

5031. What do you mean?—A distinction in the way of duty.

5032. In the amount of duty?—In the amount of duty.

5033. There was a differential duty between goods coming from England and those coming from America?—Yes.

5034. But was that duty, whether differential or otherwise, levied equally and impartially on all goods coming from those respective countries?—It was.

5035. Was it ever resulted in favour of any of the importers?—It was resulted in regard to the American duty upon those who did not trade in furs.

5036. Explain your meaning?—I mean that those parties who did not trade in furs, or were not supposed to have trafficked in furs, did not pay the same duty upon American goods as the others.

5037. Mr. *Edward Ellice*.] What was the difference?—The difference, I think, came under the same regulation as the English goods.

5038. What was that?—Twenty per cent. in the one case, I think, and four per cent. in the other.

5039. Was 20 per cent. ever levied?—I believe it was. I cannot speak personally from my own knowledge at present.

5040. Mr. *Christy*.] Do you mean to say that a discrimination was exercised as to the amount of duty which should be levied under their tariff?—Yes; the fact of this petition will show it, and that parties protested at the same time when they paid this duty.

5041. Mr. *Grogan*.] Do you mean to say that 20 per cent. was charged in the one case, and only four per cent. in the other?—I think so.

5042. Mr. *Edward Ellice*.] Do you state that from your own knowledge?—I can state that several parties paid this duty. It is very difficult for one at this time, eight or ten years afterwards, to remember all these things; but it strikes me that either the Canadian tariff was levied, or else the 20 per cent.; whether it was the Canadian tariff or the 20 per cent. I cannot clearly state, but I know that some parties paid the English duties and other parties paid the Canadian duties upon the very same goods.

5043. Mr. *Grogan*.] The duty on English goods being less than that charged on American goods, parties who introduced goods from America into the colony, provided that they were not suspected of trading in furs, got them at the reduced rate of duty?—Yes.

5044. And other parties who may have been suspected of having traded in furs were charged a higher rate of duty?—Yes, which they paid under protest.

5045. Was that increased rate of duty imposed arbitrarily, or on the proof of their having traded in furs?—Arbitrarily; upon the mere fact of their being suspected.

5046. On the mere suspicion?—Yes.

5047. Is there any very extensive amount of goods brought into the colony from America?—Not a very large trade; it is principally English goods which are used in the country.

5048. Was there any large extent of goods imported from the American side into the colony?—Not very large; nothing compared with the amount that the settlers got from England.

5049. The principal supply of the colony comes from England?—Yes.

5050. Has any complaint ever been raised in the colony of an inadequate supply of the most necessary goods?—Yes, there have been complaints with regard to an insufficient supply of powder and ammunition, and some other articles, which the Company sent off to the other ports.

5051. For instance, when you were there yourself you got your goods from the Company?—No; the goods came from either the United States or England.

5052. You brought them out on your own account?—I brought them from the United States, and my uncle brought them from England.

5053. If they came from England they must have come by Hudson's Bay, I presume?—Yes.

5054. You gave us a copy of a proclamation some time ago, under which, in the case of parties who were licensed to trade, their goods being sent by the Company's ship to England, those goods were liable to be seized in the event of their violating the stipulation of the licence, namely, not to trade in furs?—Yes.

5055. Do you know any instance in which those goods were so seized?—I

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know an instance in which the goods were not sent; they were detained in London; the order was not complied with.

5056. Do you know of any instance in which they were confiscated by the Company?—I do not.

5057. Mr. Charles Fitzwilliam.] Have you a copy of the American licence to trade?—I have.

[The Witness delivered in the same, which is as follows:]

Know all men by these presents that we, \_\_\_\_\_, in the sum of \_\_\_\_\_ dollars, lawful money of the United States, to the payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, One thousand, eight hundred and \_\_\_\_\_.

The condition of this obligation is such, that whereas \_\_\_\_\_ hath this day granted to the \_\_\_\_\_ of Indian affairs, at \_\_\_\_\_ a licence to trade at \_\_\_\_\_ the place designated for carrying on trade with the \_\_\_\_\_ shall faithfully perform all the duties which arise from the laws and regulations which now are or hereafter shall be made for the government of trade, and intercourse with the Indian tribes; if \_\_\_\_\_ not citizen or subject of a foreign power; if \_\_\_\_\_ shall not carry among the Indians any uniform clothing other than that of the United States, nor medals, flags, armbands, or other ornaments of dress, bearing the figures, devices, or emblems of any foreign power; if \_\_\_\_\_ ha given to the superintendent a correct invoice of the merchandise which \_\_\_\_\_ take with \_\_\_\_\_; if \_\_\_\_\_ shall not give to any Indian, nor sell to, vend, nor distribute spirituous liquors with the Indians, nor suffer any of \_\_\_\_\_ clerks, engagées, or boatmen, to give to, sell, vend, convey, or distribute any spirituous liquors to or with the Indians; and if \_\_\_\_\_ shall trade at the aforesaid trading establishment, and no other place, and shall in all respects act conformably with the licence granted \_\_\_\_\_ this day, then this obligation to be void; else to remain in full force and virtue.

Signed and sealed in presence of

(L. S.)

(L. S.)

(L. S.)

5058. Mr. Christy.] Will you answer this question, as far as you are able to do so, from your own knowledge: do you think that the Indians are adequately paid by the Company's tariff for the goods which are furnished to the Company in Hudson's Bay?—I do not; I think that they are very inadequately paid; that there is no comparison between the tariff of the Americans and the tariff of the Hudson's Bay Company.

5059. From your having yourself bought furs from the Indians, and knowing something of the trade, you are able to give that opinion as respects the value which you would believe might be given for the furs which the Indians produce?—Yes; I know that I have myself given more than 100 per cent. more than the Hudson's Bay Company; and this document would show even the payment in cash of a contract that I made for furs with the American Fur Company to sell them furs.

5060. Mr. Edward Ellice.] That was when you were illegally trading in the country?—It was when I was legally trafficking there.

5061. In the territory of the Hudson's Bay Company?—Yes.

5062. Your traffic would be against the licence granted by the Crown?—I was not aware of any such; I went there as a British subject, and I considered that in a British colony, the very fact of establishing a British colony extinguished anything like chartered privileges. This paper shows the difference between the American prices and the Hudson's Bay prices (*handing a paper to Mr. Christy*).

5063. Chairman.] Does it relate to exactly the same quality of furs?—The same quality of furs.

5064. Mr. Edward Ellice.] In what locality?—This contract was made at Fort Union, upon the Missouri.

5065. Do

5065. Do the prices which were paid in that case by the Hudson's Bay Company relate to the same locality as the prices which were paid by the Americans?—The same locality.

Mr.  
J. M. Laughlin.

11 June 1857.

[The Witness delivered in the Paper, which is as follows:]

Messrs. M'Dermot and M'Laughlin,  
Gentlemen,

Fort Union, 14 March 1845.

IN accordance with an understanding made this day with your Mr. John M'Laughlin, I have agreed to receive from you all the furs, &c., you may collect, of the description and at the prices annexed, and to furnish you with 10 boxes good merchantable tobacco, in boxes of 150 lbs. each, at the rate of 15 c. (fifteen cents) per lb., in plugs of eight to the pound, if to be procured conveniently. Mr. M'Laughlin is not prepared to make a positive arrangement until he has again consulted with you; and in the event of your being disposed to carry such into effect, it is understood that you are to send an express to St. Peter's, so as to reach St. Louis in June next, stating where you intend establishing posts, and all other necessary particulars, when a regular contract will be made out, and forwarded to you. The expenses of the messenger from St. Peter's to St. Louis and back, will be defrayed by the Company; but it is understood that the trade is to be carried on with the Indians now north of the river La Souri; the trade to be made in the name of P. Chouteau, jun., & Co.

Respectfully, your obedient servant,  
(signed) K. MacKenzie.

#### PRICES OF FURS.

	American Fur Company.		Hudson's Bay Company.			American Fur Company.		Hudson's Bay Company.			
	\$.	c.	s.	d.		\$.	c.	s.	d.		
Otter skins	-	3	50	-	6	-	2	50	-	5	-
Fisher skins	-	2	-	-	2	-	1	25	-	-	will not
Martin skins	-	1	75	-	2	-	-	75	-	-	take
Mink skins	-	-	40	-	-	10	-	-	10	per lb.	them.
Lynx skins	-	2	-	-	2	-	-	75	-	-	2
Wild cat skins	-	-	40	-	-	-	-	1	-	-	2
Musk rat skins, prime	-	3	50	-	-	3	-	3	-	-	4
Black bear skins	-	3	50	-	7	-	-	15	-	-	10
Black cub skins	-	2	-	-	4	-	-	25	-	-	-
Brown bear skins	-	4	50	-	7	-	-	2	25	-	6
Brown cub skins	-	2	50	-	2	-	-	-	-	-	-
Seasonable robes	-	2	50	-	-	5	-	-	-	-	-
Summer robes	-	1	25	-	-	-	-	-	-	-	-
Yearling robes	-	-	75	-	-	-	-	-	-	-	-
Parchment skins	-	-	-	-	-	10	per lb.	-	-	-	-
Wolf skins	-	-	75	-	-	-	-	-	-	-	-
Red fox skins	-	1	-	-	-	2	-	-	-	-	-
Cross fox skins	-	3	-	-	-	4	-	-	-	-	-
Silver fox skins	-	15	-	-	-	10	-	-	-	-	-
Prairie or Kilt fox	-	-	25	-	-	-	-	-	-	-	-
Beaver	-	2	25	-	-	6	-	-	-	-	-

5066. Mr. Christy.] From your own knowledge, assuming that you have yourself traded in furs within the limits of the exclusive territory of the Hudson's Bay Company, do you believe that the low price of which you have spoken, given to the Indians as a remuneration for their hunting, is productive of this illicit trade, or smuggling trade, as we may say?—I think so naturally; it is the very great remuneration which induces it.

5067. Do you think then that the furs are better paid for, at a higher rate by those persons who obtain them illegally, if I may use the term, or contrary to the proclamation of the Hudson's Bay Company, than those of which the Company possess themselves?—Invariably; they pay more to get them.

5068. Just explain that?—They invariably pay more for their furs to the Indians so as to procure them at a certain price; and that which they can sell them at is quite enough for their venture.

5069. Mr. Grogan.] Are the half-breeds at the Red River Settlement aware of that difference in price for the furs as paid by the Hudson's Bay Company and the American Companies?—They are perfectly aware of it.

5070. Is it to that knowledge that is any way to be imputed the dissatisfaction (the ferment, I think, was the word which you used), which has prevailed in the colony at times?—That is one of the causes; and that prohibiting them altogether from adopting that mode of traffic.

5071. Are the native Indians aware of that difference?—They are; and whenever they can get an opportunity they sell their furs at the outposts.

5072. Chairman.] Has the American Fur Company any exclusive privileges

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of any kind?—No; any person can get a licence who can get sufficient security with regard to spirituous liquors.

5073. Can any American engage in the fur trade without belonging to the American Fur Trade Company?—Any American can do so.

5074. A licence is given to every one who applies who will comply with the terms of the licence?—Yes.

5075. By whom is that licence given?—By an Indian Commissioner appointed for the purpose at the different points. There is one at Fort Snelling, another off on the Missouri, and so on, taking the line of Indian country.

5076. Do those commissioners act under the general Government, or under the State Government?—Under the general Government.

5077. Mr. *Christy*.] Do you think that where an unrestricted trade is carried on, the barter consists improperly of spirits; I am speaking now of the American Fur Company?—I think that very little spirits get into the American territory at all; I have travelled a good deal among them, and been at their posts, and at different places among the Indians, and I never saw spirits yet among the Americans.

