for the purpose of in some degree allaying the disturbance or excitement which prevailed in the colony in consequence of the half breeds entering into the trade in furs?—No, I think not especially for that; whenever any excitement takes place immediately upon that frontier it extends beyond it; some gentlemen are going in from Canada now, I believe, to endeavour to re-open the trade in furs; the first means which they will have recourse to in order to promote that trade will be to get some of those half breeds with them; the half breeds will again enlist some of the Indians; that may lead to disturbances upon the frontier which it is very desirable to have security against.

6052. Was it to guard against any apprehension of that sort that this provision of the troops was made?—Not on that account only, but from the danger which there always is on that frontier from any state of disturbance, from whatever reason, among the Indians.

6053. But apprehension in respect of Canadian traders was one of the reasons which induced the application for troops?—It was to guard against that contingency which I state.

6054. I believe you have heard that there is a good deal of agitation among the Canadian people now, with regard to their right to enter into the fur trade?

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—I do not believe there is any very great agitation on the part of the Canadian people; the Canadian public naturally take an interest in this inquiry, and there are of course parties seeking to profit by the abolition of the Company, if that should be the issue of it. There is, also, some idea that the legal claims of the Hudson's Bay Company have not been fully established before any of our courts here; and there is a general notion that a full inquiry should take place before any renewal of the licence.

6055. Is it within your knowledge that there have been meetings of the Canadians, with regard to getting up companies among themselves, or individual traders, to prosecute the fur trade in the country?—I have not the least doubt that at the bottom of the agitation in Canada is the expectation of certain people in Canada, that they may participate in the fur trade in the north-west country. But then I should think that the public in Canada and the Government in Canada would be the last persons to encourage that expectation; it would only involve the country in distraction, and could benefit nobody. It might create a disturbance which would be very prejudicial to the peace of the country. I am sure the Government of Canada cannot desire that.

6056. Can you see any objection to these parties embarking in the fur trade greater now than existed while you yourself were an authorised party with regard to the North-West Company?—Certainly not; but the difficulty was so great then that we were obliged to have recourse to the extreme measure of converting the whole concern into a monopoly to prevent the very grievous consequences which flowed from the competition of the trade.

6057. Did not the Hudson's Bay Company, at the time I am referring to, previous to the junction of the two Companies, claim as unlimited and extended a jurisdiction over Rupert's Land as they do now?—Yes, just the same.

6058. But you, as the opponent party, did not think that they were entitled to it?—We stated the best case we could against them; we were in the character of plaintiffs and defendants.

6059. In the Parliamentary Papers printed in 1849, there is an Act of Parliament for confirming to the Governor and Company of Hudson's Bay all privileges of trade. It was passed in the second year of the reign of William and Mary, in 1690, and there is a special provision at the end of it, that the Act is only to be in force for seven years; can you give any explanation how, after the expiration of the seven years, the Company still continued to possess those privileges?—No. I suppose that there was some disturbance created, either by the French or by other parties at the time, which made it supposed to be necessary that there should be some Parliamentary sanction given to the charter. The Act confirms everything in the charter for the seven years, but saves all the rights as they then existed.

6060. "Provided always, that this Act shall continue and be in force for the term of seven years, and from thence to the end of the next Session of Parliament, and no longer"?—Yes.

6061. That is a very curious provision to confer powers on a Company which are now supposed to continue?—But subsequently to that Act of King William, in every treaty and in every Act of Parliament which has been passed relative to that part of America, the rights and privileges of the Hudson's Bay Company have always been saved by the Crown and by Parliament. Therefore it could not be supposed that they did not exist.

6062. Is it your opinion, then, that the subsequent legislation or subsequent grants to the Company have given them a right to this territory, which under this Act they did not possess?—It does not say that they did not possess the rights under that Act; that Act only confirms them.

6063. That Act confirms them for a period of seven years only?—For a limited period; but it does not challenge them in any way.

6064. I understand that the Hudson's Bay Company claim the extended jurisdiction over Rupert's Land under their charter?—Yes.

6065. What was the reason, therefore, if that charter was good, that they found it necessary to apply to Parliament?—I really cannot tell; it is a great many years ago. But in all the subsequent treaties, and in all the subsequent Acts of Parliament which are passed relating to North America, you have the rights and privileges of the Hudson's Bay Company saved by Parliament and by the Crown. There must have been some rights and privileges to be saved, or they would not have been so saved.

