

- ART. V. — 1. *Report from the Select Committee of the House of Commons on the Hudson's Bay Company.* 1857.
2. *Hudson's Bay, or Life in the Wilds of North America.* By R. M. BALLANTYNE. Edinburgh: 1848.
3. *Report of the Exploration of the Country between Lake Superior and the Red River Settlement.* Printed by Order of the Legislative Assembly of Canada. Toronto: 1858.
4. *An Examination of the Charter and Proceedings of the Hudson's Bay Company, with reference to the grant of Vancouver's Island.* By J. E. FITZGERALD. London: 1849.
5. *The Hudson's Bay Territory and Vancouver's Island, with an Exposition of the Chartered Rights, Conduct, and Policy of the Honourable Hudson's Bay Corporation.* By R. M. MARTIN. 1849.
6. *Report from a Select Committee of the House of Representatives (of Minnesota) on the Overland Emigration Route from Minnesota to British Oregon.* 1858.
7. *The North-West Coast, or Three Years' Residence in Washington Territory.* By JAMES G. SWAN. New York: 1856.
8. *The New El Dorado, or British Columbia.* By KINGHAM CORNWALLIS. London: 1858.
9. *Wanderings of an Artist among the Indians of British North America.* By PAUL KANE. 1 vol. 8vo. London: 1859.

THERE is not wanting a kind of rude resemblance between the geographical conformations of Northern Asia and Northern America. Each has been provided by nature with great rivers running north and south, — the Ob, the Yemissei, and the Lena, in Siberia; the Mackenzie, the Coppermine, and the Back or Great Fish River, in the territory of the Hudson's Bay Company. But the gift in both cases has been rather splendid than useful; for all these six streams discharge themselves into the Frozen Ocean, at points utterly inaccessible for the purpose of commerce, as if they had been bestowed in irony to show how easy it is for nature to neutralise her noblest agencies. Both regions are enclosed on the west by long chains of mountains—the Ural, which dips rapidly down into the great plain of Russia, and the Rocky Mountains, whose base is on the shores of the Pacific. Siberia is bounded on the east by the vast gulf of Ochotsk, and North America by the frozen shores of Hudson's Bay. If Siberia be superior in the length and volume of its rivers, British America has the advantage of possessing streams which, rising from the Rocky Mountains, intersect the continent

from east to west, and water the vast valley lying between the high lands, from whence spring the Mississippi and the Red River of the north on the one side, and the Mackenzie, the Coppermine, and the Fish River on the other. Nor is the climate of these two vast regions dissimilar. The winter is, at the same latitude, of equal length. Both present the same phenomena of ground frozen to an immense depth below the surface, which never thaws in the warmest summer, and of trees ice bound to the very heart which splinter the axe of the woodman like glass. In both the cold is something incredible to European nations, extending frequently to seventy degrees below zero of Fahrenheit, or a hundred and two degrees below the freezing point. But though the climate is so severe, in neither case does it appear to be unhealthy. The spring is sudden; the summer though short, is warm; and the powers of animal and vegetable nature seem to compensate themselves by extraordinary vigour and activity, for the short respite allowed them from the long torpor of winter.

Neither of these regions can as yet boast of a history. The life of the Siberian exile is consumed in a constant struggle with the inclement influences by which he is surrounded; and with the single exception of the settlement, founded by the late Lord Selkirk, at the Red River, no attempt has been made to establish in British America, north of Canada, and of the 49th parallel of north latitude, anything resembling a civilised community or a settled government. Causes are, however, at work, which bid fair speedily to dispel this state of things in British North America. Leaving then Northern Asia to the course of progress to which she may be destined, we propose to inquire what is the duty, and what should be the policy, of England with regard to those vast territories, which may be denominated the English Siberia. Their destiny will not assuredly be allowed to unfold itself with the calm and regular development which is reserved for Northern Asia, cut off from Europe by the Ural Mountains, and from the tribes of Central Asia by the vast fortress of the Altai. A number of causes combine to force the question of the future condition of these territories on the earliest consideration of the public. Canada is pressing towards them on the south-east frontier. The United States are approaching them on the south, from Minnesota; while the recent gold discoveries on the Fraser and Thompson Rivers have emptied half California into a region unknown and untrodden, till within the last year or two, by any, except a few tribes of Indians and the servants of the Hudson's Bay and Puget Sound Companies.

Until the close of the last session of Parliament, the whole

of the British dominions on the continent of North America, with the exception of Canada, New Brunswick, Nova Scotia, and the coast of Labrador, were under the government of a single corporation—the last of those great proprietary companies, by whose agency so much of our commerce was originally planted and fostered, and to whom we mainly owe the colonisation of North America, the opening of our trade with Russia and the Levant, and the conquest of an empire in the East Indies. Though political economy has exploded for ever the notion of carrying on commerce, colonisation, or conquest by means of corporations protected by strict monopolies, it would be unjust to deny, that at a time when our knowledge of geography was extremely imperfect, when there was no police of the seas, when every distant enterprise was involved in doubt and mystery, and trade had to be carried on with fierce and barbarous nations, results were obtained by these corporations which could hardly have been hoped for from the private trader. They are gone, and the state of things which produced them; but it would be ingratitude to assert that their establishment was generally either dictated by corrupt motives, or inexpedient with reference to the then conditions of society.

The corporation to whose lot it has fallen to rule for many years past, with an absolute sway from the Atlantic to the Pacific, and from the forty-ninth parallel of north latitude to the shores of the Arctic Ocean, owes its institution to the fiery Cavalier whose name occurs so often for good or for evil in the history of the great civil war. Chiefly at the request of Prince Rupert, Charles the Second, on the 2nd of May, 1670, issued a charter to Prince Rupert and his associates, by which Prince Rupert, Christopher, Duke of Albemarle, William, Earl of Craven, Henry, Lord Arlington, Anthony, Lord Ashley, and other knights and gentlemen, were incorporated by the name of the Governor and Company of Adventurers of England trading into Hudson's Bay; and to this corporation the King granted 'the sole  
' trade and commerce of all those seas, straits, bays, rivers, lakes,  
' creeks, and sounds, in whatever latitude they shall be, that lie  
' within the entrance of the straits commonly called Hudson's  
' Straits; together with all the lands and territories upon the  
' countries, coasts, and confines of the seas, bays, lakes, rivers,  
' creeks, and sounds aforesaid, that are not already actually pos-  
' sessed by or granted to any of our subjects, or possessed by  
' the subjects of any other Christian Prince . . . ; and that  
' the said land be from henceforth reckoned and reputed as one  
' of our plantations or colonies in America, called Rupert's  
' Land;' and furthermore the Crown granted to the adven-

turers and their successors 'the whole and entire trade and 'traffic to and from all havens, bays, creeks, rivers, lakes, and 'seas into which they shall find entrance or passage by water or 'land out of the territories, limits, and places aforesaid.'

This charter was obviously drawn up in the most complete ignorance of the geography of the land which it professed to grant, and it might seem difficult to decide, applying its words to modern knowledge, what land passed to the corporation. It is enough in this place to say that an opinion was given by Sir Samuel Romilly, Mr. Holroyd, Mr. Cruise, Sir James Scarlett, and Mr. Bell, that under these words the Hudson's Bay Company were entitled to all the land, the waters of which fall into Hudson's Bay; and that upon this view the Company and the Legislature seem to have acted in framing the arrangements under which the territory has been governed during the last three reigns.

It is not our purpose to dwell upon those circumstances in the history of the Company which are merely matters of antiquarian curiosity. The concern seems to have been at first a very lucrative one, and the Company is accused, not without some show of justice, of having had recourse to the modern expedient of watering its stock, that is, of nominally increasing its capital, so as to make the amount of its profits appear less enormous. It is open to considerable question whether the Company understood their charter as conferring territorial rights to the extent now claimed under the legal opinion to which we have referred. Their operations seem in the first instance to have been confined to the shores of Hudson's Bay, and it is asserted that it was only in the beginning of the present century that they extended their fur-trading operations as far as the valley of the Assaimboine in the vicinity of the present Red River Settlement. There is also considerable doubt whether at the time the charter was granted, nearly a hundred years before the cession of Canada to Great Britain, the Crown of England was possessed of the territories which it professed to grant; and it may possibly have been some uncertainty on this question which induced the Company to obtain an Act of Parliament in the reign of William and Mary, confirming its charter for a period of seven years, after the expiration of which period it was left to stand on its own resources, and has actually maintained itself till the present day.