5078. Do you believe in the statement which has been frequently made, that a greater amount of spirits is given in exchange for furs on the American side of the boundary, than is given on the northern or Hudson's Bay side of the boundary?—I think much more is given by the Hudson's Bay Company in the district of country which I am acquainted with; of course I could not speak outside of a certain point. I could not speak of the westward of the Missouri, but I could speak of that portion of the country from Lake Superior to the Missouri.

5079. I do not want any comparison in this question which I am putting to you, but I want an impartial opinion if I can obtain one, based upon your own knowledge; I understand you to say, that where the trade is unrestricted, the improper use of spirits does not exist as a matter of barter for furs?—It does not exist in that portion of the country which I am acquainted with in the Indian territory.

5080. *Chairman*.] Are you at all cognizant of the warfare of a very destructive character which has been carried on between the white man and the red man during the last few years, in the territory of the United States?—I am perfectly aware of it; it has not been occasioned by the fur trafficking, but by travelling to California; it has not been in the fur countries.

5081. In what way has it been occasioned by the travelling to California?—By so many different characters going across and getting into conflict with the Indians; doing many things to insult them; but it is very seldom that such contests have occurred in my time. An occasional case has occurred, of course.

5082. Where do you mean; in the United States?—I mean in the United States; you must travel through a great portion of the United States, when you are leaving the Red River, to reach St. Peter's.

5083. Those scenes of bloodshed and carnage have been of a very shocking description, have they not?—So I understand, in the route to California.

5084. And they have spread very extensively through the Indian tribes in that district, have they not?—I dare say they have.

5085. During all that time there has been perfect peace on our side of the frontier, has there not?—There has not been the same sort of traffic; the country has not been opened to the Oregon territory through our country, and the tribes are of a different description entirely. They are rather a peaceable race. All those Indians northward are quite a different race from the Black Feet, or the Mandans, or the Sesoriois, Sioux, or any of those tribes. The Chippewas are as peaceable a race as possibly can be in the American territory about Minnesota. The Sioux, immediately in the district of Lacque Parle, and about there, are a very peaceable race, and there is no danger to be apprehended from them.

5086. Mr. *Edward Ellice*.] Are you aware of the bloodshed which has lately been taking place in Minnesota?—I am not aware. I have not had much communication latterly with it.

5087. *Chairman*.] Have you no apprehension that if white men of all characters and descriptions were allowed indiscriminately to trade with the Indians throughout the whole of this extensive territory, there might arise disputes and  
causes

causes of quarrel between them and the Indians which might lead to very disastrous results of the same description?—I think not, by proper legislation.

5088. You think that, even under those circumstances, it would be possible to devise a system which would maintain law and order throughout the whole of that immense territory?—I think it could be done easily from the Red River point.

5089. In what way, starting from the Red River point, would you devise a system which would maintain law and order under the circumstances which I have mentioned, through the whole of that enormous territory?—You cannot settle that country in a day; it must be done gradually. Any settlement from Canada must come up naturally, and very gradually indeed.

5090. I am speaking of a state of things in which, without settlement, there would be fur traders scattered throughout the whole of this country, subject to no responsibility except their own individual responsibility?—I apprehend no such thing if it were only from the traders; if it were open to competition with every one. I might if there were two powerful companies pitted against each other.

5091. Why should not the same effects be produced in Canada which you have stated were produced in the United States when the travellers to California got among the Indians?—On account of the difference of race.

5092. Do you mean the difference of race of the Indians?—Yes.

5093. Do you think that the Indians to the north are not so warlike, and not so likely to resent injury, as the Indians in the United States?—No; they are entirely a different race of Indians.

5094. Are not some of the northern Indians of a very warlike character?—No, except a portion of the Assiniboines, who sometimes come in contact with the Sioux, or Black Feet; the others are very peaceable. With regard to the whites they live in perfect terms of peace.

5095. Mr. Grogan.] Was there any feeling in the colony when you were there in respect to American citizens coming and squatting on the English ground?—No; at that time Pembina was not settled. When I was there there was nothing but a mere trading post. But no doubt, if the country is not in some way or other under the control of the British Government, it will be the case.

5096. Do you know anything about the west side of the Rocky Mountains; have you been there?—I know nothing of the country to the westward of the Rocky Mountains.

Luna, 15<sup>e</sup> die Junii, 1857.

MEMBERS PRESENT:

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

Mr. Kinnaird.  
Mr. Labouchere.  
Mr. Lowe.  
Mr. Matheson.  
Sir John Pakington.  
Mr. Roebuck.  
Viscount Sandon.

THE RIGHT HON. HENRY LABOUCHERE IN THE CHAIR.

*Richard Blomskard*, Esquire, called in; and Examined.

5097. *Chairman.*] I BELIEVE you have had opportunities of becoming acquainted with Vancouver's Island?—I was there nearly two years.

5098. In what capacity?—I was Governor.

5099. Were you the first Governor?—I was the first Governor.

5100. By whom were you appointed?—By Her Majesty.

5101. At what time was that?—I left England in 1849.

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5102. Was

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J. M'Laughlin  
11 June 1857.

*R. Blomskard*, Esq.  
15 June 1857.

R. Bismarck, Esq.

15 June 1857.

5102. Was Vancouver's Island at that time in any manner connected with the Hudson's Bay Company?—The grant to the Hudson's Bay Company I think is dated in 1848.

5103. So that you were the first Governor of Vancouver's Island after that grant?—I was; there was some delay I believe in appointing a Governor.

5104. You say that you were appointed by the Crown; in what relation did you conceive yourself to stand to the Hudson's Bay Company?—In none whatever.

5105. What was your impression of the soil and climate of Vancouver's Island, with reference to its adaptation for the purposes of settlement?—My impression was that it was very well adapted for an English settlement. The climate was very good and very temperate, and it seemed to be neither subject to the extremes of heat nor of cold. A great portion of the soil seemed to be very fertile; there was a good deal of rock; there was a high range of rocky mountains in the centre of the island. The eastern part of the island, especially next the American continent, is very well adapted for cultivation.

5106. It is well covered with timber, I believe?—It is.

5107. Fine timber?—Large pines principally; there is a little oak, but I fancy there is very little.

5108. Did you go much about the island while you were there?—Not a very great deal.

5109. Is it difficult to travel in the island?—Very difficult; there were no facilities for travelling except by canoes; the forests were exceedingly thick, and very little was known of the interior.

5110. Do you mean that it is a sort of jungle difficult to get through?—The pine forests are filled with underwood and brambles.

5111. Did you at all visit the adjacent country on the main land?—Only once; that was at Nisqually, in the United States territory.

5112. Do you know the country about Frazer's River?—No, I never was there.

5113. Did you hear enough of that country to be able to express any decided opinion of its capabilities for settlement?—I have heard it very highly spoken of by everybody who has been there, as being extremely fertile, and a soil of much the same quality as in Vancouver's Island.

5114. What were the number of European settlers in Vancouver's Island at the period when you left it?—Of *bona fide* settlers, I suppose, about 30.

5115. Do you mean including the servants of the Hudson's Bay Company?—No, without including the servants of the Hudson's Bay Company; I mean people who were settled there, or servants of the Company who had purchased land.

5116. Were there none of those who were actually in the service of the Hudson's Bay Company at that time who occupied land there?—Very few.

5117. What is the disposition and character of the Indians in Vancouver's Island?—They are principally what you may call fishing Indians; they are a very low degraded race; very few of them are hunters.

5118. What are their means of subsistence?—Principally fishing.

5119. The fisheries are very abundant I imagine?—The fisheries are very abundant there. The means which the Indians have of taking fish are extremely rude; very clumsy hooks and lines; but still they get a very large supply of fish.

5120. What are the fish which they catch?—Salmon, halibut, herrings, and a fish called the woolikan, which is very much the same as the pilchard.

5121. Had you any opportunity of forming an opinion of the productiveness of the coal mines of Vancouver's Island?—The coal mines which are now worked at Nanaimo were not discovered while I was there; there was a small quantity found up at Fort Rupert, and some miners were sent out; but the accounts which had been sent to England of these coal mines were so very much exaggerated that they soon gave over working them; the coal, which had been reported to be three feet thick, was in reality only about 15 or 16 inches; it had been found cropping out of a bank, and the Indians had dug out small quantities with their axes, with very great labour.

5122. To what do you attribute the very limited resort of settlers to Vancouver's Island, which took place while you were there?—I think, in a great measure, to the restrictions which there were upon their obtaining land.

5123. What was the nature of those restrictions?—The high price.

5124. What

5124. What was the price?—A pound an acre.

5125. Is not 1 *l.* an acre the price generally charged for land in the colonial possessions of England?—It is in some parts; I believe it is in some parts of Australia; but it is not so in Canada or in New Brunswick.

5126. Do you think that a low price of land, as a general system, is advantageous to a colony?—Perhaps hardly so low as it is sold in some of the North American colonies; but still 1 *l.* an acre is very high, because it is far higher than it is sold in the United States immediately adjoining.

5127. Mr. Grogan.] Can you state the rate at which the land is sold in the United States?—They were making free grants in Oregon.

5128. Viscount Goderick.] You say that one of the great obstructions to settlement was the price of land; were there any other difficulties besides the price in the way of obtaining land in Vancouver's Island?—There was also a condition in the land sales that every purchaser of 100 acres should bring out five labourers from England, which of course to people who purchase it on the spot is an insuperable bar.

5129. Were there facilities afforded for persons obtaining information as to the price of land and the position in which it could be purchased, and things of that kind; supposing a settler went to Vancouver's Island from California, could he obtain that information with facility?—No, I really do not know where he would have obtained it.

5130. Did you ever hear of any instances of difficulties of that kind?—Yes; I remember that a man came from California who had been digging there; he was an Englishman, from some part of Cheshire; I think his name was Chamberlain, if I recollect rightly.

5131. Mr. Edward Ellice.] Chancellor.—Chancellor; his name had quite escaped me. He said that he had been digging with a party of Englishmen, who were still in California, and that they had sent him to know upon what terms land was to be got in Vancouver's Island, with the idea of coming there and settling; that they wished to remain as British subjects. After being there for about a week he came to me and said that he was quite unable to obtain any information of any kind.

5132. Mr. Roebuck.] Was there any survey of the island, or of any part of the island?—I believe some portion of it has been surveyed since.

5133. But was there any when you were there?—Very little; there had been a survey of their own claim, commenced by the Hudson's Bay Company.

5134. What do you mean by a "survey of their own claim"?—There was a portion of land which they marked out which was claimed by themselves. I think it was supposed to contain 10 square miles.

5135. In what part of the island was that?—Round Fort Victoria.

5136. And that they claimed as their own property?—That they claimed as their own property.

5137. I thought that all the island was conceded to them?—True, but then it was on condition of selling the land; this they claimed as their own reserve.

5138. And this they would not sell?—This they did not intend to sell.

5139. They would not sell it?—They would not sell it.

5140. Was that round any part which was settled?—It was where the only settlement was except at Fort Rupert.

5141. And they refused entirely to sell that land?—They refused to sell it.

5142. Was that no obstruction to colonisation?—I should say that it was a very great one.

5143. Mr. Grogan.] Was there any money paid to the Colonial Exchequer for that ten miles of land by the Company?—I do not know whether any has been paid since; there was none paid at the time.

5144. At the time of which you speak, the Company exercised the right of not selling any part of that land, or allowing any settler to purchase it?—Yes.