6066. I do

6066. I do not see any saving clause in this Act; it conveys the powers absolutely, with the limit that they shall not extend beyond seven years?—That Act was passed in 1690. In 1708 an Act of Parliament was passed, in the 6th of Anne, in which it was declared that it shall be lawful for all her Majesty's subjects to trade to any part of America where they might not otherwise lawfully have traded before the passing of the Act. On the petition of the Company, supported before a Select Committee by counsel, a clause was added, providing that nothing in the Act should extend to take away or prejudice any of the estates, rights and privileges of the Hudson's Bay Company. Now that Act was passed in 1708, immediately following 1690. Then, in 1744, there are two Acts; then you come to 1803, when there is an Act; in 1818 there is an Act, and so you have gone on in all these Acts saving the rights of the Hudson's Bay Company.

6067. Are you aware that this Act was passed on a petition from the Hudson's Bay Company themselves, in order to exclude other people from the territories in question?—No; I am not aware at all of what the particular reasons were; but I believe there were some difficulties about seizures which the Hudson's Bay Company had made at the time, and which is a very difficult question.

6068. There was such a petition from the Hudson's Bay Company?—You will find that the prayer of that petition was granted by the provisions of the Act of Parliament.

6069. The prayer of the petition was for "confirming their privileges, and the better securing the said trade"?—All lawyers know that although a grant to trade may be very good, the difficulty is to enforce it.

6070. Mr. *Christy*.] In the event of a colony being established, which was independent of the Hudson's Bay Company in the southern part of their territories, and another in the western part of their territories, and the Company being left in possession of the northern part, would you not consider that if a Commissioner was appointed under the Crown, to whom all grievances might be addressed, it would be a very proper provision under such powers granted to the Company?—The Crown has now the power, under the Act establishing the right to grant the licence, to establish magistrates in any part of the territory it pleases for the administration of justice, and for the protection of all Her Majesty's subjects; no new power is required.

6071. I ask you whether it would be a very proper provision, provided the Company had the possession which I have suggested?—The provision exists in the Act of Parliament.

Mr. *Alexander Isbister*, called in; and further Examined.

6072. Mr. *Christy*.] THE Committee are bringing their examination to a close, and it will be necessary to condense the questions and answers as much as is practicable to meet the convenience of the Committee, who have a very short time to sit; I propose to ask you some questions in reference to the resources and capabilities of the territories with which you are acquainted, and upon which you have derived a great deal of information; I understand that you are desirous to communicate information relative to the resources and capabilities of the territory?—I shall be happy to do so.

6073. What opportunities have you had of acquiring information upon this subject?—I have travelled through the whole country from the frontiers of the United States to the Arctic Ocean in one direction, and from Russian America to Hudson's Bay in the other.

6074. Will you confine yourself as much as possible to the information which you have not already stated; have you published anything of a scientific character upon the minerals and products of the country?—I have written a geological account of that country, which has been published, with a coloured geological map, in the Quarterly Journal of the Geological Society for 1856, and a geographical memoir and survey of the country west of Mackenzie's River, which has been printed in the Journal of the Royal Geographical Society. I have likewise contributed several papers on the same or collateral subjects to the British Association for the Advancement of Science.

6075. Is that map which we have had exposed in the Committee, a copy of one which you laid before the Geological Society in 1855?—Yes; so far as the geological part of it is concerned.

Mr. A. Fabster.

23 June 1857.

6076. Do you think that there are any other sources of trade than that in furs, which might be opened up with that country?—Unquestionably there are; the charter expressly states that the objects for which it is granted are “the founding a trade in furs, minerals, and other considerable commodities;” amongst those commodities are expressly mentioned the whale fishing and the fishing of sturgeon and other fish.

6077. What information are you able to give with regard to the fisheries?—In the first place there is a very valuable fishery off the mouth of Mackenzie’s River, which has recently been opened up by the United States; there is a report from the secretary of the United States navy to the senate upon this fishery, to which reference has been made in the last address of Admiral Beechey to the Royal Geographical Society; I will make a reference to it to prove the value of the fishery.

6078. To what page do you refer?—Page 154. Speaking with reference to the Arctic expeditions which had been sent in search of Sir John Franklin, he says: “I need hardly remind you of the report from the secretary of the United States navy to the Senate, to the effect that in consequence of information derived from one of our Arctic expeditions to Behring Strait, a trade had sprung up in America by the capture of whales to the north of that strait, of more value to the States than all their commerce with what is called the east, and that in two years there had been added to the national wealth of America, from this source alone, more than 8,000,000 of dollars.”

