

A
NARRATIVE
OF
OCCURRENCES
IN THE
INDIAN COUNTRIES OF NORTH AMERICA,
SINCE THE CONNEXION OF
THE RIGHT HON. THE EARL OF SELKIRK
WITH THE
HUDSON'S BAY COMPANY,
AND
HIS ATTEMPT TO ESTABLISH A COLONY ON THE RED RIVER,
WITH A DETAILED ACCOUNT
OF
HIS LORDSHIP'S MILITARY EXPEDITION TO, AND SUBSEQUENT
PROCEEDINGS AT FORT WILLIAM, IN UPPER CANADA.

LONDON:

PRINTED BY B. McMILLAN, BOW-STREET, COVENT-GARDEN,
Printer to His Royal Highness the Prince Regent.
SOLD BY T. EGERTON, WHITEHALL; NORNAVILLE AND
FELL, NEW BOND-STREET; AND J. RICHARDSON,
ROYAL EXCHANGE.

1817.

PREFACE.

AFTER the appearance of Lord Selkirk's Pamphlet, entitled, " A Sketch of the British Fur Trade in North America; with Observations relative to the North-West Company of Montreal," and some other Publications which issued from the press about the same time on the same subject, the Author of the following pages had proposed to reply to them; but Sir Alexander M'Kenzie, to whose authority Lord Selkirk so often appeals, and whom he so often misrepresents, was desirous of taking up the discussion; an intention, the execution of which, circumstances alone have hitherto delayed. Upon further consideration of the subsequent transactions in which Lord Selkirk was involved, and of the unfortunate occurrences in the Interior of the North-West Country, all of which must become the subject of examination in Courts of Justice in England, it was deemed unfair by the Representatives of the North-West Company, to publish an *ex parte* statement of evidence, which might influ-

ence public opinion before the merits of the case could be legally investigated.

After the notice, however, which had been taken of these transactions in the public prints and journals, particularly in the 31st Number of the Quarterly Review, in which the most offensive parts of Lord Selkirk's statements were republished, with remarks calculated to mislead the public mind, and to prejudge the merits of the questions at issue, it became impossible longer to defer submitting to the Public a faithful Narrative of the Proceedings of the Earl of Selkirk in North America; from which it will be seen, with what truth or justice he is entitled to assume the character of an Accuser, and to represent himself as the object of unprovoked aggression.

The Representatives of the North-West Company have been furnished by their Constituents with the most ample materials for their defence; and their longer silence would be injurious to themselves, and unjust to their Connexions in Canada. The following detail of facts and occurrences since Lord Selkirk's connexion with the Indian Trade and the Hudson's Bay Company, has therefore been hastily thrown together, and, as far as the Author has either knowledge or information,

is a correct account of them. It has been necessary to throw the Documents proving their authenticity, into an Appendix, which is annexed to the publication. To that Appendix the reader's attention is earnestly entreated; and it will be found to contain positive proof of almost every fact asserted in the text. Whether, after perusing it, the opinion expressed by the Quarterly Review, "that no one will doubt that Lord Selkirk is an amiable, *honourable*, and intelligent man," will obtain universal and unqualified assent, the Author will not take upon himself to determine. He is at all events confident, that few persons, not even excepting the Reviewers, after an attentive perusal of the evidence to substantiate the statements of Lord Selkirk's own conduct in the transactions hereafter related, will agree to find, without other proof than his Lordship's assertions, (*what the Reviewers themselves term*) Lord Selkirk's Bill of Indictment against his Rivals in Trade. If indeed the literary judges alluded to had kept in mind the salutary maxim, of hearing both sides before deciding, they would hardly have given currency to his Lordship's libels against respectable Merchants in this country and their Constituents in Canada, far

less have added fresh and unfounded criminations of their own to his Lordship's interested and suspicious invectives.

The following extract from that Review :

“ At Montreal, we presume, he writes his ‘ Sketch of the Fur Trade,’ which is well calculated to bring down public indignation on the heads of those who conduct, or who are concerned in it. The pains that appear to be taken, and the plans that are laid, to seduce the inoffensive savages into habits of vice, in order that the ‘ Traders’ may the more easily exercise a brutal tyranny over them ; and the ferocious and unfeeling conduct of the Canadian Rivals in the Fur Trade towards each other, setting at defiance all religion, morality, and law, are stated in such terms and on such evidence, that they are not only ‘ deserving the early attention of the public,’ but will command it, and we doubt not, call forth the immediate interference of the Legislature”—

is both, as to any evidence given in Lord Selkirk's pamphlet, as in fact, untrue.

Sir Alexander M'Kenzie has certainly accused the Traders who penetrated into the country immediately after the conquest of Canada, of violence and excesses ; but he has also shewn, that the present Association was formed to repress those irregularities and enormities, and although subsequently to the formation of that Association, an opposition took place in the Trade, which to a certain degree renewed those scenes ; yet on the junction

of the two parties, they immediately ceased, and until Lord Selkirk's interference, tranquillity and peace were universally established.

The Quarterly Review supposes Lord Selkirk to have been the first person to complain of the lawless proceedings he denounces. The Office of the Colonial Secretary would shew abundant proof of complaints preferred against such abuses, *and beyond complaints*, of substantial remedies proposed to remove the cause of them. The Act of the 43rd of the King, was passed at the earnest entreaty of the Merchants in England, interested in the Trade. Their characters are not unknown, and they can refer to their conduct before the Public, for proof no less equivocal than any that can be advanced by Lord Selkirk, of their zeal and exertions to promote the true interests of philanthropy and humanity.

His Lordship has, however, thought proper to bring directly against them, a charge, (one of the most heavy to be found in his libel), of encouraging the use of spirituous liquors among the Indian Tribes, or at least, of opposing any regulations which might be proposed to limit or prohibit it. Of the falsehood of this accusation,

it is in their power to bring abundant proof. Some years ago, when they could little expect his Lordship's views were different from those ascribed to him by his present supporters, several meetings took place between the Noble Lord and some of the persons in London, to whom he has alluded, the object of which was, to consider and adopt suggestions and regulations, for the prevention of a practice, in truth, as little consonant to the interests, as to the feelings of the Gentlemen accused. At one of these meetings Mr. Wilberforce was present, and he will probably have some recollection of the readiness expressed by the Canadian Merchants, to concur in any practicable plan, by which so desirable an arrangement could be effected, but that they then doubted, as they still doubt, the efficacy, and therefore the policy, of any legislative interference in the matter. They stated, and they know that it would be extremely difficult, if not impossible, to enforce the provisions of an Act of Parliament, which might be readily obeyed by one class of persons, and evaded by another. There are certain Indians, or rather mixed population of Indians and Canadians, in the Plains, on whom the Traders are dependant for

food, and with whose habits and customs it would be dangerous, suddenly to interfere. If such interference were to take place, the Trade must be exposed to the rivalship of American Citizens on the Mississouri, who would have little scruple in making use of any means to acquire or preserve an influence otherwise unattainable. Subsequently, indeed, the very Colony established by Lord Selkirk, would have rendered any legislative provisions inefficient. Does his Lordship really suppose it would have been possible to prevent his Colonists, *such as they are described to be*, from clandestinely distilling their grain, (for which they could have no sale or demand), when they cannot be deterred from doing so at home, with all the vigilance and severity which the Law can exercise to prevent this practice? If, however, the use of spirituous liquors could not be wholly dispensed with, or prohibited, it might at least, by judicious regulations, and a proper understanding between the Traders, be restrained; and this, at the meeting which took place, as above mentioned, the Merchants offered their best endeavours to effect.

Great improvements had taken place in this

respect before Lord Selkirk's interference, which it is essential to state, that he may not lay claim to the little merit the reviled Fur Traders are entitled to on the subject. It was shewn by accounts produced at the meeting, that the quantity of spirituous liquors introduced into the North-West Country, had in the two preceding years been reduced from 50,000 to 10,000 gallons; no great quantity, considering there were at that time 2000 white persons in their employment, of which the greater number were to pass the winter in a Siberian climate. It is true, they had succeeded in so rapidly and effectually reducing the quantity, in consequence of the union of the Companies; but after that union, it was the first reform they made, conscious that the success of their Trade, and the security of their persons and property, were equally promoted with their own wishes on the subject, by moral improvement in the habits of the Indians. Will the reader believe, or rather, will the Editors of the Quarterly Review believe, that at that very meeting, the Merchants stated, and were ready to prove, that the introduction of spirituous liquors amongst any tribe or nation of Indians discovered for the first time in their remote researches by

the North-West Company, was strictly prohibited? Indeed, so faithfully has this principle been maintained, that to this hour the use of it is unknown to them.

So much it was necessary to observe in this Preface, in answer to the unfounded calumnies on this interesting subject. The Author is less solicitous upon the other points urged by Lord Selkirk and his friends: the Courts of Justice in Canada will have no difficulty in rebutting the charges by which they are assailed; and the Editors of the Quarterly Review must surely be aware, that if such transactions as are detailed in this pamphlet by Lord Selkirk, are justified by truth, an appeal to His Majesty's Government, for the reform of abuses so scandalous, or the public exposure of them by Lord Selkirk in his place in Parliament, would have been a much more proper course for the Noble Lord to pursue, than that he has thought it not beneath the dignity of his station to adopt.

The colouring attempted to be given to the lamentable scene in which Mr. Semple perished, will be removed by the facts of the case, as detailed in the Narrative; and it is hardly necessary to refute the misrepresentation on this subject, into

which Lord Selkirk's friend in the Quarterly Review has been led by his zeal in the cause, and of which Lord Selkirk himself is not guilty. It is stated, that when *his Lordship received intelligence of this event at Montreal*, he engaged, and took with him, the Meuron soldiers, to ensure the apprehension of the persons engaged in it. This happens to be utterly destitute of truth: Lord Selkirk, without any knowledge of this transaction, or the least reason to presume (*unless indeed from the instructions he had given, which might produce such mischief*), that any affray or quarrel could have taken place, engaged these mercenaries at Montreal, for the purposes to which their services were afterwards applied.

This fatal catastrophe has, however, been artfully improved by Lord Selkirk. He seems to have expected, that the public compassion for the tragical death of an amiable and meritorious individual, would shield his Lordship's prior usurpations and subsequent outrages, from all investigation. He hoped that those, to whom in a body he ascribed the premeditated murder of that Gentleman, would be so overpowered by the clamour against their own imputed guilt, that they should raise their voice in vain to seek justice and indem

nification for his Lordship's unparalleled invasions of their rights and property.

The delusion of these artifices and misrepresentations, however, will speedily pass away; and Lord Selkirk, after preferring charges, for which there does not exist a shadow of proof, will, in his turn, be called upon to answer for having advanced such an unfounded accusation. In the mean time, while Lord Selkirk exhibits the melancholy incident of Mr. Semple's death with theatrical decorations, to excite the popular feeling of this country in his own favour, the Members of the North-West Company sincerely regret the fate of a man, who appears to have been qualified to be a useful and honourable member of society, and who fell a sacrifice to the implicit fidelity with which he seems to have executed the commission with which he was entrusted. Mr. Semple appears to have been convinced that he was defending the sacred legal rights of his employer; and that to have permitted the Servants of the North-West Company to have used the liberty of passage on the soil claimed by Lord Selkirk, *as they and their predecessors had done for near a century*, would have been a violation of his duty. The feeling of devotion and fidelity was honour-

able to Mr. Semple, but if in truth he was made the instrument of illegal, unwarranted, and forcible aggressions, upon the undoubted rights of his fellow-subjects, it is to be lamented, that such a man should have fallen in asserting the unfounded claims of others.

The Writer is aware, that this Preface has extended to an unusual length, but he trusts that the reasons stated will be admitted as a sufficient apology. The object of the following pages, is not to refute the charges and calumnies of Lord Selkirk against the North-West Company in general, but to exhibit a faithful Narrative of the occurrences which had taken place, since the Earl of Selkirk was first brought into their neighbourhood by his political or commercial speculations. Other parts of Lord Selkirk's publication will receive the refutation of which they are so capable. In executing the task which the Author has undertaken, he has aimed chiefly at truth and accuracy in his statement of facts; and he trusts, that the faults of arrangement and style, which must be discerned in this publication, will be overlooked in the composition of one who has not been accustomed to write for the Public.

NARRATIVE,

&c. &c.

PREVIOUS to the year 1806, the Earl of Selkirk had been engaged in various landed and colonizing speculations in British North America, in the prosecution of which he visited Canada. In the course of his travels, his attention was naturally directed to the situation of the Trade, and particularly to that carried on with the Indians in the barter of Manufactured Goods and other articles, for Furs and Peltries, which, ever since the discovery and establishment of the Colony by the French, had been considered the chief branch of its commerce.

During his Lordship's residence in Montreal, he was received with the hospitality which so much characterizes the inhabitants of that city; and to none was he indebted for more pointed attention and civility, than to the Merchants connected with the Fur Trade, and more especially the Partners of the North-West Company. His enquiries into the nature and extent of the trade, and their particular Establishment, which had always been an

object of curiosity to strangers visiting Canada, were readily answered by these Gentlemen, who withheld no information which could gratify the liberal and useful researches of a noble traveller. They remarked at the time, that these enquiries were more extended than usual; but they little expected that their confidential communications to a person expressing his admiration at the result of their exertions, and his sincere friendship and thankful acknowledgments to themselves, should have awakened the spirit of self-interest, which has subsequently been so apparent; still less did they suppose they were placing means in the hands of a commercial rival, to be applied first in opposition to their trade, and, after the failure of that experiment, in an attempt to effect the ruin of their establishment.

On the Noble Lord's return to England, he prosecuted with much anxiety the enquiries he had commenced in Canada, connected with this subject; and the situation of the Hudson's Bay Company, with the great advantages under which the Fur Trade might be conducted from Hudson's Bay, when compared with the obstacles and difficulties opposed to the Canadian Merchants, soon presented themselves to his discernment. The route to the remote and most valuable trading stations in the North-West Country was nearly two thousand miles more distant by interior communication, from Montreal than from Hudson's Bay; and it was evident, if the assumed

rights of this Chartered Company to the *exclusive commerce and navigation of the Bay* were legal, by a strict enforcement of them, the whole Fur Trade might be diverted into that channel. His Lordship communicated his ideas on the subject, though very partially, to a gentleman then in England, who had been long interested in the North-West Company, and to whom the public are indebted for a description of the country, and of his own voyages and discoveries. In consequence of this communication, an agreement was subsequently entered into by Lord Selkirk and this gentleman, to speculate in the Stock of the Hudson's Bay Company, without any definite object on the part of his Lordship's associate, beyond possibly a re-sale at an enhanced price, when a sufficient amount should have been procured to enable them to exercise a beneficial influence in the management of the Company's concerns, and thereby to increase the value of their stock.

The moment was peculiarly favourable for their purpose: the Stock of the Company had fallen from 250 per cent. to between 50 and 60, in consequence of misfortune, or mismanagement of their affairs, which were in a state of rapid decay, and considered bordering upon insolvency, no Dividend having been paid for several years. Under such circumstances, considerable purchases were easily made by the parties; but his Lordship's

views becoming enlarged with the extended knowledge he obtained of the supposed rights conferred upon the Company by Charter, a disagreement took place as to the further objects they had originally in view; and, after some legal proceedings, an arrangement was made between the parties, by which Lord Selkirk became proprietor of the greatest part of the Stock acquired on their joint account.

Being thus disengaged from any connection which could interfere with his views, and having established for himself a sufficient footing in the affairs of the Company, Lord Selkirk extended his purchases to the amount nearly of 40,000*l.* the whole amount of the Company's Stock being rather under 100,000*l.* Several Members of the Committee immediately made way for the appointment of his near relatives and friends to the Direction, and from this period, his Lordship may be considered as possessing an unlimited influence and controul in the management of the affairs, and disposal of the property of the Company. Although more activity was perceived in the general conduct of their concerns, some time elapsed before his Lordship's ultimate objects and plans were disclosed; but his preparations being then made, a General Court was convened by public notice, in the month of May 1811. The Proprietors were informed at this Meeting, that the Governor and Committee considered it beneficial to their gene-

ral interests, to grant to his Lordship in fee simple, about 116,000 square miles of what *was supposed* to be their territory, on condition that he should establish a Colony on the Grant, and furnish, on certain terms, from among the Settlers, such labourers as are required by the Company in their trade. The Proprietors did not see in these conditions any sufficient consideration for the Grant; and every one present, with the exception of the Noble Lord and the Committee, signed and delivered a Protest* against it to the Court. Notwithstanding this opposition the Grant was confirmed, and his Lordship became the ideal proprietor of a domain exceeding in extent the kingdom of England, with only one objection to the title, that with respect to the right of the grantors, they had equal power to assign him a similar kingdom in the moon.

In addition to the Protest offered by the Proprietors, remonstrances were made against the wild and hopeless project of establishing the proposed Colony, by every person interested in the trade of the country; and it may be desirable here to state the situation and circumstances, under the full knowledge of which, Lord Selkirk determined to persevere in his schemes.

The distance between the spot where the first Settlement was afterwards formed, and York Factory, in Hudson's Bay, the point of communication

* Appendix, No. I.

with the sea, is, by actual admeasurement, 725 miles: and the navigation, such as it is, may be called open between the months of June and October; but during much of that season, the brooks, forming the communication, are nearly dry, and the whole route is only practicable in small boats or canoes. The journey, or voyage, is performed by loaded boats in about thirty days, and provisions must be taken for the whole time, as none are to be procured on the route. There are numerous portages, where the boats or canoes, in the best season, must be carried or hauled over the land*. The distance of the Red River from Lake Superior, is rather greater than from Hudson's Bay: and from Montreal, by the nearest route, (that of Lake Superior), about 2300 miles. The distance from the nearest inhabited part of Upper Canada, which may possibly be another Colony of Lord Selkirk's, called Ball-Down, is about 1600 miles. It must be very obvious, from the distances here described, and the difficulty of communication, which is only practicable in birch-bark canoes, that no market could be found, beyond the immediate consumption of the Colonists, for the agricultural produce of a Settlement so situated. The climate is undoubtedly healthy, although during winter the severity of the frost, and prevailing gales of wind, is very great: the Forks of the Red River being situated in latitude 50

* See particulars in Appendix, No III. Admeasurement made by Mr. Thompson, Geographer to the North-West Company.

West, about three degrees north of Quebec. The country in the neighbourhood of the proposed Settlement, consists of extensive plains, and the soil, excepting partially on the banks of the rivers, is light and unproductive. The scarcity of wood, in a country in every other situation abounding with it, is the best proof of the quality of the soil, the natural produce of which is only a coarse bent grass, the food of innumerable herds of buffaloe which are fed on the plains. Different tribes of Indians are scattered over this district, and establish themselves in hunting parties and encampments, to procure provisions for the Traders of the North-West and Hudson's Bay Companies, who have several Forts or Posts there, maintained more for this object than for that of procuring Peltries; there is also some trade in Furs; principally wolf and fox-skins; and occasionally Indians from the head of the Mississippi, and the Missouri Rivers, bring the produce of their hunt to trade at the Red River Establishments. All these natives are much molested, and frequently attacked by other bands of the plains, called, from their habits, *les Pilleurs*, or Plunderers; who, from living in a country abounding with horses, which enable them to lead a wandering and predatory life, and being well supplied with food and clothing from the herds of buffaloe in the plains, are independent of assistance from, and connexion with the Traders. Their

incursions are rapid and destructive, and the nature of the country permits them to cover their retreat, by setting fire to the grass, which is often done for this purpose, and in their defence, by the natives. A gentleman describing this practice, says, “ I have often seen the grass set on fire, both
 “ from the drunken freak of a capricious Indian,
 “ and to cover the retreat of a war-party; and
 “ in high gales of wind, the flames spreading with
 “ the rapidity of a horse in a round gallop, till
 “ five or six hundred square miles were burnt
 “ without interruption.”

The Fur Traders of all parties were not backward in representing to Lord Selkirk and the Committee of the Hudson's Bay Company, their objections to their attempt to colonize this remote and inhospitable region, which might in its consequences endanger their interests and security. It was proposed to send out poor and ignorant Settlers, who could be subject to no legal control, and unaccustomed to the manners and habits of the Indians, always jealous of agricultural encroachment on their hunting grounds.

The Traders, especially those connected with Canada, had, by long intercourse, acquired the confidence of those Tribes; they were acquainted with their manners, and knew how to avoid the occasions of dissention and irritation, which the ignorance of strangers so frequently ministers to their jealous and irritable character. It was ob-

vicious to them that an attempt by a body of Englishmen, to establish a Colony in the heart of the Indian Territory, was in itself pregnant with danger to all those by whom these regions were frequented. When the probable result of the attempt was contemplated—when it was considered that the new Settlers, compelled by want, disgust, and despair, might be brought into collision with the Indian Tribes, and the mixed population sprung from the intercourse of the Traders with the Indian women, and some of whom are engaged in the service of the North-West Company—it was easy to see, that this extravagant scheme subjected the Trader equally with the Colonist, to extreme hazard and danger.

To the North-West Company this establishment was peculiarly objectionable: they denied the right, either of the Hudson's Bay Company or Lord Selkirk, to *any part* of the Territory ceded to him, of which their predecessors and themselves had been in occupancy for at least a century. They were aware, that it was further intended to enforce against them the penalties provided by the Charter, of seizure of their persons and confiscation of their property, as *interlopers* on the Territories absurdly claimed by the Company; and they saw in the terms on which the Grant was made, that the establishment of this Colony was only a pretext to induce Settlers to emigrate, and thus to introduce into the country at an inconsiderable expence, a sufficient number of persons to carry into effect

the Noble Lord's plans of aggression and competition against their trade.

The North-West Company was founded in 1783, by an association of Traders, prior to that time engaged in rival undertakings, and who, on the conquest of Canada, following the footsteps of their predecessors, the French Colonists, had engaged in the trade. Every Legal Opinion* they had been able to obtain, strengthened their determination to resist these proceedings; and the following Abstract of the History and Discovery of the Country, will show the grounds on which they founded their opposition, and will appear at least to justify it, till a legal decision had been obtained by the Hudson's Bay Company, or Lord Selkirk, in confirmation of the validity of their claims.