During the eighteenth century the Company fell into that state of inactivity which pervaded so many more important institutions, till it was aroused from its slumbers by the formidable competition of the North-west Company, under

the energetic guidance of the discoverer of the great river which bears his name, a Canadian by birth, Sir Alexander Mackenzie. The basis of the operations of the North-west Company was Montreal, from whence its traffic was conveyed through the great chain of lakes to Fort William on Lake Superior, and thence by a canoe route containing sixty-four portages, and extending over nearly seven hundred miles, to the shores of Lake Winnipeg; while the operations of the Hudson's Bay Company were all carried on from England through the stormy and difficult navigation of Hudson's Straits. In 1812 the Hudson's Bay Company gained a new and powerful ally in the late Lord Selkirk, still known to the Indians by the name of the Silver Chief. This nobleman, a person of much energy and resolution, conceived the idea of indemnifying Great Britain for the loss of the American Colonies, by the foundation of fresh settlements to the north; and, having obtained a predominating influence in the councils of the Hudson's Bay Company, procured from them in 1812 a grant of the land now occupied by the Red River Settlement, and set to work in earnest to colonise it. From that period till 1820 the most violent competition, attended by many conflicts and much loss of life, raged between the two Companies, until in 1821 they agreed to unite, and an Act of Parliament was passed, empowering the Crown to grant licenses from time to time to the amalgamated Corporation for exclusive trade in the Indian territories for periods not exceeding twenty-one years. The last license for twenty-one years was granted in 1838, and will therefore expire in the present year. From these transactions, which we have purposely stated as summarily as possible, leaving those who seek more detailed information to find it in the authorities prefixed to this article, it results that the Hudson's Bay Company is possessed of the territory between the Atlantic Ocean and the Rocky Mountains north of Canada, and the forty-ninth parallel of north latitude, under two distinct titles,—the charter of Charles the Second, under which they claim to own in fee-simple all the land whose waters run into Hudson's Bay, and the license of exclusive trade granted under the Act of 1821, extending over all the district, north of the land comprehended in the charter, whose waters, the Mackenzie, the Coppermine, and the Great Fish River, empty themselves into the Northern Ocean.

The point which is principally interesting to us at this time is in what manner the Hudson's Bay Company have executed the trust of governing these vast territories, and whether their agency on the whole has been beneficial to the interests of the British Empire, and of the Indian population whose destinies

are committed to their charge. Our object is to ascertain as far as possible the present state of things with regard to these vast regions which circumstances are now forcing upon our attention; and one element in coming to a right conclusion must necessarily be the estimate, which, upon an impartial consideration, we are disposed to form of the merits or demerits of the government by which they are at present administered. The Hudson's Bay Company, although possessing certain attributes of delegated sovereignty, is essentially a mercantile speculation, its main object being to realise a good dividend for its shareholders. In this object, at any rate, it has succeeded, for on its capital of five hundred thousand pounds it pays a dividend of ten per cent., or fifty thousand a year. It is no mean triumph of commercial enterprise to extract this large amount of profit from materials so unpromising as the swamps, the stunted forests, the icy plains, the dreary lakes, the obstructed rivers, and the inhospitable climate of British North America.

The motto of the Company, '*Pro pelle cutem,*' is true as well as witty, for it is by no ordinary toil and danger that these results are obtained. The servants of the Company are selected from among the hardy peasantry of Aberdeenshire, and the frugal inhabitants of the Orkney Islands; men trained in poverty and self-denial, who have justified by their courage, their constancy, and their integrity, the preference of the natives of the sturdy North for this rough and dangerous service. The business of the Company is carried on in posts scattered at wide intervals over these scarcely habitable regions. The Indians, who are employed in hunting the fur-bearing animals, bring their peltries for sale. No money is employed in the traffic, but a substitute for it is invented similar to that which enabled Homer, who also was unacquainted with the use of money, to compare the value of the arms of Glaucus and Diomed, the one being worth a hundred oxen, the other nine. The unit of value, by reference to which the transactions between the Indians and Company are regulated, is the beaver. The tariff, according to which the skins are purchased, is formed on the principle of giving for the more valuable skins less, and for the less valuable more, than they are worth. The object of this proceeding seems to be to protect the more valuable animals from extermination, since, if the Indian were encouraged to destroy those that bear the highest price, it is obvious that the more precious kinds of fur would become extinct, and the less valuable kinds would be unduly multiplied. When the Indian brings his fur for sale, he receives for each skin a stick of every beaver which it is worth, and, passing over to the other side of the store, he purchases with

these sticks blankets, guns, hatchets, and whatever else he stands in need of, till all his sticks are exhausted, and then departs for his home. It is obvious that by accustoming the Indians to the use of firearms, instead of bows and arrows, and to articles of European manufacture instead of those they once fabricated for themselves, they are placed very much in the power of Europeans; since, if these supplies were withdrawn, it would be impossible for men who have lost their native arts, without acquiring new ones in their place, to return to their original condition. This power, it is only just to say, the Company have used for the benefit of the Indian, and also, no doubt, for their own. They have contrived to keep entirely free of those destructive feuds between the two races which have been the shame and reproach of civilisation, when brought into contact with barbarism. While the frontiers of the United States, from the Everglades of Florida to the mountains of Oregon, have been, and still are, the scene of a war of extermination, waged with equal ferocity and doubtful success between the White man and the Red, it is the pride and boast of the Hudson's Bay Company that they alone have found means of conciliating the Red Indian; and while the aborigines have been made the means of acquiring wealth for their employers, they have also been saved, not only from war with the Whites, but from the dreadful contests which they would incessantly have waged with each other.

We cannot cite a better witness on this subject than Mr. James G. Swan, an intelligent American gentleman, author of 'Four Years' Residence in Washington Territory,' by no means a friend to the Hudson's Bay Company, for the extinction of which he is sincerely anxious, as he considers it a grasping monopoly, and exceedingly hostile to the interests of American citizens.

'It has been supposed by many that the Whites and Red men of the western frontier cannot live together in one community in peace; but this is not so, as the course of the Hudson's Bay Company will tend to show. That immense monopoly has spread itself all over that great region of the North, from the Pacific to the Atlantic, and for many years has been in constant intercourse with the savage tribes throughout that country, a territory larger than the whole of the United States; and instead of wars of extermination or constant border raids and feuds, a lasting friendship has been maintained, which appears to grow stronger every day.

'The Hudson's Bay Company, in their treatment of the Indians, have combined and reconciled policy with humanity. Their prohibition to supply them with ardent spirits appears to have been in all cases rigidly enforced; and although many of the employés of the Company have furnished the Indians at times with spirits, yet such

servants have invariably been dismissed or degraded when found out. Encouragement is also held out by the Company to induce their people, who are mostly French Canadians, to intermarry with the native women, as a means of securing the friendship and trade of the different tribes.

'As there are, or rather were, few or no white women in those territories, it will easily be seen that a great many half-breeds are now growing up, who will in time form an important part of the population. The Company afford means for the education of these half-breed children, and, as far as possible, retain them among the Whites; and, whenever found capable, give them employ in the service of the Company.

'The course pursued by the Hudson's Bay Company shows that they understand the Indian character to perfection. And if, by adopting some of their views, our Government can bring about a state of feeling among our own Indians, similar to those of the tribes in British North America toward the Hudson's Bay Company, it would seem to be worth the trial, and would be productive of good, both to the Indians and our own people.'

Something, though by no means all that could be wished, has been done for the conversion of the Indians to Christianity. There are two bishops, a Catholic and a Protestant, in the territory, and a number of Protestant missionaries supported by religious societies in England. By accustoming the Indians to live peacefully beside the Whites, and to abstain from war and bloodshed among each other, the way has unquestionably been prepared for the labours of the missionary; and a still more powerful assistance is given by the settled policy of the Company to prohibit, wherever its control is firmly established, the use of ardent spirits among the natives. There is no doubt that in thus doing what is best for the Indians, the Company is also doing what is best for itself; since it is clearly contrary to its interests to expose those on whose labour it relies for the material of its traffic, to the demoralisation and disease which inevitably wait on the introduction of ardent spirits among savages. But the benefit is not the less real, and its amount may be best estimated by a comparison of the state of the Indians in those parts of the territory where the monopoly, and consequently the power of the Company, is absolute and undisputed, with their state in those frontier regions where competition drives the Hudson's Bay Company, and their American or Canadian opponents, to employ spirits as a means of attracting the fur trade to themselves. We may add to this that the Hudson's Bay Company are at pains to prevent the extinction of the fur-bearing animals by prohibiting the killing of the female during the breeding season, and also to obviate the waste which would ensue from the slaughter of the



fur-bearing animals during the hot weather, when the fur is loose and consequently of little value. In fact, against the policy of the Hudson's Bay Company in their capacity of fur traders, and, as a consequence of that occupation, as managers and governors of the Indian tribes, there is, we apprehend, very little to be said.