5145. Were there any of their own servants located on that ten miles?—Yes, two or three.

5146. Did they purchase the land from the Company?—That I really cannot tell. I never heard of any money being paid.

5147. Mr. Roebuck.] Have you a copy of your commission; I suppose you had a commission?—I lost all my papers coming home, in the River Chardress; they were under water for several hours. I still have the parchment of my

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commission, but it is illegible. I imagine that there are copies in the Colonial Office.

5148. Viscount *Goderick*.] What salary did you receive from the Company as Governor of Vancouver's Island?—None whatever.

5149. Did you receive no remuneration for your services in that capacity?—Nothing whatever. I was promised 1,000 acres of land when I went out.

5150. Mr. *Raebeck*.] By whom?—By Sir John Pelly, who was then the Governor of the Hudson's Bay Company. When I was leaving the island, a servant, who had gone with me from England, was rather anxious to remain there as a settler, and I claimed 100 acres of those 1,000 acres. Mr. Douglas, who was the agent for the land there, nominally evaded giving me any kind of title to it, and said that I should get it more easily settled in England. The Hudson's Bay Company declined to make it over to me, and said that those 1,000 acres of land were merely intended for the Governor for the time being.

5151. So that he was to enjoy the wild waste while he lived there?—Exactly so.

5152. And to get no property in the land?—Yes.

5153. Were you given to understand that when you went there?—No, certainly not, because Sir John Pelly had told me that I might select such portions of land as I thought would turn out valuable, and that they would sell advantageously.

5154. Have you any evidence that Sir John Pelly said that: have you any writing?—It is merely what passed between him and myself.

5155. He did not put it upon paper?—He did not.

5156. Had you any salary from the Crown?—None whatever; the charter to the Hudson's Bay Company provided that they should pay all civil and military expenses.

5157. Had you no salary from the Hudson's Bay Company?—None whatever.

5158. So that you passed your two years there and got nothing by it?—Nothing whatever. All that I ever received from the Hudson's Bay Company was 175*l.* for my passage out there, and it cost me about 300*l.*

5159. Did anybody pay your passage back?—I had a free passage as far as San Francisco by a sloop of war; the rest of the passage was at my own expense.

5160. *Chairman*.] Do you mean that you accepted the governorship of this colony, with the understanding that you were to get nothing whatever for your services in that respect?—Nothing at all. I was certainly led to believe that colonial settlers would flock out there; that all facilities would be given to them; and that of course as the colony increased a civil list would be formed; that the land sales and the royalties on the coal would produce a considerable colonial revenue.

5161. Mr. *Gregan*.] And those expectations, with the grant of 1,000 acres of land, to be selected by yourself, were your inducements for going to the colony?—Just so, and moreover I also hoped that my services would be considered by Her Majesty's Government afterwards.

5162. Viscount *Goderick*.] Did you find living there cheap or dear?—It cost me as nearly as possible 1,100*l.* a year to live there; the price of everything was regulated by that in California, and as the gold fever was then at its height, living there was of course extremely expensive.

5163. I believe that the Hudson's Bay Company's servants receive their goods at a cheaper rate than the rest of the colony, do they not?—I think they had three several prices in the Hudson's Bay Company's stores at that time, one for the superior officers of the Company, another for the servants, and a third, which they called their cash price, at which they sold the goods to settlers.

5164. Can you state to the Committee the difference between those three prices?—The officers received their goods at 33 per cent. increase upon the cost price, the servants and inferior officers varying from 50 to 100, and the cash price was regulated by the price in California, as nearly as they could do it.

5165. How much was that?—Generally about 300 per cent.

5166. You being Governor of Vancouver's Island, at which of those prices did you purchase your goods?—At the cash price, as a stranger.

5167. That is at about 300 per cent. over the cost price?—Yes.

5168. *Chairman*.] Do you think that the gold fields in California had nothing



nothing to do with preventing settlers from going to Vancouver's Island, who might otherwise have gone there?—I doubt it very much.

5169. Why so?—I think that there were a great many Englishmen in California, who after they had collected a little gold there would have flocked over to Vancouver's Island, as settlers, wishing to remain British subjects.

5170. Mr. *Christy*.] Do you think that the discouraging accounts which came to this country from Vancouver's Island, soon after your going there, materially operated against the colonisation of that island?—I never heard of it.

5171. Do you think that the accounts which were known in England, perhaps from yourself, and from other people, did not operate as a discouragement to persons going out to settle in Vancouver's Island?—I hardly think so; they may have done so, certainly.

5172. Mr. *Grogan*.] I understood you to say that a gentleman of the name of Chancellor came to Vancouver's Island, on the part of some Englishmen, to look for land?—That was his account.

5173. And he failed to get any information sufficiently satisfactory to warrant their going there as English settlers?—Yes.

5174. Was not that a discouragement to those settlers, or would-be settlers, to go there?—He went back to California, and I apprehend that he would carry that account with him.

5175. I understand your answer then to be that you are not aware that the discouraging accounts from Vancouver's Island discouraged settlers from this country?—Yes.

5176. Mr. *Christy*.] That did not come within your knowledge at all?—That is so.

5177. Living there, you did not hear of it?—Just so.

5178. Viscount *Goderick*.] Might not you, when you found that you paid this large per-centage upon goods, have exported goods yourself from England in the Hudson's Bay Company's ships?—I believe that nominally I might have done so, but still there was great difficulty about it, because my agents in London found that they could never ascertain at what time the Hudson's Bay Company's ship sailed.

5179. Did they take any pains to ascertain it?—By inquiry at the Hudson's Bay House, where they were promised that they should have due notice of the ships as they sailed, and the next thing they generally heard was that the ship had gone. That happened on two occasions, and as the ships did not go very often, missing two ships running was rather a serious thing to a man who depended for his supplies upon England.

5180. Mr. *Roebuck*.] By what Colonial Minister were you appointed Governor?—By Lord Grey.

5181. What previous knowledge had you of colonisation or colonial government?—I had been in one or two of the West India islands; I had been in British Honduras, and I had been in India.

5182. And upon the ground of the experience which you there gained, you thought that you could make a good Governor of Vancouver's Island?—I saw no reason to believe the contrary.

5183. When you got to Vancouver's Island, had you anything to do?—Very little indeed, except to regulate the disputes between the Hudson's Bay Company's officers and their servants.

5184. So that, in fact, as far as government was concerned, you had no duties to perform?—None whatever, except as an ordinary magistrate, to decide the disputes between the Hudson's Bay Company's officers and servants.

5185. Were there many of those disputes?—A great many.

5186. On what ground?—Discontent among the servants.

5187. At being ill-treated by the Company?—They considered themselves ill-treated; that they had been brought out there under a delusion, and had been promised many things which were not fulfilled.

5188. Did you investigate those complaints?—Yes.

5189. Did you find them at all well founded?—Some were, and some were not; there was a great deal of dissatisfaction among the people.

5190. Was it well grounded?—A good many complaints were.

5191. What was the sort of complaints; did they say that they were promised land?—No, they were not promised land, but they were promised a great many comforts and conveniences, and were led to expect a far more com-

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fortable life, and higher wages than they received; but still they were all there under agreement.

5192. So that, in fact, it was no colony at all?—It was nothing more than a fur trading post, or very little more.

5193. Was there any fur hunting on the island?—Very little indeed.

5194. Is the island capable of bearing wild animals fit for hunting?—There is a good deal of game on it; deer.

5195. I suppose it is a trading post?—It is more of a trading post; a dépôt for the posts in the interior.

5196. As regards any colonisation of the island, there was no attempt made on the part of the Company to do that?—Very little indeed; they brought over cattle from Oregon, and they had cultivated a little land round the fort.

5197. But as far as their influence went it prohibited colonisation?—I should say that it did.

5198. Viscount *Goderich*.] Can you give the Committee any more details as to the state of the Indians on the island, and the mode of the Company in dealing with them?—The Indians were always very kindly treated by the Hudson's Bay Company.

5199. There were cases (I do not know whether they occurred while you were there) of persons being murdered by Indians?—There were three men murdered while I was there; they had run away from Fort Rupert, with the intention of getting on board a vessel which was then taking in coal, to carry it to California; these three men were murdered a few miles from Fort Rupert by the Indians.

5200. What steps did you take in consequence: was any punishment inflicted upon the Indians?—Some time afterwards there was a sloop of war there, the "Daphne;" and I requested the Admiral on the station to leave her there for a short time, till I could take some steps for apprehending those Indians.

5201. Mr. *Roebuck*.] You have been asked what induced you to go out: what induced you to leave Vancouver's Island?—Partly ill health, and partly the great expense which I was put to, which I was certainly unprepared for.

5202. Had you any successor?—A successor was not appointed while I was there; but I received a letter from the Hudson's Bay Company, stating that Mr. Douglas had been recommended to the Government as my successor, and they expected that he would be appointed Governor.

5203. Did you leave the island before he arrived?—He was there at the time. I nominated a council, that is to say, three members, which was the smallest that could form a quorum, of which I appointed him the senior member.

5204. Would any great mischief have happened if there had been no Governor at all?—There would have been a great deal of quarrelling; it was necessary that somebody should be at the head; that there should be some kind of law on the island, and to enforce it.

5205. Was not there a Company's servant there?—Yes; but there were people there who were independent of the Company then, and they would not take the law from him.

5206. How was justice administered: was there a recorder, or anybody to administer justice?—I did it all myself; I had no means of paying a recorder a salary; there were no colonial funds.

5207. I suppose you were not cognizant of the law: you were not brought up to the law, were you?—I had been called to the Bar.

5208. And in that capacity you administered justice there?—Yes.

5209. So that you were Governor and justice. Had you constables?—Yes. When I wanted a constable, I swore one in.

5210. Viscount *Goderich*.] Did you ever have a dispute with Mr. Douglas about the register of a ship?—Yes.

5211. Will you state to the Committee the circumstances of that dispute?—It was a schooner, I think, called the "Cadborough," and the master of her, who had just been appointed, brought me the register, and said that he was not at all satisfied with the alteration which had been made in the register, and he asked whether the Hudson's Bay Company's servants had any right to make these alterations. On referring to the Navigation Act, I concluded that they had not, and I told him so. However, the next day, or the day after that, he went to sea without seeing me on the subject.

5212. Mr. *Edward Ellice*.] The "Cadborough" was the property of the Hudson's Bay Company?—She was.

5213. Mr.

5213. Mr. Charles Fitzwilliam.] Was the register properly signed at the time she went to sea?—She went to sea with the register signed by Mr. Douglas.

5214. Had he any authority whatever to sign it?—None whatever. I told the master this, and told him that if he would bring me the register I would sign it.

5215. He did not bring the register?—He did not bring the register.

5216. You were the only person on the island with authority to sign the register of the ship?—I was.

5217. So that Mr. Douglas signed that register illegally?—He did.

5218. Mr. Roebuck.] Was that before you had given the Company to understand that you would resign?—Before it was known there.

5219. Mr. Charles Fitzwilliam.] You were still acting as Governor?—I was still Governor.

5220. Mr. Roebuck.] Mr. Douglas did not consider himself then your *locus tenens*?—He was not my *locus tenens* in any manner, nor was he even a member of the Council.

5221. Mr. Edward Ellice.] Do you know what register the ship had previously sailed under?—The same register which had been signed over and over again, on every change of masters, by the resident chief factor of the Hudson's Bay Company.

5222. Mr. Roebuck.] Was Mr. Douglas resident chief factor?—He was.

5223. So that he merely did what his predecessors had done?—Yes.

5224. Mr. Charles Fitzwilliam.] Although the condition of the island was completely changed?—Yes.

5225. The island was not before considered as a colony?—There was no authority in the island before to sign the register, but it had always been signed by the chief factor; I believe it is customary under the Navigation Act.