Hudson's Bay had been discovered prior to the attempt in which Hudson perished in 1610; but from the voyage of Sir Thomas Button in 1611, till the year 1667, it appears to have been wholly neglected by the English government and nation†. In the latter year, the communication between Canada and the Bay was discovered by two Canadian gentlemen, Messrs. Raddisson and De Groselliers, who were conducted thither across the country by Indians. Succeeding in this, they returned to Quebec, and offered the merchants to conduct ships to Hudson's Bay, the proximity of

* Appendix, Nos. IV. V. VI.

† See Harris's Voyages, vol. ii. pp. 245—286.

which to the principal Fur districts, was now ascertained. This proposal was rejected, as well as a subsequent one to the French government at Paris: there they were persuaded by the English Ambassador to go to London, where they were favourably received by some merchants, and persons of quality, who entrusted a Mr. Gillam, long accustomed to the Newfoundland trade, to prosecute the discovery. Mr. Gillam sailed in the Nonsuch ketch, in 1667, into Baffin's Bay, to the height of 75° north latitude, and from thence southward to 51° , where he entered a river, to which he gave the name of Prince Rupert's; and finding the Indians friendly, erected a small Fort. The persons interested in this vessel, upon the return of Gillam, applied to Charles the Second for a Patent, who granted them the Hudson's Bay Charter, dated the 2d May, 1670.

In that year the Company sent out a Mr. Bailey, Governor, who with Mr. Raddisson, settled at Rupert's River, and established Fort Nelson; and that these Establishments were then considered an encroachment on the French Province, is evident, from the instructions to Mr. Henry Sargeant, who succeeded as Governor at Rupert's River in 1683, which enjoined him to be careful of the French, who were already jealous of the Trade. In 1686 the Hudson's Bay Company had five Forts, which, *though all on the shores of the sea*, so much increased the jealousy of the French, that Chevalier de Troyes was sent overland from

Canada to attack them; and in July of that year, the two Nations being then in a state of profound peace, and the two Governments in more than amicable understanding, Mr. Sargeant was compelled to surrender his Fort to the Chevalier, after a defence of a week. In the period from 1693 to 1696, these Forts were all retaken, and again captured by the French in the succeeding war. At the Peace of Utrecht they were restored to the English Government, and by the 10th Article* of

* *Tenth Article of the Treaty of Utrecht, concluded in 1713.*

“ The said Most Christian King shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right for ever, the Bay and Straits of Hudson, together with all lands, seas, and sea-coasts, rivers, and places situatc in the said Bay and Straits, and which belong thereunto; no tracts there, of land or of sea, being excepted, which are at present possessed by the Subjects of France. All which, as well as any buildings there made, in the condition they now are, and likewise all Fortresses there erected, either before or since the French seized the same, shall, within six months from the ratification of the present Treaty, or sooner if possible, be well and truly delivered to the British Subjects, having Commission from the Queen of Great Britain to demand and receive the same, entire and undemolished; together with all the cannon, &c. &c. It is, however, provided, that it may be entirely free for the Company of Quebec*, and all other the Subjects of the Most Christian King whatsoever, to go by land or by sea, whithersoever they please, out of the lands of the said Bay, together with all their goods, merchandizes, arms, and effects, except such things as are above reserved in this Article. But it is agreed on both sides, to determine within a year, by Commissaries to be forthwith

* This is a conclusive proof, that the *Company of Quebec* had discovered and explored the Interior, even to the immediate confines of Hudson's Bay, above sixty years before the Hudson's Bay Company ventured out of sight of the Bay; for it was after the year 1763, that the Servants of that Company first followed the Canadian Traders into the Interior.—Ed.

that Treaty, it was stipulated that Commissioners should be appointed to settle the boundaries of the British Settlements with Canada, but none ever met for that purpose.

About 1628 or 1630, a Beaver Company was established in Canada, prior to the date of the Hudson's Bay Charter; and it is evident from the accounts of all writers on the subject, that the persons engaged in the latter Company never attempted to extend their Trade beyond the immediate confines of the sea, till subsequent to the cession of Canada in 1763, when the Trade of the Province was opened to all His Majesty's subjects. As the Canadian Traders, by penetrating into the Interior, were more successful, the Hudson's Bay Company followed their example by slow degrees, and established Posts in the countries previously occupied by the Canadians. These approaches of the Hudson's Bay Company experienced no molestation from their competitors; nor would any difficulties have now arisen, except those which naturally occur in the rivalry of trade, if the monstrous pretensions to the exclusive property and Trade of all territories through which any rivers or waters flow in their course to Hudson's Bay, had not been recently asserted by that Company and their Grantee.

named by each party, the limits which are to be fixed between the said Bay of Hudson, and the places appertaining to the French; which limits both the British and French Subjects shall be wholly forbid to pass over, or thereby to go to each other by sea or by land."

The provisions of the Charter are in themselves, if legal, sufficiently extensive ; but even the Grant contained in it, is only of Countries “ *not occupied or discovered by the Subjects of any other Christian Prince or State ;*” and it is perfectly evident from the facts above stated, that this could not include any part of the property ceded to Lord Selkirk. The Grant commences only at Lake Winnipeg, at least 700 miles distant from either of the original Establishments of the Company in the Bay, and extends some hundred miles into the territory of the United States, *blotting from the map entirely the intermediate dependencies of Canada.*

The Earl of Selkirk's title appeared to the Canadians totally destitute of all authority, either from the legality of the Grant in point of law, or the powers of the Grantors as to the subject matter. He found others, at least in long undisputed occupation of what he claimed by virtue of an obsolete Charter, emanating from a prerogative which was extremely questionable ; and which certainly has never in any instance been exercised by the Crown, nor recognized as legal by any judicial decision since the Revolution.

The North-West Company, therefore, candidly stated their objections, both to the Hudson's Bay Company and to Government, and their determination to maintain their own rights and possessions : at the same time they added, that however much they regretted the adoption of such measures

on the part of the Hudson's Bay Company, they would be on all occasions ready to alleviate the distress of their unfortunate countrymen, who were doomed, as Colonists, to become victims to Lord Selkirk's visionary speculations. They further again expressly declared, that they would neither acknowledge the exclusive rights of trade, or power of jurisdiction, claimed by the Hudson's Bay Company; and that, until they should receive from His Majesty's Ministers, a distinct intimation that these rights were recognized and admitted by Government, they would resist any attempts to seize their property or persons, or to dispossess them of their trade, under these pretences.

Notwithstanding the impediments which thus appeared to the undertaking, either afraid of the result of a legal investigation into the merits of the case, or determined, at all events, to hazard the speculation on his own judgment, Lord Selkirk proceeded in the prosecution of his plans.

In order to form his Establishment, he began by addressing himself to the spirit of emigration which has long prevailed in some parts of Scotland and Ireland. Agents were employed in both countries to circulate Advertisements*, holding out the most fallacious prospects to Settlers in his intended Colony. The climate and soil were represented as superior to any in British North America: the culture of hemp and wool, held out as an inducement to the

* Appendix, No. II.

agriculturist, when his Lordship must have known, it was impossible to transport the former to the sea, and that the plains, where the flocks were to be maintained, are principally characterized by the immense troops of wolves which infest them. Liberty of conscience, freedom from taxes and tithes, and all the temptations of a *Land of Promise*, are painted in the most glowing colours, to induce these wretched people to abandon their country; and, in the winter of 1810 and 1811, a number of poor Irishmen were got together at Sligo, and sent to Stornaway, in the Island of Lewes, where they joined other Emigrants who had been inlisted or crimped in Scotland.

Some respectable families of a better class, comfortably situated in their own country, were also tempted by the offers of townships in the Grant, and the misrepresentations held out in the Prospectus, to join the expedition. From some of these, who had been induced to sell their little all to embark in the speculation, Lord Selkirk received the money arising from the sale, to account for it in land at the rate of 5s. per acre; although he must have been well aware, that this was above the price paid for excellent land in the best inhabited parts of Upper Canada*.

These Emigrants embarked in the spring of 1811, on board the Hudson's Bay Company's

* Amongst many other Affidavits of the unfortunate people who were so deceived, one by George Campbell, will be found in the Appendix, No. VII.

ships, and consisted of about 25 families, under the command of Mr. Miles Macdonell, appointed Governor of the Colony, whose name will be sufficiently conspicuous in the further account of his employer's proceedings. Their engagements were different: some to pay for their passages by labour for the Hudson's Bay Company; others, who had funds for that purpose, in money; and all were to be provided with food and maintenance till they reached the Colony. On their arrival at York Fort, it was too late to attempt the journey that season; and those only who are acquainted with the severity of the winter in such a climate, can form any idea of the miseries and wretchedness to which these poor people were exposed. There were no houses or huts prepared for their reception, and those which were contrived afterwards for their shelter, left them still exposed to the cold fogs and sea damps peculiar to the climate—the Traders of the Hudson's Bay Company living in the Factory, had no intimation to provide provisions for their maintenance; and the scantiness and badness of their food, soon added sickness and disease to the other miseries of their situation. The following extract of a letter written from the spot, may convey some faint idea of their sufferings:—"Take a view of the state of one
 "family, and it will shew you what the sufferings
 "of these people are: an old Highlander, his wife,
 "and five children, the youngest eight or nine

“ years of age, poor, and consequently badly pro-
 “ vided with clothing to encounter the rigours of
 “ a climate, where the hottest summer never thaws
 “ the ground to any considerable depth—see this
 “ family, sitting on the damp ground, freezing for
 “ want of sufficient covering, pinched and famish-
 “ ing for want of food; and the poor woman had
 “ to take the well-worn rug from her own misera-
 “ ble pallet, to sell for a little oat-meal to give
 “ her dying children, and in vain, for two of them
 “ did not survive this scene of misery.”—If this
 was the state of one family, the miseries of the
 other Emigrants during their winter’s residence at
 York Fort, may be conceived.

The task of proceeding to the Red River, was
 still to be undergone by these unfortunate people in
 the spring; the distance, as has been before stated,
 above 700 miles; the route the most difficult in
 the country, even for athletic and experienced
 batteaux-men, who have to carry and drag their
 boats a considerable part of the distance, over
 rough untrodden roads and rugged precipices, and
 through dangerous rapids and waterfalls. The
 task was doubly hard on the old and inexperienced
 farmer and labourer, who was obliged to per-
 form it, followed by his unfortunate family, worn
 out with toil, and with scarcely sufficient food to
 preserve them from the effects of famine.

Arrived at the place of the proposed Colony on
 the Red River, in the autumn of 1812, Mr. Miles

Macdonell ordered all the people to assemble, and going through some farcical ceremonies, read his Commission as Lord Selkirk's Representative and Governor, when he was saluted by the Hudson's Bay Fort in the neighbourhood. The Indians, attracted by the ceremony, were no sooner informed of its intent, than they expressed themselves hostile to the Establishment, as had been foreseen, and foretold when it was projected. The Settlers had to prepare themselves for the ensuing winter, which already approached, and although the climate was less rigorous than that of York Fort, still, unprovided as they were with houses, clothing, or food, they could not but look forward to their situation with dismay. It was impossible to maintain them in a body, nor could the most active of the men procure subsistence by travelling over the immense lakes of snow in the plains, for want of deer-skin and snow-shoes, like persons who had been accustomed to the Fur Trade of the country. The families were accordingly distributed, as there was a chance of escaping famine, some in the Forts of the Hudson's Bay Company, others in the huts of *Free-men**, and in the families of friendly Indians, who

* Canadians, or others, who having been employed in the service of the Traders, and having become accustomed to the Indian mode of life, or attached to native women, remain in the country, after being discharged from their engagements, and are called *Free-men*, to distinguish them from their countrymen who are *servants*.

permitted them to take shelter in their *tents*, calling them slaves, from the extreme wretchedness of their situation, which had rendered them more the objects of their compassion and contempt, than of their enmity. Those also who lived in the houses with the Governor, suffered much, and many could not have survived the winter, had it not been for the humanity of the North-West Traders, who often relieved them from actual famine, and gave or lent all the provisions they could obtain or spare to the Governor: they even took goods from him to procure provisions by barter from the Natives, which these would not sell, either to the Settlers or to the Hudson's Bay Company. In the spring, the Traders also gave and sold to Mr. Macdonell, articles of various descriptions; potatoes, barley, oats, and garden-seeds, four cows, a bull, pigs, fowls, &c. which had been brought at an enormous expence from Canada; and although still adverse to the motives under which the Settlement was established, did all in their power to relieve the distresses and wants of the Colonists. Mr. Macdonell was not backward in acknowledging his obligation for their assistance, both in his letters and in his verbal communications with the Traders; but these were soon forgotten when his difficulties diminished, and he was aware all his zeal was required in carrying into effect, by active measures, the views of his employer.

The trade of both parties during this winter was carried on as usual; the Hudson's Bay Company did not attempt any extension of their Posts to the westward, and every thing remained quiet in the country.

Early in the spring of 1813, when he had so far, by the assistance of the North-West Traders, overcome the difficulties of his situation the preceding winter, Mr. Macdonell's conduct, which had hitherto been rather temporizing than friendly, became less equivocal. In his capacity of Governor, and Representative of Lord Selkirk, he told the Indians, they must take to him alone, for sale, their provisions or peltries, being the produce of lands of which his Lordship was proprietor, and on which, consequently, they could only hunt with his permission: a doctrine ridiculed by the Natives, but of a nature to rouse all the apprehensions of the Canadians, whose existence, not only on the Red River, but in great part of the country, depended upon the provisions procured at their Posts within Lord Selkirk's Grant. The present force of the Hudson's Bay Company's people and the Colonists, did not, it is true, create much alarm, as to their immediate danger, but it was impossible to judge to what extent both might be reinforced, and they were now alarmed that the doctrine of right, sought to be established, might be enforced by violence, when sufficient means were placed at the disposal of the Governor.

While Mr. Macdonell was thus employed at the Red River, Lord Selkirk was not less active in obtaining fresh recruits of Settlers, following the mode which has before been explained; and he got together, in the spring of 1812, at Stornaway, a considerable number, who were embarked in the Hudson's Bay Company's vessels. The ships were at first seized by the Collector of the Customs, in consequence of an attempt to send more persons on board than was permitted by the provisions of the law, (*commonly called Dundas's Act*), regulating the number of passengers emigrating to America, according to the tonnage of the vessel in which they are embarked. This difficulty was, however, got over, doubtless on some partial representation of the case, and the vessels were permitted to sail with all their proposed cargoes to Hudson's Bay. Mutiny amongst the Emigrants was the first consequence of their cramped and uncomfortable state; the gaol-fever next broke out amongst them, which, it is understood, carried off a considerable number, either on board, or soon after they were landed at Churchill or York Forts, in the Bay.

This reinforcement of Colonists, increased by others who had arrived the preceding year at Churchill Fort, but whom it had not been possible to remove in time to accompany those who passed the last winter on the Red River, proceeded by the route formerly described, to the

Colony, where they arrived early in the winter of 1813, and formed a large accession to the numbers of the Settlement. Their sufferings were still great during the season; but more pains having been taken to provide for their subsistence, they were, in that respect, in a state of comfort, compared with their situation the preceding winter.

Being now more independent of assistance from the Canadian Traders, and encouraged by this great addition to the numbers of his establishment, Mr. Miles Macdonell lost no time in forming his determination as to his future proceedings. Early in the winter, information had been received on the Red River, by the North-West Expresses, of the successes of the Americans at Detroit, and on Lake Erie, and that there was great probability of all resources from Canada being cut off, which rendered the existence of the North-West Company's Posts precarious, and endangered the whole system of their Trade.

This opportunity of commencing his operations against the Canadian Traders, in pursuance, as will hereafter be shewn, of *the general instructions of Lord Selkirk*, was eagerly taken advantage of by his Governor: his principal establishment was fixed, so as to enable him to intercept the communication by which canoes with provisions might be sent to meet the people, employed in the remote stations, in Lake Winnipic, on their route to and from the principal depôt on Lake Superior; and if

the intercourse with Canada should be intercepted, not only the canoe-men from the Northern Posts, but those from the nearer districts, would be obliged to fall back on the Red River department for subsistence. At this moment of imminent danger to their concerns, a general system of aggression and violence against their property, and their servants, was begun by Mr. Macdonell.— Under pretence that all the provisions raised in the country were required for the maintenance of the Colonists, parties of Settlers were sent to intercept the convoys of the Traders on their way to the Posts; their boats and canoes navigating the river were fired at from the Fort, and from batteries erected on the banks; brought to, and rigorously searched, and wherever provisions of any description could be found, they were plundered without hesitation. When it became necessary, in consequence of these outrages, to conceal the property, warrants were issued to apprehend the servants of the Company, on frivolous and vexatious pretences; but the object of all their examinations, when brought before the Governor in his magisterial capacity, was to discover the deposits where provisions were removed or concealed.— Great pains were taken to impress upon the minds of these servants, and the Indians, that the ruin of the North-West Company was at hand, and that it would be equally dangerous, and useless, to resist such coercive measures as the Governor

had it in his power to apply, to drive them entirely from the country*.

The Partner of the North-West Company in charge of the Red River department, was placed by the conduct of Mr. Macdonell in the most distressing situation: still aware of the necessity of providing against a danger which threatened the entire ruin of their trade, he made every exertion to protect and secure in his Posts the provisions he had collected, and the other property under his charge; and the means of precaution and defence he resorted to, soon produced the following Proclamation from the *soi-disant* Governor of “Ossiniboia.”

“PROCLAMATION.

“Whereas the Governor and Company of Hudson’s Bay
 “have ceded to the Right Honourable Thomas Earl of Selkirk, his Heirs and Successors, for ever, all that tract of
 “land or territory, bounded by a line running as follows, viz.
 “Beginning on the western shore of the Lake Winnipic, at a
 “point in fifty-two degrees and thirty minutes north latitude,
 “and thence running due west to the Lake Winnipicquarbish,
 “otherwise called Little Winnipic; then in a southerly direction through the said Lake, so as to strike its western
 “shore in latitude fifty-two degrees; then due west to the
 “place where the parallel of forty-two degrees north lati-

* The best evidence of these, and the future transactions, is that of the persons engaged in them, under the orders of Macdonell, which will be found in the Affidavits in the Appendix, viz.

James Toomy’s, No. VIII;—James Pinkmau’s, No. IX;—Hugh Swords’, No. X;—James Golden’s, No. XI;—William Wallace’s, No. XII.

“ tude intersects the western branch of the Red River,
 “ otherwise called Assiniboin River ; then due south from
 “ that point of intersection to the height of land which
 “ separates the waters running into Hudson’s Bay from
 “ those of the Missouri and Mississippi Rivers ; then in
 “ an easterly direction along the height of land to the source
 “ of the River Winnipic, (meaning by such last named river,
 “ the principal branch of the waters which unite in the Lake
 “ Saginagae) ; thence along the main streams of those wa-
 “ ters, and the middle of the several lakes through which
 “ they flow, to the mouth of the Winnipic River ; and
 “ thence in a northerly direction, through the middle of the
 “ Lake Winnipic, to the place of beginning, which territory
 “ is called Ossiniboia, and of which I, the undersigned,
 “ have been duly appointed Governor.

“ And whereas the welfare of the families at present form-
 “ ing Settlements on the Red River, within the said territory,
 “ with those on their way to it, passing the winter at York
 “ or Churchill Forts, in Hudson’s Bay, as also those who
 “ are expected to arrive next autumn, renders it a necessary
 “ and indispensable part of my duty to provide for their sup-
 “ port. In the yet uncultivated state of the country, the or-
 “ dinary resources derived from the buffalo and other wild
 “ animals hunted within the territory, are not deemed more
 “ than adequate for the requisite supply, wherefore it is here-
 “ by ordered, that no person trading in Furs or Provisions
 “ within the territory for the Honourable Hudson’s Bay Com-
 “ pany, the North-West Company, or any Individual, or
 “ unconnected Traders or persons whatever, shall take out any
 “ provisions, either of flesh, dried meat, grain, or vegetables,
 “ procured or raised within the said territory, by water or land-
 “ carriage, for one twelvemonth from the date hereof, save
 “ and except what may be judged necessary for the trading
 “ parties at this present within the territory, to carry them
 “ to their respective destinations, and who may, on due ap-

“ plication to me, obtain a license for the same. The provisions procured and raised as above, shall be taken for the use of the Colony, and that no loss may accrue to the parties concerned, they will be paid for by British Bills at the customary rates. And be it hereby further made known, that whoever shall be detected in attempting to convey out, or shall aid or assist in conveying out, or attempting to carry out, any provisions prohibited as above, either by water or land-carriage, shall be taken into custody, and prosecuted as the laws in such cases direct, and the provision so taken, as well as any goods or chattels of what nature so ever, which may be taken along with them, and also the craft, carriages, and cattle, instrumental in conveying away the same, to any part but the Settlement on Red River, shall be forfeited.

“ Given under my hand at Fort Daer, (Pembina), the 8th day of January, 1814.

(Signed) “ MILES MACDONELL, Governor.

“ By order of the Governor,

(Signed) “ JOHN SPENCER, Secretary.”

Every thing now wore an alarming aspect to the Traders. With a view evidently of executing the threats contained in the Proclamation, the Governor regularly trained his people to the use of fire-arms, both musketry and artillery; and it will scarcely be credited, that the latter was supplied to Lord Selkirk by Government, on the pretence urged by him, that it was necessary for the defence of his Colony against the Americans*. He had

* The following extract from Mr. Miles Macdonell's Letter to Mr. Cameron, is the best evidence on this subject:

“ Do you know that Government furnished us last year from the

also succeeded in making some impression on the minds of the Natives, that he acted under a direct, and not an assumed authority from His Majesty's Government; and being appointed in Canada, at the desire of Lord Selkirk, a Magistrate for the Indian Territories, he made no scruple of applying, according to his discretion and to existing circumstances, the authority best suited to the vexatious and oppressive system he had been directed to enforce.

A detail of the various acts of outrage committed by Mr. Macdonell this winter, would be equally tedious and unnecessary; but as one in particular led to his apprehension to take his trial in Lower Canada, under the provisions of the Act of the 43rd of the King, which he was appointed a Magistrate to enforce, it is essential to state it, that the proceedings subsequently adopted with respect to this transaction, may be understood.