6079. What is the nature of the access to Mackenzie’s River?—I think that the United States have opened up this access to us, and pointed the way to it. Behring’s Straits are, as every one knows, passable for ships of any burthen; and the sea off Mackenzie’s River is open for a great portion of the year; some theorists maintain that it is open during the whole of the year. Those who are familiar with the Arctic works recently published have heard something probably of the “Polynia” of the Russians, and this is the position in which it is supposed that this Polynia is. We know that the sea is open along the Siberian coast; Baron Wrangel has proved it; he could not get on for the open water. The fisheries of Mackenzie’s River itself are not at present very valuable, but they could of course be developed in connexion with the sea fisheries; there is, for instance, a very valuable salmon fishery there, and herrings are in the greatest abundance. As for the fisheries in the lakes and rivers, they may perhaps not be immediately available, but all those lakes are stored with very fine fish, and as salt is abundant, they may be mentioned among the resources which are available, or may be rendered available by-and-by. In Hudson’s Bay itself there are also very good facilities for the whale and seal fishery. It was stated the other day, I think, by one of the commanders of the Company’s ships, that he had seen no whales. I happen to have a book here containing an official Report laid before Parliament of the imports from Hudson’s Bay by the Hudson’s Bay Company for 10 years, from 1738 to 1748.

6080. Mr. Edward Ellice.] Of what date is that book?—The book itself is dated some time towards the end of the last century. It contains an extract from the Report of the Parliamentary Committee of 1749, in which it is stated that the Company imported in the year 1747 as many as 1,314 whale fins, which of course represented more than 600 whales.

6081. Did they come from Hudson’s Bay?—It is so stated here; there is also a considerable quantity of oil given in the Return as an ordinary article of import.

6082. Does it say whether they were black or white whales?—It does not say. I understand that the Hudson’s Bay Company, at that time, kept oil factories at Deptford. I speak, of course, under the correction of the Honourable Member. There is plenty of salmon also in the Hudson’s Straits. In Ungava Bay there is a very productive fishery, and all along that Labrador coast, cod, salmon, herring, caplin, and other fish are abundant.

6083. From what information do you derive these statements?—I have given the information.

6084. Out of a book?—A book of a character which is quite unimpeachable.

6085. What is it?—The address of Admiral Beechey.

6086. Do you know upon what authority Admiral Beechey has made these statements in the address to the Royal Geographical Society?—He makes the statement

statement upon the authority of a report of the secretary of the United States navy to the Senate.

6087. Then it is upon the evidence of an American citizen that these statements are made?—Yes.

6088. *Chairman.*] Are there any other points with reference to the resources of the territory of the Hudson's Bay Company to which you are desirous of calling the attention of the Committee?—I will divide the resources of those territories into three heads, the fisheries, the animal and vegetable products useful in commerce, and the minerals, and I will state to you the facts under each head, if you will allow me. The fisheries I have already touched upon. With reference to the animal products, every one is aware that there are great numbers of buffaloes, red deer, and wild horses covering the plains to the west, and from those an import trade in tallow and hides could be raised, just as we have it from Russia. With reference to the vegetable products, I think that whatever grows in Russia may be grown with benefit in Hudson's Bay.

6089. What do you mean by Russia?—All our raw produce which we receive from Russia, such as flax, hemp, and corn, could be raised with profit and advantage in portions of the territory around Hudson's Bay.

6090. Russia contains every variety of climate, from the Crimea to Archangel?—I allude to the northern part of Russia. Sarsaparilla grows wild over the Hudson's Bay country, and of a superior quality. We import 180,000 lbs. of it a year from Russia, the Honduras, and other parts. Why should we not take some of it from Hudson's Bay?—40,000 gallons of cranberries are annually imported from Russia; they grow all round the shores of Hudson's Bay. There is also a plant which is a very interesting one, although its history may be probably not of very great importance just now; that is the Labrador tea plant. It was formerly imported to this country by the Hudson's Bay Company under the name of *Weesuckapuka*; that is the Indian name. It is a tradition that the East India Company interfered with its importation; that the Chinese took such a great liking to it that they were somewhat jealous of it. It is only a tradition, but the fact is rather extraordinary, that at that time to which this Parliamentary Report refers, when the imports of the Company were so small, they should have imported eight hog-heads of this article into this country in one year, and sold it in the London market. The import was suddenly discontinued; from what cause nobody knows. With reference to the minerals, I shall preface what I have to say with the quotation of a sentence from Sir John Richardson. He says, speaking of these minerals, "It would be true economy in the Imperial Government, or in the Hudson's Bay Company, who are the virtual sovereigns of the vast territory which spreads northward from Lake Superior, to ascertain without delay the mineral treasures it contains. I have little doubt of many of the accessible districts abounding in metallic wealth of far greater value than all the returns which the fur trade can ever yield." The minerals have been already alluded to in a general way by Professor Tennant. The extract which I have read is from Sir John Richardson's last book, which I have here. I am not speaking merely of ores of which Mr. Tennant has given a description; but in the Mackenzie's River district there are many valuable minerals which he has not referred to. There are immense quantities of salt in a very pure state near Great Slave Lake, and a great abundance of mineral tar, which is useful, and is employed as tar, in fact, by the Hudson's Bay Company for their boats and river craft. The whole of the Mackenzie's River valley is, in fact, a mass of minerals, the banks of the river being composed of deep beds of bituminous shale associated with alum and beds of iron clay, the soil is actually plastic in parts with the transfusion of mineral tar; I have myself often driven a pole into one of the natural pits in which it occurs ten feet deep without finding any bottom. The river itself is of great depth; it would admit vessels of the largest class; there is not a single interruption in it from the Arctic Ocean down to the Great Slave Lake.