5226. When the "Cadborough" came back, what course did you pursue?—I sent for the master and ordered him to produce his register, and on its being produced, I pointed out to him that it had been illegally signed, and I summoned both him and Mr. Douglas to account for it.

5227. In what way, before what tribunal did you summon them?—Before myself.

5228. Did you bind them over in any way to appear?—I bound them over to appear if called upon.

5229. What surety did you take?—Their personal security.

5230. Mr. Roebuck.] Were they ever called upon?—I imagine not, for I left the island very shortly afterwards.

5231. Mr. Christie.] Is the character of the native tribes in Vancouver's Island warlike?—In the north they are a very fierce and warlike set; about Fort Rupert.

5232. From your own knowledge, can you say so; did you come in contact with any of the tribes?—They were the same Indians who had murdered the three sailors.

5233. What was their character?—They were a hunting tribe, and they were considered one of the most warlike tribes, for a small tribe, on the whole coast.

5234. Were the Company's servants, or you as Governor, or persons under your control, at all thrown in communication with these Indians?—They used to visit the trading post at Fort Rupert continually to trade in furs.

5235. Did they exercise any control over them?—None whatever.

5236. Mr. Roebuck.] But were those Indians any obstruction to colonisation?—The northern part of the island, I think, they have never attempted to colonise; it is merely a fur-trading post, and they do not go very far from the walls.

5237. But would any settlers be afraid of the Indians?—I should fancy not.

5238. In fact, those Indians are no obstacle to the colonisation of the island?—No. In fact, down in the south, about Fort Victoria, they are very useful.

5239. Have you had any experience of the red man on the continent of America?—Not in North America.

5240. You are not aware that he invariably disappears as the civilised man comes on?—I cannot say so from my own knowledge, but I believe that it is a well-known fact, and it would be the case in Vancouver's Island.

5241. Then if colonisation were to take place in Vancouver's Island we should hear very little more of the Indian?—Very little more.

5242. In fact, though it may seem to be an inhuman statement to make, the sooner they get rid of the Indians the better?—I believe it is what the United States' people call improving them.

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5243. Improving them off the face of the land?—Exactly so.

5244. *Mr. Christy.*] Do the Hudson's Bay Company provide these Indians with arms and ammunition for the purpose of hunting?—They sell them a large quantity of arms and ammunition in Vancouver's Island; not only for the purposes of hunting, but for warlike purposes and for purposes of self-defence. The Indians are very well supplied with fire-arms there, and of a very excellent quality.

5245. *Viscount Goderick.*] Do you think that that conduces to the safety of a small white community?—I do not think that it at all conduces to it.

5246. *Mr. Roebuck.*] In taking into view the colonisation of Vancouver's Island the Indians would not enter as an item of consideration at all, would they?—They are very useful at first; they have no objection to hire themselves as labourers.

5247. Supposing that you had anything like a colony there, the colony would take no regard of the Indians; the Indians would not be an item of consideration, would they?—Do you mean as an enemy.

5248. In any way?—Yes; I think while they remained there they would find them very useful.

5249. So that, so far from their being an obstruction to colonisation, you think that they would be an assistance?—Yes.

5250. I suppose they have no settled habits?—Yes; at Victoria there is a large Indian town which they inhabit during a great part of the year; there are well and heavily built wooden houses.

5251. All populations living upon fish are usually degraded populations, are they not?—So far as my knowledge and experience go.

5252. These Indians do not live upon hunting?—No; very few of them live on hunting.

5253. The island does not afford the means of doing so; there are no buffalo?—There are no buffalo.

5254. Do they subsist entirely by fishing?—Almost entirely; they kill a few deer, occasionally, and smaller animals.

5255. What boats have they?—Canoes cut from single trees; principally from pine.

5256. Are they of a rude description?—No; they are very well constructed, and some of them of a very large size.

5257. Do they trade with one another, or with anybody else; have they anything to trade in?—Nothing but furs and fish.

5258. Furs they cannot get upon the island?—No.

5259. Fish they catch in the sea?—Fish they catch in the sea.

5260. Have they any consumers; anybody to whom they can trade that fish?—Merely the Hudson's Bay Company and the settlers.

5261. *Mr. Grogan.*] You stated that there were about 30 independent settlers in the island when you were there?—About that.

5262. Do they rear any quantity of corn or produce more than they require for their own consumption?—They had only just commenced settling then, and there was no corn produced, except on the land of the Hudson's Bay Company.

5263. They did not feel any want then of a market?—They did not then.

5264. During the time that you were Governor did you hear any complaints made that the produce exported from Vancouver's Island to San Francisco was under a heavier duty than the American produce from the opposite side of the Sound?—I do not remember hearing it said so, but I do not think that there was any produce exported then except a cargo or two of lumber, and I do not remember hearing what duty was charged upon it. The wheat that was grown was not sent to San Francisco; it was generally sent to Sitka, and sold in the Russian territory.

5265. *Mr. Grogan.*] Were there any settlers in Vancouver's Island with their families?—There was a Scotch family of the name of Muir.

5266. Only one family?—That was all that I remember. There was a Captain Cooper and his family, and there were one or two others, whom I do not remember, but not any very great number.

5267. *Viscount Goderick.*] When you speak of there being 30 independent settlers, do you mean settlers of the description which Mr. Cooper called free settlers, not being servants of the Company?—Not being servants of the Company.

5268. There

5268. There were as many as 30!—About 30, I think. Just before I left the island I received a memorial from them concerning the appointment of the next Governor, of which some rumour had crept out, and it was signed by all of them. I laid that memorial before the Colonial Office when I returned to England, and I think it contains a list of every settler.

5269. Mr. Roebuck.] And does it contain a statement of their grievances: what was the memorial about?—I sent the original in to the Colonial Office; but I think I can produce a copy of it.

[The Witness delivered in the same, which is as follows:]

To His Excellency Richard Blanshard, Esquire, Governor of Vancouver's Island.

May it please your Excellency,

We, the undersigned, inhabitants of Vancouver's Island, having learned with regret that your Excellency has resigned the government of this colony, and understanding that the government has been committed to a chief factor of the Hudson's Bay Company, cannot but express our unfeigned surprise and deep concern at such an appointment.

The Hudson's Bay Company being, as it is, a great trading body, must necessarily have interests clashing with those of independent colonists. Most matters of a political nature will cause a contest between the agents of the Company and the colonists. Many matters of a judicial nature also, will, undoubtedly, arise in which the colonists and the Company (or its servants) will be contending parties, or the upper servants and the lower servants of the Company will be arrayed against each other. We beg to express in the most emphatical and plainest manner, our assurance that impartial decisions cannot be expected from a Governor, who is not only a member of the Company, sharing its profits, his share of such profits rising and falling as they rise and fall, but is also charged as their chief agent with the sole representation of their trading interests in this island and the adjacent coasts.

Furthermore, thus situated, the colony will have no security that its public funds will be duly disposed of solely for the benefit of the colony in general, and not turned aside in any degree to be applied to the private purposes of the Company, by disproportionate sums being devoted to the improvement of that tract of land held by them, or otherwise unduly employed.

Under these circumstances, we beg to acquaint your Excellency with our deep sense of the absolute necessity there is, for the real good and welfare of the colony, that a council should be immediately appointed, in order to provide some security that the interests of the Hudson's Bay Company shall not be allowed to outweigh and ruin those of the colony in general.

We, who join in expressing these sentiments to your Excellency are unfortunately but a very small number, but we respectfully beg your Excellency to consider that we, and we alone, represent the interests of the island as a free and independent British colony, for we constitute the whole body of the independent settlers, all the other inhabitants being in some way or other so connected with and controlled by the Hudson's Bay Company, as to be deprived of freedom of action in all matters relating to the public affairs of the colony, some indeed by their own confession, as may be proved if necessary. And we further allege our firm persuasion, that the untoward influences to which we have adverted above are likely, if entirely unguarded against, not only to prevent any increase of free and independent colonists in the island, but positively to diminish their present numbers.

We therefore humbly request your Excellency to take into your gracious consideration the propriety of appointing a Council before your Excellency's departure, such being the most anxious and earnest desire of your Excellency's most obedient and humble servants, and Her Majesty's most devoted and loyal subjects.

(signed) James Yates, Landowner.  
Robert John Staines, Trinity Hall, Cambridge,  
Chaplain to the Honourable Hudson's Bay  
Company.  
James Cooper, Merchant and Landowner.  
Thomas Moore, Lessee of Captain Grant's  
Land at Sooke.  
William McDonald, Carpenter and Householder.  
James Sangster, Settler.  
John Muir, sen., Settler, Sooke.  
William Fraser, Settler, Sooke.  
Andrew Muir, Settler, Sooke.  
John McGregor, Settler, Sooke.  
John Muir, jun., Settler, Sooke.  
Michael Muir, Settler, Sooke.  
Robert Muir, Settler, Sooke.  
Archibald Muir, Settler, Sooke.  
Thomas Blishiera, Settler, Michomson.

5270. Mr. Christy.] You spoke of the settlement of Oregon; do you know anything of the way in which Oregon was colonised or settled?—Some portion of it was settled by the servants of the Hudson's Bay Company; some few of them.

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5271. Can you give us any information with respect to that?—No, except that I have heard that very little had been done there until there was a great influx of Americans; a large influx of Americans took place before the boundary was defined.

5272. Was there any communication between Vancouver's Island and Oregon?—A schooner of the Hudson's Bay Company used to pass occasionally between Nisqually and Fort Victoria.

5273. Did you ever hear of Dr. McLaughlin?—Yes.

5274. Are you aware what part Dr. McLaughlin took in the settlement and colonisation of Oregon by the people of the Hudson's Bay Company?—I have really heard such different accounts about it that I scarcely know what the truth is; by some people he is declared to have been the father of the country, and to have settled it largely at his own expense; by others he is declared to have discouraged anything of the kind.

5275. Viscount *Goderick*.] Do you know Mr. Cooper, who gave evidence before this Committee?—Yes.

5276. Do you think that his evidence upon the state of Vancouver's Island is likely to be valuable?—He was there as a merchant and as a landholder, and he was also a member of the Council; he should have had good opportunities of forming an opinion.

5277. Mr. *Redback*.] At what time of the year did you arrive at Vancouver's Island?—I got there in the beginning of February or the end of January.

5278. That was in the middle of winter?—In mid-winter.

5279. What was the state of the climate at that time?—There was about a foot of snow on the ground.

5280. How long did that last?—Only for a few days.

5281. When did the spring come?—The spring commenced about April or May.

5282. What sort of weather was there during the winter; was there snow and frost upon the ground all the time?—The winters are comparatively mild there; there are occasionally heavy falls of snow, but it seldom lies for any long time.

5283. Mr. *Christy*.] Do you consider that the climate is as good as that of England?—On the whole, I should say that it was milder.

5284. Mr. *Grogan*.] Am I to understand you to say that Victoria is the only settlement on the south part of the island?—There was a small settlement at Sooke.

5285. But Victoria is the principal settlement on the south part of the island?—The principal one.

5286. And round Victoria, for a distance of 10 square miles, is considered as the property of the Company?—It was then; it was so laid down.

5287. Then when you speak of the island being well adapted for settlement, you are alluding to that part of it outside that district?—That is naturally the first place which would be colonised.

5288. You stated that you believed the island to be a good location for a colony; I want to know to what exactly you referred?—A mile or two west of Victoria there is a much finer harbour; the one at Victoria is exceedingly bad, and very difficult of access; there is a far larger and better harbour, called Esquimault, which appeared to me to be the best place for commencing a colony.