Under the circumstances before mentioned, the North-West Partner had accumulated a supply of provisions at one of their Posts on the river, called *Riviere la Sourie*, upon which the subsistence of their people now principally depended. The Go-

“ Royal Arsenal at Woolwich, with a fine train of light field brass artillery, carriages, laboratory stores, fixed ammunition, &c. complete,
 “ and also with 200 muskets, and 500 rounds of ball cartridges for each:
 “ all these are now at York Fort, except a small part brought here.
 “ We have also clothing sufficient for a corps: that of itself should sufficiently prove to the most sceptical, that we are under the protection
 “ of Government.”

vernor had long directed his attention to this depôt, and within a few days after the date of his Proclamation, under the pretext that it had been disobeyed, sent a person named John Spencer, whom he called, or had appointed, Sheriff for Lord Selkirk's Territory, to seize the Fort. Spencer finding resistance made by the persons in charge, and that there might be difficulty in executing his orders, and having some scruple about enforcing them without more particular instructions, returned, and reported these circumstances to his employer. Macdonell immediately issued his Warrant in a legal form, for the seizure of the Provisions (under which authority, of Governor or Magistrate, was not mentioned, nor is it material), which he delivered to the Sheriff, and reinforcing his former party with an additional number of armed men, directed him, according to the expression in his Warrant, "to break open posts, locks, and doors," which might impede his proceeding. The party in charge of the Post being intimidated, made no further resistance than retiring within the stockades, and shutting the gate of the Fort. Spencer, in execution of the Warrant, directed his men to cut down the pickets with their axes, and entering the store by force of arms, plundered it of all the provisions it contained, consisting of 600 packages of dried meat and fat, weighing about 85 lbs. each, which were taken to the Hudson's Bay Company's Fort.

Soon after this robbery, the people of the North-West Company assembled, on their route from their different wintering-posts, at the depôt, where they expected their usual supply of provisions to carry them on to Fort William, and, being accompanied by numerous bands of Indians*, over whom they had an entire influence, might easily have recovered possession of their property, and retaliated with security on that of their opponents, had they been inclined to follow what Lord Selkirk, in his pamphlet, asserts to be the custom of the country, to decide their difference with his servants by *the rule of Indian law*. They, however, adopted a very different line of conduct, and to gain time to consult their friends at Fort William, temporized so far as to consent to receive back from Mr. Macdonell, on the condition even of repayment in the course of the autumn, part of the provisions of which they had been robbed. Thus enabled to proceed on their voyage, they arrived with the returns of the season at Lake Superior. At Fort William, the general rendezvous, they were met by their Partners from Montreal, and those from other parts of the Interior; and every account concurred, that a like violent system had been adopted by the servants of the Hudson's Bay Company throughout the country. It appeared also evident, from a letter of instructions from

* The Speech of one of the Indian Chiefs, who was present on this occasion, is given in the Appendix, No. XIII. and will prove the ability then possessed by the North-West Company to retaliate Mr. Macdonell's violences, had it been their intention.

Lord Selkirk to one of their principal Agents, which fell into the possession of the Traders, that these proceedings emanated from his Lordship, with a determination to insist upon his supposed rights, by forcibly ejecting the Canadians from their possessions on what the Hudson's Bay Company *assumed as their exclusive territory and property*. This letter, addressed to a person sent to discover and occupy a remote post on the confines of Athabasca, where the Hudson's Bay Company had never till then formed an establishment, states the possibility that this attempt may meet with opposition from the Traders, and contains the following directions, which are best given in his Lordship's own words; "You must " give them" (the Canadians) " solemn warn-
 " ing, that the land belongs to the Hudson's Bay
 " Company, and that they must remove from it;
 " after this warning they should not be allowed to
 " cut any timber either for building or fuel; what
 " they have cut should be *openly and forcibly seized,*
 " and their *buildings destroyed*. In like manner
 " they should be warned not to fish in your waters,
 " and if they put down nets, *seize them as you*
 " *would in England those of a poacher*. We
 " are so fully advised of the unimpeachable va-
 " lidity of these rights of property, that there can
 " be no scruple in *enforcing them, wherever you*
 " *have the physical means*. If they make a for-
 " cible resistance, they are acting illegally, and

had no sooner returned to their wintering grounds, than disputes arose, as might have been expected, between the parties. The following legal notice was soon served upon Mr. Cameron, which left no hopes of any good understanding between him and Mr. Macdonell.

“ *District of Ossiniboia.*

“ *To Mr. Duncan Cameron, acting for the North-West Company at the Forks of the Red River.*

“ Take Notice, that by the authority and on the behalf
 “ of your Landlord, the Right Honourable Thomas Earl of
 “ Selkirk, I do hereby warn you, and all your Associates of
 “ the North-West Company, to quit the post and pre-
 “ mises you now occupy at the Forks of Red River, within
 “ six calendar months from the date hereof.

“ Given under my hand, at Red River Settlement, this
 “ twenty-first day of October, 1814.

(Signed) “ MILES MACDONELL.”

This was succeeded by a Correspondence relative to the arrangements made by Mr. Cameron's predecessor in the spring, for an exchange of provisions. A great deal has been said and published on this subject against this Gentleman, who possibly assumed more consequence in his situation than was intended, with a view to counteract the effect upon the Indians, of his adversary's misrepresentations; but the Correspondence seems to

have been conducted on both sides, (and the remark applies equally at least to Macdonell), with more irritability and attention to party feelings, than to temper and discretion.

Similar notices to quit the territories of the Hudson's Bay Company and Lord Selkirk, were published and proclaimed throughout the country, and there was no doubt of the intention on their part of enforcing them. The conduct of Macdonell became more outrageous and violent than ever, not only towards his opponents, but also towards the Settlers under his protection. A great many of the latter, completely tired and disgusted with the experiment they had made, and satisfied it would be impossible to remain with any prospect of comfort, applied to Mr. Cameron* and his people, for assistance to proceed to Canada in the spring. This had been long their intention, but the difficulty of leaving the country was insurmountable, without the aid of the North-West Company; and from the time Macdonell heard of their application, they were refused provisions for their maintenance, and often put in irons and imprisoned, for having implored at the North-West Company's Fort, the means of saving themselves from starvation. This tyrannical conduct, added

* Mr. Cameron is accused of having made use of all the influence he possessed with his countrymen, to persuade them to desert the Colony. *If this is the fact*, whatever may have been *his motives*, every *humane person* will rejoice that his influence was successful.

to the disgust of those among the Settlers who had sense to reflect on their situation, and who, aware also of the intention of the North-West Company to submit to no further violence without resistance, considered their safety might be implicated in the contest which would possibly ensue. Both the trading servants of the Hudson's Bay Company, and the Settlers, continued, as usual, to be trained to the use of fire-arms. They still laboured under great privations, notwithstanding the precautions which had been taken to provide provisions; and disgusted with the conduct of their Ruler, many of them determined to abandon the Colony altogether. On the approach of spring, they took refuge in the North-West Fort, and alarmed that Macdonnell might make use of his artillery to blockade the rivers, and prevent their leaving the country, they took possession of all the cannon and ammunition, which was delivered up to Mr. Cameron at the same time.

Mr. Spencer had been arrested early in the winter, on the Warrant issued against him, and sent down to Lake la Pluie: an attempt to rescue him having failed, from the Settlers refusing to make use of their fire-arms against the Canadians. An opportunity was afterwards taken of serving upon Mr. Macdonnell the Warrant against him, to which he refused submission. Outwardly he treated the authority with great contempt, but in the meantime was busily preparing for measures of defence,

if they should be necessary, by any subsequent attempt to secure his person. He posted up notices, that his Patron would grant pensions to all persons maimed and wounded in his service, according to their rank, (for he had made several appointments from the step of Captain to Ensign), and threatened the North-West Fort with instant hostilities, taking every opportunity of seizing their people and clerks as prisoners, when they were found in a defenceless situation. About this time he had also been sufficiently ill-advised to quarrel with the Free Canadians, and Half-breeds, on whom he depended for subsistence; and these people, unaccustomed to the commands of any superior, could not brook the treatment they experienced from the Governor, whom they distinguished by the appellation of *Chief of the Gardeners*. The consequence was innumerable scuffles and petty frays between the parties, which the Half-breeds asserted, began by a party of the Settlers firing upon one of theirs, peaceably proceeding along a road with an escort of provisions. The situation of the Colony and its Governor was thus rendered extremely dangerous; and on the arrival of one of the Agents of the North-West Company from Montreal, at the Post on the Red River, on the opening of the navigation, to enquire into the transactions of the winter, Macdonell surrendered himself quietly prisoner, and was taken in the canoes to Fort William, having been

joined on the route by Mr. Spencer at Lake la Pluie.

After their Governor had surrendered himself, the Colonists, in a body, made the most earnest entreaties for assistance to proceed to Canada; and upon a distinct understanding, that nothing should be expected beyond their transport and provisions as far as York, the seat of Government, in Upper Canada, about fifty families, comprising above one hundred and forty persons, were embarked in the canoes of the North-West Company, and safely landed at their destination. Here their sufferings and miserable condition found some relief in the protection and assistance of the Government, and the public commiseration was drawn to their case, by the zealous interference in their behalf, and active benevolence of the Rev. Dr. Strachan, who shortly afterwards published a Statement*, from

* Dr. Strachan's Pamphlet was afterwards republished in England, with the following Preface:

“ As soon as I heard that the Earl of Selkirk was commencing a Settlement on the Red River, I determined to warn the Public of the deception, and of the great misery which Emigrants must experience in such a distant and inhospitable region. But it was difficult to procure the necessary information; and before it could be obtained, the progress of the American war called my attention to distresses nearer home.

“ It was not till last June that I was able to get a copy of his Lordship's Prospectus, a paper neatly drawn up, but, alas! destitute of truth. To those who are amazed, after reading my remarks, at the promises and assertions which it contains, I am justified in saying, that promises still more remarkable, and assertions still more

their own evidence, of their case, and the delusions which had been practised upon them, in order to warn the poorer classes of his countrymen against becoming, like these unfortunate people, the dupes of Land-jobbing Speculators; a class of persons well known in America, and of whom Lord Selkirk, from the magnitude of his operations, may be styled the Chief. The Settlers who were disposed of in this manner, might have been in the proportion of two-thirds of the inhabitants of the Colony, and on their taking their departure for Canada, the other third proceeded for Hudson's Bay, in the Company's boats, in the hopes of finding a passage home to their native country.

“extravagant, were made by the Earl of Selkirk himself at Stromness, in June 1813, to persons whom he was enticing to go out.

“Few of these wretched men have any written agreement; an omission, I hope, not wilfully made, to prevent legal redress: for surely punishment ought to be inflicted on speculators who persuade families, under false pretences, to leave their native homes.

“Of the Settlers who went to the Red River, many died at Church-hill, in Hudson's Bay, from the severity of the climate and the quality of their food. Others seriously injured their health; and not one of those who have escaped, saw a joyful day, from the time they left Scotland till they began their journey to Canada. The following Letter may prevent any more from encountering the miseries of the polar regions; and this is all I am able to effect. But retributive justice is due: and I flatter myself that, among the many great examples of disinterested benevolence so common in Great Britain, one may be found sufficiently powerful to compel Lord Selkirk, and his brother Proprietors, to make ample compensation to the survivors, for the money and effects lost at Church-hill, and the miseries they have endured.

“*York, Upper Canada, Oct. 5, 1815.*”

During this winter (1814-15), besides the occurrences on the Red River, various conflicts had taken place between the rival parties, carrying on their trade in other parts of the country. Similar notices to those issued by Mr. Macdonell, to quit the territory of Lord Selkirk and the Hudson's Bay Company, were served, in the summer, upon the North-West Agents on the Saskatchewan; and one Mr. Kennedy, acting for the Hudson's Bay Company, says, in his notice, to this effect—*By order of William Hillier, Esquire, Justice of the Peace*, “ If after this notice, your buildings are
 “ continued, I shall be under the necessity of *raz-*
 “ *ing them to the foundation.*” A Mr. House, in giving the same intimation by letter, instead of the formal notice, stating that the Hudson's Bay Company are determined to uphold their exclusive rights in this country, says, “ that his concilia-
 “ tory endeavours to impress a proper understand-
 “ ing on his rivals, originate entirely with him-
 “ self, and form no part of his instructions; these
 “ are peremptory, and, backed by the authority of
 “ the Governor and of two Magistrates, now
 “ demand his obedience.”

It is not necessary to recapitulate the details of all the petty warfare occasioned by these claims being set up, and the consequent resistance; in one place only, the English River, where Mr. House commanded for the Hudson's Bay Company, two persons fell victims to them in an affray which

took place ; and it is but justice to Mr. House, to add, that, deeply impressed with the fatal consequences which had resulted from these measures, he subsequently adopted a line of conduct which prevented the recurrence of them.

Before proceeding to the further detail of occurrences in the Indian Country, and in the Colony, we must refer to the transactions of Lord Selkirk in Great Britain and Canada. Being convinced a determined spirit of resistance had been excited to the aggressions and outrages of his Agents in the Interior, which the present means at their command would not be sufficient to subdue, his Lordship now resolved to make a combined effort from Montreal and Hudson's Bay ; and by one great exertion, endeavour either to wrest the Trade entirely from the hands of the Canadians, or reduce his opponents to such terms as he might dictate, by the immense expence and loss his preparations would subject them to.

In the winter, an Agent of his Lordship's, formerly a Clerk of the North-West Company, Mr. Colin Robertson, was employed in Canada to raise and fit out an expedition from that Province, to penetrate into the Interior, and oppose the North-West Company's Traders in what are called the Athabasca Posts, far beyond any which the Hudson's Bay Company had yet established. It was necessary to procure Clerks and Guides who had before been employed in the same

country, and these could only be obtained in Canada. Mr. Robertson was therefore directed to engage competent persons of this description, with a proportionate number of canoe-men, and to provide all the means for their equipment. The expedition was to be dispatched from Montreal early in the spring, for Lake Winnipic, where the canoes were to be supplied with the necessary outfit of goods for the Indian Trade, brought in from Hudson's Bay.

The object of this scheme was evidently to obtain a monopoly of the Fur Trade in every other part of the country, as well as in the territory claimed by the Hudson's Bay Company, and to cause irreparable injury to the Trade of the North-West Company. If it succeeded, their rivals would be enabled, under their Charter of exclusive navigation in the Bay, to carry in their outfits, and take out their returns, by a route, as has already been mentioned, between 2 and 3000 miles shorter than that through which the Canadians were obliged to conduct the Trade. The Athabasca Country, for which this expedition was intended, was also wholly beyond the boundaries of what, *in their own construction of their claims*, the Hudson's Bay Company called their territory, as the rivers running through it, chiefly empty themselves by Mackenzie's River into the Frozen Ocean, and the Trading Posts of the North-West Company in this direction, extended across the

Rocky Mountains, to the waters flowing into the Pacific. The obstacles presented by the difficulty of the route, the poverty of the country, and the inclemency of the climate, had hitherto rendered it impenetrable to the less enterprising Traders of the Hudson's Bay Company. The Canadians, who had discovered and formed establishments in it, extending their Posts, in some instances, to such a distance, that communication between them and Montreal could only take place once in two years, had hitherto been perfectly secure in the confidence, that the *capital of their chartered rivals was insufficient to embrace the object of this Trade, in conjunction with the others in which it was employed*; but his Lordship, (determined to surmount all obstacles), had no hesitation in adding *his means to those of his Company*, and this expedition was fitted out at an immense cost, which has been but ill repaid by the result of it.

To aid these projects, and, if possible, ensure his success, it became also necessary, that the supposed judicial powers of the Hudson's Bay Company, an engine which had only yet been resorted to in an equivocal manner by his Lordship and his Governors, should assume a more consistent form; and whilst Mr. Colin Robertson was engaged, as has been described, in Canada, his Lordship was no less active in London, in maturing his designs for the effectual prosecution of his

schemes. A Case was prepared and laid before some of the most eminent Legal Characters in England (suppressing, as must undoubtedly have been the case, from the summary manner in which the Opinions are given, many material points with respect to the Canadian occupancy of the country, and the intended application of the measures these Opinions appear to justify), respecting the powers of jurisdiction vested in the Hudson's Bay Company. The Opinion of these eminent persons upon the Case so stated, was certainly in favour of the powers claimed, and that the Hudson's Bay Company might, at their discretion, establish such Courts as they judged proper, for the administration of justice throughout *their Territories*, recommending only some caution as to extreme cases: all mention of the definition of boundaries within which this jurisdiction could be exercised, was carefully omitted, both in the Case, and Opinions given upon it. Armed, however, with this qualified sanction of their rights, certain Resolutions were entered into by the Governor and Committee, and submitted afterwards, on the 19th of May, 1815, to the face of a General Meeting, as required by the Charter, for the appointment of a Governor and Council, who, to use the expression of the Resolution, were "to have
 "paramount authority over the whole of the
 "Company's Territories, and that the Governor,
 "and any two of his Council, should be competent

to form a Court for the administration of justice, “and the exercise of the power vested in them by the Charter*.” The Resolutions were, as usual, opposed by all the Members of the Company present, except the Noble Lord and the Committee, but these being the majority, opposition was ineffectual. After some discussion, the names of the persons appointed to the different offices were also communicated, and the surprize of the persons representing the interests of the Canadian Traders, who were also Members of the Hudson’s Bay Company, may be easily conceived, when they learnt that Mr. Macdonell, against whom warrants were issued on information upon oath, of acts of felony committed by him, was appointed the Second Person in Command, and administration of Justice, throughout the Territories of the Company.

Alarmed at the engine of oppression which was thus prepared and directed against their connections, the Canadian Merchants lost no time in representing to His Majesty’s Government, the mischiefs that must ensue from an attempt to establish a jurisdiction *which would most certainly be resisted*: they prayed that His Majesty’s Ministers† would inform them, whether this newly assumed authority was acknowledged by Government, as that information would form some rule

* Appendix, No. XIV.

† See Letter to Mr. Goulburn, of 18th March, 1815, in the Appendix. No. XXIV.

for their own conduct, whatever doubts they might have of the legality or equity of the proceeding; but the only answer they obtained was, a denial that it was so sanctioned, and that further enquiry should be instituted. The appointments in the mean time took place, and Governor Semple embarked very soon after the communication was made by the Governor and Committee to the Company, in one of their ships for Hudson's Bay.

In this interim, Mr. Macdonell, and the Sheriff, Mr. Spencer, were arraigned before the Courts of Lower Canada, on the charges on which they had been apprehended: and, in justification of their arrest, a True Bill was found against Spencer for grand larceny*. A plea in bar to the proceedings was put in on behalf of the prisoner, alleging that the Charter of the Hudson's Bay Company authorized the seizure, in virtue of his office; and time was given by the Court to procure evidence, and the Opinions of Legal Authorities in England, with respect to the validity of that plea. The Defendants were admitted to bail, and, it appearing clearly from Opinions subsequently taken in London, that as they might have acted under a misapprehension of authority, there would be a failure in proving against them the

* Mr. Macdonell had been detained in the route to Montreal, and did not arrive in time to be placed on his trial at the Session of the Court; but the same evidence, would have produced the same result in his case.

felonious intent, the prosecution was dropped; and there was no jurisdiction vested by the 43rd of the King, under which trials could take place, in the Courts of Lower Canada, in actions for damages in civil cases. All hope, therefore, of bringing the question to issue in Canada, being at an end, the Canadian Merchants again addressed the most urgent applications on the subject to His Majesty's Government*.

Lord Selkirk having, in this manner, during the winter, matured his plans in England, and in Canada, the different expeditions, headed by Governor Semple from the Bay, and by Colin Robertson† from Montreal, proceeded to their destinations. Mr. Robertson, from some experience he had of the country, not liking a journey to Athabasca, sent on the canoes, with about 100 men, under the command of a Mr. Clark, and remained with the Settlers from the Red River, who had gone towards Hudson's Bay in the spring, and whom he found in the vicinity of Lake Winnipic. Mr. Semple arrived at York Fort rather late in the season, and having taken under his command the Emigrants who had gone out in the ships of the preceding

* See Appendix, No. XXVI.

† This Gentleman, immediately after Peace had taken place between Great Britain and the United States, went to New York, with the view of forming an arrangement with American Citizens to join his patron and employer, in his attempts to ruin the North-West Company. For this purpose he applied to a Gentleman in that country, who, connected with its Government, had made considerable exertions to rival the Canadian Trade previous to the war.

year, and being joined by Robertson and the Colonists on the route, the whole party arrived in September 1815, at the Red River, and re-established the Colony. The new Governor was a stranger to the personal animosities which had existed between the rival parties in the Interior, and hopes were entertained, from the general character he bore for integrity and humanity, that, under his administration, violences would at least have been suspended, till the rights of each had been discussed and settled, either by the Courts of Justice, or the Government in England. Enthusiastic, however, in the cause of his employers, and persuaded that the Legal Authorities under which he had been advised to act, would justify, not only the assumption, but the immediate exercise of the powers confided to him, he did not hesitate, on assuming his Government, to sanction those measures which had before been resorted to, and to authorize others which had been suggested to him, for the complete subjection of the North-West Company and their people.

Mr. Robertson, who had abandoned the Athabasca expedition, was this winter the principal actor in the scenes which passed in the neighbourhood of the Colony, and, in this respect, proved a worthy follower of his predecessor, Mr. Macdonell.

Early in October, Mr. Cameron, while passing quietly along a public road, was seized by an armed party, on an accusation of having seduced

and enticed the Colonists in the spring to abandon the Settlement ; but he was soon afterwards, unconditionally, released. Mr. Robertson appears to have about this time formed a plan, of the same nature as that of Macdonell the preceding winter, to starve the Canadians into submission ; and it was publicly announced, that measures, which were calculated to carry it into effect, would be taken before the opening of the navigation.

On the 17th of March these operations commenced, by a regular attack, in the night, by an armed force, on Fort Gibraltar, the North-West Company's Post at the Forks of the Lower Red River, where Mr. Cameron and his people were made prisoners*. This was followed by another attack, on the 20th of the same month, on the Post of the River Pembina, where the people were also made prisoners†; and at both Posts, arms, ammunition, letters, papers, books, merchandize, and about fifty packs of furs were seized, and confiscated to the uses of Lord Selkirk and the Hudson's Bay Company. Mr. Cameron was sent down prisoner to the Bay, and has not since been heard of. A large force was next dispatched to surprize Mr. Alexander Macdonell at the *Riviere Qu'Appelle*, a Post on the Upper Red River, where a large depôt of provisions was

* See John Siveright and François Taupier's Affidavits; Appendix Nos. XV. and XVI.