6091. Is there anything more which you wish to state upon that point?—There is abundance of iron ore along that country, and there are many other minerals besides.

6092. *Mr. Charles Fitzwilliam.*] Do you know of any other pass over the Rocky Mountains besides that which is followed by the Hudson's Bay Company in their expresses?—There are three passes; one through the Peace River, which

Mr. A. Ishier.

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which actually flows right through the mountains; there is one from the northern branch of the Saskatchewan, and one near the southern branch, which is the pass that was followed by Sir George Simpson when he went over.

6093. Could wheel carriages cross that southern pass?—They did so. There were a number of emigrants, amounting to about 200, who left Red River the very spring that I left it myself to come to England; they went across the country from Red River with their cattle and carts, and went right down to Fort Vancouver with all their property.

6094. Mr. J. H. Gurney.] Did they keep on British territory all the way?—I cannot speak positively on that point; I do not think that they themselves knew, or could know. There is just one other point which I would mention. I am anxious to lay before the Committee a petition which I have recently received from the Red River settlers, signed by some hundred names, which will be found appended to it.

6095. Chairman.] Is that a petition to the House of Commons?—It is a petition addressed to the Legislative Assembly in Canada, and sent here to me by a Member of that Assembly.

6096. Mr. Edward Ellice.] Is that the same petition which was put in by Mr. Roche?—I did not see that petition.

6097. When you say that it has been sent to you, by whom has it been sent to you?—By Mr. Macbeth, who presented the petition to the Legislative Assembly, and who is himself a native of the Red River Settlement.

6098. Will you have the goodness to hand it in?—(*The Witness delivered in the same.*)

Vide Appendix.

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A P P E N D I X.

SESSION I.

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EXTRACT from the Report from the Committee appointed to Inquire into the State and Condition of the Countries adjoining to *Hudson's Bay*, and of the Trade carried on there. 1749.

To the Right Honourable the Lords of a Committee of His Majesty's most Honourable Privy Council.

Appendix, No. 1.

May it please your Lordships,

It is humble obedience to your Lordships' Order in Council, bearing date the 4th of February last, representing that, by an Order in Council, bearing date the 26th day of January last, there was referred to your Lordships the humble petition of Arthur Dobbs, esq., and the rest of the committee appointed by the subscribers for finding out a passage to the Western and Southern Ocean of America, for themselves and the other adventurers; and that your Lordships, having taken the said petition into consideration, were pleased to refer the same to us, to consider thereof, and report our opinion thereupon to your Lordships.

Which petition sets forth, that the petitioners, in the year 1746, did, at their own costs and charges, fit out two ships upon an expedition in search of the north-west passage to the Western and Southern Ocean of America, in order to extend the trade, and increase the wealth and power of Great Britain, by finding out new countries and nations to trade with, as well in the great north-western continent of America, beyond Hudson's Bay, as in countries still farther distant, and hitherto unknown to the Europeans; and also to many large and populous islands in that great Western Ocean.

That the petitioners, by means of the said expedition, have made several discoveries of bays, inlets, and coasts, before unknown, and have a reasonable prospect of finding a passage to the Southern Ocean, by sea, although the discovery may not be perfected without repeated trials, upon account of the difficulties and danger of searching different unknown inlets and straits, and sailing through new seas, and of procuring men of resolution, capacity, and integrity, to pursue it effectually.

That the petitioners find that the reward of 20,000 L. given by Parliament, is not adequate to the expense the adventurers must be at to perfect the discovery, they having already expended above half that sum in their late expedition.

That the petitioners find that, upon a former attempt, his Majesty's predecessor King Charles the Second, as a suitable encouragement, granted a Royal Charter to the Governor and Company of Adventurers of England, trading to Hudson's Bay, making them a body corporate for ever, upon their petition, setting forth that they had, at their own proper costs and charges, made an expedition to discover a new passage into the South Sea, and for finding some trade of furs, mines, and other commodities; and gave them the sole property of all the lands they should discover, together with an exclusive trade to all the countries within Hudson's Straits, not in possession of any of his subjects, or of any other Christian power, with the royalties of mines, minerals, gems, and royal fish, to enable them to find out the passage, extend the trade, and to plant the countries they should discover, paying two skins and two black beavers, whenever and as often as his Majesty and his successors should enter their territories; granting to them the greatest privileges as lords proprietors, saving only their faith and allegiance to the Crown of Great Britain.