The Hudson's Bay Company has made two essays at colonisation, in neither of which can it be said to have been very successful. It felt itself compelled to purchase back again from Lord Selkirk the Red River Settlement which it had granted to him. To a company engaged in traffic with the Indians, and claiming and exercising the right to exclude the rest of Her Majesty's subjects from that traffic, the foundation of a settlement where population may be densely congregated, must necessarily be a source of infinite trouble and dispute. In the first place, the constitution of the Company, though well enough adapted to the wants of a corporation of fur traders, is by no means suited to the government of a colony. Important matters are settled by the Board of Directors in London, the executive is carried on by the principal agent on the spot for the management of the trade, and a legislature is supplied by the chief factors or senior servants of the Company, who assemble annually from their several posts at Norway House in the north, and Moose Factory in the south, in order to regulate the trade in which they are interested as partners; and, as incidental to the trade, the affairs of the country. Still, by the exercise of a rough common sense, and in the absence of any lawyer to find fault with their decisions, they contrived, though doubtless with innumerable faults of form and oversteppings of jurisdiction, to administer a kind of justice which at any rate protected life and property, and left everybody at liberty to look after his own affairs. Indeed, most of such troubles as they have had date from the time when they were weak enough to allow the law, under the shape of a learned recorder, to penetrate into this elysium of natural equity and wisdom unfettered by rule. Their principal trouble, of course, has been and is their monopoly. The settlers from the British Isles, many of them sprung from those brought by Lord Selkirk, others, the descendants of old military pensioners or of retired servants of the Company, naturally wish for a share of the lucrative Indian trade; nor has the Company any direct power from the charter of preventing them from encroaching on their traffic. The grant of exclusive right to trade is clearly void, both at common law and by the statute of Monopolies passed in the twenty-first year of James I.; and even were it valid, it is not easy to see

by what means such a grant can be enforced. This want, both of right and power, has driven the local managers of the Company from time to time to adopt strange courses. They have imposed import duties, to be remitted to those against whom there is no suspicion of illicit fur trading. They devised a conveyance of land in which the intending purchaser was made to covenant that he would not traffic for fur with the Indians; and on one occasion they seem to have gone so far as to require that letters should be sent to the Post-Office open for their perusal, in order to detect any such contraband transactions, though, it is but just to say, that this latter proceeding seems to have been strenuously disapproved of by the Directors in London. Troubles also they have had with the half-breed population of the settlement, amounting now to several thousand persons, especially with those of French descent. These half-breeds, the French more especially, retain so much of the Indian nature as to have in general a strong dislike for the pursuits of agriculture, and to addict themselves to the hunting for furs on their own account. They say that the country is theirs by hereditary descent, and maintain that they have thus a better right than that which any royal charter can bestow. They seem to be a headstrong and impracticable race, and, as was shown in the sanguinary dissensions between the two Companies, are soon excited to violence, and by no means slow to shed blood. There are seldom wanting persons who make it their business to fan these fiery passions into a flame, and so formidable has the attitude of the half-breeds been considered, that a detachment of troops was sent up to the Red River, under the command of Colonel Caldwell, in 1846, and another, we believe, in the course of 1857.

The Red River Settlement is the only part of the territory of the Hudson's Bay Company in which agriculture has been attempted on any considerable scale. It lies in about fifty degrees of north latitude; but being nearly one thousand feet above the level of the sea, the climate is very severe, though not more so, it is said, than the less favoured parts of Lower Canada. The mean temperature of the three winter months is thirteen degrees of Fahrenheit colder than that of Toronto, in Upper Canada. Wheat can be grown there with success, although it runs considerable risk from summer frosts. From the swampy and level nature of the country the labours, and indeed the residence, of the husbandman are liable to be destroyed by the periodical ravages of enormous floods. Timber, too, is scarce, even for purposes of fuel, and coal there is none within any available distance, though a species of lignite is

said to be found at a great distance in the far north. But the greatest drawback the settlement has to encounter is the entire want of a market. It is accessible in three ways. First, the Hudson's Bay Company carry on their commerce from London through Hudson's Straits, which, lying in sixty degrees north latitude, are entirely blocked up by ice, except during two months of the year, and even during those two months are so far obstructed that the passage through them is both difficult and dangerous. The principal depôt of the Company on the shores of Hudson's Bay is York Factory, poetically described by Mr. Ballantyne, who has written an amusing book on his experiences in the fur-trading service, as

' A monstrous blot  
On a swampy spot,  
Within the sight of the Frozen Sea.'

From this charming place the canoes of the Hudson's Bay Company proceed up Nelson's River over thirty-four portages, at each of which it is necessary to unload the canoe and carry it and its contents for some distance. They then reach Lake Winnipeg, and coast along the shores of that stormy and dismal sheet of water, which the ice seldom quits before the end of May, and generally returns to before the end of October, until they arrive at the Red River Settlement. This route is so bad that the Company are often reproached with adopting it expressly for the purpose of rendering their dominions as inaccessible as possible; but, before we condemn them, we had better see what are the features of the other two routes.

The next route, which the Company is constantly urged to adopt, would lead up the St. Lawrence, through Lakes Ontario, Erie, Huron, and Superior to Fort William, a depôt which lies on the north-west coast of Lake Superior, and across from thence, by Rainy Lake and the Lake of the Woods, to the Red River Settlement, passing over no less than sixty-four portages. This route was the one employed by the North-west Company, and has no doubt been somewhat neglected since the amalgamation with the Hudson's Bay Company; but we think that any one who will carefully institute a comparison between it and the route by Hudson's Bay, will be disposed to think that in giving the preference to York Factory and Nelson's River the Company has been actuated solely by a desire to select the shortest and easiest line for communication with England. Both routes are inaccessible in winter, for the ice on Lake Superior prevents canoe navigation, without being sufficiently firm to be traversed on foot, and the rugged and barren northern

shore is regarded as impassable, at least for the purposes of regular traffic. The portages on the route by Lake Superior are much longer and nearly double in number those on the route by Hudson's Bay. When we add to this that the canal at the Sault Ste. Marie (the rapid of eighty feet in height, which bars the entrance to Lake Superior,) passes through American territory, while the Hudson's Bay route passes exclusively through the dominions of the British Crown, we think that we have alleged reasons enough for the preference of the Company for the Hudson's Bay route, without imputing to them the wish to create extraordinary difficulties in approaching a region which nature has already made more than sufficiently inaccessible. This route has recently been surveyed by Messrs. Gladman and Dawson, under the direction of the government of Canada; but their report, although it contains a recommendation for making a road, to avoid the present toilsome ascent from Lake Superior, and is written in a spirit favourable to the opening of this route, (the only one, it would seem, by which Canada can communicate with Lake Winnipeg,) does not in any degree shake the conclusions at which we have arrived, after the careful collation of a very large mass of discordant testimony; more especially as in this report the obvious difficulty to English commerce, implied by passing through a portion of American territory at the outlet of Lake Superior, is not, so far as we can find, even alluded to. The Parliamentary Committee, which examined this subject in 1857, seems to have been not unnaturally disposed to think that the difficulties of the route and the inferior qualities of the country were purposely exaggerated by the servants of the Hudson's Bay Company, who were called before them. Thus, in the evidence of Sir George Simpson, we have the following episode:—

' Q. 772. Mr. Gordon. If I understand you rightly, you think that no portion of Rupert's Land is favourable for settlement, but that some portions might be settled?—Yes.

' Q. 773. In your very interesting work of "A Journey round the World," at page 45, I find this description of the country between the Lake of the Woods and the Rainy Lake:—"From Fort Francis downwards, a stretch of nearly a hundred miles, it is not interrupted by a single impediment, while yet the current is not strong enough materially to retard an ascending traveller. Nor are the banks less favourable to agriculture, and the waters themselves to navigation, resembling in some measure those of the Thames near Richmond. From the very bank of the river there arises a gentle slope of green sward, crowned in many places by a plentiful growth of birch, poplar, beech, elm, and oak. Is it too much for the eye of philanthropy to discern through the vista of futurity this noble stream, connecting as

"it does the fertile shores of two spacious lakes, with crowded steam-boats on its bosom, and populous towns on its borders?" I suppose you consider that district favourable for population? — The right bank of the river is favourable to cultivation; that is to say, the soil is favourable, the climate is not. The back country is a deep morass, and can never be drained, in my opinion.

'Q. 774. Do you see any reason to alter the opinion you have expressed? — I do see that I have overrated the importance of the country as a country for settlement.

'Q. 775. Mr. Labouchere. It is too glowing a description, you think? — Exactly so. It is exceedingly beautiful, the bank is beautifully wooded, and the stream is very beautiful.'

This high-flown account of the beauties of a portion of the route we have just been considering, deserves quoting, if it were only to show the manner in which the most erroneous impressions may be promulgated on the very highest authority. The Governor of the Hudson's Bay Company was writing a book, and finding his subject a little dry, he in an evil hour bethought himself of relieving its monotony by the piece of fine writing which the research of Mr. Gordon brought to his attention at so unwelcome a moment. It must be admitted that the position of Sir George Simpson was not an enviable one; and yet, after all, the evidence of Sir George Simpson was right, and the passage in the book was wrong. The eye of philanthropy may conjure up what visions it pleases, but observation has completely established, to the satisfaction of the Canadian Commissioners, that the right bank of this river is a hopeless swamp, into which a pole may be thrust thirty feet without finding a bottom — in fact, a place altogether more fitted to bear on its bosom a crowded steamboat than a populous city.