† See Joseph Jourdain's and Jean B. Gervais' Affidavits; Appendix, Nos. XVII. and XVIII.

formed for the supply of the North canoes: but this expedition found Mr. Alexander Macdonell, who commanded there, better prepared than the other stations, and the assailants were obliged to retreat quietly without effecting their object. Mr. Robertson retained possession of Fort Gibraltar and the Post at the Pembina River, till the arrival of the winter Express of the North-West Company, which he knew was daily expected, bringing accounts of the situation of the different departments, and the success of their winter-trade. He intercepted this Express, and made no scruple of seizing and opening all the Letters, above 100, whether addressed to the Partners, or other persons attached to the Company. The Forts were then abandoned, and *razed to the ground*; such of the timber as might be useful to Lord Selkirk's Establishments, being first removed for that purpose. On the 19th of May, some persons in the employment of the North-West Company, without authority from any of the Partners or Agents, hearing of the seizure of the fifty packs of furs at the two Posts, took an opportunity of seizing, by way of retaliation, thirty packs found in a batteaux of the Hudson's Bay Company; and these furs were afterwards carefully and separately packed and marked, and sent out to Fort William.

Some disputes had now taken place between Governor Semple and his coadjutor; and, disappointed in the attempt upon the Post at *Riviere Qu'Appelle*, the former considered it necessary to

cut off the communication between that Post and Lake Winnipic, through which Lake the North-West canoes from Athabasca, and other remote parts, pass, and are usually supplied with provisions from the Red River depôts. The lower Posts were already destroyed, and if these canoes could get no provisions from Qu'Appêlé, about 500 men would be at Mr. Semple's mercy. A gun-boat, commanded by a Lieut. Holt, was fitted out on the Lake, and batteries, with cannon mounted, were erected on the banks of the river, to effect this object. The Canadians saw nothing before them but the prospect of confusion, and the doubtful issue of the conflict that must ensue; but being convinced, from the plunder of their property at the other Posts, there would be no hesitation in seizing also these, their most valuable returns, preparations were made to protect them, and expresses were sent to the Interior, to advise the different parties coming out of the country, of their danger, and of the necessity of guarding, by all the means in their power, against it. Being still desirous to prevent an actual contest between their canoe-men and the people under Governor Semple's orders, an experiment was made by the Canadians, at the time the canoes were expected, to open the communication between Qu'Appêlé and Lake Winnipic, by land; and about fifty Indians and Half-breeds were dispatched, with an escort of provisions, for that purpose. They *received express orders, and were*

*strictly enjoined, to pass at a distance behind Fort Douglas, Semple's station, and the Colony, to molest no person, and, if possible, to avoid all observation**. In pursuance of these directions, the escort proceeded by the edge of a swamp, (which prevented their making a wider circuit), about four miles from the Fort, with the intention of turning into the usual land-path on the river, nearly a like distance below: in their progress they met one or two Colonists, whom they detained, to prevent information of their route reaching the Fort; and, at the place of their encampment below, a party of them, who had preceded the rest, found some other Colonists fishing, whom they also detained, but did not in the least molest, otherwise than by the restraint of not allowing them to return to give information at the Settlement. Governor Semple, seeing, by a telescope from a look-out on the top of his Fort, the circuit made by the Indians, and probably concluding, if the communication was established, that his plans would be rendered abortive, determined, in an evil hour for himself, to pursue the party, and marched out of the Fort, with twenty-eight men and officers, with great parade in battle array, for this purpose. The Indians and Half-breeds, supposing themselves undiscovered, and unsuspecting of danger, were much scattered: twenty-four of the number, as has been before stated, having proceeded about two

* See Appendix, No. XIX.

leagues below the others, had begun to encamp : the remaining twenty-six, finding themselves pursued by an armed force, retired to join their companions, sending a Canadian of the name of Bouché, who happened to be with them, and who could speak English, to enquire the reason of their pursuit by Semple's party in a hostile manner. Some words were exchanged, upon which Mr. Semple suddenly seized the bridle of Bouché's horse, disarmed him, and ordered him to be taken prisoner*. Upon his attempt to escape, the Governor ordered him immediately to be fired at, and when his people made some hesitation, seeing the danger they ran in such a conflict, he was more peremptory in his commands, accusing them of cowardice for not immediately obeying. His orders were at last complied with by some of his party, and of the shots fired, one passed close to Bouché's ear, in his flight, and another through the blanket of an Indian, who was advancing after Bouché, in the attitude, and with the language of friendship. Seeing himself thus treacherously assailed, the Indian levelled his gun, and fired in return, which example his party followed, and the melancholy and afflicting result of the conflict was, that the Indians rushing in, Mr. Semple and about twenty of his people lost their lives, and one Half-

* These particulars are taken from the testimony of Bouché, who was carried down to Montreal, and other persons present in the affray. It has not been deemed advisable, pending the legal proceedings which the case must give rise to, to publish the evidence of parties who may be implicated.

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breed, and one Indian, on the other side, were killed.

Of course the accounts of this most deplorable event, given by Lord Selkirk, attempt to throw the blame on the opposite party, and his misrepresentations have gone so far as to accuse the North-West Company of having dispatched this force, not for the purpose of escorting the provisions they had in charge, but for an hostile attack upon Fort Douglas. The facts of the Indians having actually passed that establishment, some part having encamped at about ten miles below the Fort, and who, to the number of twenty-four, did not join in the action, and the conflict having taken place at least four miles below, form a sufficient refutation of the latter part of his accusation: add to this, their studied efforts to avoid collision by the detour made, and the facts, not even denied by the opposite party, that they marched out and followed the Indians, and fired first upon them, no doubt can remain as to who were the aggressors in this most unfortunate affray. The Indians and Half-breeds were all on horseback, and dismounting when the fire commenced, sheltered themselves behind their horses, and took deliberate aim at their antagonists over the horses' backs, which accounts for the destructive result of the contest. After their first fire, according to their usual custom, they rushed in upon the survivors, and a Half-breed of the name of Grant, who appears to have acted as leader of

the party, could not even save Mr. Semple from their resentment : while supporting that unfortunate Gentleman wounded, in his arms, a Saulteux Indian, in defiance of his efforts and entreaties to spare Mr. Semple's life, shot him through the head, calling out, " You dog, you have been " the cause of all this, and shall not live."

The Indians and Half-breeds fortunately did not carry their resentment beyond the persons actually engaged in the affray, or approaching in arms to join it ; and it is an undeniable fact, that not one of the Colonists, or even of those who were previously detained, was personally injured. They were, however, all ordered off the grounds, with a warning not to return, but allowed to retain any private property they possessed : the party plundered, and divided amongst themselves, every thing they could find belonging to Lord Selkirk and the Hudson's Bay Company, and among other articles, they unfortunately met with about 200 fusils, and a large quantity of ammunition.

Thus was this devoted Colony for the last time dispersed ; and although its dissolution was sooner or later inevitable, from different causes to that which now determined its fate, it could not have been expected that it would be precipitated by so much rashness. As far as the Canadians were concerned, in having employed these people solely for the transport of their provisions, and without the most distant apprehension of the fatal conflict which ensued, they were entirely blameless,

unless indeed it could have been expected of them, not only to respect the territorial rights set up by Lord Selkirk, but the further extension of power, in attempting to shut up the water communications between countries, over which he does not even claim to extend those rights, and this at the sacrifice of their whole property, and under the knowledge of the absolute ruin in which it would have involved them.

After this melancholy affair, the Colonists, to the number of about 180 souls, complied willingly with the terms prescribed by the Indians, and were met with in the end of June in eight boats, on their way to the Bay. These people had passed the winter as usual in great misery, until they took possession of the Canadian Forts, where they found plenty of dried meat and potatoes.

The Athabasca expedition, which had proceeded under the orders of Mr. Clark, was productive of results equally disastrous to those engaged in it, and, as far as loss of property went, to its projectors. The canoes got into the country too late to find the Indians, and were divided into detachments, at the English River, Peace River, Fort Chipewyan, and at the Slave Lakes, and, having been sent off, with a criminal neglect, on the part of their employer, of the means of subsistence, about twenty people perished by the rigour of the climate and by famine*, and

* Eighteen of these unfortunate men having been dispatched by their leader upon an expedition, on snow shoes, to find the winter

the others, about eighty in number, threw themselves, with their property, on the protection of the North-West Posts, whose Traders saved them from the horrors of famine, and gave them the means of leaving the country in the spring.

While the winter and spring were thus passing in the Indian Country, Lord Selkirk embarked for America, and arrived in Canada, to superintend the extended operations he meditated for the ensuing season, in the full confidence that success would have attended his combinations for the past in the Interior, and that it was only necessary to follow up the blow, to acquire possession of the country to the westward of Lake Superior, and the entire monopoly of its trade.—Mr. Miles Macdonell, against whom, as already mentioned, it was found ineffectual to continue the criminal proceedings which had been instituted, joined his Patron, and was not the less welcome, for the zeal he had before shewn in plundering the Canadians.

Preparations were commenced on an extensive

quarters, or hunting grounds of some Indians with whom he wished to open a trade, the party were unsuccessful in their search, and having lost their way, and consumed all their provisions, no means of subsistence, and scarce any hope of escape, remained to them. About three weeks after they had been sent on this ill-fated expedition, *one* of them alone reached Fort Chipewayan (the North-West Company's principal station in Athabasca); all the others had perished, and the wretched men who survived the longest, had been reduced to the horrid necessity of satisfying their hunger by eating the flesh of their deceased companions, till at length only one was left to tell the dreadful tale.

scale, for new expeditions, by the Grand River, and the Lakes, to the North-West; men of all descriptions were engaged, and a large outfit for the Indian trade, got in readiness. Considering the immense waste of property which would ensue, even from a zealous competition for the trade, if it should reach their remote posts, of which they had before sufficient experience in their contests amongst themselves, and still further apprehensive of the violent measures with which they were threatened, from the nature of Lord Selkirk's proceedings, the North-West Company now attempted to renew with his Lordship, a treaty they had before, in 1810, offered to the Hudson's Bay Company in London, for dividing the Trade, and putting an end to all contention between their Servants. The average returns of the trade of the parties were, about this time; (exclusive of the fisheries in the Bay, in which the Canadians had no desire to be concerned), in the proportion in value of about five to one in favour of the North-West Company, and their most profitable trade, indeed almost the only part which had been so, since Lord Selkirk's opposition, was from the Athabasca country, where their rivals had never penetrated till the attempt of the preceding season, the result of which was then unknown at Montreal. The capital employed in the whole trade, was in the proportion considerably above three to one, taking the Hudson's Bay Company's Stock

at its extended amount, nearly 100,000*l.*, and the returns from what this Company call their exclusive territories, were probably in the same proportion. These data are sufficiently clear to enable the reader to form his own opinion of the fairness of the proposals made by both parties, from which, unfortunately, no arrangement resulted.

In the month of December, a communication was made to Lord Selkirk, of the earnest desire of the North-West Company to enter into a negociation, either for a fair division of the Trade, to be conducted under a joint management, or, if that was not deemed eligible by the Hudson's Bay Company, then for a division of Posts and Countries, so that there might be no possibility of further collision. Without entering into the details of the negociation, the North-West Company offered, if the future conduct of the *whole* trade, under such a joint management as could be agreed upon, was acceptable to the Hudson's Bay Company, that the parties should be interested, the Canadians for two-thirds, and the Hudson's Bay Company for one-third, and that each should furnish, in that proportion, the means and capital, and receive the returns: and if it was found impracticable to negotiate on this basis, that they would divide the Posts, so as to give the Hudson's Bay Company two-thirds of the trade in all the countries over which *they claimed* their chartered rights to

extend, instead of the one-third they actually possessed ; on the stipulation, in return, that the Athabasca trade, and that on the waters flowing towards the Frozen Ocean and the Pacific, should not be encroached upon.

In answer to these proposals, which Lord Selkirk at once declared to be inadmissible, a counter-proposition was submitted by his Lordship, that the Hudson's Bay Company would be kind enough not to interfere with the Athabasca Posts, if the Canadians would give up entirely all trade in the countries through which any waters passed, flowing towards Hudson's Bay, or, in other words, in any part of the territory of that Company, according to *his construction of its limits*, and two-thirds of the trade of which had been, for the last fifty years, carried on by the Canadians ; and that, for the accommodation of the North-West Company, in the event of their acceding to this stipulation, they should be permitted to retain some of their own Posts on the route to Athabasca in those territories, on condition that they would leave the question of right to Arbitration, and, if it was given in favour of the Hudson's Bay Company, that they should be allowed to retain them, with a certain number of acres of land attached to each, for a limited period, on payment of an adequate rent to that Company, as landlords.

The Canadians only observed, in reply to this

modest proposition, that they had commenced the negotiation, not with the view of discussing abstract rights, on which subject they retained opinions diametrically opposite to those of the Noble Lord, but with a view of reconciling present interests, and for the substantial benefit of both parties: that, of course, they could not consent to give up a country to which they claimed even a better title than the Hudson's Bay Company, by virtue of their original discovery and prior possession, and which, according to the best legal opinions they had been able to obtain, was not included in the Charter, even admitting its legality; and that, as to the offer of leaving the settlement of these rights to Arbitration, it contained no reciprocity, inasmuch as, if the award was against them, they were deprived of their possessions, and, if it was in their favour, it conferred no benefit upon them.

There had been evidently no desire on the part of Lord Selkirk, in these negotiations, to bring them to a satisfactory conclusion; and his whole conduct, immediately after their termination, left no doubt of his determination to carry into effect, by physical force, that part of his proposition which related to dispossessing the Canadians of their property and trade, throughout the assumed territories of the Hudson's Bay Company.

His Lordship was appointed Justice of the Peace for the Indian Territory and in Upper Ca-

nada, and a military escort, under the name of a body-guard, consisting of a serjeant's detachment of the 37th regiment, was also granted, on his application to the Governor of Canada, for the protection of his person, in the expedition he meditated in the spring, to the seat of government in his new kingdom. That he might have means sufficient for his purpose, in addition to about 180 canoe-men, he engaged about 150 foreign soldiers, with two Captains and two Subalterns, of the regiment of De Meuron; a set of men, whose conduct afterwards sufficiently justified the apprehensions entertained of them. They had been engaged in different services in Europe and Asia, and were partly formed by deserters from Buonaparte's armies in Spain. From that country they were sent to America, where the regiment was just disbanded, and were fit instruments for the scenes of pillage and plunder in which they were subsequently engaged*.

An account of these preparations, and of the consequences to be apprehended from them, was laid, both before the Government at home, and in Canada, with earnest entreaties, on the part of

* It is necessary to remark here, that these men were hired before even the transactions just related on the Red River had taken place, that the attempt made to justify this proceeding, by connecting it with providing means of defence for the Colony, should be understood. If these soldiers were intended as an addition to the Colony, their dissipated and idle habits would have ensured its destruction, even had it not previously taken place.

the Canadians, and their Representatives here, that at least their persons and properties might be protected.

Relying upon such protection, the North-West Company dispatched their canoes, as usual, in the spring, by the Grand River, without any additional precautions, for Fort William; and about the same time, Mr. Miles Macdonell was dispatched by Lord Selkirk, with the Canadians engaged in the service of the Hudson's Bay Company, in canoes, to make the best of his way, by Lake Superior, to the Red River, in order that his Lordship might have early intelligence from his Colony, of the proceedings during the winter, to meet him on Lake Superior. His Lordship, accompanied by Captains Matthey and D'Orsonnens, and Lieutenants Graffenreith and Fauche, with about 140 De Meuron soldiers, dressed in new uniforms for the service, and equipped with all the "pomp and circumstance of war," even to a furnace for heating cannon balls, took the route by the Lakes, with the intention, it would seem, of engaging some discharged Highlanders of the Glengary Corps, also to follow his fortunes.

Mr. Miles Macdonell had proceeded with the utmost expedition to Lake Superior, and had passed on by the usual communication to Lake Winnipic, while the Agents of the North-West Company had arrived at Fort William, and were

engaged in preparing the outfits for the ensuing, and receiving the returns of the past, season from the Interior. They had only as yet intelligence from the near Posts, and were alarmed by reports, for they had no clear accounts, of the capture and destruction of the two Provision-Posts on the Red River. They instantly dispatched about 60 men in light canoes, to the assistance of their people coming out, thinking, as an attack had begun, their Athabasca returns might be in danger: they, however, were soon surprized by the return of Mr. Miles Macdonell, who, upon reaching Lake Winnipic, heard of the conflict in which Mr. Semple had fallen, and of the entire dispersion of the Colony. They now received accurate intelligence of all the events which have been before detailed, and lost no time in sending down an express, that it might be forthwith communicated to the Government at Quebec. The express got to Montreal about the middle of August; and the instant it arrived, Mr. Richardson went with the accounts to Quebec, and again entreated an officer of rank might be sent up to investigate these outrageous proceedings, and with full powers to arrest and send down the guilty persons of either party to Canada for trial. Sir John Sherbrooke had not then reached Quebec to assume the Government, and General Wilson, in momentary expectation of his arrival, was unwilling to interfere. After Sir John Sher-

brooke had assumed the command, no Officer was to be found at the disposal of Government, sufficiently qualified by experience and information, for the service; but a Proclamation was instantly issued, ordering all persons to keep the peace within the Indian Territories, and this was sent up immediately by a light canoe to Fort William; the canoe, however, arrived after the capture of the Fort, which will presently be related, and the Proclamation was suppressed by Lord Selkirk, as inconsistent with the course he was then pursuing.

Mr. Miles Macdonell proceeded without delay, to carry the disastrous accounts from Red River to Lord Selkirk, whom he met, with his troops, at St. Mary's, at the entrance into Lake Superior, where he was waiting for an expected addition to his force, and for provisions and artillery, which were coming in vessels across Lake Huron, to join him at that place. Here, it would appear, his Lordship resolved upon the line of conduct he afterwards pursued, and he lost no time in setting forward with his whole expedition for Fort William, in the neighbourhood of which he arrived on the 11th of August.

Fort William has already been mentioned as the general depôt of the North-West Company, where their stores and merchandize for the supply of their followers, and of the Indians, and their returns of Furs, &c. from the Interior are deposited.

At this time, the beginning of August, the usual business of the season was in actual progress, and far from being completed. The wintering Partners, who had been appointed by the General Meeting to the more remote Trading Stations in the Interior, had taken their departure, but the Partners appointed to take charge of the stations on the Red River, River Winnipic, the communication from thence to Fort William, and all the stations in the vicinity of Lake Superior, still remained at the Fort, together with the outfits of merchandize, arms, and ammunition destined for the trade of their respective stations, and for the use of the Natives depending upon them for supplies. A considerable, and by far the most valuable part of the returns from the Interior, was also deposited at the Fort, in order to be sent down to Montreal for shipment to England. This consisted of 600 packs of the finest Furs, the value of which, if now in England, would be moderately estimated at 60,000*l.* sterling.

The Fort was under the direction of Mr. William M'Gillivray and Mr. Kenneth M'Kenzie, *the Agents*, as they are called, though they may be more properly described as *Directors* of the North-West Company. The wintering Partners, already mentioned, were also in the Fort, together with the voyageurs, or wintering servants of the Company, who were to navigate the canoes carrying the supplies to the different Trading Sta-

tions, and also the Montreal canoe-men, who were to carry down the Furs.

Their numbers together must have exceeded 500 men, and the place, though not properly a Fort, but merely a square of houses and stores, surrounded by a strong and lofty picket fence, contained an ample supply of arms and ammunition, and was capable of considerable resistance.

The whole proceedings of Lord Selkirk at Fort William are so extraordinary in themselves, as well as so momentous in their consequences to the North-West Company, that they require to be particularly detailed.

On the 12th of August, his Lordship came into the River Kaministiguiâ with four canoes, attended by a number of soldiers, and by his guard, with whom he encamped about 800 or 900 yards above the Fort, on the opposite shore.

Within two or three hours, eleven boats full of men, in the uniform of De Meuron's Regiment, came into the River, and were followed by one boat and two canoes loaded with arms and stores, &c. The troops immediately joined Lord Selkirk at his encampment. Cannon were landed, and drawn up, pointed to the Fort, and balls were ready piled beside them, as prepared for a siege and bombardment.

On the following day, two persons belonging to his Lordship's suite, named M^rNabb and M^rPherson, came to the Fort about three o'clock

in the afternoon, and having without difficulty obtained admission, they arrested Mr. William M'Gillivray, who immediately offered to attend his Lordship, and, utterly unconscious of any ground for charge, took with him Mr. Kenneth M'Kenzie, and Dr. M'Laughlin, to give bail for him if required. On embarking to cross over to his Lordship's encampment, they were guarded by above twenty soldiers, who had accompanied M'Nabb and M'Pherson, and on their reaching the opposite shore, they were received by a party of the 37th regiment under arms, who conducted them to Lord Selkirk.

Instead of being accepted as bail, Mr. M'Kenzie and Dr. M'Laughlin were told that they were involved in the same charge with Mr. M'Gillivray, which appeared to be some concern or participation imputed to them in the transactions at the Red River; and his Lordship stated, that all the Partners of the North-West Company, who had been at Fort William in the year 1814, when the appointment of Mr. Duncan Cameron to their station in the Red River took place, were implicated in the alledged crimes.

Any attempt at justification was of course useless; nor was any necessary, for Lord Selkirk must at the moment have been equally convinced as they were themselves, not only of their *innocence*, but even their complete *ignorance*, of the transactions imputed to them as crimes.

Military possession was then taken of the Fort, as is particularly described in the Deposition of Lieutenants Brumby and Misani*, given in the Appendix, No. XX., and in the following Journal of Mr. Jasper Vandersluys, a very respectable person, who was employed as Book-keeper to the Agents of the North-West Company, and who, upon the arrest and removal of all the Partners, as detailed in the Journal, was left at Fort William in charge of their affairs.

* Lieutenants Brumby and Misani, whose Deposition is above referred to, are Officers of the late Regiment De Meuron, who obtained leave of absence from General Sir Gordon Drummond, at the request of the North-West Company, in order to enable them to visit the Indian Country. This was partly intended to counteract the impression which might be made on the Indians by seeing Lord Selkirk's body-guard and military force; but chiefly in order to enable these Gentlemen to see the real state of the country, and to give an impartial report of such occurrences as they might witness. Their testimony, therefore, relative to the military outrages committed at Fort William, is entitled to particular attention, as coming from Military Men, totally unconnected with either of the Parties.