5289. Is that included within the 10 square miles?—That was claimed on behalf of a company called the Puget Sound Company, the existence of which I never could exactly make out.

5290. Was it considered in the island that that Puget Sound Company and the Hudson's Bay Company were the same body, only under different names?—Everybody declared so; I could never discover any difference between them.

5291. You mentioned to us that travelling through the island was difficult, owing to the forests of underwood; do you wish to convey the impression that it is so thick a jungle that there would be great difficulty in clearing the country for settlement?—There are large plains, which are more adapted for colonisation, as well as these belts of forest.

5292. The forest goes as it were in a belt across the island; but unincumbered by wood, there still is a large fertile plain well adapted for colonisation?—The aspect of the country is a pine forest, interspersed with occasional open plains.

5293. Then the wooded part to which you have alluded as being difficult to travel through, is exceptional?—It is.

5294. Mr. *Redback*.] But surely wood is no obstruction to colonisation?—

None

None whatever, and the size to which the trees grow there would render them *R. Bleasford, Esq.* exceedingly valuable for spars.

5295. And the heavier the timber the better the land?—I believe it is always 15 June 1857. considered so.

5296. As to talking about any obstruction arising from jungle, that is not considered by an American as an obstacle, is it?—None whatever.

5297. Are you at all aware what the forests are composed of?—Principally pine.

5298. Does not pine usually grow in a barren soil?—It does occasionally; but also when it is cleared it is very fertile.

5299. Is that your experience?—In many places.

5300. Is there no hard timber there; maple, beech, or birch?—There is a little oak in the south of the island.

5301. Is there no maple?—I do not know. I never heard of the maple tree being found there.

5302. The beech tree?—The beech tree grows there, but not in any very large quantities; the prevailing timber in the island is the pine.

5303. And notwithstanding that, you say that the soil is fertile?—The soil is fertile. I have seen wheat grow there very luxuriantly.

5304. Can you state how many bushels per acre?—The number of bushels per acre would sound very insignificant to an English farmer, but considering the imperfect cultivation, it was a very good crop; about 25 bushels on some part of the land.

5305. *Mr. Edward Ellice.*] Is that in the country where you saw originally pine or hard wood?—Pine.

5306. Do you know Esquimault Harbour?—Yes.

5307. What sort of a harbour is it?—A very good harbour; the deep water would take in a vessel of any size; the entrance is clear and open; there is only one rock in it, which is well known and easily avoided.

5308. When inside are the vessels in perfect shelter?—In perfect shelter.

5309. In any wind?—In any wind; it is only open to the south, and the wind from the south there is not very violent, nor does it create any sea.

5310. Is that harbour of sufficient capacity to take in a large number of vessels?—I should think it would take in a dozen line-of-battle ships.

5311. Esquimault Harbour is on the sea-side of the island, I think; a vessel having recourse to Esquimault Harbour would have no necessity to go within the Straits?—It is a long way up the Straits; the entrance of it is four or five miles, or perhaps hardly so much.

5312. Is it north of Victoria?—It is about due west of it.

5313. *Mr. Charles Fitzwilliam.*] Can you give us some information as to what the Puget Sound Company is composed of, and what have been its operations?—I was unable to understand a great deal about it; it seemed to be very much identified with the Hudson's Bay Company; everything was used indiscriminately; men came out saying that they were Hudson's Bay Company's servants, and it appeared that their agreements had been entered into with the Puget Sound Company; they were employed on the Hudson's Bay Company's work.

5314. Had the operations of the Company been extensive as a farming company?—There was an establishment formed close to Esquimault, which was forming just as I came away, which they said belonged to the Puget Sound Company, but the people who were on it had never heard of the Puget Sound Company; there was a gentleman of the name of Langford, one of the people who superintended it, he had never heard of such a company until he got out to Vancouver's Island.

5315. What was his position as regarded the Puget Sound Company; was he one of the Company?—No; he had nothing to do with it; he was in their service.

5316. Not as a ploughman, was he?—No, as a bailiff.

5317. Do you know what were the inducements offered to him to go out?—He was engaged with them for a term of 15 years, which was terminable either at five or ten years upon due notice; he was to receive a salary of 60 *l.* a year, and he was to be supplied with everything which he required in the way of labour, materials, and seed, and with those he was to form as large a farm as he pleased. I think it was restricted to 500 acres, if I remember rightly. His further remuneration, beyond this 60 *l.* a year, was to be half the profits of the farm when it was established.

- R. Blassford, Esq. 5318. When he went out there, was he led to suppose that he would find every accommodation when he got there?—So he told me.
5319. How was he received?—There were no preparations made for his employment; his agreement was with the Puget Sound Company; for I saw it myself.
5320. In the first instance you say that he was induced to go out as a settler by the representations of the Hudson's Bay Company?—He never heard of the Puget Sound Company till he got there, though his agreement was in the name of the Puget Sound Company; he considered that he had all the time been dealing with the Hudson's Bay Company, and he was not aware of there being such a thing as the Puget Sound Company till he arrived in the island.
5321. With whom had he dealings; what member of the Hudson's Bay Company?—Chiefly with Sir John Pelly.
5322. Who represented the Hudson's Bay Company?—He was Governor of the Hudson's Bay Company.
5323. Had he anything to do with the Puget Sound Company?—I believe he was also governor of the Puget Sound Company.
5324. What was the actual reception which Captain Langford met with when he arrived on the island?—There had been two log houses put up, one of which he was told he was to occupy with his family, and the other was for his labourers.
5325. Log huts, containing one room each, of course?—Yes.
5326. What was his position in society in England?—He had held a commission in the army, and I believe had sold out about 10 years previously, and turned his attention to farming, in Kent.
5327. So that a gentleman of position in England was expected, with his family, to live in a log hut, without any accommodation whatever?—Exactly so.
5328. What steps were taken for his accommodation afterwards?—There was a small log hut at Victoria, which was handed over to him, in which he put away his family in the best way that he could.
5329. What was the nature of this log hut at Victoria; of what size was it?—I suppose about 20 feet by 12; something of that kind.
5330. Containing how many rooms?—It contained one at that time.
5331. So that he was very little better off in the new accommodation than he was in the old?—What I think you understand by the old accommodation were two houses which were put up near Esquimaux, where his farm was intended to be, and he declined to take his family there until he had got a proper house for them, so that upon their first landing they were put into this other log hut.
5332. Had he been promised a house to live in on his arrival in Vancouver's Island in the first instance, on his leaving England?—I should hardly think that he expected to find one ready for him, but he certainly expected better accommodation than he found.
5333. Mr. Edward Ellice.] How do you know all this?—Because when he arrived there he had a large family, and his wife, who was a most lady-like woman, was within a day or two of her confinement, and I gave them rooms in my house, being extremely sorry to see an English lady reduced to such a state of inconvenience.
5334. With regard to all that may have passed between Mr. Langford and any other parties in London, from what source have you the information as to what hopes and expectations were held out to him?—What Mr. Langford told me himself. The terms of his agreement spoke about his farm, and what his remuneration was to be.
5335. Have you that agreement here?—That was his own agreement.
5336. Mr. Charles Fitzwilliam.] He was a connexion of yours, was he not?—Yes, he was a distant connexion of mine.
5337. Mr. Edward Ellice.] Have you a copy of that agreement?—No, I have not; but a copy of that agreement would prove nothing, because it merely referred to what was to be done when he arrived on the island. It said nothing about what his expectations were when he arrived there, and what he was to find ready to his hands.
5338. Mr. Charles Fitzwilliam.] You say that by his agreement he was to be supplied with seed, agricultural implements, and everything necessary to conduct a farm?—Yes.
5339. To whom had he to apply for those articles?—To Mr. Douglas.
5340. In what capacity; as Governor of the Puget Sound Company, or as chief factor of the Hudson's Bay Company?—That he did not seem at all clear about at first, and I understand that there was some correspondence between them



them on the subject as to whether Mr. Douglas would acknowledge himself as agent of the Puget Sound Company. *R. Blandford, Esq.*

5341. Mr. *Edward Ellice*.] In fact, is Mr. Langford still in the island in the service of the Puget Land Company?—I believe so.

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5342. Mr. *Charles Fitzwilliam*.] In what capacity was Mr. Douglas in the island; was he as Governor of the Puget Sound Company, or as an officer of the Hudson's Bay Company?—As both.

5343. I think you said that Mr. Douglas rather denied that he had anything to do with the Puget Sound Company?—What passed between him and Mr. Langford I cannot tell, because I was not present; but Mr. Langford told me that he had been obliged to write to him to know whether he was the manager of the Puget Sound Company or not.

5344. Do you know what the answer was?—I really did not inquire what the answer was.

5345. Mr. *Edward Ellice*.] You said just now that Mr. Douglas was governor of the Puget Land Company; how do you know that?—He managed all their affairs, and directed what should be done indiscriminately with those of the Hudson's Bay Company; I did not say governor; I said manager.

5346. Can you tell us in any particular in what way he acted as governor or manager of the Puget Land Company?—Merely that he directed that their accounts should be made out in the Hudson's Bay Company's office. I heard one of the officers grumbling about having to do the Puget Sound Company's work without remuneration; he apportioned men out; he took the management of the men who came out there with agreements as Puget Sound Company's men.

5347. Mr. *Charles Fitzwilliam*.] Was there any return of the persons imported into the island by the Hudson's Bay Company?—I was furnished with lists of passengers by the captains of the ships; but I cannot produce them, because they are destroyed with the rest of my own papers.

5348. And the persons who formed the staff of the Puget Sound Company would be reported as having been introduced as settlers by the Hudson's Bay Company?—I presume so, by the numbers; the numbers were given, as free settlers introduced by the Hudson's Bay Company, and they tallied with the number of passengers given to me.

5349. Mr. *Matheson*.] Are you aware whether persons going out under the Puget Sound Company were reported as servants of the Hudson's Bay Company?—I merely saw a report of so many settlers sent out by the Hudson's Bay Company.

5350. But you do not know whether they went out as servants of the Puget Sound Company or not?—As the number tallied with the number given me by the captain of the ship, it must have been so.

5351. Mr. *Grogan*.] Was any return or report ever made to you of emigrants, or settlers, or labourers, brought out by the Puget Sound Company?—Never.

5352. But there were reports made to you of emigrants and labourers that were brought out by the Hudson's Bay Company?—I merely had a return of the number.

5353. They were always entered as having been sent out by the Hudson's Bay Company?—They were all put together; a paper was handed to me, saying, "These are the number of settlers that we have brought out."

5354. Whom do you mean by "we" in that answer?—Mr. Douglas gave it to me; whether he was speaking collectively, or only as manager of the Hudson's Bay Company, I will not pretend to say.

5355. You, as Governor, had no means whatever of knowing the settlers and labourers that were brought out by the one Company and the other?—None whatever.

5356. And you were under the impression that they all came out under the Hudson's Bay Company?—I was under that impression.

5357. Mr. *Charles Fitzwilliam*.] So that those persons who were introduced into the island by the Puget Sound Company would make people think that the Hudson's Bay Company had been doing all in their power to colonise the island?—Just so.

Lieutenant-Colonel *William Caldwell*, called in; and Examined.

Lieut.-col.  
*W. Caldwell.*

15 June 1857.

5358. *Chairman.*] WHAT acquaintance have you had with the territories under the government of the Hudson's Bay Company?—I went to that country in June 1848. I left Gravesend in command of a pensioner corps that went out, and as Governor of the settlement of Assiniboia.

5359. How long did you reside there?—I returned in October 1855; I was seven years in the country as Governor of Assiniboia; I have my commission with me [*producing the same*].