As another illustration of this strange tendency to see what to ordinary eyes is invisible, we may quote the opinion of Mr. King with regard to the Great Fish River, on whose dreary banks, as we now know only too well, the last survivors of Sir John Franklin's unhappy expedition laid themselves down to die. Mr. King spoke from his own experience, having been surgeon and naturalist to Sir John Richardson's expedition, in 1833, in search of Sir John Ross. Mr. King is asked (Question 5664.), —

'And is it your opinion, with regard to that large continent which you have travelled over, that the portions within the limits you have pointed out (that is a district between the Lake Athabasta and the Saskatchewan), are the only parts of that district fit for colonisation? — Not at all, I mean, as arable land. *The whole of the Great Fish River, down to the Polar Sea, is the finest grazing country in the world, as far as grazing is concerned. Of course it is alluvial soil based upon sand, and, therefore, not arable land.*

We should suppose not; and, as far as grazing is concerned, we wish Mr. King had gone on to state what manner of animal it is which could support a colony by grazing in this, by the consent of all other persons, the most hideous and dreary desert into which the courage and audacity of man has ever enabled him to penetrate.

We have now to speak of the third route, which, it must be admitted, is far easier than either of the other two. The truth is, that though the accidents of political organisation have decided otherwise, the district of the Red River is, according to all geographical considerations, a part of the State of Minnesota. The river itself takes its rise in Ottetail Lake, in the very heart of that State. From thence it runs through a perfectly level prairie for about two hundred miles, until, at its junction with the Sioux River, it becomes, as is asserted, navigable for vessels of light draught, and so continues till it is lost in Lake Winnipeg. The route from the Falls of St. Anthony, the head of the navigation of the Mississippi, to the Red River Settlement, lies over a perfectly level prairie, well stocked with buffaloes, and capable of being traversed by carts and waggons in summer, and by sledges drawn by dogs in winter. A traveller who wished to reach the Red River Settlement would naturally go this way; but the American tariff, with its heavy duties, is a considerable obstacle to the transport of goods through the territories of the Republic. Furs are so light and so valuable, that they are able to support almost any difficulty in the way of carriage, but it is a very different thing when we come to deal with the less bulky and less valuable products of agriculture. The Hudson's Bay territories were, for some reason or another, not included in the Canadian reciprocity treaty; but this is an obstacle which, unlike swamps, shoals, and cataracts, may be removed by mutual conciliation and good will; and even if it were not, it is very probable that the exactions of the American custom-house might be found more tolerable than the insurmountable obstacles with which nature has surrounded the approach from England to the territory of the Hudson's Bay Company.

The second experiment in colonisation upon which the Hudson's Bay Company has embarked, was the Government of Vancouver's Island, handed over to them by Lord Grey in 1849. If the Red River Settlement was too inaccessible, Vancouver's Island was, at least till the recent gold discoveries, too remote and too little known for the purposes of colonisation. A fur-trading company, especially if that trade be carried on under a claim of monopoly, is a singularly unfit agent for colonisation,

the very essence of which is the unrestricted liberty of individual enterprise; and we suspect that the Hudson's Bay Company has neither added to its pecuniary resources, nor increased the reputation which its shrewd and successful management of commercial transactions had obtained, by suffering itself to be led into colonising operations utterly foreign to its constitution and its objects.

We have now given such a sketch as our limits will permit of the history and operations of the Hudson's Bay Company, though it must not be supposed that we are unaware that almost every statement contained in it has been made the subject of bitter and angry controversy. No institution has been more furiously attacked and more vehemently defended than this Company. Its claim to a monopoly, its actual possession of a lucrative trade, its acknowledged unfitness for the purposes of colonisation, have raised against it a host of enemies. The very Aborigines Protection Society themselves are loud in their outcry against a power which, as we may show hereafter, alone stands between the Indian and immediate destruction. Those who desire its fur trade affect a wish to colonise its lands; and the Americans, who exclude us from their coasting navigation, and who have contrived, by trapping, Indian wars, and free competition, pretty effectually to dispose of their own fur trade, are shocked at the illiberality of the British Government, in not throwing open its North American dominions to their predatory operations.

In 1857, Mr. Labouchere, then Secretary of State for the Colonies, moved for a Select Committee to inquire into the state of the territories of the Hudson's Bay Company. After a very full investigation, the Committee agreed to a report, in which they recommended that we should 'meet the reasonable and just wishes of Canada, to be able to annex to her territory such portions of the land in her neighbourhood as may be available to her for the purposes of settlement; with which lands she is willing to open and maintain communications, and for which she is willing to provide the means of local administration.' If Canada refused this offer, the Committee think some temporary provision for the administration of the Red River and Saskatchewan district may be required; they recommend the separation of Vancouver's Island; and they advise that districts not wanted for colonisation should be left, as now, a field for the exclusive trade of the Hudson's Bay Company.

We have now reached a point from which we hope to be able to consider, in all its bearings, the question we propose to our-

selves for discussion; which is, in what manner ought England to deal with the government of the territories which, at the time the Committee of the House of Commons reported, were under the control of the Hudson's Bay Company?

The question admits of considerable simplification. Adopting a local arrangement, and beginning from the west, we find that, as regards Vancouver's Island, and all the territory west of the Rocky Mountains, a decision has already been arrived at. Vancouver's Island is erected into one colony, and the district of the Frazer and Thompson rivers into another, under the name of British Columbia; both being, for the present, placed under the administration of Mr. Douglas, late a servant of the Hudson's Bay Company, and their Governor of Vancouver's Island. It is very probable, that an error was committed in thus forming two colonies instead of one; for British Columbia, though making a respectable figure on the map, is encumbered by enormous mountains, which are not likely to be the abode of man, and the alluvial tracts on the banks of its rivers, though fertile and beautiful, are limited in extent. The climate, also, is severe as the explorer recedes further from the sea and advances towards the north, and the Indian tribes, owing to their natural fierceness, their numbers, and the advantages of their rugged country, are likely to give considerable trouble to the settler. It is premature to pronounce an opinion as to the produce of the recently discovered gold fields; but one thing is certain, that the opportunity of digging the gold, even if it exists in the abundance which was announced, is exceedingly difficult to find. During the summer, the rivers are swollen by the melting snows of the Rocky Mountains; and in the winter a great part of the country, particularly on the upper streams, where the richest deposits are likely to be found, is covered under a thick coating of snow. The only period left to the digger seems to be what he can snatch between the melting of one snow drift, and the descent of another; summer and winter being alike unfavourable to his operations, and spring and autumn presenting a brief and precarious interval between the two. It would, therefore, have seemed wiser to have adopted a precedent from the eastern coast of America, and, as the island of Newfoundland has under its government the coast of Labrador, to have turned over British Columbia, at least for the present, to Vancouver's Island. Instead of this, Sir Edward Lytton, whose only revenue for the new colony consists of the precarious resource of the license fee paid by the gold diggers, and some trifling custom duties levied at the mouth of the Frazer, has commenced forming an establishment for which Parliament has made no provision, and which,



we believe, it will be impossible to support, under the most favourable circumstances, out of the slender revenues of the infant settlement. We hear of a Chief Justice, of course with a salary sufficient to support his judicial dignity; a Bishop is said to be in contemplation; a Survey Department is formed; and one gentleman, who had been rather hastily appointed Collector of Customs, has been sent out with the appointment of Harbour Master. All this is the more to be regretted, as the government of the colony seems to have been carried on, under circumstances of great difficulty, to the satisfaction of everybody, by Mr. Douglas. It would have been far better to have allowed him to expend such money as he could raise, in providing himself with the necessary assistance in administering the government, than to encumber him with a number of expensive officials whose salaries he has no money to pay, and who, if paid at all, will assuredly be paid, contrary to all justice and sound principle, out of the revenues of this country. We cannot more appropriately conclude what we have to say on the subject of British Columbia, than by the paragraph of the Queen's Speech relating to the establishment of the new colony:—'The Act to which Her Majesty has assented, for the establishment of the colony of British Columbia, was urgently required in consequence of the recent discovery of gold in that district; but Her Majesty hopes that this new colony on the Pacific may be but one step in the career of steady progress, by which Her Majesty's dominions in North America may ultimately be peopled, in an unbroken chain from the Atlantic to the Pacific, by a loyal and industrious population of subjects of the British Crown.' The question we have to inquire into is, how far is this Royal wish likely to be realised?

Confining our attention, for the future, to the eastern side of the Rocky Mountains, we may further simplify the question for consideration, by first examining what ought to be done with that portion of the territories of the Hudson's Bay Company over which they now hold an exclusive license to trade, but which, from soil, climate, latitude, or exposure, are entirely unsuited to agricultural settlement. This tract includes all those lands whose waters run into the Arctic sea, and, therefore, the banks of the Mackenzie, the Coppermine, and 'the finest grazing country in the world,' along the course of the Great Fish River. This desolate tract, we entirely agree with the Parliamentary Committee, should be left under the control of the Hudson's Bay Company. The best way to state our reasons for this conclusion will be to suppose the contrary view to prevail, and the furtrade to be thrown open to competition. Of course, there would

be an end at once of all the precautions that are now taken for preserving the fur-bearing animals. The same indiscriminate war would be waged against the pregnant female as the male. The chase would be carried on in winter and summer alike, and the more valuable animals, no longer protected by the policy of the Company, would be speedily exterminated. The Indians would probably be replaced by trappers, and, as the inevitable destruction of the fur-bearing animals went on, would find themselves less and less able to procure, by their labour, that clothing and ammunition which have become to them necessaries of life. We cannot replace them in the state we found them in; we cannot expect the fur traders to maintain them in idleness; and we may feel quite sure that competition in the fur trade would bring with it its invariable result—the introduction of ardent spirits to complete the destruction of this unhappy race. And all this ruin would be pure loss. Happy homes, and cultivated fields, inhabited by a civilised population, may console philanthropy herself for the extermination of the aboriginal races. But in these desolate regions, if we once destroy, we cannot replace. It is as easy to blot out of the book of life the aboriginal races as the animals which they pursue; but when the last fox has been trapped, and the last Indian starved to death, the white man, who has caused this havoc, has nothing to do but to withdraw from the land he has desolated, and leave it to the ruin which he has so powerfully assisted the rigorous climate and desolate soil in producing.