*Journal of Occurrences at Fort William, in the District of
Kaministiguiâ, commencing the Twelfth Day of August,
One Thousand Eight Hundred and Sixteen.*

Fort William, 12th August, 1816.

BETWEEN ten and eleven this morning the Earl of Selkirk, accompanied by his body-guard, and others, came up the River Kaministiguiâ in four canoes. He encamped about 800 or 900 yards above the Fort, on the opposite shore. Between one and two P. M. he was followed by eleven or twelve boats, each having from twelve to fifteen soldiers on board, all armed, who encamped about two hundred yards below the Earl. The rest of the day past quietly off, though I observed very great activity prevailing in their Camp.

13th August.

The morning past very quietly, but I observed his Lordship's soldiery cleaning and loading their muskets, and planting their cannon in the direction towards the Fort. In the afternoon, at about two or three o'clock, one M'Nabb came into the Fort, with a Warrant issued by the Earl, and took prisoner Mr. William M'Gillivray, ordering him to accompany him to Lord Selkirk's Encampment. Mr. M'Gillivray immediately obeyed, and Mr. Kenneth Mackenzie and Dr. John M'Laughlin accompanied him, to give bail. No one else in the Fort was informed of the circumstance, so that, seeing these Gentlemen go over to Lord Selkirk, we all took it as a favourable sign of an arrangement between the Hudson's Bay and North-West Companies being about to take place; and we were proportionably the more surprized upon perceiving the result. Half an hour after these Gentlemen were gone, I heard a bugle horn. Two boats, each with from twenty-five to thirty armed soldiers, were dispatched by the Earl of Selkirk, and landed in front of the Fort. They were preceded by the said M'Nabb, and one M'Pherson (who had been appointed Constables by Lord Selkirk),

and who made prisoners of Messrs. John Macdonald, Alexander Mackenzie, Hugh M'Gillis, Simon Fraser, Alan Macdonell, and Daniel Mackenzie. Mr. John Macdonald requested the Constables to produce their Authority, and to exhibit their Warrant. It will hardly be believed, that this legal demand, which the Earl of Selkirk now endeavours to hold out as a resistance to the execution of the Warrant, served as a signal for attack. Captain D'Orsonnens, the leader of these disbanded, intoxicated, and almost uncontroled soldiers, cried out "*aux armes, aux armes!*" and immediately the bugle was sounded, and an armed force of about sixty in number, with loaded muskets and fixed bayonets, rushed forcibly into the Fort, shouting, cursing and swearing, and threatening death and destruction to all persons and all property. The soldiery were strongly countenanced in this by their officers, amongst whom the most conspicuous was the aforesaid Captain D'Orsonnens, next Captain Matthey, Lieutenant Fauche, Lieutenant Graffenreith, and several more. They spread out their troops in every direction, driving the peaceable inhabitants of the Fort before them, and spreading terror and alarm amongst the women and children by their hideous shouts and exclamations. They placed two pieces of cannon in the centre of the Fort, and centinels in all quarters. All this while the abovementioned Gentlemen did not offer the least resistance, but on the contrary, patiently submitted to the outrageous and lawless conduct of their assailants; and they were then carried off to the Earl's Camp, guarded by an armed force. Had the least thought been entertained of making resistance, nothing would have been easier than to have done so, and to have exterminated the whole of Lord Selkirk's band; for at the time the Earl made his appearance, we mustered nearly three times the number of his people, and were provided with more than sufficient means of defence; but no such thing was ever contemplated or even suggested, in proof whereof, the sale, and even the usual distribution of liquor to the men, was positively forbidden.

The Fort was now left in disorder, and at the discretion of the intoxicated soldiery; and if no blood has been spilt on the occasion, neither Lord Selkirk nor his people have any claim to the credit of it. At about eight P. M. our Gentlemen returned,

having, as I understood, engaged to Lord Selkirk to go back the next day to his Camp, in order to undergo an examination. I omitted to mention that, after our Gentlemen had been carried off, Mr. M'Nabb, one Mr. Allan, (the Earl's medical attendant) accompanied by Captain D'Orsonmens and another, proceeded to the Office of the North-West Company, and there presented a Warrant addressed to the Chief Clerk, with orders to seal up all the papers, which was complied with; after which they went into Mr. M'Gillivray's private room, where they did the same, and subsequently in the rooms of all the before-named Gentlemen.

When the Gentlemen returned, they expostulated upon the troops being left in the Fort, and insisted upon their being withdrawn; which was only partly complied with, and a guard of twenty soldiers was left under the command of Lieutenant Grafenreith.

The general terror, the uncertainty as to what were the Earl's designs, and the acts of violence, and infringements of all right and law, which had already been committed, made us all pass a night of fear and anxiety.

14th August.

This morning Mr. M'Gillivray desired me to draw up a Protest against the acts of violence committed yesterday; I had only a quarter of an hour to do it in, and worded it briefly in the following terms:

“ We the undersigned, Agents and Partners of the North-West
 “ Company, being this day, the thirteenth of August, 1816, in a
 “ body assembled at Fort William, in the district of Kamini-
 “ tigiã, do hereby formally Protest against the violent proceed-
 “ ings done and committed upon our persons and property, at
 “ the above mentioned place in the afternoon of the above-
 “ mentioned day, by a troop to the number of between fifty
 “ and sixty disbanded and intoxicated soldiers, formerly belong-
 “ ing to the Regiment of De Meuron, and at present in the ser-
 “ vice and pay of the Earl of Selkirk, headed by Captain D'Or-
 “ sonmens and Lieutenant Fauche, and afterwards joined by Cap-
 “ tain Matthey and Lieutenant Graffenreith, who forcibly enter-
 “ ing the Fort Gate, spread out their troops in every direction
 “ having their bayonets fixed, and shouting a most horrid huzza!

“ which spread a general terror amongst the inhabitants of the
 “ Fort; after which they placed two pieces of cannon in the cen-
 “ tre of the Fort, and centinels in all quarters, and proceeded
 “ by order of the Earl of Selkirk, with armed force, having then
 “ one Mr. Allan, Doctor to his Lordship, at their head, to seal
 “ up the papers and desks in the North-West Company’s Office,
 “ and then those of the private rooms of the Agents.

“ We therefore do most solemnly Protest against these acts
 “ of violence, and against all those whom it may concern.

(Signed) “ WM. M’GILLIVRAY.
 “ KENNETH MACKENZIE.
 “ JOHN MACDONALD.
 “ SIMON FRASER.
 “ ALLAN MACDONELL.
 “ JOHN M’LAUGHLIN.
 “ HUGH M’GILLIS.
 “ DANIEL MACKENZIE.”

In conformity with their engagement to Lord Selkirk last night, our Gentlemen were preparing to embark in order to proceed to his Lordship’s Camp, when a strong reinforcement of troops arrived from the other side, headed by Captain Matthey, with the intelligence that the Earl would soon be at the Fort; and in about half an hour afterwards he made his appearance with his body-guard*, and immediately entered the Hall in the Mess-house. Mr. M’Gillivray handed to the Earl the above-mentioned Protest, which he read. An armed force (of the 37th regiment) was stationed both within and without doors. The Earl enquired who were the Clerks in charge of the concern in the absence of the Proprietors. James M’Tavish and myself were named, which the Earl approved of. His Lordship went with M’Tavish into the Office, was in close conversation there with his Surgeon and Captain D’Orsonnens, whence he went into Mr. M’Gillivray’s room, and thence to the different rooms of all the Proprietors, in order to examine the seals put on yesterday; after which he was in a long and close conversation in the Court-yard of the

* Consisting of the Non-commissioned Officer and men of the 37th regiment, granted by General Wilson for his Lordship’s protection.

Fort. He returned, and ordered all the Partners to be closely confined in their rooms. He took up a room himself in the Mess-house. Mr. M'Gillivray represented to him, that it was necessary the Clerks should proceed in their regular business, and that therefore the seals should be taken from off their desks, and the contents examined. His Lordship answered, that there were things of the utmost importance to be settled first, and then placed centinels with fixed bayonets before the doors of all the Partners. The Earl applied to me to give him an explanation of the various buildings in the Fort; but I told him it was out of my power, as I was a stranger myself. He went round to take a full view of the Fort. I followed him. One Chatelain met him, and took him aside. He returned into the Fort, and a heavy shower of rain falling, I took him into Dr. M'Laughlin's house for shelter. His Lordship was very inquisitive, enquiring the number of cattle, the produce of the harvest, &c. After the rain he went to his room in the Mess-house, with Captain D'Orsonnens, Captain Matthey, and his Surgeon, who in all respects seem to be his chief agents, and principal confidants. He came out and asked me to go for Mr. M'Tavish, who came, and complied with his Lordship's request in explaining the use and contents of all the buildings in the Fort. The bell rung for dinner. The prisoners received their dinners in their rooms. During dinner, Lord Selkirk and his party were very busy about the Fort, and carried off about eighty guns belonging to the North-West Company. An order was then issued to all our men to carry all their canoes into the Fort, and break up their Camp, no one being allowed to encamp or remain any longer on this side the river. His Lordship asked me if I knew the Proprietors who were under confinement. I answered in the affirmative. He told me it was necessary they should all be placed in one house, and pointed out the Wintering-house, to the right of the Mess-house, as one that would answer this purpose. He wanted me to accompany his constable, M'Nabb, to get the Gentlemen together, and convey them to their new prison. I took the liberty to observe to his Lordship, that I should find it rather a difficult task to act in concert with his constable against my Employers, and begged to be excused accepting such a degrading office. His

Lordship said he had plenty of people of his own to perform this duty, but that perhaps they would do it in a less delicate manner. I answered his Lordship, that as for that, I had not the least doubt, but could not possibly comply with his request. Soon after I saw John Macdonald conducted by an armed force from his own room into the Wintering-house; Allan Macdonell was conducted thither in the same manner, and a few moments after, I had the mortification to see Mr. M'Gillivray turned out of his private room with his luggage, and carried away also, guarded by an armed force with fixed bayonets, to the Wintering-house. The Mess-house being now cleared of all our Gentlemen, I went in, and found a person of the name of Lorimier, one Chatelain, and the well-known Williamson, all three Agents to his Lordship, regaling themselves in the larder. After this a new Warrant was issued for searching the private rooms of the Gentlemen who were in prison, and to seize all arms, under the frivolous pretext, that information had been given that a quantity of papers had been burnt the night before, and a number of arms concealed. I accompanied the searchers to every room. John Macdonald's room being locked, was forcibly broke open with an axe by Mr. Allan, Mr. M'Nabb, and Captain D'Orsonnens. The search, sealing of papers and trunks, seizure of arms, &c. lasted till past twelve o'clock at night.

These articles were all sealed in my presence, and next to the Earl's seal I put mine. They were carried to his Lordship's apartment in the Mess-house.

An order was this evening issued in the Earl's name, that after nine, no one should appear out of doors under any pretext whatever.

A printed paper has been posted up at the gate of the Fort, signed by some Montreal Advocates, and purporting to contain the Opinion of those Gentlemen, relative to the Hudson's Bay Charter, but which in fact consists of nothing but the denunciation of punishment against all who shall oppose the measures the Earl of Selkirk may think proper to adopt, as Justice of the Peace.

15th August.

One of our men having been out fishing, returned this morning with a load of fish, which was immediately seized, and distributed among his Lordship's people. Orders have been issued to stop the regular course of business in the Fort, and neither Clerks, Mechanics, nor any others are permitted to do their daily business. The greatest consternation prevails amongst all our people. The Gentlemen prisoners mentioned yesterday, are all still more closely confined, and all access to them is most strictly prohibited. The whole of his Lordship's people are now encamped in front of the Fort, and our people were driven last night from their grounds to the opposite shore, which being but ill cleared of wood, and swampy, affords them a very wretched place of encampment amongst the stumps and bushes. Whenever they have occasion to come to receive their victuals, an order must first be given by one of the officers of these disbanded soldiers to the centinel, who then allows them to pass, and go into the Fort to receive their victuals. The most abusive language towards us is made use of by the soldiers, who all appear to be thirsting for an opportunity to gratify their wishes for tumult and bloodshed. I do not know whether this disposition is sanctioned by the Earl, and should rather doubt it, but it is evident they are entirely under his command and controul. Two loaded pieces of artillery are placed at the entrance of the Fort, and command the opposite shore, to keep the people there in awe. Blondin, the guide, was with his men working in the canoe-yard: no sooner had one of his Lordship's officers got information of it, than they were turned out of the Fort.

About ten o'clock A. M. the Earl proceeded to examine the prisoners, on whose behalf Lieutenant Misani, Lieutenant Brumby, and Captain Matthey, were nominated as Members of the Court; and on the Earl's behalf M^rNabb, Lorimier and another, name unknown; Dr. Allan and Mr. Spencer acted as Secretaries, and it is worthy of observation, that Mr. Spencer is a prisoner, and to be tried before the Court in Montreal next month. The examination lasted till about seven in the evening without interruption. Daniel Mackenzie's examination was postponed till to-morrow. The evening passed quietly.

16th August.

This morning the Captain of the guard told old Mr. Landriau, that he had heard in the night a noise like the breaking open of a padlock. Many such falsehoods are maliciously spread abroad, in order to veil the illegality of Lord Selkirk's proceedings. A few moments before breakfast time a party of six armed men was ordered out, under the command of Captain D'Orsonnens, (well worthy of such expeditions): they marched off at a quick pace, and I followed them, anxious to know what their object was. They appeared to be in search of one of our men, and in fact I saw Pierre Bonza dragged out of his hut; the soldiers all the while cursing and swearing, and uttering the most abusive language, to a man who made no resistance, and gave himself up as prisoner. On this occasion, even the leader of the party, Captain D'Orsonnens, did not scruple to make use of expressions unbecoming a gentleman. They afterwards proceeded to arrest one Brisebois, guide to the North-West Company, who was treated in the same manner.

At a meeting of the Clerks after breakfast this morning, the following representations were agreed upon to be laid before Lord Selkirk; in conformity with which, Mr. M'Tavish and myself waited upon his Lordship, whose answers are annexed:

<p>“ Whether the necessary “ hands will be allowed to as- “ sist in taking inventories of the “ goods and property on hand “ in the Fort?”</p>	<p>“ He will allow three or four “ hands, provided their names “ are given in, and that it does “ not take too many days.”</p>
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<p>“ That the lately arrived Furs “ in the pack-store, being wet “ and damaged, require a suffi- “ cient number of men to pro- “ vide against any further da- “ mages.”</p>	<p>“ Allowed six hands for this “ purpose, provided their names “ are given in.”</p>
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“ That the fences around the
“ fields have been carried off,
“ and the gate of one of the
“ fields in which part of the
“ cattle was inclosed, broke
“ open.”

This was entered into, but
the investigation eluded;

“ That the hay in the fields “ Granted some hands, pro-
 “ is rotting, in consequence of “ vided a list be given of their
 “ the people being stopped from “ names.”
 “ their work.”

Several other representations were made, arising from the general confusion, but on the whole his Lordship evaded the greatest part of our questions and complaints, and referred us to his officers *in command*, who, as he plainly said, were better accustomed to matters of vigilance and precaution than he was himself; but that he would sanction every thing they decided upon. After we had left his Lordship we applied to the officers *in command*, and those gentlemen in their turn, evaded our application, with the answer, that they were not vested with sufficient authority, but would put into execution any commands of the Earl.

Having therefore maturely considered the present state of matters, we this afternoon addressed the following Letter to the Earl:

“ *To the Right Hon. the Earl of Selkirk.*

“ MY LORD,

“ Whereas the circumstances occurred at this place have occasioned a general stand in the regular course of the North-West Company’s trade, and we having been appointed as chief Managers of the Concern, during the absence of the Agents and Proprietors, we think it an imperative duty on our part to address your Lordship on the subject.

“ Our outfits for the Interior have only partly been provided for. We therefore, on the present occasion, request that your Lordship will be pleased to give the necessary orders, that the dispatches of such merchandize as is required for the Indian trade, may not be interrupted.

“ The season being already far advanced, it is of the most urgent necessity that our Montreal canoes should be sent off with the Furs and Peltries at present in store, in consequence of which we also request your Lordship’s authority for the purpose.

“ And as it appears that the whole of the transactions of this
 “ place have been brought to a stand, which in a very short
 “ time may cause an unaccountable confusion, we also apply
 “ to your Lordship for redress in this.

“ And as your Lordship’s severe precautions induce us to think
 “ that some illicit measures are suspected from us, or those
 “ under us, we beg leave to assure your Lordship, that what-
 “ ever may be reported on this subject, is utterly false and un-
 “ founded: That on the contrary, we have used, and shall con-
 “ tinue to do so, all our exertions against any infringement of
 “ the public tranquillity, which on the present occasion is of
 “ such high importance.

“ We are,

“ My Lord,

“ Your Lordship’s humble and obedient Servants,

(Signed)

“ J. C. M’TAVISH.

“ J. VANDERSLUYS.”

Nothing further remarkable occurred this day. The Earl has been occupied for the greatest part of the day by himself. Daniel Mackenzie’s examination, which was expected to have taken place to-day, has again been postponed. I cannot account for the reasons of this delay. Besides the two prisoners arrested this morning, seven more have been taken, viz. Antoine Gonneville, Louis Pereaue, Joseph Demarrais, Philibert La Deroute, Augustin Le Vigne, Joseph Landry, and Supplice La Pointe dit Desautel.—The two last-mentioned men went into Athabasca last year for the Hudson’s Bay Company, and owe their lives to the North-West Company, eighteen of their people having perished with hunger. A deposition by them to this effect is on record.

17th August.

At about ten o’clock last night, his Lordship let us know that he wanted a list of all the men on the ground before he went to bed, and that without this document it was impossible for him to answer our letter. We immediately consulted on this, and made out and handed his Lordship the list just as he was going

to bed. This morning at half past four, we were waked by M^cNabb, who brought a message from the Earl, that he wanted to see M^cTavish. He informed him that he intended to send off twelve gentlemen to Montreal, and ordered M^cTavish to get three canoes ready for that purpose. His Lordship would not mention their names. The men intended to conduct the canoes are also kept secret.

Walking out of the Fort before breakfast this morning, the Earl addressed me, and said I must not be surprized that no answer had as yet been given to our Letter of yesterday, as the inconvenience which the North-West Company's trade had been put to, must not impede the execution of the law. I observed to his Lordship, that our present situation involved us in great responsibility, and that therefore, I had no doubt his Lordship would favour us with a few lines in answer to our Letter, which he promised to do. After breakfast I addressed the Earl for the purpose of having a seal removed from one of my drawers in the Office, which he complied with, and deputed M^cNabb and Dr. Allan to attend. They seized some papers of no value, and sealed them; but I must not omit to mention, that this bundle contains a *Deposition of one Nolin, Clerk to the Hudson's Bay Company, written and signed by himself, in which, amongst other things, he declares, that at the late action at Red River, the Colonists, headed by Mr. Semple, were the aggressors and first assailants*; and that the Half-breeds declared they would not permit any Settlers on their grounds, but would admit as many Traders as chose to come. This bundle was marked, sealed, and signed by me on the outside, as containing such a document. It was put by along with the other papers seized before.

Finding that, notwithstanding Lord Selkirk's promise to answer our letter, no reply had yet been made, we addressed his Lordship again in the afternoon, as follows:

“ To the Right Hon. the Earl of Selkirk.

“ MY LORD,

“ Referring to the Letter which we had the honour to address
“ to you yesterday, we are extremely sorry to find, that until this

“ moment we have not been favoured with a reply. We therefore
 “ take the liberty to represent again to your Lordship, the urgency
 “ of sending off both our Montreal and North Brigades, and with-
 “ out appealing to the promise your Lordship has verbally made
 “ to us, not to interfere with the regular course of the North-West
 “ Company’s trade, we cannot pass unnoticed, that *we* cannot
 “ be answerable for any prejudicial consequences which may arise
 “ from such a stoppage.

“ Being this morning informed by your Lordship’s verbal com-
 “ munications, that it was intended that twelve passengers should
 “ go to Montreal to-morrow, we request your Lordship will let
 “ us know, whether the canoes are to be manned by your Lord-
 “ ship’s or the North-West people? In the latter case, we shall give
 “ orders that the number required may be ready at such an hour
 “ as your Lordship may appoint.

“ We are,

“ My Lord,

“ Your Lordship’s humble and obedient Servants,

(Signed) “ J. C. M’TAVISH.

“ J. VANDERSLUYS.”

Every thing here is industriously kept secret, and although the soldiery behave now somewhat better than at first, yet it is very irksome, and repugnant to us to be under military and arbitrary orders. It would seem as if our assailants were corrupting our men in order to bring false accusations against some individuals. This was tried with a view to inculpate Mr. M’Gillis and Mr. Harrison, who were both accused, without any foundation, by a wretch of an Iroquois, who probably had been bribed for the purpose, of having distributed arms amongst the Canadians the day the Fort was attacked. These and the like schemes are put in practice, and if we could see into their private plottings, it would soon be apparent that the Earl’s pursuits are different from what he pretends they are.

18th August.

This day has been a very busy one. The whole of the morn-

ing was occupied in getting ready the prisoners' baggage. We had not received any answer to our Letters of the preceding days, and were thus quite in the dark how to act. We spoke to his Lordship, who foolishly enough observed, that he thought it was very ridiculous to be writing to a person who was at a distance of no more than two hundred yards. It is very evident, he said this with an intention to evade our legal demands. He appointed the Iroquois, as the people to conduct the canoes. We made out a list of them, and as a proof of the malice and suspicion of Lord Selkirk's Agents, even in the most trifling matters, one Lorimier observed, that the crews consisted chiefly of children, as if it were done on purpose.