5360. From whom was your commission?—From the Hudson's Bay Company.

5361. What were your functions as Governor of that settlement?—They comprised judicial and legislative duties.

5362. What was the condition of the settlement when you left it?—It was tranquil, peaceable, and quiet when I left it.

5363. It is chiefly composed of half-breeds, I believe?—I should say better than half were French Canadians and half-breeds. The smaller half were amongst the original settlers that went out under Lord Selkirk, with some English half-breeds.

5364. Did you find them to be a very well-disposed population on the whole, or difficult to manage?—I found them troublesome on first going out; I found them peaceable and quiet subsequently.

5365. What was their occupation and means of livelihood?—Amongst the Canadians and half-breeds they were generally hunters; amongst the English half-breeds they were voyageurs; they went down to York twice a year to bring up the goods from the ship.

5366. Were they in the service of the Hudson's Bay Company for the most part, or of independent traders?—They were partly taken up by the traders and employed in bringing up the goods; the greater portion were employed for the Company's goods.

5367. What was the description of the chase pursued by those who subsisted by hunting?—They caught the buffalo, by which they made pemmican and tallow.

5368. They did not engage in the fur trade, I suppose?—I suppose that if they could illicitly do it, they did so.

5369. Is there any fur trade of any consequence within reach of that settlement?—Yes; there are some settlements where they have posts. There is one post at Pembina on the frontier, from which they get a number of furs, and at Fort Pelly there are a great number. Generally about four batteaux came down in the spring, and they were filled with furs.

5370. That is the fur trade; but is the hunting of the fur-bearing animal carried on to any extent within easy reach of Red River?—Not very easy reach. Occasionally there are fur-bearing animals seen in the vicinity, and sold in the settlement, but rarely.

5371. The great mass of the fur trade is prosecuted in districts more to the north?—In distant spots; the best fur trade.

5372. Do you think that it is advisable, with reference to the condition of the Red River settlement, that some change should take place in the manner in which the affairs are administered?—According to the state of the settlement at present; they are in a very primitive state; I found them so on my going out; they became more enlightened, and required, perhaps, a more stringent mode of government.

5373. Do you believe that under any other system it is probable that that country and its vicinity would be settled and colonised to a considerable extent?—Not as long as other parts were open more approximating to the civilised portion of the territory. Unless for fur-bearing animals, I do not see any object that a settler would have in going to that remote part of the globe.

5374. *Mr. Roebuck.*] Were you ever in the United States?—I have been there.

5375. Was you ever in Minnesota?—No.

5376. *Chairman.*] Do you know the Saskatchewan?—I do not. On my entrance into the country I went to York; and I saw enough, I am sure, to prevent any one wishing to go into a settlement in so remote a position as that.

My

My family, with five young children, went in an open boat from York to Red River; it took them four weeks to accomplish that journey in an open boat

Lieut.-col.  
W. Caldwell.

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5377. My attention has been called to the following paragraph in a recent American newspaper: "Those that are afraid to come up to Minnesota, because the chances are all taken up, need not despair; recent explorations have brought into notice a fertile region, abounding with wood, and coal, and minerals, lying on the Saskatchewan, which empties itself into Lake Winnipeg, which empties, through Nelson River, into Hudson's Bay." Do you believe it likely that emigrants would find their way into this territory if it was available for them?—I think that, if they were permitted, the American emigrants would be likely to do so, because the access is so very easy and approachable, across the plains, from the American territory, into the Red River.

5378. You think that the stream of settlers would come rather from the United States than from any other direction?—If they were allowed, I should think so.

5379. Mr. Roebuck.] Then the only obstacle to the colonisation of the country is the want of roads?—The want of roads; the difficulty of getting there.

5380. If they could get there they would go there?—I cannot judge of that except from my own feeling; I should not like to go to so remote a spot; I have been seven years there, and know what it is.

5381. You found that there were settlers in the remote parts of America?—At the Red River settlement; I have been further of course; I have been up at York, but they were only servants of the Company, who were compelled to stay.

5382. You said that you had been in America?—I have been in Canada, and I have been in New York.

5383. You have not been in any of the back settlements?—No.

5384. You know that settlement and colonisation has gone across the Mississippi?—I have read and heard of such things, but I have no personal acquaintance with them.

5385. Should you suppose that people would have been taken across the Mississippi, or would have gone up the Mississippi in an open boat, and undergone all the hardships of that river?—Yes; of course when they have got steamers and railroads across, it is very easy to go into the country; when you have that accomplished, it is very easy to get to Red River.

5386. Would it not have startled you just as much to see a body of emigrants going across the Mississippi as it did in the case which you state, of the dangers and hardships which you underwent in going up that river from York; would it not have seemed to you quite as startling an event that they should cross the Mississippi?—I cannot say; I have no experience; I do not know the country which you speak of.

5387. Your sole reason for believing that colonisation would not take place there, is the hardship which you yourself underwent?—No; the difficulty of a access to the place.

5388. If the access were made easy, you think that emigration would take place?—It might take place when the redundancy of population drove them to that remote spot; I do not see the object which they have in view until the other places are cultivated.

5389. There is no redundancy of population in the United States of America?—No, I suppose not; emigration is still going on.

5390. And yet emigration takes place to the west?—Yes, but I imagine that the reason of it going so far west is from the land being so much more readily obtained; there is a less price for the land.

5391. If land were as readily obtained on the Red River and the access were easy, is there any reason to suppose that emigration would not take place there?—None; I see no reason.

5392. Therefore your first statement, that you thought that emigration would not take place, did not really express your feeling?—I only express my own feeling; I say that I would not go to such a remote spot.

5393. But you were there for seven years?—I was an old soldier, and I was sent on duty.

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F. Colford,  
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5394. You said that you carried out a body of settlers!—They were partly settlers and partly troops; they were enrolled pensioners.

5395. You took them out from Gravesend?—I did.

5396. Were they English people?—English, Irish, and Scotch.

5397. How many?—Fifty-six, with their wives and children.

5398. Altogether fifty-six?—Fifty-six men, non-commissioned officers, and privates.

5399. A number of these I suppose were married and had children?—The greater number; there were 14 that were single men; the rest were all married, with smaller or larger families.

5400. You took these out to Hudson's Bay, and from there to Red River?—To Red River.

5401. Did they settle there?—A few of them are there still.

5402. What took them there?—They went out enrolled; they went out as a force.

5403. As soldiers?—Partly as settlers and partly as soldiers.

5404. Did they go out with the intention of remaining there; was it understood that they would remain there?—It was supposed that they would remain there.

5405. And upon that expectation you took out all these people?—I was sent out; the Government sent them out; I was the commanding officer.

5406. So many people went with you as settlers?—They did.

5407. So that there was an evidence that people would go out as emigrants to that country?—We soldiers are obliged to go anywhere where we are sent.

5408. Did they go as compulsory soldiers?—I presume not; but it was an inducement held out as an enrolment, having 20 acres of land as a private, a corporal 30, and a serjeant 40 acres; that I suppose was the inducement, and that they could do better there than they could in this country.

5409. And that inducement led them to go out there?—It led them to go out, I presume.

5410. You say that you exercised judicial and legislative functions whilst you were there?—I did, as far as my ability enabled me to perform them in the state in which I found the place.

5411. You were monarch of all you surveyed?—I was, as far as authority went. I had very great authority I assure you.

5412. Had you no council?—I had a council and a recorder.

5413. Who was he?—Adam Thorn, esq., was the recorder.

5414. You say that you exercised legislative functions?—Yes, I was the Governor, and head of the legislative body, as well as of the judicial.

5415. What was the legislative body composed of?—To enact laws.

5416. Of whom was it composed?—I had two bishops at one time; when I first went there I had one; the Roman-catholic bishop was one; and I had one or two clergy, missionaries, and the élite of the place; the most intelligent of the community.

5417. In what year was this?—1848.

5418. How many persons were there in the settlement at that time?—There was a census taken about that time, and there were supposed to be about 5,000 inhabitants.

5419. Were they electors, or how was the council chosen?—The council were chosen by the powers that were, the Government of the country; the Hudson's Bay Company.

5420. So that they were a self-elected vestry?—No; they were appointed by the Hudson's Bay Company.

5421. Not by the people there?—Not by the people.

5422. Had you supreme legislative authority; did you make what laws you liked?—Our endeavour was to make laws in conformity with those which we were acquainted with belonging to England.

5423. You say that your recorder was Mr. Thorn?—Yes.

5424. How long was he recorder; was he recorder all the time that you were there?—No, he was not; he was recorder from 1848, when I went; I found him there, and he had been in office since 1839. The Company gave him some other appointment subsequently.

5425. Did

5425. Did he give satisfaction while he was there?—Not to the people.
5426. They found fault with him?—They found great fault with him, and sent a petition to Sir George Simpson, when he came up in 1849, to get rid of Mr. Thorn; they were tired of him.
5427. What fault did they find with him; what charge did they bring against him?—That all his decisions were in favour of the Hudson's Bay Company; that was one charge.
5428. That he was a partial judge, in fact?—A partial judge.
5429. Mr. *Edward Ellice*.] Was he got rid of?—Yes; he was sent off before I came amny.
5430. Viscount *Goderick*.] You said that he received another appointment?—Yes.
5431. What was that?—They offered him the clerkship of the court.
5432. Of which he had previously been judge?—Yes.
5433. Did he take it?—Yes, he accepted it.
5434. Mr. *Edward Ellice*.] How long was he there?—I think he was two years there.
5435. Viscount *Goderick*.] As clerk?—I think so. I think that it was in 1852 that he was appointed, and he came home in 1854.
5436. Who became recorder then?—There was no recorder during that time; afterwards a Mr. Johnson, a Queen's counsel from Montreal, succeeded him.
5437. Who exercised the judicial functions during that time?—I was judge and everything, I believe; I was Jack in office, and did everything.
5438. And Mr. Thorn was your clerk?—He was at one time. When I was judge, he was clerk; but it was a farce having to conduct the business; there were no lawyers there; it was a court of equity. I tried to do justly between man and man; that was my great object.
5439. Mr. *Roebuck*.] "By equity," you mean exactly what the judge pleased?—I had no judge afterwards.
5440. Mr. *Christy*.] Did Mr. Thorn continue to charge the jury in his capacity as clerk of the court?—No; the Company can tell you better than I can their reasons for putting Mr. Thorn as clerk, instead of on the bench.
5441. But you say that he did not continue to charge the jury in his capacity as the clerk of the court?—Not after 1849. In 1849, when Sir George Simpson came up, there was a petition to him; but I never saw the petition; it was merely what I heard; and I found afterwards that Mr. Thorn did not frequent either my court or my council.
5442. Do you recollect a case, which became somewhat notorious, of *Foss v. Pelly*?—Yes, to my sorrow; that case gave me a great deal of anxiety and uneasiness.
5443. What was the amount of damages in that case?—The damages were 200*l.* against *Pelly* and wife, and 100*l.* against *Davison* and wife, who were coupled with *Pelly* and wife. Mr. *Pelly* was a trader, and John *Davison* was the mess waiter of the mess with his wife, and they were coupled together. Captain *Foss* excused *Davison* in court at the time when the decision was made known, but received the money from *Pelly* and his wife.
5444. Who charged the jury and delivered the sentence of the court upon that occasion?—Mr. Thorn got into court that day by permission from those who had previously prevented him from attending.
5445. There was a jury?—There was.
5446. Will you describe what took place on that occasion in reference to the charge which was addressed to the jury; I think you stated that Mr. Thorn came into court at that time after he had been, as you believe, officially displaced; will you inform the Committee what part Mr. Thorn took in that trial?—Mr. Thorn pointed out the nature, and charged the jury as to the extent of the penalty, and the jury gave the verdict; they gave a grand sum of 300*l.* Mr. Thorn then pointed out that that would not do; that they were to discriminate between the *Pellys* and *Davison*, and to specify a given sum to each party. The jury then retired to their room, and on their return the sentence was 200*l.* penalty against *Pelly* and his wife, and 100*l.* against *Davison*.
5447. Did he act on that occasion as advocate?—I am afraid that he acted both as advocate and judge.