We have been supposing, hitherto, that the withdrawal of the license for exclusive trade would expose the Hudson's Bay Company to a powerful competition; but this may, after all, not turn out to be the case. To say the truth, this license of exclusive trade is somewhat of a bugbear, and terrifies less the more it is examined. It would puzzle the most acute lawyer to tell us how the Company should proceed, in order to enforce that license against an interloper. No means are provided by the Act authorising the issue of the license, and it would be too strong a construction to argue, that the mere exercise of a trade which the Crown was authorised to hand over to another, would of itself constitute a misdemeanour. The license has undoubtedly its use, but it is rather against foreign governments than the subjects of Her Majesty. All foreign governments are bound to respect our municipal law in our own dominions; and therefore should the Americans, for instance, seek to establish themselves on the Hudson's Bay territory, as between the two Governments, the fact that such a license existed would be a conclusive argument against intrusion. It is quite

possible that it might be found that the Hudson's Bay Company could enjoy its exclusive trade in these remote countries, very nearly as well without the license as with it; but by thus breaking off all connexion between the Company and the Government, we should lose that control which the Colonial Office indirectly exercises over the proceedings of the corporation, and the right of insisting on those different stipulations in favour of the Indians which now form a part of the license. We cannot colonise these northern regions. We cannot turn them to any account for the public interest; and we should, therefore, do wisely to retain our hold on those who can and do derive from them the only advantage they are capable of yielding. Thus, whether we consider that the withdrawal of the license would or would not raise up competition against the Hudson's Bay Company, the step appears alike inexpedient. In the first case, because competition carries with it the destruction of the fur-bearing animals, and the Indian tribes, and the bloody dissensions between the Whites, which have already occurred under similar circumstances; and in the second case, because, without destroying the monopoly, we should be depriving the Government of this country of the only means it possesses to mitigate and regulate it. We conclude therefore, so far as relates to those districts on the eastern side of the Rocky Mountains, over which the Hudson's Bay Company exercises jurisdiction, not by virtue of its charter, but of the license to trade granted under the Act of 1821, it is expedient that the exclusive privileges of the Company should be continued for a further period, and we are strengthened in this view by the Report of the Parliamentary Committee of 1857. This region comprehends the Lake Athabasta, the Great Slave Lake, the Great Bear Lake, and the three great rivers, so often alluded to, which empty themselves into the Northern Ocean, and extends about twelve hundred miles from north to south. The question which remains to be considered, is the future destination of the lands claimed under the charter,—those, namely, which are watered by streams which discharge themselves into Hudson's Bay.

On this point, the passage above quoted from the Queen's Speech would seem to be decisive. The Queen is there made to hope that British Columbia is only a step in the career of steady progress by which Her Majesty's dominions in North America may ultimately be peopled in an unbroken chain from the Atlantic to the Pacific. Can these splendid aspirations be realised, and if so, by what means? Let us go to the other end of the chain, and consider the problem first in its relations to

Canada. In Canada there has been considerable agitation for the last two years with regard to the Hudson's Bay territory. This ferment originated probably in the same feelings which led to the old rivalry of the North-west Company. A new generation has arisen since the amalgamation, and naturally chafes at finding itself excluded from those advantages which by agitation, and even by civil war, its predecessors conquered. When I strike the sack, says the German proverb, I mean the ass; and when Canadian agitators talk of colonising the Red River and Sakatchewan, they are probably thinking more of the fur trade than of agriculture. It is not unnatural, however, that the great mass of the people of Canada should take these complaints in their more natural sense. They see the American Union extending from sea to sea, and naturally wish for a corresponding growth; and anticipating a time, as yet very distant, when the best lands of Canada shall have been occupied, they wish to have a Far West of their own. They profess also to be anxious that these western territories should not fall into the hands of the Americans, but should remain under the sway of the British Crown. Those who have embarked their money in the Grand Trunk Railway are anxious naturally for a westerly extension; and some may even seriously entertain the project, so much talked of and so little really believed in, of a railway through British dominions from the Atlantic to the Pacific. Nay, Lord Bury, who may be considered to represent the most advanced section of Canadian opinion, suggested, if we remember right, the feasibility of carrying a ship canal over the Rocky Mountains.

But Canada has another, and a much closer and more legitimate connexion with the destinies of the Hudson's Bay Company. By the Act of 1774, the northern boundary of Canada is described to coincide with the southern boundary of the territory granted to the merchant adventurers of England trading to Hudson's Bay. It is no doubt exceedingly important to Canada that its boundaries should be definitively settled; and as one of those boundaries is given by reference to the Hudson's Bay territory, Canada has incidentally a strong interest in having the limits of that territory strictly laid down. In order to forward these objects, and also probably to quiet popular clamour, the Canadian Ministry sent Mr. Draper, Chief Justice of the Court of Common Pleas in Canada, to attend the sitting of the Committee of the House of Commons in 1857.

Mr. Draper, who, it is only fair to say, gave his evidence with the most commendable fairness and moderation, put forward two claims on behalf of Canada: the one, that the English Go-

vernment should take steps to obtain a judicial decision as to what constitutes the boundary of Canada; the other, that Canada should have, in the first place, a free right to explore and survey the country—in the second, to open communications with it in the usual way, by placing settlers on each side of the road with free grants—and, in the third place, to lay out townships and settle them within the Hudson's Bay territory, which, as fast as they were laid out and settled, should become portions of Canada. These views were substantially agreed to by the Committee and embodied in their report, and had Canada ratified the proposals of her ambassador, the question would probably by this time have advanced very near to a solution. But the Canadians seem to have been disconcerted by being taken so literally at their word. They have, indeed, sent out an expedition under Messrs. Gladman and Dawson, which reported in favour of the practicability of the route by Lake Superior; but having gone thus far, they seem to have stopped short. On the 13th of August, 1858, the Legislative Council and Commons of Canada agreed to an address to the Queen stating their opinion that the approaching termination of the license presents an opportunity for obtaining a final decision on the validity of the Company's charter, and the boundary of Canada on the north and west. That Canada, having questioned the validity of the charter for a century and a half, had a right to request from the Imperial Government a decision of the question. They pray Her Majesty that the boundary may be forthwith submitted to the Judicial Committee of the Privy Council, *but without any restriction as to any question Canada may deem it proper to present as to the validity of the said charter*, or for the maintenance of her rights; and, lastly, they say that Canada ought not to be called upon to compensate the Company for any portion of the territory from which they may withdraw or be compelled to withdraw.

In order to understand the position in which this address from the Canadian Parliament places the Home Government, we must now refer to the opinion of the law officers as to the validity of the Company's charter. In July, 1857, they advised the then government, that —

\* The questions of the validity and construction of the Hudson's Bay Company charter cannot be considered apart from the enjoyment that has been had under it during nearly two centuries, and the recognition made of the rights of the Company in various Acts, both of the Government and the Legislature. Nothing could be more unjust or more opposed to the spirit of our law than to try this charter as a thing of yesterday, upon principles that might be deemed appli-

cable to it, if it had been granted in the last ten or twenty years. . . . In our opinion, the Crown could not now with justice raise the question of the general validity of the charter, but on every legal principle the Company's territorial ownership of the lands granted and the rights necessarily incidental thereto, as, for example, the right of excluding from this territory persons acting in violation of their regulations, ought to be deemed to be valid.'

The law officers agree with Mr. Draper's suggestion of a quasi-judicial decision of the question of boundary, but state that this cannot be done without the consent of both parties; that is, Canada and the Hudson's Bay Company.

The next step, therefore, was to obtain the assent of the Hudson's Bay Company; and, in answer to an application to that effect, the Company write on the 18th of June, 1857, that—

'As they are desirous to throw no obstacle in the way of the settlement of the doubts that have been raised by the people of Canada, as to the extent of the territory to which the Company are entitled under their charter, they will be prepared to recommend to their shareholders to concur in the course suggested. They further state that assuming the object of the proposed inquiry is to obtain for Canada land fit for cultivation and the establishment of agricultural settlers, the directors are already prepared to recommend to the shareholders of the Company to cede any lands that may be required for that purpose. The terms of such cessions would be a matter of no difficulty between Her Majesty's Government and the Company.'