After dinner, the fatal order for the departure of the prisoners was given. Their baggage was brought out of the Fort, and exposed on the wharf. Before the Gentlemen embarked, they were condemned to pass through a ceremony, which may in itself be considered a most cruel punishment. They were, one after the other, carried from their prison to his Lordship's tent, which had been emptied for the purpose, and here their baggage was opened, rummaged, and strictly searched. Some papers, which, when the first search took place, were said to be of no consequence, their testamentary dispositions, and their money, was taken from them without mercy, and under the smiles of Capt. D'Orsonmens. Mr. Spencer and Archibald Macdonald were two very active parties in this abominable ceremony; after which, two soldiers were ordered to search their persons. One of them I saw, had the impudence to put his hands into the pocket of Dr. M'Laughlin's trowsers. Mr. M'Gillivray, I observed, suffered very much from such harsh treatment, which was aggravated by *Lord Selkirk refusing to let his own servant go with him*. After this, they went off in three canoes, and a fourth with soldiers followed. All our brave and faithful men, who were spectators of their departure, were silent as the grave! Not from awe of Lord Selkirk's overwhelming power, or of his military precautions and martial law, but from the natural feelings of their hearts, from the unaltered respect they bore for their masters, and from the remembrance of their kindness. Some of these faithful men were not able to

conceal their tears, and I saw, what perhaps few have ever seen, —I saw an *Indian weep!*

The Earl's plans and views cannot now be a secret any longer, and the whole of his conduct makes me entertain very serious apprehensions as to the safety of our property, for I anticipate that the whole will be seized upon, if not made away with.

Daniel Mackenzie's examination has not yet taken place: this is the seventh day of his confinement, and moreover, he is the only one of the prisoners kept here.

19th August.

At length the Earl's projects and views, so long disguised, begin to discover themselves. It appears, he has only waited for the absence of our gentlemen, to unmask himself, and put his plans in execution. We sent him a message this morning, requesting an interview. It was granted. We represented the urgent necessity of sending off our canoes for Montreal and the Interior. His Lordship pretended that he could not authorize this without being provided with an invoice of the goods intended for the Interior; and, although we were convinced he had no right to ask such a thing, yet we complied with it, not in consideration of his person, nor through a servile obedience to his unlawful demands, but for the benefit of the North-West Company's trade, and in order to ensure the utmost dispatch. When he was in possession of the invoice, he demanded to see the goods. We took this as a favourable omen, and expected that our entreaties would no longer be laughed at, but ultimately complied with. In this, however, as well as in all he did, he acted hypocritically; and this is the man who boasts of the protection he has afforded the North-West Company's property, by not suffering his soldiers to pillage. I conducted him through all the Dry Goods Stores. He evinced the greatest curiosity in examining every bit of paper that met his eye. At last he found a book on one of the shelves, upon opening which, he found an account under the title of *Shop*. He enquired the meaning of this, which I explained to him. He then enquired whether, if his people wanted any articles, they would be furnished? I answered, that as far as regarded a few articles which *he* might personally stand in need of, they would not be

refused; but as for his soldiers, it was impossible to do so. He asked me for the tariff. I told him, I could not justify it to myself to give it.—“But,” said he, “there may be some articles which may not be thought of, and be remembered “when I see the tariff.” Here, however, his Lordship’s cunning was too evident. I told him, that for that purpose I would show the goods to him. He asked me whether I would refuse the gentlemen who were with him, to let them have some articles? I asked his Lordship whether he would guarantee the payment? He said he would for one Spencer, but for none else. I remarked to his Lordship, that when the master declines to be answerable for his servants, it could not reasonably be expected that a person entirely unconnected with them should be so. After having gone through all the stores, I pressed for his early decision with regard to the dispatch of the goods; and, in fact, in his deceiving way of speaking, he gave me some faint hopes. After this we applied for the removal of the seals, which were still on our desks in the Office, which was done, and a bundle of papers taken out and sealed. After dinner we proceeded to repack the trunks and papers seized and sealed on the 14th instant and following days, in order to make them more convenient to be sent off. I assisted: and, as in the confusion of the first night, various seals had been put on, I now marked and numbered all the parcels, and sealed them with the North-West Company’s seal. There were twenty parcels in all, which were packed in a box. This business being over, I went to the Office, and there, to my great surprize, found the constables, M’Nabb, and M’Pherson, who had got possession of the keys of all the stores and warehouses, and were ready to march off with them, I enquired into this extraordinary circumstance, and was told that they had seized the keys *in virtue of a Search-warrant issued by the Earl of Selkirk*. I demanded to see this Warrant, which was very reluctantly complied with. When I had perused it, I observed to the constables, that they had acted contrary to the tenor of the Warrant, and that I therefore protested against the illegal taking possession of the keys, and

against their postponing the search till next day. That the Warrant very distinctly stated, that the constables should enter *in the day time* into the North-West Company's houses and warehouses, and there search, &c. But that the Warrant by no means authorized them to seize the keys of those buildings in the middle of the day, and carry them off, because we had been stupid enough to suffer such lawless acts without remonstrating. That I insisted, therefore, on the keys being immediately returned, and as those of the provision stores were still in my possession, I resolutely refused to give them up, and declared I should hold those who had the superintendence of those stores, answerable for the consequences, in case they gave way to the illegal demands of the constables. Macpherson then went for the Earl, who came in a great passion, enquiring who had opposed those keys being put into the custody of his constables. I came forward, and told him it was I, and that as long as I remained in charge of the North-West Company's Concern, I would never sanction any such illegal actions; that I did not by any means, intend to oppose the execution of legal Warrants, or obstruct the legal measures adopted by him, in his capacity as a Magistrate, but that, at the same time, my duty was imperative, and that as long as I had the power, I would stand forward to protect the property entrusted to my care, against any illegal attack. The Earl then frivolously pretended that this Warrant could have no effect without his being in possession of all the keys; adding, that he had studied the laws of his country too well, not to know them better than *a foreigner*. I observed to his Lordship, that my being a foreigner had never been any thing *against* me, in the eye of every man of sense, and that I certainly confessed I was not lawyer enough to explain in how far he could in this case, and upon this Warrant, extend his authority, but that nothing could be plainer, than that an order *to enter in the day time into a certain place, and there to search for certain goods*, could not be explained to mean *to seize all the keys of such places, and carry them off*. He threatened, that if the keys were not immediately given up, he would force them from me by military

coercion. I told him that they should not be put in his possession till he did so, and I insisted upon the Warrant being put in execution without delay; that it was full day-light (half-past four P. M.), and that I was ready to give his constables access to any place they might desire to search. My determination had the desired effect: his Lordship lowered his tone, and we proceeded to the examination of the provision stores, where none of the goods sought after were found, and the keys of those buildings remained in our possession. It being now too late to search the other buildings, I agreed with the constables, that all the keys should remain this night in *my possession*, locked up in a box, of which they should keep the key, which was done accordingly; and that we should go on to-morrow morning at six o'clock.

Amongst other representations made this morning to the Earl, we told him that if our men remained eight days longer on the ground, we should be short of provisions; and that our fisherman being prevented from pursuing his avocation, this also very much contributed to diminish the stock of provisions on hand; but as usual, our remonstrances had no effect, and no notice was taken of them.

The Earl now occupies two rooms in the mess-house. Two soldiers, with fixed bayonets, are stationed in the hall when we take our meals.

Daniel Mackenzie is not yet examined; this is the ninth day of his imprisonment.

20th August.

Before six this morning, we proceeded to search for the *stolen furs** at Brandon-house, as the Warrant expresses it. We began with the Dry Good Stores, and no furs being found there, the keys were delivered up to me, according to what had been agreed last night with the Earl. Upon entering the Fur Store, they found a vast quantity of peltries, some packed and others not. They saw the difficulty of their enterprise,

* These were the furs stated before to have been taken on the 19th May. See page 50.

and in order to put it off, to kill time, and to throw the North-West Company's Concerns more and more into confusion, new and arbitrary orders were issued by Lord Selkirk, to search the stores over again which had just been gone through, under the provoking pretext, that furs, papers, or other articles might be concealed in the bales of dry goods. I however refused to admit them again, as they had once already, in their capacity as constables, declared that they were satisfied the objects of their search were not there. This was reported to the Earl, and *as his Lordship thinks nothing of issuing Warrants* to the first who applies for them, *a fresh one was immediately made out, which was presented to me before it was dry*; this arbitrary document was of the same tenor as the one mentioned before, only with the addition of the words, "and various articles."

It certainly required more than a common stock of patience to submit to such a number of wilful provocations; especially where it was evident they originated in interested motives, the spirit of retaliation, and the criminal object they had in view, of the total destruction of our trade, and where too they were backed by a ferocious band of lawless soldiery, with arms and artillery; where too these illegal acts were all committed under the pretence of Law, and where the only acting Magistrate was at once our violent oppressor, and our interested rival in trade. Though but little acquainted with the British Laws, I cannot allow myself to think they can in any way sanction Lord Selkirk's conduct. And I cannot help remarking here, that at the time of the French Invasion of my own country, I witnessed much injustice, and a defiance of law and morality, with all the evils accruing to a country overrun by a debauched and ferocious military horde, yet I saw no injustice so glaring as what was committed by the Earl of Selkirk and his agents here.

I have just this moment returned from one of the Warehouses, where they are *searching*, as they call it, for papers or arms in suspicious places, but where they are committing acts which would make a French *Douanier* blush; and all this

authorized, instigated, and ordered by a man, vested with the dignity of a Magistrate, and who has the honour of being a Peer of the Realm of Great Britain. They are cutting open bales packed ready for embarkation, and where it is most clearly evident that nothing they are searching for can be concealed. Certainly their warrant does not authorize them to take inventories of the contents, in order to promote Lord Selkirk's mercantile views, to turn every thing upside down, and to leave in a confused heap, what had cost many a day's labour to get ready and pack up. I have remonstrated against their conduct, but they laugh at me. The presence of Lord Selkirk with his troops, and the absence of all law and right, support them in this behaviour. Capt. Matthey, and M'Pherson the constable, were the actors in this disgraceful scene.

At about one o'clock P.M. Mr. John M'Gillivray arrived from the interior, in company with Archibald M'Gillivray and William Henry. They had scarcely entered the gate when they were stopped, and about five minutes after a Warrant was served, and John M'Gillivray taken prisoner, confined, and all access to, and communication with him forbidden. Archibald M'Gillivray and William Henry are Clerks to the North-West Company.

At length Daniel Mackenzie has undergone an examination, and was committed to the gaol where the common men are confined.

A circumstance which cannot be passed unnoticed, and which shows no small degree of effrontery and impudence, is, that when we had complied with Lord Selkirk's request to give up a few rooms for some sick people and women, as we were told, the weather being very bad and cold, and these rooms were occupied accordingly; yet now these same sick people and women are having a dance in one of these rooms, with music, singing, and other annoyances to the peaceable and lawful inhabitants of the Fort.

The gentlemen who arrived this morning, as before-mentioned, are deprived of their baggage, which has been locked

up by the Earl's orders, probably to be examined. But why put this off till another day, and keep these persons, just arrived from a long voyage, from their clean linen and other comforts, just to suit the convenience of Lord Selkirk and his constables?

Mr. Tait, who has the superintendance of the buildings, &c. in the Fort, represented this morning to his Lordship, that his soldiers had carried off and burnt a great part of the pickets and fences. Lord Selkirk replied, *that it was what might naturally be expected, when they were not supplied with fuel!*

21st August.

I went to see the Earl this morning, and mentioned to him that the dry goods stores had been searched a second time, so that there could not be any longer any obstacle to sending off our goods; but as usual, new pretexts, and new difficulties were started, and in consequence of this we sent him this afternoon at four o'clock the following Protest.

“ We the undersigned, being duly appointed by William
 “ M'Gillivray and Kenneth Mackenzie, Esqrs. Agents for the
 “ North-West Company, to superintend, direct, and govern their
 “ concerns during their and the Proprietors of the said Com-
 “ pany's absence, and having repeatedly represented to the Right
 “ Honourable the Earl of Selkirk, at present the only acting
 “ Magistrate at this place, as well by word of mouth as in writing,
 “ that it is of the most urgent necessity that the forwarding of
 “ the goods and merchandize, prepared, baled, packed, and
 “ ready at this place, for various quarters of the Indian Country,
 “ and solely intended for the supply of the Indian or Fur Trade,
 “ should not be obstructed, impeded, nor retarded; as also that
 “ the Furs and Peltries, at present stored here in the North-
 “ West Company's warehouses, should forthwith, and without
 “ any delay, be sent off for Montreal, and that in consequence
 “ of this, and for this purpose only, the necessary workmen, who
 “ by notarial agreements are in the service and pay of the
 “ North-West Company, should not be prevented nor hindered
 “ from fulfilling the duty required of them; and whereas the

“ said Right Honourable the Earl of Selkirk has hitherto,
 “ through various Warrants in his name issued, caused the above
 “ representations to be without effect, and also caused a pernicious
 “ delay in the regular course of the North-West Com-
 “ pany’s trade; and whereas the afore-mentioned Warrants have
 “ every one of them been put into execution, and thoroughly
 “ carried into effect, in as far as regards the goods and mer-
 “ chandize designed for the Interior, or Indian Country, and the
 “ execution of the said Warrants, in regard to the Furs and Pel-
 “ tries aforesaid, and designed for Montreal, been postponed
 “ without any legal reason assigned; we the undersigned Super-
 “ intendants, and Managers of the North-West Company’s
 “ Concerns, do therefore jointly and severally, in the name and
 “ behalf of the Proprietors, most formally and solemnly Pro-
 “ test against the detention of the North-West Company’s goods
 “ and merchandize, and the obstruction put to their regular
 “ trade, and also against all those whom it may concern.

“ Done at Fort William, in the district of Kaminitiguiâ,
 “ this 21st day of August, in the year of our Lord 1816.”

(Signed)

“ J. C. M’TAVISH, (L. S.)

“ J. VANDERSLUYS, (L. S.)

“ Signed, sealed, and deli-
 “ vered, in the presence of

(Signed)

“ ROBERT M’ROBB,

“ ROBERT COWIE.”

I offered this morning bail for Daniel Mackenzie, which
 was refused.

22nd August.

Early this morning, before day-light, I believe, a canoe ar-
 rived with dispatches from Montreal for the Company. They
 were taken from the guide, and put into the custody of a sol-
 dier of the 37th regiment. When I was informed of this, I
 addressed the Earl of Selkirk as follows :

“ *To the Right Hon. the Earl of Selkirk, Justice of the Peace!*

“ MY LORD,

“ Whereas a canoe arrived this morning from Montreal, with
 “ dispatches for the North-West Company, and which have been

“ taken by Captain Matthey from the bearer of them, and
 “ placed under the charge of a centinel ; we take the liberty to
 “ apply to your Lordship, in order to know the reason of such
 “ proceeding, and to have the aforesaid dispatches delivered up
 “ to us.

“ We are,

“ My Lord,

“ Your Lordship’s humble and obedient Servants,

(Signed) “ J. C. M‘TAVISH.

“ J. VANDERSLUYS.”

After breakfast his Lordship sent word that he wanted to see us. He informed us, that the dispatches had been seized upon the same principle as the other papers of the North-West Company, and were equally liable to be examined. I questioned the legality of this, as these dispatches could not have been included in his former Warrant, and no new one having been served.

He also communicated to us, that he had received our Protest of yesterday ; adding, that we were ourselves greatly the cause of the delay which was put to the forwarding of the goods, for not having put him in possession of the invoices of the goods intended for the Interior. The hypocrite ! We have done more than with any degree of propriety we ought to have taken upon ourselves. But his mask is only torn as yet, it will soon be completely thrown off.

At this interview he handed in the following Letter :

“ *Fort William, August 1816.*

“ GENTLEMEN,

“ In order to obviate the possibility of any mistake, I beg
 “ to have your answer in writing to this query :—Whether the
 “ thirty-four packs of Furs marked RR, which you have pointed
 “ out as those set apart by order of the Agents of the North-
 “ West Company, are to be given up to the Hudson’s Bay Com-
 “ pany as their property, and whether on this principle, you are

one through which they can establish a communication, and bring out their returns of the last year's trade; and they humbly beg leave to represent to your Lordship, that unless they shall be authorized by His Majesty's Government to transmit, through this route, the provisions for the subsistence of their people, and the supplies necessary for their trade, it must be entirely sacrificed during the war.

Although your Memorialists are advised, and have ever contended, that the rights of the Hudson's Bay Company are only nominal, and that those conferred by their Charter, supposing it to be legal, have become void, by their non-compliance with the terms required in it, still your Memorialists have hitherto been averse to enter into any discussions on the subject, further than to attempt a treaty with the Company to define their boundaries in the interior, founded on the rights of each party to the benefits of their own discoveries, but which was defeated by the claim set up by the Hudson's Bay Company, to the whole territory through which the different waters flowing into the Bay, passed in their course, and by the recent Grant in Fee Simple to the Earl of Selkirk, of a large tract of land in the interior for the purposes of colonization.

Your Memorialists have hitherto desisted from troubling His Majesty's Government on the subject of the Claims of the Hudson's Bay Company, being aware of the interpretations which would be put on such an interference, from the jealousy which may naturally be supposed, and actually does exist between two Trading Companies in rivalry with each other; but as there now appears an indispensable necessity that your Memorialists should be permitted to carry on their Trade through its natural channel; they beg leave to submit to the consideration of your Lordship, the necessity of some investigation into the rights of the Hudson's Bay Company, in order that they may be defined and ascertained. The Charter of the Hudson's Bay Company, if valid in all the privileges it is supposed to confer, would indeed be a singular monopoly in the annals of any country: in virtue of it, the Company claim a *perpetual* right to the exclusive Trade, Navigation, and Fisheries in the Bay, and the absolute property, to be disposed of by deed, under their Seal, of all the Countries bordering upon Hudson's Bay, and upon all the Rivers and Lakes communicating with it from the interior.

The conditions of this Grant by the Charter are, that they should colonize and settle the Bay, carry on the Fisheries, and make discoveries in the interior; instead of which,

previous to the discoveries of your Memorialists, they contented themselves with trading such Furs as the Natives brought down to their settlements in the Bay, and have only attempted a communication with the interior, as the enterprise of your Memorialists made fresh discoveries, and the Servants of the Company tracing their route, have formed establishments after them. They have neither colonized the Territory of the Bay, nor carried on the Fisheries to any extent.

The Capital of this Company is undefined by their Charter, but your Memorialists believe it amounts to about 100,000*l.* Stock, which Stock has fluctuated, during the last twenty years, from 230 *u* 50 per cent., and during the last seven years the Directors have neither declared or made any dividend, or laid any statement of their affairs before their Proprietors; so that the value of the Stock must be now very trifling; and your Memorialists are informed, that the Grant to the Earl of Selkirk was made after the Earl had by himself or his connections, by purchases of Stock, obtained a preponderating influence in the direction. The Directors claim also a right from their Charter, when their Stock is insufficient for the purposes of their trade, to borrow loans by bond under their Seal, which under their present circumstances, may become highly prejudicial to such of His Majesty's subjects as might be tempted to advance money under the supposed authority of the Charter.

The predecessors of your Memorialists, who carried on the Fur Trade from Canada to the Countries West of Lake Superior, made their first establishments on that Lake succeeding those of the French Traders in the year 1761, the year after the conquest of Canada by His Majesty's arms, and gradually, as independent Traders, penetrated further into the interior, in every instance preceding the establishments of the Hudson's Bay Company, till the year 1779, when the different Traders, for their common safety in a country where they had no protection from their Government, entered into agreements, and united the Trade under the title of the North-West Company of Canada, and which has been continued by different coalitions of contending parties till the present time. The North-West Company has now extended its establishments to the shores of the Pacific, and have recently sent two vessels round Cape Horn, to connect those with the Trade to China, a trade hitherto carried on with avidity by the Americans. The Hudson's Bay Company have slowly followed their movements in the interior, but without the ability to profit by the Trade.

The Capital which your Memorialists employ in this Trade, is much more extensive than that of the Hudson's Bay Company: their returns have, ever since their establishment, four times exceeded those of that Company, and they have equally been obtained in barter for British Manufactures.

The North-West Company and the other British Traders in Canada, have been the great means of cementing our connections with the Indian Nations of the Continent, who are and have always been particularly attached to them. Under these circumstances, and the peculiar situation in which the War has placed them, your Memorialists have it in contemplation to send an Expedition from Quebec to Hudson's Bay, with the requisite supplies for their Traders in the interior, and they have applied to the Lords Commissioners of the Admiralty, for protection to their ships while in the Bay.

Your Memorialists have found themselves compelled by the unexpected events of the War, to submit their case to the consideration of your Lordship, and humbly hope for the protection of His Majesty's Government, in their endeavours to retain this valuable Trade to the Country; and they respectfully pray, should it be inconvenient to your Lordship to take these circumstances into your immediate consideration, that you will be pleased, in the mean time, to recommend to the Lords Commissioners of the Admiralty, to grant the Convoy requested, and to give instructions to the Captain of the Ship of War which may be ordered on this service, to protect the property of your Memorialists against any attempts on the part of the armed vessels of the Hudson's Bay Company, or others, to capture or detain it as a prize, or to obstruct their proceedings, under the alleged plea of infringing the Law, by a breach of the supposed Chartered Rights of the Hudson's Bay Company.

And your Memorialists will ever pray,

&c. &c. &c.

London, February, 1814.

No. XXIV.

London, 18th March, 1815.

Henry Goulburn, Esq.

SIR,

WE have had the honour to receive your Letter of the 2d instant, addressed to the North-West Company, with the enclosed copies of a correspondence between Lord Selkirk and the Governor and Committee of the Hudson's Bay Company, and also the Statement of the Governor and Committee, relative to their grant of Lands to his Lordship, on the Assiniboin River in North America.

As Agents in this Country for the North-West Company of Montreal, we lose not a moment in requesting you will assure Lord Bathurst, that the motives imputed to them by Lord Selkirk, are utterly unfounded; and we are persuaded also, the members of that Company stationed in the interior of the North American Continent, feel too much for the miseries, already inflicted upon their unfortunate countrymen, the victims of his Lordship's visionary speculations, to add by any action of theirs, to the risk which those deluded emigrants undoubtedly run from the disputes which must arise between them and the Indians, and a jealousy the different Tribes have always entertained of any agricultural encroachments on their hunting grounds in the interior.