The petitioners beg leave to observe, that the said Company have not since effectually, or in earnest, searched for the said passage, but have rather endeavoured to conceal the same, and to obstruct the discovery thereof by others; nor have they made any new discovery either upon the coast, or in the inland countries adjoining to Hudson's Bay, since the grant of their charter; nor have they taken possession of or occupied any of the lands granted to them, or extended their trade into the inland parts of the adjoining continent; nor made any plantations or settlements, except four factories, and one small trading-house, in all which they have maintained, in time of peace, about 120 persons, servants to the Company; nor have they allowed any other of his Majesty's subjects to plant, settle, or trade in any of

Appendix, No. 1.

the countries adjoining to the Bay granted to them by their charter; yet have connived at or allowed the French to encroach, settle, and trade, within their limits on the south side of the Bay, to the great detriment and loss of Great Britain.

That the petitioners, being desirous to pursue the discovery of the passage to the Southern Ocean of America by land or by water, will engage not only to prosecute the same until it be thoroughly discovered as far as practicable, but also to settle and improve the land in all the countries on that northern continent, by making alliances with, and civilising the natives, and incorporating with them, and by that means lay a foundation for their becoming Christians, and industrious subjects of his Majesty; and also extend the British trade into the heart of that northern continent around the Bay, and into such countries as they may discover beyond it in the Western Ocean, and to use their utmost endeavours to prevent the French encroachments upon the British rights and trade in that continent.

In order therefore to enable the petitioners to prosecute and bring to perfection so valuable a discovery, and to civilise the natives and settle the lands without loss of time; and that the trade and settlement of such extensive countries may not be longer delayed, or perhaps for ever lost to his Majesty and his successors, by the encroachments of the French,—

The petitioners most humbly pray, that his Majesty would be graciously pleased to incorporate the petitioners and the other subscribers for finding out the said passage, or such of them and such other persons as they shall engage in the said undertaking, and their successors for ever, and grant to them the property of all the lands they shall discover, settle, and plant, in a limited time, in the northern continent of America adjoining to Hudson's Bay and Straits, not already occupied and settled by the present Company of Adventurers trading to Hudson's Bay, with the like privileges and royalties as were granted to the said Company; and that his Majesty would be pleased to grant unto the petitioners (during the infancy of their settlements) an exclusive trade, for such a term of years as may be granted to discoverers of new arts and trade, to all such countries into which they shall extend their trade by land or by water, not already granted by Act of Parliament to other companies, reserving to the present Company of Adventurers trading to Hudson's Bay all the forts, factories, and settlements they at present occupy and possess, with a reasonable district round each of their possessions and factories; or that his Majesty would be pleased to grant the petitioners such other relief and encouragement as to his Majesty in his great wisdom should seem meet.

We have taken the same into consideration, and have been attended by counsel both in behalf of the petitioners, and the Hudson's Bay Company, who oppose the petition, as it interferes with their charter.

The petitioners insisted on two general things: that the Company's charter was either void in its original creation, or became forfeited by the Company's conduct under it.

That the petitioners have, by their late attempts to discover the north-west passage and navigation in those parts, merited the favour petitioned for.

As to the first, the petitioners endeavoured to show, that the grant of the country and territories included in the Company's charter was void for the uncertainty of its extent, being bounded by no limits of mountains, rivers, seas, latitude or longitude, and that the grant of the exclusive trade within such limits as there were, was a monopoly, and void on that account.

With respect to both these, considering how long the Company have enjoyed and acted under this charter, without interruption or encroachment, we cannot think it advisable for his Majesty to make any express or implied declaration against the validity of it, till there has been some judgment of a court of justice to warrant it; and the rather, because, if the charter is void in either respect, there is nothing to hinder the petitioners from exercising the same trade which the Company now carries on; and the petitioners' own grant, if obtained, will itself be liable, in a great degree, to the same objection.

As to the supposed forfeiture of the Company's charter by nonuser or abuser, the charge upon that head is of several sorts, viz.: That they have not discovered, nor sufficiently attempted to discover, the north-west passage into the South Seas or Western Ocean:

That they have not extended their settlements through the limits of their charter:

That they have designedly confined their trade to a very narrow compass; and have for that purpose abused the Indians, neglected their own forts, ill-treated their own servants, and encouraged the French.

But on consideration of all the evidence laid before us, by many affidavits on both sides (herewith enclosed), we think these charges are either not sufficiently supported in point of fact, or in a great measure accounted for from the nature or circumstances of the case.

As to the petitioners' merit, it consists in the late attempts made to discover the same passage; which, however as yet unsuccessful in the main point, may probably be of use hereafter in that discovery, if it should ever be made, or in opening some trade or other, if any should hereafter be found practicable; and have certainly lost the petitioners considerable sums of money.