The Hudson's Bay Company have declined to accede as a consenting party to the reference proposed by the address of the Canadian Parliament, stating that they are willing to consent to the reference of the question of boundary to the Judicial Committee of the Privy Council, but that if the validity of their charter in general is to be attacked, they cannot be expected to give any consent to that proceeding. To this Sir E. B. Lytton replies by a threat of immediate legal proceedings, and an announcement that he shall punish the contumacious conduct of the Company by a refusal to renew their license. And thus matters stand at present.

The question has thus assumed a very serious shape. In the first place, it is quite evident that had the negotiation been left in the hands of Mr. Draper, the Hudson's Bay Company, and the then head of the Colonial Office, Mr. Labouchere, there would have been no difficulty, either with regard to the settlement of the question of boundary by agreement, or to the acquisition by Canada of whatever land she requires for actual cultivation, on terms involving no pecuniary sacrifice worth considering. Mr. Draper's terms were so reasonable that they

were at once agreed to by the Hudson's Bay Company and the Parliamentary Committee; the evident meaning of the Company's despatch being, that they were willing to cede such lands as Canada might require for the purposes of *bonâ fide* settlement for a merely nominal consideration, as an acknowledgment of their right to the property they gave up, and consequently to the property they retained. But, unfortunately, the age of reason was of short continuance. The Canadian Parliament took the matter out of the hands of Mr. Draper, and Sir E. B. Lytton succeeded to the official position of Mr. Labouhere.

We have read with some regret the address of the two houses of Parliament of Canada, abridged above. The possession of any lands of the Hudson's Bay Company which they might require for settlement, was offered to them by the report of the Select Committee on performance of the conditions suggested by their own representative, Mr. Draper, as to making roads and communications, locating settlers, and laying out townships. They took a year to consider of it, and then agreed to an address in which they tacitly suppress these conditions, and claim to take as much of the land of the Hudson's Bay Company as they please, without paying anything for it, and without complying with the terms on which it is offered.

As regards the boundary question, although they know it is the opinion of the English law officers that it could only be raised by consent, they claim at the same time to have the benefit of the consent of the Hudson's Bay Company for the purpose of trying the question of boundary in a convenient form, and also to act adversely to them by impeaching before the Privy Council the validity of the charter altogether. That is, they seek at once to determine the question of boundary, and to raise at the same time another question which would render the boundary discussion utterly superfluous. We cannot doubt that the opinion of the law officers with reference to the impropriety of calling in question the general validity of the Hudson's Bay Company charter on behalf of the Government, is founded on law, reason, and justice. In 1749, Sir Dudley Ryder and Mr. Murray, afterwards Lord Mansfield, after hearing counsel, advised the Government of the day, of which they were the law officers, as follows: 'Considering how long the Company has enjoyed and acted under this charter without interruption or encroachment, we cannot think it advisable for His Majesty to make any express or implied declaration against the liability of it till there has been some judgment of a court of justice to warrant it.' That is a hundred and ten years ago, and it would be indeed surprising if that protection, which, in the opinion of

these eminent lawyers, a possession for eighty years flung around the Company, should not be allowed now to avail them. We can imagine no conduct more unworthy of the Crown of this country than the pettyfogging course of seeking, after two hundred years' possession by the Hudson's Bay Company under their charter—after a recognition of the rights of that Company in the treaties of Ryswick, Utrecht, and Paris—after an Act of Parliament in 1774, defining the boundary of Canada by reference to the territory 'granted to that Company,'—after one Act confirming its privileges for seven years, and another saving its rights—after the opinion of the law officers in 1749, in 1850, and in 1857, given distinctly in favour of the rights of the Company, the course, we say, of seeking, after all this recognition and possession, to deprive the Company of its charter at the suit of the Crown itself. We venture to say that should a scire facias or quo warranto be filed for this purpose at the suit of the Crown, it will be an act of oppression and bad faith, to which no parallel can be found since the time when Charles the Second seized into his own hands, by a similar abuse of legal technicalities, the charters of all the principal towns in the country. Whoever may impeach this grant, it should not be the Crown from which it emanated; and he will be a bold Minister that counsels such a step. Another objection to the proceeding is, that it is sure to be as futile as it would be unjust. No lawyer at the present day would maintain that the grant of exclusive trade to the Hudson's Bay Company can be supported; but it is equally clear that such illegality would not vitiate the remainder of the charter. The legal maxim is 'utile per inutile non vitiatur;' and though the grant of an exclusive right to trade was beyond the power of the Crown, the grant of the land was not. The tendency of our Courts is greatly to support long possession, and it is idle to suppose that after an occupation of such length, and such notoriety, they would seriously enter into the question of whether the Crown was possessed of what it granted, or whether any part of the territories of the Hudson's Bay Company was then in the possession of the subjects of any other Christian prince. The Crown ought not to be dragged into this litigation. If Canada feel herself aggrieved by the charter, and be advised that she can overthrow it, the Courts of Law are open to her, and legal ingenuity will not be slow to suggest many ways in which the Hudson's Bay Company may be forced, like any private proprietor, to prove their title to the land, and thus to invite the opinion of a court of justice as to the validity of the charter under which they hold it. Canada was, as the Legis-



lative Council and Commons remark in their address to their Queen, no party to the charter, and it is therefore perfectly competent to her in good faith to question its validity; but neither is it easy to discover the legal grounds on which Canada can set forth any rival claims. When the Hudson's Bay Company was formed and invested with the government of these territories, Canada was a *French* province; the two regions were separated by the international wars and hatred of England and France; and the first disputes were those which arose between the French and English governors; it is obvious that the claims of Canada cannot now be placed higher than they were at the time of the surrender of Canada itself to the British Crown.

From what we have already said, it will not be difficult to collect the opinion which we entertain of the course which Sir Edward Lytton has adopted in this matter. He is anxious to force the Company to consent, not merely to a trial of the question of boundary, which they are quite willing to do, but to facilitate by every means in their power the attack which Canada meditates on the validity of their charter, and, through it, on their very existence. This is not fair. No man is bound to furnish arms against himself; and if the Colonial Secretary wishes to destroy the Hudson's Bay Company, he should seek to work out his purpose without their assistance. But Sir Edward Lytton goes further. Because the Company not unnaturally refuse to consent to a reference to the Judicial Committee of the Privy Council, for the purpose of deciding whether lands which they have held for two hundred years, and on which they have invested half a million of capital, be theirs or no, he tells them he means to withdraw from them the license of exclusive trade over the lands not included in their charter. Now whether this license ought to be renewed or not, is a question of public policy very proper for the decision of the Colonial Secretary on its own merits; but to use this power as a means of extorting from this corporation terms obviously prejudicial to their pecuniary interest, seems as great an abuse of the power vested in the Crown for the public good as well can be imagined. If it be against the public interest that the license should be renewed, let it be refused; if otherwise, let it be granted; but on no account let the Crown descend to stipulate for unfair advantages in return for the performance of its public duty.

The truth is, that the question of boundary between Hudson's Bay Territory and Canada, the only one with which, as we understand the matter, Government has properly anything to do, is not a matter of legal right but rather of public policy, and

might very easily be settled with a little temper and management, without calling in the agency of the Privy Council, or involving the Crown in an unseemly conflict with an ancient and respectable corporation. It does not by any means follow that the decision of the Judicial Committee, though it might solve the law, would meet the expediency of the case. It might award to the Hudson's Bay Company land which they do not require, but the loss of which might be a serious injury to Canada; or, on the other hand, it might give to Canada land not wanted for the purposes of settlement, but whose loss might seriously harass the operations and compromise the interests of the Company. It is clearly a case not for litigation, but for negotiation between the Company and the colony under the mediation of the Home Government. Nor are even the data for such a negotiation wanting. It appears that on several occasions, when Canada was in the hands of the French, the Hudson's Bay Company themselves offered to fix their boundary by a line beginning at Cape Perdrix on the coast of Labrador, and sloping down to the south-west till it strikes the forty-ninth degree of north latitude. Here is at once a starting point for negotiation; and we cannot doubt if we were fortunate enough to possess a Secretary of State for the Colonies, who, instead of flinging his sword into the scale against the weaker party, would be content to conciliate instead of irritating, and mediate instead of threatening, this boundary question might very easily be settled, and the efforts now used to force it into a court of law, where the whole question of the charter would be opened, would be quite unnecessary. But we go further than this. If a portion of the Hudson's Bay Territory is required for colonisation it can be had, as appears by their letter of the 18th of July, on Government's own terms.