Lord Selkirk mistakes in his Letter, we are persuaded unintentionally, any expressions which may have fallen from us on the first publication of his schemes. We have at all times expressed our fears of the fate which he now seems to dread may await this Colony, and have not ceased to represent to him, and to the Hudson's Bay Company, both the impolicy and danger of attempting any settlement of this nature so remote from legal restraint, and adequate protection from the hostilities of the Indians; and we have always expressed it as our decided opinion, that it would not only be productive of ruin and danger to the Settlers, but to the valuable trade carried on by both parties: our experience of the effects of this intended settlement has not tended to remove, but on the contrary, to enforce these impressions; and the present application from his Lordship, but too strongly confirms the correctness of them. The conduct of the North-West Company's Traders, in supplying the Colonists, who must otherwise have starved during the

winter of 1813, should have protected them from the accusations now brought against them, especially when grounded upon such authority as "a Letter *from a Gentleman* who had received information *from a Canadian*, "relative to the intrigues which were going on with the Indians." His Lordship gives the Traders some credit for attention to their interest, and he must surely be aware, that the Indian hatchet once raised, will not discriminate between a Settler and a Trader: their interests are firmly connected in this respect, and we only trust they may be enabled by their united endeavours to conciliate the Natives, and to ward off the danger with which his Lordship's indiscretion has threatened them.

We do not deny that this Colony is looked upon by the Canadian Traders generally as detrimental to their interests, from the reasons we have stated; and Lord Selkirk's connection with the Hudson's Bay Company (their rivals in this Trade, already involved in ruin, and apparently from the measures they are now taking, having solely in view the destruction also of the Canadian Trade), has not the effect of reconciling what he supposes their prejudices, as to his views and operations; and we are equally aware with his Lordship, of all the difficulties which arise from the conflicting jealousies of parties so far remote from the controul of justice. These jealousies existed previous to his Lordship's present undertaking, and to obviate them as far as practicable, His Majesty's Government proposed at our suggestion to the Legislature, the Act of the 43rd of the King, under which several Justices of Peace have been appointed, and we hope will be enabled to suppress, by apprehension and conviction of the Offenders in the Courts of Lower Canada, all acts of aggression on either side. In addition to this, we beg you will assure Lord Bathurst, that every advice and exertion in our power will be made use of to the same effect, and we will transmit copies of your communications to us on this subject to Canada by the earliest opportunity.

It becomes, however, distinctly necessary, that a similar conduct should be adopted on the part of the Hudson's Bay Company, and but little proof of that disposition is to be found in the Proclamation of Mr. Miles M'Donell, a person styling himself, by Lord Selkirk's authority, "Governor of Ossiniboia*," and who is really his Lordship's accredited Agent. A copy of this Proclamation is enclosed for

* A word apparently coined from the name of the Assiniboin, or *Stone Indians*, who inhabit the country on the western branch of the Red River.

Lord Bathurst's information; and we can only add, that the authority assumed in it, has been exercised in all its parts against the North-West Traders, who, in consequence of strict injunctions to that effect, have submitted to it without resistance.

Although we have hitherto abstained from troubling His Majesty's Government on this subject, still we are too happy in the opportunity which your Letter, and the accompanying statement from the Hudson's Bay Company affords us, of laying before Lord Bathurst some information as to the origin and progress of the connection between Lord Selkirk and that Company; we take the liberty therefore of annexing to this Letter a Statement of Facts relative to the Colony; and as His Majesty's Government has called upon the North-West Company for a refutation of the accusations made against them by Lord Selkirk, we hope, as their Agents, we may be excused, if on their behalf we respectfully request to be informed, whether this authority assumed by Lord Selkirk and his Governor Mr. M'Donell, is at all recognized by His Majesty's Government; and if so, whether to the extent of the powers supposed to be vested in the Hudson's Bay Company by their obsolete Charter, and said to be transferred to his Lordship, with the grant of territory made to him?

We now consider both the Grant and the Authority illegal, and we shall be happy if, in the Statement submitted to you for the consideration of Lord Bathurst, sufficient information shall be found, to enable His Majesty's Government to come to an immediate decision on this subject.

We have only to add further, that for the last century the Canadian Traders have carried on a far more considerable Trade, and for the last thirty years, a Trade of six times the extent, and consequently in the same proportion more beneficial to this country, than the Hudson's Bay Company: they have explored and discovered all the countries between Lake Winipic and the Frozen Ocean, on one side, and the Pacific on the other: they have now Establishments on the shores of both Oceans, and with the return of Peace, they have been looking to the extension of their Trade. Their only obstacle seems to be this unfortunate and impracticable scheme of colonizing an uninhabitable territory, which will undoubtedly, sooner or later, throw the whole country into war and confusion, after a long period of tranquillity and peace. We beg to be understood as imputing no improper motives, in all we have stated, to Lord Selkirk. Our conviction is, that his Lordship as sincerely, as singu-

larly, believes in the probability of ultimate success, and all we can expect from His Majesty's Government is, that if they should see it fit to sanction and encourage his Lordship's undertaking, they will take adequate measures to protect the Trade of His Majesty's Subjects against the consequences apprehended from it.

We have the Honour to be,

SIR,

Your most obedient Servants,

M^cTAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXV.

(Copy.)

London, 29th May, 1815.

Henry Goulburn, Esq.

SIR,

WITH reference to the important subject on which we had the honour to address you on the 18th March, we again find ourselves under the necessity of drawing the attention of His Majesty's Government to the extraordinary Proceedings of the Earl of Selkirk and the Hudson's Bay Company, and particularly to the assumption of power attempted by Resolutions proposed to, and adopted by the General Court of Proprietors of that Company, on the 19th instant, of which we understand a copy has been transmitted to Earl Bathurst.

An apprehension of the dreadful consequences which can scarcely fail to attend the exercise of that power, induces us, as representing in this country the different Canadian Merchants interested in the Fur Trade from Montreal, to request you will lay before his Lordship the following Representation in their behalf.

The territorial rights of the Hudson's Bay Company have never been defined, and although they now claim as their exclusive property, all lands watered by rivers which

in their course fall into the Bay, the greater part of the country which would be included in that description, was, previous to the partial occupancy, or even to the discovery of it by their traders or servants, in the actual possession of the then French Colonists in Canada (some part as early as the year 1727), and subsequently to the conquest of that country by Great Britain, has continued in possession of Canadian Traders who now occupy it, deriving their right uninterruptedly from their French predecessors by the formal cession of Canada in 1761. Four fifths of the whole trade arising from what is called the North-West Country, (the boundaries of which may be defined by Lake Superior to the South and East, the Mississippi and Missouri Rivers to the South, the Rocky Mountains to the West, and Hudson's Bay and the Frozen Ocean to the North and East, and all which country would be included in the claim of the Hudson's Bay Company, as now contended for by them) has been for nearly a whole century carried on by Canadian Subjects; and in all instances where the Hudson's Bay Company have extended their establishments beyond the coasts of the Bay, it has been by following the discoveries of the Canadians in the interior, and forming posts where the others have preceded them. The only posts to which they can claim the right of original possession, are their establishments on the sea shores of the Bay; and these, if an investigation were to take place, it would be probably decided, are the only situations over which their exclusive privileges could be construed to extend.

Supposing, however, that the Company acquired by their Charter exclusive territorial and commercial rights in all countries which they claim to belong to them, and their definition of which is before stated; those rights and privileges must have long since virtually ceased by the disuse of that Charter, and by the non-fulfilment on the part of the Company of the terms on which it was originally granted; and the claims of Territorial Jurisdiction avowed in the Resolutions of the Court of Proprietors, would probably not now have been brought forward, had it not been for the circumstances already detailed in our Letter of 18th March.

But since the Earl of Selkirk's interference in the affairs of the Company, these dormant and obsolete rights have been scrutinized with the greatest industry, in order, as it appears to us, that an engine might be invented for the effectual oppression and ruin of his Lordship's rivals in trade, and for the promotion of those schemes of monopoly and

colonization, which, if success in them was not absolutely impracticable, could alone prosper by the destruction of the Canadian trade.

It is intended in pursuance of the Resolutions, to appoint Defendants of Lord Selkirk and the Hudson's Bay Company, both Judges and Juries in causes between themselves and their opponents. These Judges and Juries so appointed and selected, are to administer impartial justice in causes where their immediate interests must be always in question, and where between the parties there must necessarily exist a certain state of rivalry and animosity. The Canadian Defendants in these suits have never hitherto acknowledged the jurisdiction of their opponents, and will not now feel more disposed, from the violence of these measures, to respect its authority. The natural consequence of attempting to enforce by the Sheriffs a verdict obtained from such a Court, will be resistance by arms upon the plea of self-defence; and each individual will conceive himself entitled to defend his person and property against what he considers incompetent and illegal authority. These disputes must end in bloodshed, and the scene will be in many instances from one to three thousand miles from the residence of the Chief Governor of the Hudson's Bay Company, in a country where the strong must prevail against the weak, and where it would scarcely be practicable even to enforce the due execution of acknowledged law.

The Hudson's Bay Company, in making appointments under the present Resolutions, appear also to have in view those persons for carrying their objects into effect, who may do so with the greatest rigour, and whose conduct and character may not entitle them to a respect which the appointment should create. If authority of so grave a nature could be legally exercised, probably it might be safe in the hands of such a respectable person as Mr. Semple, nominated Governor in Chief of Rupert's Land, although he still must have in view the interests of his employers; but it scarcely could have been believed, that the Directors should appoint Mr. Miles Mac Donell one of the Chief Governors and Judges, who has hitherto shown himself a most violent partizan in the country, and not over scrupulous in the means he has employed to promote the objects of his patron Lord Selkirk. The persons appointed Counsellors and Sheriffs are of a description perfectly unfit for those situations; possibly they may be able to read and write, but beyond those qualifications, they can possess none fitting them for such

trusts, or to have power such as the Resolutions of the Hudson's Bay Company would invest them with, over the lives and properties of their fellow subjects.

From Lord Selkirk's acquisition of the majority of votes, the Hudson's Bay Company may be said to center 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 on 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 grant 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 enquiry 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.

It is unnecessary to add any remarks on the manifest partiality and injustice that must accrue from a jurisdiction so constituted as the one now sought to be established, or further to detail the serious evil consequences that must ensue from it. We have only therefore to beg, you will be pleased to represent to Earl Bathurst the situation in which the Canadian Traders and their Servants (to the number of probably 2000 persons, the greatest part of whom have been for the last thirty years, and are now actually resident and trading in the Territories over which the jurisdiction is claimed to extend) will be placed by the operation of this proceeding of the Hudson's Bay Company, and to pray on their behalf the interference of His Majesty's Government, to prevent the exercise and consequent abuse of this assumed judicial power. We do not deny that violences have been occasionally committed on both sides, and to show that we have some better proof in our possession than that adduced by Lord Selkirk against the Servants of the North-West Company, in his Letter to the Governor of the Hudson's Bay Company, transmitted by them to Lord Bathurst, and by you to us in your Letter of the 2d March, we inclose a Copy of Instructions from Lord Selkirk, of which we possess the original, to one of the Servants of the Hudson's Bay Company, from some parts of which it will appear that his Lordship supposes the Clause in the Charter, authorizing

the Company to make war, and "right and recompense" themselves by hostilities against any persons interrupting or injuring them in their trade within the territories and limits of their Charter, as effectual for his purposes as the authority under which he now seeks to establish his jurisdiction. His Lordship's intentions indeed appear in the present proceeding more favourable towards the Canadian Traders: it is now proposed, first to obtain a verdict from his Dependants and Servants, before the property of his rivals is seized and destroyed; whereas, in the Letter inclosed, his Lordship directs seizure and destruction upon the sole assertion, that the Territory of the Hudson's Bay Company had been violated by mere occupation, which in this particular instance relates to a country where the Canadians have been settled for thirty years, and where the Hudson's Bay Company had never formed an establishment.

Before the undertaking of his Lordship, the disputes alluded to were of perpetual occurrence, but they were never of much consequence, and subsided nearly as soon as they arose. Complaints were made from and of both parties, and before they were enquired into, the causes had generally ceased. These disputes certainly too, occasionally led to the commission of crimes, to restrain which, the Act of the 43rd of the King was passed, and which having been put in force by the trial of offenders at Montreal, has had a proportionate effect.

His Lordship's attempt to colonize Assiniboin has also led to more serious difficulties (we allude to the jealousy of the Indian Tribes, as well as to the distresses of the Colonists), and these would probably attend the next attempt of the same nature his Lordship may think it equally prudent to make, either in the interior of Africa or of America. Such difficulties are always attendant on similar undertakings, and form part of the risk of them. We beg, however, to assure Lord Bathurst, that we should be too happy, if a feasible plan to restrain violences could be pointed out by the Hudson's Bay Company, to concur with them in it, but this has only appeared possible to us by placing those Territories under the jurisdiction of the Canadian Courts, to which they in fact properly belong, and where an equitable administration of justice is secured to all parties. Perhaps a Charter of Justice from the Crown might be resorted to, but whether it is fair to call upon the Public to bear the expence, and whether the same difficulty which is experienced in remote Provinces, of finding competent persons to superintend the administration of Justice, might not still more

forcibly apply to the interior of North America, are points of which His Majesty's Government in their wisdom will readily determine.

We have the Honour to be, &c.

(Signed) M^TAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXVI.

London, 1st Feb. 1816.

Henry Goulburn, Esq.

SIR,

HOWEVER unwilling we feel again to trouble you on the subject of the conflicting claims of the Canadian Traders, and the Hudson's Bay Company and the Earl of Selkirk, we find ourselves compelled by the following circumstances, which we beg you will lay before Earl Bathurst, to entreat the interference of His Majesty's Government, that some measures may be taken, at least to prevent the recurrence of these scenes of violence and animosity, which have unfortunately taken place, and which have terminated, as we predicted in our Letter of the 29th May, 1815, would be the case, in more instances than one, in bloodshed, and the loss of lives.

We had hoped this dispute was in a fair train of judicial decision, by the trial of Lord Selkirk's Governor and Sheriff, who were committed in Canada for seizing and confiscating the property of the Canadians; but it now appears (although a True Bill for Larceny has been returned against them by the Grand Jury of Montreal) from the best Legal Opinions in this Country, it will be impossible to proceed further, as the Defendants evidently acted under a misapprehension of authority, and no sufficient proof can be adduced of a felonious intent. We have therefore lost no time in writing to Canada to drop these proceedings, and it is not in our power to substitute in their place any action for damages, as the Act under which their trials might otherwise have been conducted, confines the jurisdiction of the Courts in Canada over the Indian Countries, to criminal cases.

The Legal Opinions we have taken upon the whole subject in this Country, are quite decided as to most of the powers granted by the Charter to the Hudson's Bay Company, and especially those under which the Company claim to seize persons and confiscate property; they also leave no doubt as to the invalidity of the Grant to Lord Selkirk, or to the extension of any grant or power purporting to be made by the Charter, beyond the immediate confines of the Bay. We would willingly, were it in our power, institute any process in this Country, by which the question could be decided, but we are advised it would be scarcely practicable, and if at all so, not in any way from which an immediate or satisfactory decision could be expected, and it is not till we have perfectly ascertained the difficulties in our way, that we have considered ourselves again justified in intruding the subject on His Majesty's Government.

Although we are not disposed to trouble you with any detail on the part of the North-West Company, in answer to the allegations we understand to be adduced by Lord Selkirk, and the Governor and Directors of the Hudson's Bay Company, respecting the conduct of the Canadian Traders in the Interior, during last winter, we cannot omit the opportunity of stating, that we are ready, whenever we may be called upon for that purpose to bring forward satisfactory proof of the justice of their proceedings, and that if they have been called upon to defend their persons and property, against attempts repeatedly made upon both, under the plea of rights contained in this extraordinary Charter, they have not done so without due regard to the acknowledged Laws of their Country.

We do not presume to point out the particular proceeding which in this case would be satisfactory to ourselves: our sole object is to put an end to violences and bloodshed; and we are perfectly satisfied that in the discussion which such proceedings must give rise to, the interests of His Majesty's Canadian Subjects will at least meet with as favourable consideration from His Majesty's Government, as those of their opponents.

We have the Honour to be, &c.

(Signed)

M^cTAVISH, FRASER, & Co,
INGLIS, ELLICE, & Co.

No. XXVII.

(Copy.)

*London, 1st March, 1816.**Henry Goulburn, Esq.*

SIR,

WE are unwilling, so soon after our application of the 1st ult. to intrude again, upon the subject of the Hudson's Bay Company and Earl Selkirk's proceedings in Canada, but the last accounts from that country are of so alarming a nature, and the season is so far advanced, that we trust you will excuse us for entreating the immediate interference of His Majesty's Government, that some measures may be taken, not only to prevent the recurrence of the scenes which have already taken place in the interior, but the threatened commission of still greater violences, under the newly assumed powers of the Hudson's Bay Company.

To aid these further, his Lordship has now been appointed Justice of Peace to act in the Indian Country, under the provisions of the 43rd of the King, and has actually engaged 300 voyageurs in Montreal, to accompany him to the interior on the opening of the navigation, equally to oppose the trade of the Canadians, and we suppose to assist as Constables, in the execution of such legal acts as in his judgment may be applied, with the same intent, and with the best hopes of success, from either of the authorities with which he is now armed.

We do not venture to suggest the remedy which it may be in their power, or appear eligible to His Majesty's Government to provide in this case, but we are certain if some measure is not adopted to define, without delay, the limits, power, and authority of the Hudson's Bay Company, a contest will ensue in the interior, the results of which will be dreadful, both with respect to loss of lives and property.

We take the opportunity of inclosing for your perusal, although, indeed, after all the trouble we have given you on this subject, we can scarcely request your attention to it,

copies of a Correspondence which has passed in Canada between Lord Selkirk and the North-West Company.—The latter have offered in it, as you will see, to give up one whole third of the Trade, for the sake of peace, which is double the amount ever before possessed by the Hudson's Bay Company, or to divide the country by a fair arrangement, calculated upon the returns of both parties. Both these offers are rejected, and from the manner in which the correspondence is conducted on his Lordship's part, it is apparent that no hope of reconciliation in that country is left. We therefore trust, we may find an excuse with you, from the urgency of the case, in repeating our application on the subject.

We have the Honour to be,

SIR,

Your most obedient Servants,

(Signed)

M^cTAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXVIII.

Deposition of Daniel Mackenzie.

DANIEL MACKENZIE, a retired or dormant Partner of the North-West Company, according to the constitution and terms of Partnership thereof, being present at Notawasaga, in the Province of Upper Canada, maketh oath, and (after detailing the capture of Fort William by the foreign soldiers in the employment of the Earl of Selkirk, together with the arrest of the Partners, and the seizure of the Papers and Property belonging to the North-West Company, according to the accounts previously given) further saith, That on or about the eighteenth day of August last past, being the day on which William M^cGillivray, John M^cLaughlin, Allan Macdonell, Simon Fraser, John M^cDonald, Hugh

M'Gillis, Kenneth Mackenzie, and Alexander Mackenzie, were sent off as prisoners from Fort William, he this Deponent was extremely desirous of accompanying them, and accordingly made several applications to the said Earl of Selkirk for that purpose, who, however, refused such request, and ordered this Deponent to be detained, which was accordingly done, and the Deponent was confined for several days afterwards a close prisoner in his own room in Fort William aforesaid—That some days afterwards one M'Pherson, who is in the employ of the said Earl of Selkirk, came into this Deponent's room, and searched his trunk, by order, as the said M'Pherson stated, of the said Earl, for the purpose of seeing whether the Deponent had any more papers; and that some days afterwards this Deponent was, by order of the said Earl, confined a close prisoner in a prison at Fort William aforesaid, which was erected as a common prison for the adjacent parts of the Indian Territory, sometime after the first establishment of the Magistracy for these Territories, where the Deponent was kept in the dark, except as to such light as pervaded the chinks in the building, there being no window in the dungeon in which he was so confined—That whilst this Deponent was so confined in the said dungeon, the said M'Pherson, Miles Macdonell, a Dr. Allan, who was also in the employ of the said Earl, and some others, came frequently to him, to persuade him to submit himself in all respects to the said Earl, and to yield obedience to whatever he might direct, telling the Deponent, that the evidence against him with regard to the destruction of the Settlement of the Red River was very strong; that it would be a very serious business for the Deponent; that the other Partners of the North-West Company were utterly ruined, and would certainly suffer, and that it was a folly for the Deponent to sacrifice himself and his family for persons who did not care for him, and incessantly using other represen-

tations of the same kind, tending to induce the Deponent to yield the most implicit submission and obedience to whatever they or his Lordship might dictate ; and that the Deponent being at length wearied out with the hardship of his confinement and their importunities, and having expressed to the said Captain D'Orsonnens a disposition to conform himself to their advice in case he was released from the said dungeon, the Deponent was removed therefrom into another building at Fort William aforesaid, where he was still kept confined a close prisoner under a guard—That from the time of the Deponent's being so removed from the said dungeon, impressed as his mind was with the hardships he had suffered, the danger in which he imagined his life was, and the constant suggestions and importunities of those around him, he did accordingly yield implicit submission and obedience to whatever they dictated, being frequently also in a state of intoxication, and accordingly for a period of six weeks or thereabouts next following, was in the habit of writing whatever letters or other papers were dictated to him—That the said Miles Macdonell was very frequently with the Deponent, to induce him to write or sign different papers, sometimes dictating to him verbally, and making the Deponent write what he so dictated, and at other times bringing him drafts of letters or papers, for the Deponent to copy in his own hand-writing—That amongst various papers which were delivered to the said Deponent by the said Miles Macdonell, the paper-writing hereunto annexed, marked A, is one, the first side whereof is wholly in the hand-writing of the said Miles Macdonell, the former part thereof being a representation made to the Deponent by the said Miles Macdonell, and the latter part thereof a draft of a letter which was afterwards written by the said Miles Macdonell, to be copied and signed by the Deponent as a letter from him to the said Earl of Selkirk, and which was accordingly copied and

signed by the Deponent, and delivered, as he believes, to the said Earl—That the paper-writing hereunto annexed, marked B, was originally written during the same period of the Deponent's imprisonment, subsequent to his release from the said dungeon at Fort William aforesaid, by him, this Deponent, from the verbal dictation of the said Miles Macdonell, who afterwards perused and corrected the same, and accordingly made the several interlineations and alterations appearing to have been made therein in the proper hand-writing of him the said Miles Macdonell, and directed this Deponent to copy the same as so altered, which the Deponent accordingly did: And that the Paper-writing hereunto annexed, marked C, is accordingly one of the first Copies thereof so made by this Deponent, by the direction of the said Miles Macdonell, which said last-mentioned Paper, marked C, having been again corrected by the said Miles Macdonell, as now appears upon the face thereof, was ultimately again copied by this Deponent by his direction, and signed by the Deponent, and afterwards, as the Deponent believes, transmitted to Mr. Cuthbert Grant by the said Earl of Selkirk, the said Miles Macdonell having informed the Deponent that the said Earl was very well pleased with it, or to that or the like effect—That upon one of the visits which the said Miles Macdonell made to the Deponent during the latter part of his said imprisonment, the said Miles Macdonell informed him one day, that it was the request of the said Earl, that he this Deponent should write a letter to his namesake at Nipigon, (meaning one Roderick Mackenzie, who was then in charge of the Post there), advising him to keep back the packs in his possession, as an indemnification for whatever the Company might be indebted to him, as they were quite ruined, *and that perhaps he might find a passage for them by the way of the Hudson's Bay*, but which Letter the Deponent believes he never did in fact write—That on or about the eleventh