But

But as the grant proposed is not necessary in order to prosecute any future attempt of the like kind, and the charter of the Hudson's Bay Company does not prohibit the petitioners from the use of any of the ports, rivers, or seas included in their charter, or deprive them of the protection of the present settlements there, we humbly submit to your Lordships' consideration, whether it will be proper at present to grant a charter to the petitioners, which must necessarily break in upon that of the Hudson's Bay Company, and may occasion great confusion by the interfering interest of two companies setting up the same trade against each other in the same parts, and under like exclusive charters: All which is humbly submitted to your Lordships' consideration.

D. Ryder.
W. Murray.

10 August 1748.

(true copy.)

W. Sharpe.

Appendix, No. 1.

Appendix, No. 2.

PAPERS delivered in by Sir *George Simpson*, and referred to in his Evidence,
2 March 1857.

Appendix, No. 2.

(A.)

LAND DEED.

THIS INDENTURE, made the _____ day of _____ in the year of our Lord One thousand eight hundred and forty _____ between the Governor and Company of Adventurers of England, trading into Hudson's Bay, of the one part, and _____ of _____ of the other part.

WHEREAS the said _____ is desirous of becoming a settler upon the land hereinafter described or intended so to be, being certain part of a territory in North America, belonging to the said Governor and Company, and held under the Crown by charter. NOW THEREFORE, THIS INDENTURE WITNESSETH, That, in consideration of

and in consideration also of the covenants hereinafter contained on the part of the said _____ they, the said Governor and Company, do hereby grant, demise, and lease unto the said _____ his executors, administrators, and assigns, ALL THAT piece or parcel of land, being _____ of lot No. _____, as described at large in the official survey of Red River Settlement, and containing, more or less, _____ English acres,

Lot, No.

with the necessary appurtenances thereto, TO HAVE AND TO HOLD the said piece or parcel of land hereby demised or intended so to be, and every part thereof, with the appurtenances unto the said _____ his

Term, 1,000 years.

executors, administrators, and assigns, from the day next before the day of the date of these presents, and for and during and unto the full term of One thousand years, thence next ensuing: yielding and paying therefore yearly and every year, during the said term, and upon the Michaelmas day in each year, the rent or sum of one pepper-corn, the first payment whereof to be made upon the Twenty-ninth day of September next ensuing the date hereof. AND the said _____ for himself, his heirs, executors, and administrators, doth hereby covenant and agree with the said Governor and Company, in manner following, that is to say, that he the said _____ shall or will, within forty days from the date hereof, settle and establish himself or themselves and continue to reside upon the said hereby demised land, and shall or will, within five years from the date of these presents, bring or cause or procure to be brought into a state of cultivation one-tenth part of the said hereby demised land, and thenceforth continue the same in such state. AND that, during the said term, he the said _____

One-tenth of the land to be brought into cultivation within five years.

his executors, administrators, and assigns, shall not, directly or indirectly, mediately or immediately, violate or evade any of the chartered or licensed privileges of the said Governor and Company, or any restrictions on trading or dealing with Indians or others, which have been or may be imposed by the said Governor and Company, or by any other competent authority, or in any way enable any person or persons to violate or evade, or to persevere in violating or evading the same; and, in short, shall obey all such laws and regulations as within the said settlement now are, or hereafter may be, in force, for preventing the distillation of spirits, for preserving internal peace, for repelling foreign aggression, for making and repairing roads and bridges, and for encouraging and promoting general education and religious instruction. AND that he the said _____

Reservation of Indian trade, &c.

Distillation of spirits.

his executors, administrators, or assigns, shall or will from time to time, and at all times during the said term, contribute in a due proportion to the expenses of all public establishments, whether of an ecclesiastical, civil, military, or other nature, including therein the maintenance of the clergy, the building and endowment of schools which are or shall

Support of ecclesiastical, civil, and military establishments.

Appendix, No. 2.

or may be formed under the authority of the charter or charters heretofore referred to. AND also that he or they at proper seasons in every year, and in or towards the making and repairing of such roads and highways as lie within

miles from the said hereby demised premises, shall and will employ himself or themselves and his or their servants, horses, cattle, carts, and carriages, and other necessary things for that purpose, where and when required so to do by the surveyor or overseer for the time being, appointed for the making and amending public roads, bridges, and highways within such limits as aforesaid; such requisition, nevertheless, in point of time, not to exceed six days in each year computed day by day, and from Michaelmas to Michaelmas. And also that he the said

his executors, administrators, and assigns shall not, nor will, without the licence or consent of the said Governor and Company for that purpose first obtained, carry on or establish, or attempt to carry on or establish in any parts of North America, any trade or traffic in or relating to any kind of skins, furs, peltry, or dressed leather, nor in any manner directly or indirectly aid or abet any person or persons in carrying on such trade or traffic; nor shall nor will at any time or times during the said term distil, or cause or procure to be distilled, spirituous liquors of any nature or kind soever, either upon the land hereby demised, or within any other part of the territories belonging to the said Governor and Company in North America, nor during the said term, knowingly suffer or permit any other person or persons whomsoever to distil any such liquors upon the said demised land or any part thereof. And the said