Shall we, then, transfer the government of the regions contained in the Hudson's Bay Company's charter, or at least of so much of them as can ever be needed for agricultural settlement, immediately to Canada? Before we make up our minds to this step, we have to satisfy ourselves of these three things: First, that Canada is able to govern these territories; secondly, that she is willing to do so; and, thirdly, that she will be able to govern them better than the Hudson's Bay Company has done. As regards the first question, we have the authority of Mr. Draper for saying that Canada is not at present able to undertake the duty. A large portion of her territory is still unsettled, and it is natural that her attention should be turned to the colonisation of the basin of the Ottawa and its tributaries, and the settlement of the shores of Lake Huron, before she

launches into a vast wilderness separated from her most advanced settlement by some fifteen or sixteen hundred miles of impracticable desert. The Canadian revenue is sorely burdened by debts, and cannot bear the heavy additional charge which will be necessary to bring these remote countries within her reach. Nor have we any reason to suppose that Canada is herself desirous of such an acquisition. The Canadian Address does indeed speak of the right of Canada to have such land as she may want without paying for it, and of the injury she has sustained through the charter of the Hudson's Bay Company; but there is not a word that would lead us to suppose that she is ready at her own costs and charges to realise the aspirations of the Royal Speeches, and form a chain of settlements from her boundaries to meet the eastern border of British Columbia. It would be strange, indeed, if it were otherwise. Whatever England may do, Canada, we suspect, is not prepared to incur large and uncalculated expenses for the purpose of forming a new colony of lands utterly unable to defray the expenses of their own government.

Besides, how is such a government by Canada to be carried on? Will she attempt to govern it as the United States govern their territories, and, being herself a dependency of Great Britain, turn these remote regions into a dependency of her own? Or shall Canada incorporate the Red River Settlement with itself, and give the half-breeds, of whom its population principally consists, a voice and a representative in her legislature? To either of these plans there is this, as it seems to us, insuperable objection, that the Red River Settlement, be it a territory, or be it a province of Canada, can only be reached by passing through a portion of the United States,—the canal, namely, by which alone Lake Superior can be entered.

Supposing, however, that Canada either could or would undertake the government of the Hudson's Bay territory, what advantage would be gained? The Red River settlement is 1800 miles from Montreal. Canada would be at a heavy loss, for she must administer law and provide police for vast regions far too poor to repay even a very small part of the expenses of their government. Communication would be entirely interrupted during the winter, and in summer would be excessively slow, precarious, and difficult. The probability is that in the anxiety for retrenchment on some public emergency, an expenditure so utterly unproductive would be cut off, that in the end the territory would be left altogether to govern itself. Now it is the peculiarity of the Hudson's Bay Company, that the necessities of their trade force them to maintain throughout

their country a police and control which, though rude, is quite as good as these vast deserts out of their own resources can be made to support. Employing the Indians for hunting, and trusting their lives and property among them at distances of hundreds of miles from each other, the servants of the Company have the highest interest to keep the Indian from the excitement of ardent spirits, to prevent the tribes from fighting with each other, and to teach them to respect the lives and properties of Europeans. Thus trade makes them support their own police, and the resources of the country are thus made to produce peace and order to a degree which no government with the ordinary machinery of regular police could possibly effect. It would be very difficult to show that the government of Canada, at the distance of 1800 miles, and with no other interest in preserving order than that which governments ordinarily have, could or would do as much. For these reasons it seems pretty evident that the government of Canada neither could, would, or ought to take upon itself the management of those lands which are now held under the charter of the Hudson's Bay Company.

Shall we then create another new colony, and, starting from the Rocky Mountains on the west, run along the 49th parallel to Lake Superior, and then, on this base, carve out of the northern part of the American Continent a state extending five, six, or more degrees of latitude to the north? As far as we can judge of the tendency of affairs, this seems to be the proposition which the present head of the Colonial Office is most likely to entertain. It is to this country a question of vast political, and of no small financial importance; and it is mainly with a view of enabling our readers to apprehend the question in all its bearings, that we have spent so much space in examining the preliminary details. Of the soil and climate of this country we have already given some account. It is a land of lakes, rivers, and morasses, with a large proportion of primitive rock, and although it possesses a great deal of limestone, which is an ordinary indication of fertility, the promise is broken by the predominance of magnesia in the composition of the rock. Fuel is very scarce, coal has not hitherto been found. Where the land is good, as on the lower Saskatchewan, the Indians are numerous and warlike; where the land is bad, existence can only be supported by the chase of a few wild animals, and by a nauseous and poisonous lichen, known by the name of *Tripe de la Roche*. The shores of the Hudson's Bay are intensely cold and miserably barren, and though the climate mitigates its severity towards the west, the winters appear to

be colder and the summers shorter than in the corresponding latitudes of Europe. Shall we found a colony in this region? The founding of a colony depends upon the fiat of the Government. The success of a colony depends upon its capacity to attract private enterprise. What are the inducements which should lead emigrants to seek their home in such a country as the Hudson's Bay territory? It is not enough to tell us that corn may be grown and stock may be fed on these lands. It must also be proved that there are no other lands of superior natural advantages open to the choice of the emigrant. How many centuries after the southern parts of Europe had been colonised, was the eastern part of Prussia left barren and desolate, not because it was incapable of cultivation, but because more tempting lands were still vacant? There is not as yet, and will not be for many years, any such complete occupation of the more fertile lands and milder climates of the American Continent, as to drive settlers to the bleak and dreary plains of the icy north. Virginia has to be re-colonised. Pennsylvania and New York have still millions of acres of fertile land; and, further west, boundless fields of emigration are offered by the States that form the valley of the Mississippi and surround the great western lakes. Canada herself has as yet very imperfectly fulfilled her mission, for the valley of the mighty Ottawa, twin-brother of the St. Lawrence, which with its noble tributaries forms a sort of world in itself, is yet little more than a lumber station. In that vast region millions upon millions of emigrants may be absorbed before any one shall be driven for want of land to seek a poorer soil and ruder climate a thousand miles beyond the present limits of even Western civilisation. As far then as mere soil and climate go, we have no reason to suppose that the colony planted on the shores of Lake Winnipeg would prove sufficiently attractive to draw settlers within its borders. It may be, however, that there are some especial inducements to overcome these disadvantages; just as we see in the case of Frazer's River, where the belief in the existence of gold has been sufficient to overcome a repugnance to the floods of summer, the snows of winter, the inaccessible mountains, the dangerous river, and the savage Indians. The only inducement the Hudson's Bay territory offers, is the fur trade; and even could the future colonists possess themselves of the whole of that traffic, it would afford but a meagre support for a very small community of English colonists, and, owing to the necessary destruction of the fur-bearing animals and Indians by free competition, would give that support only for a limited period of time. But the

truth is, that it could only be after many years of severe struggle, if at all, that a colony situated on the Red River or Saskatchewan would be able to get any considerable footing in the fur trade, and then it would probably succeed to a wasted and ruined inheritance. On the vast scale of distance on which the operations of the Hudson's Bay Company are carried on, a plan and concert of many years, a regular organisation of posts, and a nice calculation of times and measures, are absolutely necessary, not merely to secure commercial success, but to preserve the lives of the agents of the trade. For instance, there are stations on the Mackenzie River so remote, that the capital employed upon them yields no return for seven years. Where is a new colony to find the capital, the organisation, the intelligence, the local knowledge, by which alone this wonderful triumph over the most dreadful obstacles in nature is achieved? Supposing these difficulties to be at length overcome; it is very improbable the conquest would be worth the labour it had cost. The Hudson's Bay Company, in consequence of the treaty of 1846, were obliged to retire from the banks of the Columbia River, but we never heard that they left to their American successors a very large amount of sport in the chase of the fur-bearing animal. We may, therefore, conclude that no colony could maintain itself on the profits of the fur trade, and that the notion of getting possession of it would turn out to be a costly delusion.

Many persons believe that the remoteness and inaccessibility of land has in itself a charm for the settler; and they read of the Far West and the annual wave of population, seventeen miles wide, that rolls towards it, till they almost fancy that people go to the west because it is far, and leave the east because it is near. This doctrine has been applied to the Hudson's Bay territory; and it has been inferred that the same reason which makes people prefer Upper to Lower Canada, and Illinois, Iowa, or Wisconsin to New England or New York, will necessarily send the intending emigrant to the banks of the Saskatchewan or the Red River. Minnesota, it has been said, has been colonised from the east, and why not Assiniboia? The Far West has hitherto meant the Valley of the Mississippi and its tributaries, where the temptation offered by fertile land, in a mild climate with excellent water communication, is so great, that the intending emigrant found that it paid him better to transport himself to this cheap and excellent land, than to purchase the far dearer and less fertile soil of the Eastern States. This is the whole mystery of the Far West; a phenomenon perfectly explicable on the ordinary principles of human con-

duct, and not the least requiring to be cleared up by the assumption of a sentimental connexion between the remote and the magnificent.

The same thing has taken place in Canada. The Lower Province is cold and barren, the Upper is warmer and more fertile, therefore emigration has flowed through the Lower into the Upper Province, while Labrador, still colder and more barren, has received no emigration at all. Now that the warmer portions of the Upper Province have been filled up, emigration begins to fill the Ottawa, where the climate is more severe, each part of the colony being occupied exactly in proportion to the relative merits of its soil and climate. Applying this principle of the selection of lands by their relative merits, and assuming, as we have a right to do, that population will never settle in a country while one more eligible remains unoccupied, what period of time can we fix on sufficiently remote to represent the era when the pressure of population in North America on the means of subsistence, will drive a hardy band of settlers to seek for a home on the banks of the Red River?