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5448. Mr. Grayson.] Who was the presiding judge on the occasion?—I was Governor.

5449. Mr. Christy.] Did he not previously act as advocate in this case, and afterwards charge the jury?—It appeared so to me.

5450. Viscount Goderick.] Do you mean that he pleaded in the case before the jury?—Not so, but that he gained information from the several parties and then came to adjudicate upon the question on that bench.

5451. Mr. Christy.] By "gaining information," do you mean to say that he was consulted by the parties?—I believe that Sir George Simpson made inquiries into it, and that Mr. Thorn was present. I was not there, and therefore I can only tell from what I surmise, and what I heard took place.

5452. Mr. Edward Ellice.] Do you believe that substantial justice was done in the matter?—No.

5453. Chairman.] When you say that Mr. Thorn acted as judge and as advocate in this case, do you mean that he actually pleaded formally as an advocate, and afterwards gave judgment?—No.

5454. Or do you mean that, as the judge, he showed the feelings of an advocate?—I mean to say, that when Sir George Simpson came and inquired into this matter, he and Mr. Thorn being present, they inquired from the different witnesses of those who were accused what their statements were, and Mr. Thorn heard them.

5455. Mr. Roebuck.] Out of court?—Out of court, privately, before Sir George Simpson.

5456. Mr. Edward Ellice.] Do you think that substantial justice was done in the case, with reference to the fine imposed?—I did not refer to the fine.

5457. Do you think that, with respect to the fine which was imposed, substantial justice was done?—No, I do not; that was one of the things which I was not satisfied with.

5458. Do you think that the fine or the punishment was too little or too great?—I was under the impression that the fine was beyond my means of imposing a fine.

5459. You stated that you did not think that substantial justice was done when the sentence was passed; do you think that the fine was too little or too great, because it was in that that justice or injustice consisted?—It was not in that.

5460. You stated just now that you thought that substantial justice was not done; if injustice was done, was it because the fine was too little, or because it was too large?—It was not on that plea; the injustice was, that Mr. Thorn had been consulted.

5461. Then you think that, as regards the merits of the case, substantial justice was done?—I think the fine was too great, if you wish that.

5462. Mr. Lowe.] What was the nature of the action; was it for libel, or slander, or what was the injury complained of?—It was defamatory conspiracy.

5463. Mr. Edward Ellice.] The plaintiff was in this case Captain Foss, was he not?—Yes.

5464. Captain Foss was not in the service of the Company?—He was in the pay of the Company as a staff officer, and looking after the workmen.

5465. Mr. Pelly, the defendant, was a servant of the Company?—He was a chief trader.

5466. He was part and parcel of the Company?—Yes.

5467. Was the verdict therefore adverse, in this instance, to the servant of the Company?—It was; it was against Mr. Pelly. The case was Foss v. Pelly.

5468. Mr. Roebuck.] You say that the action was for a conspiracy?—Defamatory conspiracy was what it was stated to be.

5469. Who were the defendants?—The defendants were Pelly and wife, and Davison and wife.

5470. You say that there were four defendants?—Four defendants.

5471. All the defendants were fined?—They were all fined, but the fine was not paid on the part of Davison and his wife; Captain Foss told him that he would forgive him.

5472. But it was paid by the others?—Yes, Mr. Pelly paid for himself and his wife.

5473. It was defamation, in fact?—Yes, defamation of character; a conspiracy.

5474. The charge was that these persons had conspired to take away the plaintiff's character?—Mrs. Ballenden's character; Mr. Ballenden was the chief factor in charge.

5475. Then the chief factor in charge got a verdict?—It was not the factor; it was Captain Foss who brought the action.

5476. What was Captain Foss?—He was the staff officer of the pensioners.

5477. Was he in the service of the Company then?—He was paid by the Company.

5478. So that in fact it was one officer of the Company who brought an action against another?—I do not know whether you consider it as such; I tell you his position; he was a staff officer.

5479. You have been asked, in order to show the impartiality of the tribunal, whether the verdict was not given against the Company's servant; I now ask you whether the plaintiff was not the Company's servant as well?—He was in the Company's pay.

5480. Mr. *Edward Ellice*.] He was Her Majesty's officer, was not he?—He was an officer retired from the service, and he got the local rank of captain, to put him in the situation of having a commanding position among the pensioners; he sold out of the service before he joined.

5481. Mr. *Christy*.] And he was paid by the Company?—He was paid by the Company on two heads.

5482. Viscount *Goderich*.] I understood you to say that it was the interest of the chief factor that Captain Foss should get a verdict?—Yes. He was the principal evidence; he and his wife were brought in as evidence, which was a thing which I did not think was at all according to our mode of proceeding.

5483. Therefore it was the interest of the chief employé of the Company there that Captain Foss should get a verdict?—It was; no doubt about it. He was concerned for the character of his wife.

5484. Mr. *Grogan*.] Who presided on this trial?—I did. I was the Governor and the President in the chair; it was my office as Governor to preside at all courts and councils.

5485. And you acted, I suppose, on the occasion of this trial?—No, the judge was there; the judge was responsible for his own acts as recorder. I was only the President. According to the charter, there is a Governor and Council; it is some new feature in the case to have a recorder.

5486. Mr. *Rosbach*.] That Governor and Council are not judicial officers?—They are to administer justice, and to take the law into their own hands, according to the charter; that is what they were obliged to do when the charter was given.

5487. You talk about the Governor and Council; the Governor and Council are executive and legislative officers, but they are not judicial officers; they do not try anybody?—I said before that I did not look upon it as judicial, but more as equity, to administer justice between the two parties in any case which came before me.

5488. The Governor and Council?—The Governor and Council.

5489. Then they were judges; they had a judicial function?—Yes, we had.

5490. You presiding at that court, why were you not the judge?—Because the Company found that the settlers increasing to the extent that they did, required a recorder, and they had a recorder from the year 1839.

5491. The recorder appeared, according to your description of the constitution, merely to be your assessor?—Exactly so.

5492. He was not judge; you were the judge; you were the supreme of the court, were you not?—You do not wish to implicate me, I hope, because I do not wish to give evidence against myself, if you are going to put me in that position.

5493. Viscount *Goderich*.] Were you present in court on that occasion?—I was; it could be no court without the Governor.

5494. But you did not interfere in charging the jury, or guiding them as to their verdict?—No.

5495. You took no part, then, in the proceedings except sitting there?—No.

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5496. Mr. *Edward Ellice*.] If you had thought that a great injustice was going to be done, would you have felt justified in continuing the court?—There was such a strong feeling. There was the judge who was responsible to you for the legality of the act. The recorder was there, as far as the law was concerned, to see that all was right.

5497. Mr. *Grogan*.] You have described to us now the constitution of the court; that the Governor and Council presided at it to see justice done, and that the recorder as their judge charged the jury and directed them as to the verdict which they ought to find?—Yes.

5498. You speak of a jury; of how many did it consist?—Twelve.

5499. Of the settlers of the country generally?—Of the settlers of the country; and on that occasion I remember that some of the most intelligent of the settlers had been selected.

5500. Viscount *Goderick*.] Then it appears that although Mr. Thorn was suspended from his function as recorder in 1849 by Sir George Simpson, he nevertheless came into court on this occasion and acted again as recorder, and that you permitted him to do so?—He was not suspended exactly; it was a sort of agreement between the recorder and Sir George that he would withdraw; that he would not enter the court or council. It was a voluntary act between the parties, I believe, as far as I heard of it; but I was not present at the time.

5501. You would have held that he had the right of coming into court again and acting as recorder during that time?—Yes; he was paid for it.

5502. But he did not act?—He did not act except on that occasion; on that occasion he was called in by the consent of the parties who were opposed to him.

5503. Mr. *Roebuck*.] Were there any trials which took place during his absence?—Several trials took place.

5504. Who was judge then?—I was judge; I administered justice, as far as hearing what was said; but I pretty much adopted the plan which is usual in our military courts, and instead of charging the jury, which I felt I had not the ability to do (I had not the phraseology to charge the jury in the language in which they should be charged), I merely desired the clerk of the court to read the proceedings, to refresh the memories of the jury, and I left them to decide the question.

5505. Viscount *Goderick*.] When was Mr. Thorn appointed clerk of the court?—I think it was in 1832 that he was appointed clerk; I do not exactly remember the date; it was after this trial; I wrote home very strongly upon it; I did not feel at all satisfied with the proceedings of that court, and I wrote home.

5506. Mr. *Edward Ellice*.] Did any of the parties object to the proceedings of that court?—There was a great deal of objection on the part of Mr. Pelly, the defendant; he wrote very strongly home to Sir John Pelly, the Governor.

5507. Mr. *Christy*.] Are you aware that there is an Act of Parliament restraining any court within Rupert's Land from trying any civil action where the amount at issue exceeds 200*l*.?—I had heard that, and in order to have the fact ascertained I wrote home about it. I have the letter in my pocket, which, with the permission of Mr. Ellice, I will read to the Committee, because this is an official letter. I felt myself, from what had been stated on the subject, that it was a doubtful question, and I was determined to have it brought before the Governor and Committee at home. I was asked the question when Mr. Thorn accepted the appointment of clerk; it was in April 1851; here is a copy of his letter to Mr. Caldwell, who was Governor of Rupert's Land, and I see that that is the date. I cannot now lay my hand upon the letter which I received in reply to mine.

5508. Mr. *Edward Ellice*.] Will you state the substance of the letter to which you have referred?—That I had not exceeded the powers in going beyond 200*l*.; that there was no limitation.

5509. Mr. *Roebuck*.] That was the answer which you received from London?—Yes.

5510. Mr. *Christy*.] Am I to understand that you had heard that you were not to try any cases exceeding 200*l*., and that you addressed a letter to the Company in London?—There was a great deal said in the settlement by those

who



who were opposed to the Hudson's Bay Company that they had not the power to go beyond 200 *l.* I then wished to know the fact from the Company themselves, whether my powers were such, in order that I might in future be guided as to the decisions of the court.

5511. Viscount *Goderick.*] And the reply which you received was, that there was no limit to your power in that respect?—I think that that was the nature of it.

5512. Mr. *Christy.*] You can put it in afterwards, but you did address a letter to London?—Yes.

5513. And you received a reply to that letter?—I did.

5514. Which did not limit your powers?—I would rather say that it stated that the powers had not been exceeded in going beyond 200 *l.*; that was the question which I put.

5515. Are you aware that the Hudson's Bay Company are under a bond of 5,000 *l.* to refer all cases of this amount to the courts in Canada?—No, I am not aware of it.

5516. Mr. *Edward Ellice.*] You do not know whether that bond relates only to the licensed territory?—No, I am ignorant of that.

5517. Mr. *Christy.*] Have you ever seen a charge to the jury at Red River published by Mr. *Thorn*?—Yes, I have seen it; but it was previous to my going out.

5518. Have you seen that since you went out; did you see it at the time you were there?—I saw it when I arrived in the country.

