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The

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The  
BRITISH COLUMBIA  
HISTORICAL QUARTERLY

"Any country worthy of a future  
should be interested in its past."

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## HUDSON'S BAY COMPANY LANDS ON THE MAINLAND OF BRITISH COLUMBIA.

1858-1861.

Consequent upon the influx in 1858 of miners and other settlers attracted by the discovery of gold on the Fraser River and its tributaries, great changes became necessary in the administration of the affairs of the territory now comprising the mainland of British Columbia. Up to that time there had been only one recognized authority in the whole vast area—the Hudson's Bay Company—which had established numerous posts at strategic points for carrying on trade with the Indians. At these posts the Company had occupied land for fort sites, for the production of crops, and for pasturage of the large number of horses used in transporting supplies and furs. In so doing, the Company was only exercising a privilege which it had enjoyed ever since it secured its original charter in 1670. It was naturally assumed that its right of trade with the Indians carried with it the right to appropriate such lands as were found necessary for the efficient conduct of its trading operations. When the gold rush commenced, however, all this was changed; and it soon became necessary to provide for the public administration of the affairs of the new settlers and, incidentally, to determine the respective rights to land of these newcomers and the Hudson's Bay Company.

As a first step toward this end, the Imperial Parliament passed in August, 1858, *An Act to Provide for the Government of British Columbia*, as the new Crown Colony was called. Under authority of that Act the licence of the Hudson's Bay Company to carry on exclusive trade with the Indians was revoked on September 2, and on October 12 the Company, through its Deputy Governor, H. H. Berens, addressed a communication to Sir Edward Bulwer Lytton, Secretary of State for the Colonies, bringing to the attention of Her Majesty's Government the whole question of the possessions of the Hudson's Bay Company in British Columbia. As this communication outlines the basis of the claims of the Company to the extensive areas to which it desired to secure title, it is worthy of quotation in full.

*British Columbia Historical Quarterly*, Vol. III., No. 2.

## Hudson's Bay House

London October 12th 1858

Sir

I now avail myself of your permission to address Her Majesty's Government upon the subject of the possessions of the Hudson's Bay Company around their forts in British Columbia which were occupied by them long before the influx of miners into that district.

Up to the period of the Treaty between this Country and the United States in 1846, the Hudson's Bay Company carried on their trade and intercourse throughout the Interior of that vast Continent by way of the Columbia River. When however the Country South of the 49th parallel of Latitude and consequently both the shores of the Columbia River, were ceded to the United States, the Company foresaw that difficulties might arise and expences be incurred by navigating the waters of a Foreign Power, although the Free Navigation was confirmed to them; they therefore endeavoured to find another route through British Territory, and commenced their operations of Discovery from Fort Langley, a post on Fraser's River, which had long previously been established. After much trouble danger, and expence they completed their exploration by the route of Fraser's River which has since been adopted as the way of communication throughout the Interior of the Country, and to Hudson's Bay.

As all communication was carried on by small boats, and horses, it became necessary to establish relays of Posts where the Brigade could find provisions and Supplies, and further, where the large Bands of Horses could be foddered and pastured.

The Officers of the Company fixed therefore upon those spots which were most convenient for their purpose, and in order to render each Post as far as possible self supporting and independent of imported provisions a certain quantity of land was squatted upon for the purpose of raising potatoes and grain, and also for pasturing and foddering the Cattle. The Company did not fence off this land as there were no neighbours to fence against, but now that so large an influx of strangers is taking place, of a class proverbially unscrupulous it becomes necessary to guard against the infringement of the Company's property, and I would request Her Majesty's Government, through your kind intervention, to instruct Governor Douglas that he should take a liberal view of these possessions, and define their extent, taking as his basis the land occupied and pastured by the cattle of the Company before the influx of miners into that Country.

The Company possess the same title to these lands that they do to those in Oregon, which title has been fully recognized by Her Majesty's Government, and by the Government of the United States by the Treaty of 1846, and which will of course be recognized in the present instance.

I have, &amp;c.,

*(Signed)* H. Berens

Depty. Govr.

Sir Edward Bulwer Lytton  
&c., &c., &c.

The request of the Company was duly referred by the Colonial Secretary to Governor Douglas in a dispatch dated November 16, 1858, which instructed the Governor to report upon the character and extent of the lands involved and stated, in brief, the principles upon which the British Government proposed to deal with the Company's claims.

"I am not prepared at this moment," Lytton wrote, "to return a definite answer to the request of the Company, as I am wholly without information as to the extent of Territory which would be included in their claim, and the relation which in parts of British Columbia it may bear to the Gold Fields. I further am prepared to draw a considerable distinction between land which has been subjected to cultivation or has involved outlay on the part of the Company, or is necessary to the maintenance of their existing Stock or establishment, and land which has served the more occasional purpose of affording pasturage to herds or beasts of burden.