day of October now last past, the said Earl of Selkirk came to the Deponent, having provided a canoe at Fort William aforesaid for that purpose, and ordered the Deponent to embark for Montreal, asking him at the same time, *whether he had written a circular letter to the Clerks and Partners of the North-West Company in the interior, to the same purport as the one which he had been desired to write to his namesake; and upon the Deponent answering in the negative, replied, that the Deponent should give the said Miles Macdonell their names, and that he should write to them in the name of the Deponent, or to that or the like effect—*And the Deponent, Daniel Mackenzie, for himself further saith, that the three several Paper-writings hereunto annexed, marked D, E, and F, were also some of the papers which were so delivered by the said Miles Macdonell to this Deponent, during the period of such his imprisonment at Fort William, as hereinbefore mentioned; the said Paper-writing marked D, being in the hand-writing of the said Miles Macdonell, and the said two Paper-writings marked E, and F, being, as this Deponent believes, *in the hand-writing of the said Earl of Selkirk; the two said several Paper-writings marked D, and E, being drafts of papers, which the said Earl and the said Miles Macdonell required this Deponent to copy, and address to the said Earl—*That on or about the nineteenth day of September, now last past, and whilst this Deponent remained a prisoner at Fort William as aforesaid, he this Deponent, *by the direction of the said Earl of Selkirk, and the said Miles Macdonell, and other persons in his employment, signed and executed several papers, of some of which the four several Paper-writings hereunto annexed, marked respectively, G, H, I, and K, are, as the Deponent believes, respectively true copies, the same being respectively copied from papers now in the possession of the Deponent, which he believes to be Duplicates of four*

of the said papers so signed and executed by him, which said four several last-mentioned Papers so signed and executed by the Deponent, are at present, as the Deponent believes, in the possession of the said Earl of Selkirk—And the said Deponent, Daniel Mackenzie, for himself further saith, that having at length, *in consequence of such his implicit obedience and submission to all the orders and commands of the said Earl of Selkirk* and the persons in his employ, been ultimately discharged from such his imprisonment at Fort William aforesaid, and feeling great regret and compunction at his having been so compelled to execute Papers which might possibly be so highly detrimental to the interests not only of the Deponent, but of the other Partners of the said North-West Company, the Deponent, on his arrival at Drummond's Island, *which was the nearest place to Fort William aforesaid, at which any Notary-Public resided*, went, on or about the eleventh day of November now last past, before Mr. James Gruet, a Notary-Public, and David Mitchell, Esq. a Justice of the Peace, both resident *there*, and in their presence made and subscribed the Protest or Paper hereunto annexed, marked L, and that the representations therein contained, with regard to the influence under which this Deponent was induced to execute the several Instruments or other Paper-writings therein mentioned, are in all respects true—And the said last-mentioned Deponent, Daniel Mackenzie, for himself further saith, that during one of the conversations which took place between him this Deponent and the said Miles Macdonell, during the time whilst this Deponent was so detained as a prisoner at Fort William aforesaid, during the month of September now last past, the Deponent one day asked the said Miles Macdonell, whether it was possible that the Earl of Selkirk intended to ruin all the Partners in the North-West Company? who replied, No, only the Heads of them, *such as Mr. William*

McGillivray, Sir Alexander Mackenzie, and the Great Men at home connected with the Company; and that amongst others, *Mr. Richardson must fall*; but that the Deponent had nothing to fear—And the said Deponent further saith, that during the period of his said imprisonment at Fort William as aforesaid, amongst other inducements which were holden out to the Deponent to yield obedience to the commands of the said Earl of Selkirk, the said Captain D'Orsonnens came to the Deponent one day, and told him, that if he would follow his Lordship's fortunes, he would give him a Township of ten thousand acres of land, provided he would procure four persons to settle upon it, and that he might live happily upon it with his family—And the said last-mentioned Deponent for himself further saith, that the whole of the said Establishment called Fort William, with its appurtenances, and all the Furs and Merchandizes whatsoever in or about the same, of the value, as the Deponent supposes, of from One to Two Hundred Thousand Pounds sterling, are at present, as the Deponent verily believes, in the sole possession of the said Earl of Selkirk.

(Signed) DANIEL M'KENZIE.

Sworn at Notawasaga, in the
Province of Upper Canada,
this 2d December, 1816,
before us,

W. B. COLTMAN:
J. FLETCHER.

(A)

[The Reader is requested to observe, that the words printed within crochets [] were struck through with a pen in the MS.; and that the words printed in *Italics*, are in the hand-writing of Mr. Miles Macdonell.]

1st, [*You D. M. K. as one of the Partners, represent the N. W. Co. here at present, and being the only one, can act*

for them and yourself, the]. All the Company's stores and property here are at your disposal, and your sale of them is legal. By this, you can secure to yourself all the money which the Concern owes you, and keep the overplus in your hands, until a legal demand be made on you to pay to those who may be entitled to receive the same. You cannot only legally dispose of the goods, and other loose property here, but you may sell the buildings, with the soil on which they are built, provided you can find a purchaser.

I have been thinking that, as a Partner of the N. W. Co. and the only one here at present, that I can act for them and myself; that all the Company's stores and property here are at my disposal; that my sale of them is legal, by which I can secure to myself all the money which the Concern owes me, and keep the overplus in my hands until a legal demand be made upon me to pay to those who may be entitled to receive the same; that I can not only dispose of the goods, and other loose property there, but may also sell all the buildings, with the soil on which they are built, provided I can find a purchaser.

The provisions purchased at Mackinac

I have been thinking, that, as a Partner of the North-West Co., and the only one here at present, that I can act for them and myself, and that all the Company's stores and property here are at my disposal [property in Land].

That my sale of them is legal, by which I can secure to myself all the money which the Concern owes me, and keep the overplus in my hands, until a legal demand be made upon me to pay those who may be entitled to receive the same; that I cannot only dispose of the goods, and other loose property here, but may also sell the buildings, with the soil on which they are built, provided I can find a purchaser.

[The Reader is requested to observe, that in the following Documents, B, and C, the words printed within crotchets [] were struck through with a pen in the MS.; and that the words printed in *Italics*, are Interlineations in the hand-writing of Mr. Miles Macdonell, substituted for the words struck out.]

(B)

Fort William, on Lake Superior, Sept. 1816,

Dear [Roderic] Sir,

By a canoe that returned from near the Mountain Portage, you must have heard of the events that have taken place here. Mr. M'Gillivray, and all the Partners [that were here] including myself, were made prisoners. All the Gentlemen are sent down prisoners, *to take their trial at York, U. C. as aiding, abetting, and instigating to murder.* I only am detained here. *The dreadful* massacre that has taken place in Red River, is the *principal* cause of all this. *The N. W. Co. is ruined beyond a hope, the packs will not go down, nor will goods be permitted to enter, the interior of the Red River being declared in a state of rebellion.* Lord Selkirk [who is here now] may soften matters in your favour, provided you will *make a submission in time, and honestly own all that you know about the instigators of this horrid affair.* [I have his Lordship's command to tell you so, and I would advise you]. *I have heard as much, though not direct from his Lordship, and I would advise you, as your own, and the friend of your deceased father, to [submit to his Lordship's pleasure] come forward immediately with some proposal, to save yourself and the unfortunate half-breeds who were guilty of such enormities.* You should also explain to those deluded [half-breeds] *young men, whom you may save, that it was the ambition of others that has [ruined] rendered us all miserable: this is the real truth. I am happy to learn that you endeavoured to save Gov. Semple's life: this is much in your favour.* I have told his Lordship all that I knew, or could recollect. There is a

Proclamation by His Excellency Sir J. C. Sherbrooke, to detect all those guilty of offences committed in the Indian Countries. I do not yet know what his Lordship intends to do with myself: the only advice I have to give you is, to submit. *By Letters and other Papers found here, too ample proofs are against us, of the part we have been blindly led to take in the destruction of the Colony on Red R*

(C)

Mr. Cuthbert Grant.

Dear Sir,

By a canoe that returned to the interior from near the Mountain Portage, you must have heard of the events which have taken place here. Mr. M'Gillivray, and all the Partners [including myself] were made prisoners; all the Gentlemen are sent down prisoners, *under a strong guard*, to take their trial at York, Upper Canada, as aiding, abetting, and instigating to murder—I only am detained, waiting Lord Selkirk's pleasure for my disposal. The massacre that has taken place this year in Red River, is the principal cause of all this. The North-West Company is ruined beyond a hope; our packs are not to be sent down, nor will goods be permitted to go into the interior, the Red River Department being declared in a state of rebellion. *By the evidence of many of our own men, strengthened by that of Letters and other Papers found here, too ample proofs I fear are against us, of the part we have been blindly led to take, in the destruction of the Red River Settlement.* Lord Selkirk may perhaps soften matters in your favor, provided you make your submission in time, and honestly own all you know about the instigators of this horrid affair. *I have heard as much, though not direct from his Lordship;* and as the friend of yourself and your respected deceased father, I would advise you to come forward immediately with some proposal, to save yourself and the unfortunate half-breeds who [are] *were* guilty of such enormities; you should also explain to all these deluded young

men, whom you may see, that it was the ambition of others which has rendered us all miserable [(I mention no names)]. I am happy to learn, as reported here, that you endeavoured to save the life of Gov. Semple: this of course is much in your favour.]

I inclose you the Governor-General's Proclamation, lately received here, several copies of which have been sent enclosed from head-quarters to every Magistrate for the Indian Territories. I also enclose you a copy of Law Opinions taken in England, on the H. B. Charter, and [also the Law] *the Opinions of the best-informed Lawyers* in Lower Canada, to shew you what small chance we have to go to law, even in the Courts of Canada, as were always held out to us by people who thought themselves wiser than we are.

(D)

[The Original of this Document is *wholly in the hand-writing of Mr. Miles Macdonell.*]

In the name of the North-West Company, I hereby authorize your Lordship to take possession of the Furs at this Post packed up for exportation; and consisting of packs marked NW, and numbered from to 1175; and packs marked A, and numbered from 1 to ; and also 23 bags of castorum, all of which I hereby sell to your Lordship for the sum of One Hundred Pounds lawful money of Great Britain, but under the following condition, viz. That if my Partners acquiesce in the submission for referring to Arbitration the differences between your Lordship and the North-West Co. for consigning those Furs to the Arbitrators, then this sale to be null and void, and your Lordship shall in pursuance of our agreement, consign these Furs to some respectable Mercantile House in London, to be held at the disposal of the Arbitrators, who may be nominated by the Chief Justices of the Courts of

King's Bench and Common Pleas at Westminster, according to the submission.

I have
signed, sealed, and delivered
in presence of
no Stamps being required in this
Province.
Nineteenth.

(E)

{The Original of this and the following Document, are wholly in the handwriting of the Earl of Selkirk.}

I hereby agree to sell you the Cattle belonging to the N. W. Co. at Lake La Pluie, and in Fond du Lac, at the prices affixed to the same in the last Inventories; or if these cannot be found, at the prices affixed to Cattle of the same ages and descriptions in the Fort William Inventory of this year.

(F)

For the Agreement suggested by Captain Macdonell, the following Papers will be requisite :

1. Submission—referring to Arbiters all differences (of a pecuniary nature) between the E. of S. and the N. W. Co., and binding both parties to pay any sum awarded against them on account of damages arising from the acts of their Agents, Servants, &c. &c. Award to be made within three years of this date at *farthest*.

2. Agreement—That the Furs now at Fort William shall be consigned to the Arbiters, and that the E. of S. shall vest in them an estate of equal value, both to remain in the hands of the Arbiters till their final Award.

3. Indenture of Bargain and Sale of the Goods and Chat-

tels (Furs excepted) now at Fort William, at cost and charges. Payment to be made within a year after the Award of the Arbiters.

4. Schedule or Inventory, and Valuation of the Goods and Chattels sold and delivered in pursuance of the above bargain.

5. Indenture of Bargain and Sale of the Fort, and Tenements adjacent, for a fixed price.

6. Bond by the said E. of S. for the price, payable after the Awards of the Arbiters.

Note.—*The Documents G, H, I, and K, being only a repetition of the foregoing Drafts, D, E, and F, extended into formal Agreements, it is deemed unnecessary to insert them.*

(L)

I, Daniel Mackenzie, Esquire, a retired Partner of the Firm of the North-West Company, having been detained a prisoner at Fort William by Lord Selkirk's orders, from the 13th August to the 11th October, 1816, during all which time I was in a state of inebriety and actual derangement of mind, did, by the persuasion of Lord Selkirk and his Agents, sign certain Papers and Instruments of Writing, purporting to be a Sale of Goods, Packs of Furs, Vessel on the Stocks, and Indenture of Agreement to leave to Arbitration, certain disputes and differences between his Lordship and the North-West Company, and a Letter to the Interior, stating that the North-West Company were ruined, &c. &c., *all which Papers were dictated by his Lordship and his Agents*;—therefore, from the causes above, the dread of a long imprisonment, and in hopes of obtaining my liberty, I did sign the said Papers, although unauthorized so to do :

Therefore I do by these Presents, now that I have my liberty, *solemnly protest* against all acts done by me during the period above stated.

In witness whereof, I have signed and sealed these Presents, at Drummond's Island, this 11th of November, A. D. 1816.

(Signed) DANIEL MACKENZIE.

Signed and sealed in the presence of

Js. GRUET, Noty. Publ.

D. MITCHELL, J. P.

WILLIAM SMITH, Witness.

No. XXIX.

Deposition of Robert M'Robb.

ROBERT M'ROBB, of the City of Montreal, in the Province of Lower Canada, maketh oath and saith, That he was present at Fort William, on the River Kaministiguiâ, at the time of the capture thereof by the forces under the command of the Earl of Selkirk, on or about the thirteenth day of August now last past, and has a knowledge of the general circumstances of that affair, and which took place at Fort William aforesaid from that time to the period when the Deponent left the same for Montreal, which was on or about the third day of September following; that the Deponent recollects, amongst other things, that Daniel Mackenzie, one of the Partners in the North-West Company, was during that interval imprisoned for several days, by order of the said Earl of Selkirk, in a building belonging to Fort William aforesaid, in which there is no window, and was afterwards confined to a room under the charge of a Sentry, in which latter situation the Deponent left him at the period of this Deponent's quitting the Fort; and that one Miles Macdonell, and others in the employment of the said Earl of Selkirk, were, during such imprisonment of the said Daniel Mackenzie, frequently in his company; but that the Deponent does not know what passed between them—And this Deponent further saith, that he left Montreal on or about the fourth day of October now last past,

in company with Pierre De Rocheblave, one of the Partners of the said North-West Company, for the purpose of proceeding to Fort William aforesaid, to take possession thereof, and of the stores at that place, which were then in the possession of the said Earl of Selkirk, in case of their procuring any legal compulsory Process or Order from the Government for that purpose, which Process or Order would, as the Deponent understood, be endeavoured to be procured by some other persons belonging to the said North-West Company, who were gone to York or Sandwich for that purpose, and with which, if so obtained, they were afterwards to join the said De Rocheblave and the Deponent at Sault St. Marie's, on their way to Fort William; that the said De Rocheblave and the Deponent, with their party, arrived at Sault St. Marie's aforesaid on or about the nineteenth day of the said month of October, where the Deponent remained with the said De Rocheblave, in expectation of the said other persons who were to join them with such Process or Order from York or Sandwich, until the twenty-sixth or twenty-seventh day of the said month; at which time the said Deponent left Sault St. Marie's aforesaid, in order to proceed to Fort William, leaving the said De Rocheblave still at Sault St. Marie's, the said other persons who were to bring such Process or Order, not being then arrived—And this Deponent further saith, that during his stay at Sault St. Marie's, one Robinson, who was, as the Deponent understood, a constable, or public officer of some such description, arrived at Sault St. Marie's from York, with some Process, which he was, as the Deponent also understood, to serve on the Earl of Selkirk at Fort William, and which was, as the Deponent believes, a Writ of *Habeas Corpus* for the said Daniel Mackenzie; and that there was also, during such the Deponent's stay at Sault St. Marie's, a Warrant issued by David Mitchell, Esquire, who is, as the Deponent believes, one of His Majesty's Justices of the Peace for the Western District of Upper Canada, against the said Earl of Selkirk, and several other persons, either for Felony, or some other offence supposed to have been committed by them, in relation to their having so seized and taken possession of Fort William and the property therein, and which Warrant, it was also intended, should be executed by the said Robinson, on his arrival at Fort William—That the Deponent accordingly left Sault St. Marie's on or about the said twenty-sixth or twenty-seventh day of October, in company with the said Robinson, and one John Duncan Campbell, a Partner of the said

North-West Company, (whom they were to leave at the Pic, on their way up), for the purpose of serving such *Habeas Corpus*, and executing such Warrant, but without any force to compel obedience thereto, having with them only the crew of the canoe in which they travelled, consisting of twelve Canadians and themselves, the three before-mentioned passengers; that after leaving the said Mr. Campbell at the Pic aforesaid, and taking in his stead Mr. John M'Bean, another Partner of the said North-West Company, they accordingly proceeded to Fort William aforesaid, where they arrived about three o'clock in the afternoon of the seventh day of November now last past—And this Deponent further saith, that on their so arriving at Fort William, he this Deponent, immediately upon their landing, accompanied the said Robinson to the house in the said Fort, occupied by the said Earl of Selkirk, where the said Robinson going into the room in which the said Earl there was, arrested him, as the Deponent believes, in the King's name, under and by virtue of the said Warrant; and having committed him to the custody of Mr. John Warren Dease, another Clerk of the said North-West Company, who was then near the said house, by commanding the said Dease to go in, and take charge of the Prisoner; and immediately afterwards proceeded to arrest one Captain Matthey, and one John M'Nabb, who were then in other houses within the said Fort, and whose names were, as the Deponent believes, also included in the said Warrant—And this Deponent saith, that in the evening of the same day, whilst the Deponent, together with the said Robinson and the said John Warren Dease, were in a room called the Council-room, belonging to the said Fort, the said Captain Matthey came to them, and told them that the Earl of Selkirk had sent him to order them all out of the house, but that as it was a stormy night, his Lordship would permit them to remain in one of the summer-houses, in which there was no fire, during that night; to which the Deponent and the others, having stated to the said Captain Matthey, that they were determined not to quit the house, unless they were forcibly compelled so to do, and that they conceived that he, the said Captain Matthey, being himself legally a prisoner, could have no orders to give them which they ought to obey; the said Captain Matthey replied, that he should then make use of the means in his power, to enforce obedience to his orders, and immediately left them for the present—That about eight o'clock the same evening, the said Captain Matthey returned into

the room where the Deponent, the said Robinson, and Dease were, bringing in with him seven armed men in the uniform of the late regiment De Meuron, all of them having muskets or fusils, and four of them bayonets fixed, and which armed men the said Captain Matthey accordingly placed as a guard over the Deponent, the said Robinson, and the said John M'Bean, who had also come ashore with them, and that they all three remained under guard, and, as the Deponent conceives, in the charge and custody, or under the superintendance of the said armed men and others in the same uniform, who were from time to time sent to relieve them, until the Saturday following, being the ninth day of the said month of November, at which time the Deponent left the Fort to return to St. Marie's—That on Friday the eighth day of the said month of November, during the Deponent's stay at Fort William as aforesaid, the Deponent and his party being in want of provisions, he the said Deponent told the said Earl of Selkirk, that he understood that the said Earl was in possession of the keys of the North-West Company's stores, and requested that he would deliver them, or direct that they should be delivered to the Deponent, or give orders that the Deponent and his party should be supplied with such articles out of the stores as they had occasion for; but which the said Earl refused, saying that *he supposed the Deponent must be aware that the North-West Company had no stores there, or somewhat to that or the like effect; that the Deponent thereupon told the said Earl, that he the Deponent had heard of some transaction having taken place between him and the said Daniel Mackenzie, but that he did not conceive that any sale could be valid that was made by a person who was a prisoner at the time, and who had been confined in the common gaol, and kept in a continual state of intoxication; that the said Earl thereupon answered, that the Deponent was totally misinformed as to the facts; to which the Deponent replied, that he had himself been an eye witness of the said Daniel Mackenzie's confinement, and of the state in which he was always kept, until the time of the Deponent's leaving the Fort; whereupon the said Earl said, that it was not to the Deponent that he had to answer, or somewhat to that or the like effect—That on the same day the said Robinson asked the said Earl, in the presence of the said Deponent, whether he meant to yield obedience to the said Warrant or not; to which the said Earl answered, that he certainly did not; that the said Captain Matthey*

also declared, during the Deponent's stay at Fort William as aforesaid, that if he had known at the time of their approach to the Fort, what their errand was, he would certainly have shut the gates, and not have permitted them to enter, or have got into a canoe and been off, and that the Deponent and his party might then have whistled for them—And this Deponent further saith, that finding that it was the determination of the said Earl of Selkirk, and the other persons who had been so arrested by the said Robinson, to persist in their refusal to yield obedience to the said Warrant, and that instead of being permitted to complete the execution thereof, by bringing away the persons they had so arrested, the said Robinson and the Deponent appeared to be themselves regarded as prisoners, being kept under the charge or superintendance of a military guard, as before mentioned; and being moreover short of provisions, with which the said Earl refused to supply them, the said Robinson, and M'Bean, and the Deponent, left Fort William aforesaid on the said ninth day of November now last past, in company together, and returned to Sault St. Marie's, where they arrived on the night of the twenty-fourth day of the said month of November.

(Signed)

ROBERT M'ROBB.

Sworn at the City of York,
in the Province of Upper
Canada, this Seventeenth
day of December, One
Thousand Eight Hun-
dred and Sixteen, be-
fore us,

WM. B. COLTMAN,
J. FLETCHER.