As this point is one of very great importance, we shall cite the opinions of some of the witnesses examined before the Parliamentary Committee, omitting, of course, those of the servants of the Company, as being liable to the imputation of partiality or influence. Mr. John Ross, a well-known Canadian statesman, is asked: '76. Do you believe that those portions of the territory capable of being colonised are such as to afford sufficient attractiveness to bring colonists to that distance in preference to more attainable points of settlement much nearer the settled points of Canada? — I should say not at present. I should say they much prefer the nearer lands to more distant ones.' Colonel Lefroy, who was employed for nearly two years to make magnetical experiments in the Hudson's Bay territory, says: '163. The general opinion which I was led to form was, that agricultural settlement can make but very slender progress in that region.' Dr. Rae, the Arctic discoverer, who is no longer in the service of the Hudson's Bay Company, is of opinion, from what he has heard of the Saskatchewan, that its banks might be cultivated, but that such cultivation would not pay from the impossibility of finding a market. When questioned as to the rest of the territory, he says: 'No person would go there to settle unless he was paid for it, and paid well. I apply my answer to the wooded country.' Sir John Richardson spent seven years in the Hudson's Bay territory: and in his evidence, from question 2899 to 2904, will be found an excellent general view of the structure and soil of the

whole of the region. His opinion is: 'Until the settlement of Canada has advanced close to the Red River, I do not think that any wise settler would go beyond that place, there being so much better land much nearer the market to be had at a very moderate rate.' (2902.) To these unequivocal testimonies might be added those of military officers who have commanded troops in the district, all to the same effect. We have purposely avoided citing the opinions of Mr. Ellice and Sir George Simpson, because, though entitled to great weight, they might be objected to as proceeding from advocates of the Company. What we have extracted is enough to show the impression of impartial men of high character speaking from their own observation of the capacities of the country for colonisation.

The best proof, however, remains, and that is the fact that colonists do not go to the Red River. There is nothing to prevent them; the lands are open for sale; there is hardly any taxation; English law is administered by an English lawyer who, before he went to the settlement, had attained the rank of Queen's Counsel in Canada; life and property are perfectly safe under the care of a detachment of Her Majesty's troops. The Company may not be zealous colonisers, but they do, and can do, nothing to prevent settlement, and, if there were any adequate motive, we do not doubt but settlement would take place. But there is no such motive. The climate and soil are uninviting, and any produce which might be raised could only be sent to the south to compete, in the overstocked markets of Minnesota, with similar produce raised on the spot. The country can only be reached by large bodies of persons through the United States; and it would be an unaccountable infatuation if emigrants should pass through a region where land is fertile and communication is easy, to seek a home in a remote and isolated country inferior in every respect to the unoccupied lands which lie on each side of the way to it. The only inducement which Government could hold out to emigrants would be the substitution of the rule of the Crown for the management of the Company; and, with every respect for the Colonial Office, we must be permitted to doubt whether this is a boon which would be very highly appreciated. When we see how Mr. Douglas, a mere fur-trader, has been able, under circumstances most trying and perplexing, without money, without official staff, without military help, to govern, to reduce to order, to feed, and to conciliate the vast mass of desperate and lawless men whom the recent gold discoveries flung on the shore of Vancouver's Island, we may reasonably



question whether the settler would gain much by the displacement of such administrators as the rough service of the Hudson's Bay Company seems to train, in order to make room for that peculiar class of persons who are generally selected to discharge responsible and onerous offices in Crown Colonies. The truth is, a colony has already been established at the Red River. It has conspicuously failed from defects of climate, position, and communication, and there is no reason to think that the failure would be less complete if the name of the Crown were substituted for that of the Company.

But all these considerations dwindle into insignificance, compared to the political importance of the step which, if we are to believe the Queen's Speech, the Government is about to take. It is beyond all question, that the natural approach to and outlet from the best parts of the Hudson's Bay territory is through the State of Minnesota. We have shown, and need not repeat, the insuperable objections to the other two routes by Hudson's Bay and by Lake Superior. Such commerce as the country has is destined to go to the south, and as far as its intercourse with the rest of the world is concerned, the Red River Settlement is a part of the States which are watered by the Mississippi. It is in vain to suppose that a Government can force commerce into any other channel than that which it naturally makes for itself. If the proposed colony is to buy everything from, and sell everything to, the United States, if it is only to be approached and only left through the United States, the result necessarily will be, that it will become politically assimilated to them, and that its dependence on the British Crown will become nearly nominal. The colonists will know that, in case of war with America, it is entirely out of the power of the Crown to protect them, and that they alone, of all the dependencies of Great Britain, are utterly out of reach of assistance from the mother state. We have shown how little chance there is of any considerable number of emigrants finding their way from these islands to the Red River. A man with the map of all the world before him will hardly go thither. But the case may be very different with regard to the American settlers in Minnesota. We have some experience, as in the troubles between the State of Maine and Canada, of the eagerness with which the Americans will press forward to seize even upon the most unpromising districts, especially when these aggressions tend to bring their own government into contact with the Crown of Great Britain. Their most advanced settlement is at present about three hundred and thirty miles south of the 49th parallel, the boundary of British America, and their rail-

way has as yet only reached La Crosse, in about the 43rd degree of north latitude, about two hundred miles south of St. Paul's. But this gap will soon be filled up. There is no geographical obstacle whatever to their progress, and the time must come, before many years have expired, when they will reach the imaginary line which divides the level prairie between Great Britain and the American Union. Will they stop there; will not the temptation be irresistible to overflow the British colony, just as the Missourians occupied Kansas, and to settle upon her lands with every disposition to make the retention of them, under the Crown, as troublesome as possible to this country? We shall have no Hudson's Bay Company then to act as a buffer between the two countries; they will confront each other face to face, with every advantage on the side of the Americans. The British nation will be represented by a few unpopular officials; everything else will be American. Our officers will be situated as the representatives of the United States have been in the territory of Utah. In such a state of things, causes cannot long be wanting to wound our pride and stain our honour. Our very helplessness will increase our irritation; and unless both nations have grown much wiser in the interval which must elapse, we may find ourselves involved in a destructive war for the sake of this miserable nook of worthless land. No step is more ill-advised than to form a colony with the full knowledge that nature forbids us from protecting, and honour from abandoning it; especially if, in order to secure this object, we are to begin by destroying a government which, without costing us a farthing, maintains peace and order through a territory as large as Europe, and substituting for it an expensive and inefficient machinery of our own. It may be true that it would be desirable to form a chain of colonies along the whole length of the northern frontier of the United States; but this must be understood subject to the condition that those colonies should have free communication with each other, and should all have access to Great Britain during the whole year, without passing through foreign territory. Unless these conditions are complied with, we are merely colonising for the Americans, and exposing ourselves to the degradation of owning settlements which we cannot protect, govern, or surrender.

If this subject could only be regarded without passion or prejudice, and with a single view to imperial interests, the solution does not appear difficult. Things are not ripe for any final resolution. Canada is evidently not prepared at this moment either to accept or reject the offer of the Company to take these lands on condition of settling and making com-

munications to them. It is a gross exaggeration to represent American settlement as having reached the boundary line, and many years must elapse before the space which intervenes between St. Paul's and Pembina is filled up. Everything is in a state of transition and uncertainty. The creation of the new colony of British Columbia points to the possibility of the formation of an overland route by the northern Saskatchewan. Innumerable projects for an Atlantic and Pacific railroad are in the air. No one can tell what form will arise out of this chaos, and until we know, it would be the height of imprudence to commit ourselves to so decisive and irretrievable a step as the formation of a British colony which we are bound to defend at all hazards.\* In this state of transition and uncertainty, we have the good fortune to possess in this fur company an expedient peculiarly adapted to the requirements of the time. If it has no other merit, it secures to us, if we are wise, time for circumspection and deliberation, and saves us from the necessity of taking any rash and ill-advised step. And yet all parties, agreeing in nothing else, seem to have combined for the purpose of destroying the corporation which at this moment renders us such invaluable service. The Colonial Minister, to whom it saves infinite trouble and anxiety, the Canadian Government, whose frontiers it preserves in tranquillity, nay, the very Aborigines Protection Society, whose duties it most efficiently discharges, all combine in the wish to extinguish it. Let it then be extinguished, but do not let us embark in the dangerous and expensive folly of colonising the country on our own account. Better to hand it over at once to the United States, and get some credit for liberality, than wait to see it wrested from us without the possibility of resistance and without the grace of a concession.

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\* These pages were already in the press when the latest work on the subject, Mr. Kane's 'Wanderings of an Artist among the Indians of British North America,' reached our hands; and we are happy to find that Mr. Kane fully confirms, from his own personal observation, the opinion we have formed. His pencil has been employed with great success to represent the wild Indian tribes of these regions, and the wild scenery in which they dwell. He visited the Red River Settlement, penetrated to Fort Assiniboine, descended the Walla Walla and the Columbia, and has given us a most graphic and entertaining account of the frightful country he succeeded in crossing. We should be ready to rest the whole case on Mr. Kane's evidence, which is really conclusive, and we strongly recommend his most interesting volume to our readers.