5519. There are several cases of a capital nature referred to in this charge; I do not mean cases where sentence of death has been passed, but cases of murder and manslaughter which have been tried by the court; do you consider that you had the necessary authority for trying these cases at the Red River without reference to the courts of Canada?—There was one instance in which infanticide was brought before me; I will confine myself to what is within my own experience; it was the grandmother who had made away with the child; that is to say, she took out her daughter in the open air, while the snow was on the ground, and she took no care of the progeny after it was brought forth, and the child died, and she was brought up for infanticide, and was found guilty, and she was sentenced to be hung. From the recommendation of the jury, and from circumstances which were recorded, I commuted the punishment of death to two years' imprisonment. That was the only case.

5520. During that time, when you were exercising those powers, you were not aware that there existed an Act of Parliament which limited the powers of the Hudson's Bay Company, and compelled all such cases to be sent to Canada?—I was not, otherwise I should have been very glad to have got rid of the case.

5521. Mr. *Grogan.*] When did you hear for the first time of that power, that in case of any prosecution for such an offence as you have just described it should be referred to the courts in Canada?—I have heard it here.

5522. This is the first time?—I may have heard it in this room, but it has been since I have been present upon this inquiry.

5523. During the whole time when you were Governor of the territory you had no information whatever on the subject?—No.

5524. Mr. *Christy.*] If you had heard of such a requirement, you would have considered that the cases which came within your notice involved circumstances of that importance which necessitated their being sent to Canada?—I am not sufficiently master of the subject which you refer to; I do not know the Acts of Parliament, any more than hearing the matter spoken of in this room; that is all the knowledge which I have of it.

5525. *Chairman.*] Do you think that the settlement improved while you were there?—Very much; there was a very great improvement, and I think they are greatly indebted to the exertions of the Bishop of Rupert's Land.

5526. Was care taken in the education of the children?—Very great care; so much so that I could not have remained, having a young family, had it not been for the great anxiety of the Bishop to have a proper school established in the country. He had a gentleman from Cambridge out as a tutor, and he provided a lady, who had kept a large establishment at St. Cross, near Winchester, for the education of the females; he went to very great expense. I am

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quite sure that the income, which was only 20 *l.* a year for each scholar, was exceeded by the expense.

5527. When you left do you think that it could be generally described as a well ordered and thriving community?—I think so.

5528. Were life and property adequately protected?—I cannot say as to that; people were alarmed to live in fear; people were alarmed lest they should have their property set on fire, or anything of that sort; they did not dare to take any active steps.

5529. *Sir John Pakington.*] Do you mean set on fire by incendiaries?—They were fearful of giving offence to their neighbours.

5530. Do you mean that such incendiary fires were common?—No.

5531. Then why were they apprehensive of them?—There was a fear in their mind.

5532. It was a fear without any foundation from actual experience?—There was no foundation for it.

5533. If there was no foundation for such fears from actual experience, what was it which caused their apprehensions to be turned in that direction rather than in any other?—I cannot say that, but I can merely mention the fact of hearing it stated repeatedly, that they were afraid to give evidence against their neighbours, against any neighbour; there was a great delicacy in giving evidence.

5534. What means of knowledge have you that such fears as you have described actually existed?—The question was in the fur trade; that they were apprehensive of coming forward to give evidence, or to take any active part in the protection of the fur trade; they were apprehensive of those against whom they might appear.

5535. *Mr. Roebuck.*] You mean that the fur trade was a monopoly exercised by the Company?—Yes.

5536. And in order to protect that monopoly, if anybody gave evidence he would incur the displeasure of his neighbours?—When there was a disturbance about the fur trade in the country, I spoke to the magistrates in order to call out the better disposed, or those who did not traffic illicitly or privately in the fur trade, to be sworn in as special constables. The magistrates told me that no man would come forward in a case of that sort.

5537. The monopoly of the fur trade was so disliked by the people, that they turned their displeasure against anybody who endeavoured to maintain it?—No; I would rather put it in this light, that they felt so little interest in the furtherance of the fur trade, that they would not risk their own property to protect the fur trade.

5538. But then they must have apprehended danger from somebody; from what did that apprehension of danger arise?—They would have a host of enemies against them if they took an active part; that was the apprehension in their minds.

5539. *Sir John Pakington.*] What enemies do you mean; are you referring to members of the Company as those enemies?—No.

5540. To whom are you referring?—I am referring to the illicit traders; the private traders; the greater part of the French half-breeds are private traders, trading in furs.

5541. *Mr. Roebuck.*] They violate the monopoly?—Yes.

5542. *Sir John Pakington.*] Therefore in fact there is a constant rivalry between that illicit trade and the fur trade carried on by the Company?—Yes; the others who do not trade are not sufficiently interested in the matter to put themselves in a prominent position to protect the Company.

5543. *Mr. Roebuck.*] They are not sufficiently interested in the matter to incur the danger arising from protecting the monopoly?—Yes; that is the position.

5544. *Sir John Pakington.*] You mean that persons are afraid of giving any information to the Company with reference to the illicit trade for fear of the consequences?—Yes.

5545. But then you say that although their fears took the direction of apprehending incendiary fires, there was no experience of that?—No.

5546. Was there experience of acts of violence of any other kind from the same causes; do you know of acts of violence having been committed under those circumstances?—There was no act of violence, but there was a very formidable array or demonstration of violence shown in 1849.

5547. Violent

5547. Violent feeling existed, in fact?—Yes.

5548. A feeling existed among the free-traders of such a nature, that persons felt alarmed with respect to it?—They turned out; there was a great mob.

5549. Mr. *Christy*.] That time of which you are speaking was a time of very great excitement?—Yes; that was in 1849, shortly after I got there; I went in 1848.

5550. Just at that period, in the Red River Settlement, it was a time of unusual excitement?—Yes.

5551. We have heard a good deal said, and you have heard it also, having been present during most of the examination in this room, of the cause of that excitement?—Yes.

5552. The illicit trade in furs was one cause; the endeavour to put it down on the part of the Company, and the prosecution of it on the part of those persons who were illegally engaged in it; and in various ways there was altogether a very great excitement in the colony?—There was a very great excitement.

5553. Of course you are aware that the pensioners were sent out as a body, supposing that their presence might be of use in arranging some of those disturbances, as being a check?—Yes.

5554. The troops, I think, as you recollect, went about the same time?—I relieved the troops; they had been there two years previously to my going there, and I went out with this body of pensioners to relieve the garrison.

5555. You are aware that the troops had previously gone, as there existed a state of considerable excitement, and when the troops were withdrawn you followed them there?—I went out to relieve the troops; on my arrival the troops returned home; I relieved the garrison.

5556. You went out, I believe, under certain agreements, to obtain grants of land for the pensioners whom you took out with you?—Yes; 20 acres for a private, 30 for a corporal, and 40 for a serjeant. Those were the printed conditions under which the pensioners went out to that country.

5557. Were the pensioners satisfied with the arrangements which were made for them when they got out to the Red River?—They were by no means satisfied; they were very much dissatisfied, and the reason was this: the Company at home imagined that they had a greater reserve of land than they actually had, and when the land came to be distributed (it was bound to be within two miles of the fort) it was found that there was not nearly the quantity to give them according to those conditions, and there was very great dissatisfaction. Sir George Simpson came up in June 1849, and by offering them a sum of money in lieu of the land pacified them. They were eager to get the money, for they got dissatisfied with the country altogether, being so far away from the civilised part of the world that they were very much dissatisfied on their first arrival. Another thing was, that they were all put into a place where they had not sufficient room. They were very uncomfortable for the first winter, and I assure you I had a great deal of trouble to manage them at all.

5558. With respect to those men under your command, do you think that the conditions were as well fulfilled by the Company as they might have been?—Yes, from the reason which I give, that the Company were not aware that their reserve land was so little.

5559. Then you think that it was more from their entering into injudicious arrangements in the first instance, than from a disposition to break them when the parties got to the Red River?—Yes; there was no intention on the part of the Company to defraud the men; the matter arose from their acting ignorantly in pledging so much land when they had not it in their reserve.

5560. Mr. *Edward Ellice*.] And they made up the deficiency afterwards in money?—Yes; they gave money to the men; but I did not approve of it, because they went and squandered the money as soon as they could.

5561. Mr. *Roebuck*.] When you say that they had not a reserve of land sufficient, was the land taken up by the population so completely as to prevent any wild land being at their disposal?—The Company have two forts out there 20 miles distant, and at each fort they have a certain portion of reserve land.

5562. To whom does the other wild land belong?—Along the rivers there are only about two miles which will come under cultivation; there are the

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Assiniboin and the Red Rivers, and there are only about two miles in extent from the rivers which come under cultivation; the rest is all a swamp.

5563. But that swamp does not extend over the whole country?—Here and there is a little dry land, but it is principally swamp; in the spring for instance, when the snow dissolves, it is all water for a great extent.

5564. Mr. *Leve*.] What has become of the pensioners; are they there still?—A few of them are left; many of them went away before I left; some of them went to Canada, and a few came home, and some few are left.

5565. How many are left?—I left 25 families there when I returned in 1855.

5566. Mr. *Christy*.] Do you think that the country about the Red River is capable of supporting a considerable population, as regards the climate and the soil?—Yes: there are extremes; there is very severe cold in winter, and there is very great heat in summer; but I have heard from those who have cultivated the land that they have got as much as 30 bushels for one.

5567. What is the character of the country up the Assiniboin?—I have not been any distance up the Assiniboin; I have only been about eight or ten miles up.

5568. Have the Company encouraged the extension of settlement in that direction?—It is not the object or the interest of the Company to colonise at all, in my idea; I do not think that they have any great wish to colonise. A great deal has been said about land: they sell the land, but, unfortunately for the Company, they have seldom reaped the proceeds of it; they sell the land with the condition that so much corn yearly is to be given; sometimes they get a small return, at other times they do not.

5569. I understand you to say that the Company are not desirous for colonisation; the natural result of that would be that there is very little demand; there is but a small amount of population which will create the demand for land?—The demand arises from the increase of families; the families increase very largely, and the original allotments are too small, and they go further up the Assiniboin as squatters.

5570. Is there now a demand for land there?—From the increase of families, not from fresh importation.

5571. Taking your general knowledge of the country, is there a very limited demand for land from the families of the population?—I cannot say exactly, because when the family is too large for the estate they go off and take land, and squat themselves in some instances.

5572. Mr. *Edward Ellice*.] Do the Company throw any obstructions in their way?—They have been more stringent lately in their regulations; they require some portion of the money. The last year or two they have required them to pay a certain amount before they allow people to have possession of the land.

5573. *Chairman*.] Do the half-breeds associate on a footing of equality with the pure white men?—Some few do. The great majority of them are unlearned.

5574. You think that there is no prejudice of colour?—No, nothing of that kind; the only thing is their not having sufficient substance. There was a magistrate there, a Mr. Grant; he was one of the best there; he was a magistrate on the bench, and there is a Mr. Bunn, a medical man there; the only medical man they have there at present.

5575. Mr. *Kensard*.] You have spoken of the bishop; what is your opinion of the missionaries generally, and of the other ministers in the Red River Settlement?—I think they are very devoted men; they do all they can for the benefit of the people in enlightening and instructing them.

5576. It was said here in the evidence that they were receiving a sop; you think that they are quite above that?—I should think so; I do not know anything of that.

5577. Have you any acquaintance with the settled Indians?—I have been down to the Indian Settlement, and been very much pleased indeed with the mode in which they carried on their worship on the Sabbath. I was there on a Sunday, and they were as devotional in appearance as any congregation I ever was in.

5578. As to their settled habits; are they becoming industrious?—They have farms, and some few animals amongst them.

5579. Did