for himself, his heirs, executors, and administrators, doth hereby further covenant with the said Governor and Company, and their successors, that he the said his executors, administrators, and assigns, will use his and their best endeavours to maintain the defence and internal peace of the territories of the said Governor and Company in North America, and shall and will be chargeable therewith according to such laws and regulations as are now in force in respect of the same territories, or as shall from time to time be made by competent authority; and also that he the said

his executors, administrators, or assigns, shall not nor will at any time or times during the said term, or by any direct or indirect, mediate or immediate manner, ways, or means, infringe or violate or set about or attempt to infringe or violate, or aid, assist, or abet or set about or attempt to aid, assist, or abet, or supply with spirituous liquors, trading goods, provisions, or other necessities, any person or persons whomsoever, corporate or incorporate, or any prince, power, potentate or state whatsoever, who shall infringe or violate or who shall set about or attempt to infringe or violate the exclusive rights, powers, privileges, and immunities of commerce, trade, and traffic, or all or any other of the exclusive rights, powers, privileges, and immunities, of or belonging or in anywise appertaining to, or held, used, or enjoyed by the said Governor and Company and their successors under their charter or charters, without the licence or consent of the said Governor and Company, and their successors for the time being, first had and obtained. AND LASTLY, that he the said

his executors, administrators, or assigns, shall not nor will, at any time during the said term, under-let, or assign, or otherwise alienate, or dispose, or part with, the actual possession of the said land hereby demised or any part thereof, for all or any part of the said term, or any interest derived under the same, without the consent in writing of the said Governor and Company for the time being first had and obtained. AND ALSO that he the said

his executors, administrators, or assigns, shall or will, within six calendar months from the date hereof, as to those presents, and within six calendar months from the date of each respective assignment or under-lease, to be made under or through these presents; and with respect to each such assignment and under-lease respectively, cause these presents and every such assignment or under-lease, when made, to be registered in the register of the said territories in North America, or of the district in which the said hereby demised land shall be situate, and wherever such register shall be kept at the time. PROVIDED ALWAYS, nevertheless, and it is hereby declared and agreed, that if the said

his executors, administrators, or assigns, shall not in all things well and truly observe and perform all and every the covenants and agreements hereto contained, on his and their behalf to be observed and performed, then, and in either of such cases, and either upon or after the first breach, or any subsequent breach or breaches of covenant, and as to any subsequent breach or breaches, notwithstanding there may have been any waiver or waivers, or supposed waiver or waivers thereof, by the acceptance of rent or otherwise, it shall or may be lawful to and for the said Governor and Company, and their successors or assigns, to enter into and upon the said hereby demised premises, or any part thereof, in the name of the whole thereof, and to have, hold, retain, and enjoy the same as in their former state, and also to put an end to, and determine the said term of one thousand years, or so much thereof as shall be then unexpired, and all and every person or persons then occupying the same premises, or claiming title thereto, to put out and remove, anything heretofore contained to the contrary notwithstanding. IS WITNESS whereof, the said parties to these presents have hereunto set their hands and seals, the day and year first above written, at Red River Settlement aforesaid.

Signed, sealed and delivered, in the presence of

(B.)

A STATISTICAL ACCOUNT of RED RIVER COLONY, taken on the 20th to the 24th of May 1856.

Year.	Number of Families.	Ages.								Religion.			Country.							
		Average, 6.46 per Family.	From 15 to 24.	From 25 to 34.	From 35 to 44.	From 45 to 54.	From 55 to 64.	From 65 to 74.	From 75 to 84.	From 85 to 94.	From 95 to 100.	Egyptians.	Presbyterians.	Catholics.	England.	Ireland.	Scotland.	Canada.	Norway.	Rupert's Land.
1856 - -	1,982	3	243	276	229	153	85	58	15	4	488	60	334	48	13	116	92	1	814	2
1849 - -	1,832	-	240	252	227	170	92	37	14	-	529	-	513	45	27	129	161	3	684	2
Increase -	150	3	3	24	-	-	-	21	1	4	-	60	21	-	-	-	-	-	132	-
Decrease -	-	-	-	-	7	17	7	-	-	-	51	-	-	6	14	53	69	2	-	-

Year.	Population.										Dwellings.			
	Men.		Women.		Sons.		Daughters.		Total.		Houses.	Stores.	Barns.	
	Married.	Un-married.	Married.	Un-married.	Above 16.	Under 16.	Above 15.	Under 15.	Male.	Female.				Total.
1856 - -	365	237	932	299	541	1,491	451	1,547	3,225	3,298	6,523	922	1,232	209
1849 - -	873	145	877	155	582	1,514	373	1,292	2,714	2,577	5,291	745	1,066	335
Increase -	113	92	315	363	139	167	28	265	511	721	1,232	177	166	64
Decrease -	92	-	-	-	-	-	-	-	-	-	-	-	-	-

Year.	Live Stock.								Implements.				
	Horses.	Mares.	Oxen.	Bulls.	Cows.	Calves.	Pigs.	Sheep.	Ploughs.	Harrows.	Carts.	Canons.	Boats.
1856 - -	1,363	1,295	2,726	290	3,593	2,644	4,674	2,429	585	720	2,043	322	55
1849 - -	1,095	999	2,097	155	2,147	1,613	1,265	3,095	492	574	1,919	428	40
Increase -	408	306	629	135	1,446	1,029	3,109	-	93	154	1,127	94	15
Decrease -	-	-	-	-	-	-	-	647	-	-	-	-	-

Year.	Land.	Machinery.						Public Buildings.				Loss of Animals during Winter, 1855 and 1856.							
		Cultivated at Two Bushes Wheat per Acre.	Wind Mills.	Water Mills.	Threshing Mills.	Reaping Machines.	Winnowing Machines.	Cooling Mill.	Chapels.	Schools.	Shops - Merchants.	God.	Houses.	Mans.	Oxen.	Cows.	Sheep.	Calves.	Pigs.
1856 - -	Acres.	16	9	8	2	6	1	9	17	56	1	16	5	21	16	43	57	-	28
1849 - -	6,202	18	1	-	-	-	-	7	12	-	1	-	-	-	-	-	-	-	-
Increase -	1,378	-	8	8	2	6	1	2	5	56	-	-	-	-	-	-	-	-	-
Decrease -	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

AVERAGE VALUE of the above Dwellings, Live Stock, Implements, and Machinery.

Houses.					Stables.		Barns.	
25 Houses, at 200l. each.	100 Houses, at 100l. each.	200 Houses, at 50l. each.	200 Houses, at 25l. each.	207 Houses, at 15l. each.	655 Stables, at 8l. each.	656 Stables, at 5l. each.	199 Barns, at 15l. each.	200 Barns, at 8l. each.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,250 - -	10,000 - -	10,000 - -	5,000 - -	4,764 - -	4,928 - -	3,080 - -	2,985 - -	1,600 - -

Live Stock.					Implements.					
2,799 Horses and Mares, at 8l. 10s. each.	3,036 Oxen and Bulls, at 4l. 10s. each.	3,203 Cows, at 17l. 10s. each.	3,614 Calves, at 1l. each.	4,674 Pigs, at 10s. 6d. each.	2,429 Sheep, at 12s. each.	585 Ploughs, at 11.10s. each.	720 Harrows, at 1s. each.	2,045 Carts, at 1l. each.	322 Casses, at 12s. each.	33 Bails, at 13s. each.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
23,791 10 -	13,572 - -	9,892 10 -	3,614 - -	2,453 17 -	1,457 8 -	2,632 10 -	182 10 -	2,045 - -	313 4 -	823 - -

Machinery.						Total Amount.				
16 Mills, at 500l. each.	9 Water- mills, at 150l. each.	6 Threshing Mills, at 60l. each.	2 Reaping Machines, at 30l. each.	4 Winnowing Machines, at 3l. each.	1 Carding Mch.	Dwellings.	Live Stock.	Implements.	Machinery.	GRAND TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,600 - -	1,350 - -	310 - -	60 - -	12 - -	33 - -	43,260 - -	32,901 5 -	3,998 4 -	3,377 - -	111,356 9 -

COURTS.

Quarterly General Courts, 1853-56.				Total.	Petty Local Courts.					
August.	November.	February.	May.		Petty Offences.					
				Number of Cases.	Treason.	Cases of Damage and Mis- demeanor.	Hay Ground Privilege.	Assault and Battery.	Defamation of Character.	Total Number of Cases.
No cases.	No cases.	One case.	No cases.	1	1	6	1	1	1	11

Petty Local Courts—continued.

Debt.											Total Amount of all the 24 Cases of Petty Courts for One Year.
From 1/ to 5/	From 5/ to 10/	From 10/ to 20/	From 20/ to 30/	From 30/ to 40/	From 40/ to 50/	From 50/ to 60/	From 60/ to 70/	From 70/ to 80/	From 80/ to 100/	Total Number of Cases.	
4	8	3	4	2	1	-	2	-	1	27	£. s. d. 16 13 6

District of Anstislois, 1 June 1856.

F. G. Johnson, Governor of Anstislois.

William E. Smith, Secretary.