"You will therefore at your earliest convenience be good enough to inform me as accurately as you can of the extent and character of the land claimed by the Hudson's Bay Company around their Forts, adding at the same time any suggestions which your experience and local knowledge may enable you to furnish.

"Meanwhile you will understand that it is the wish of Her Majesty's Government to take a liberal view of the claims of the Company, consistently, of course with what is due to the public interests of the Colony, and that wherever a fair title to property can be made out by them, Her Majesty's Government are ready to afford their support and countenance for the protection of that property."<sup>1</sup>

A copy of this dispatch was sent to H. H. Berens, who in the interval had advanced from the post of Deputy Governor to that of Governor of the Hudson's Bay Company, by Lord Carnarvon, Under-Secretary of State for the Colonies, who, on behalf of Lytton, asked for "any further details as to the nature and character of the possessions thus claimed" which the Company had available. In reply Berens stated that the Company had no such information, but that no time would be lost in referring the matter to the Company's officers in British Columbia in order to secure the details desired.<sup>2</sup>

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(1) Lytton to Douglas, November 16, 1858. (Archives of B.C.)

(2) Berens to Lytton, December 1, 1858. Hudson's Bay Company correspondence with the Colonial Office, Vol. 728, p. 12 (original in the Public Record Office, London; here quoted from Record Office Transcripts in Archives of B.C.). The series is cited hereafter as "H.B.C. Correspondence."

Meanwhile the whole question of the Company's lands in the new Crown Colony had been the subject of correspondence between the Hudson's Bay Chief Factors at Victoria, John Work and Dugald Mactavish, and the Governor of British Columbia. Whether or not the Chief Factors were acting in response to instructions or a suggestion from London does not appear, but on November 24, 1858, they forwarded to Douglas the following communication, which is of particular interest because it embodies the earliest tabulated list of lands claimed by the Company which has so far come to light.<sup>3</sup>

Fort Victoria Vancouver's Island  
24 November 1858

His Excellency

James Douglas Esquire  
Governor of British Columbia  
&c &c &c  
Victoria

Sir

We beg to call your Excellency's attention to the following list of claims to land in British Columbia—which we consider as belonging to the Hudson's Bay Company—and trust that their title to the same will eventually be confirmed by Her Majesty's Government:—

- No 1 Old Fort Langley.
- 2 New Fort Langley and adjacent farms.
- 3 Point at the Forks of Smess River.
- 4 Point at the Forks of Harrison's River.
- 5 Fort Hope—with cleared land adjoining—especially block No 1 on official map of the town—which encroaches on the Fort.
- 6 Fort Yale—portion marked "reserve" and block XVII on official map of the town.
- 7 Fort Dallas.
- 8 Fort at Kamloops known as Thompson's River with lands adjacent.
- 9 Fort Douglas.
- 10 Fort Shepherd on the Columbia River with adjoining lands.
- 11 Fort in the Kootanais Country if North of the 49 Parallel.
- 12 The various posts in New Caledonia belonging to the Company—and other points along the route from Fort Hope to Thompson's River and New Caledonia—not permanently Occupied—but improved by the sowing of grass Seeds.

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(3) Original letter in Archives of B.C.

- No 13 Fort Simpson with lands adjoining.  
 14 Fort McLoughlin.

Your Excellency is no doubt aware, that we are unable at present, more particularly to define the limits of the Company's claims, but we hope the foregoing statement is sufficiently explicit for the authorities to act upon, until accurate surveys can be made of the whole.

We have the honour to be

Sir

Your Excellency's Most obedient Servants

John Work

Dugald Mactavish

Chief Factors—Hudson's Bay Company.

A fortnight later, on December 7, Douglas forwarded this letter to Lytton, with a covering dispatch which introduced a further aspect of the problem—the likelihood that the treatment afforded the Company in British Columbia might well determine the policy of the United States Government regarding the Company's unsettled claims in Oregon. In part the dispatch read:—

Her Majesty's Government may probably consider that the Hudson's Bay Company have acquired rights to the soil through permissory occupation and improvement, as well as by the public services which the Company have rendered to the country, and may therefore meet their claims in a spirit of judicious liberality, especially as the settlement of the Company's possessory rights in Oregon, resting on the construction of the third article of the Treaty of the 17th of July 1846 with the United States of America, will probably be influenced by the decision of Her Majesty's Government in allowing or disallowing the possessory rights of the Company in British Company.<sup>4</sup>

In acknowledging receipt, on February 8, 1859, Sir E. B. Lytton simply referred to his dispatch of November 16, which Douglas had not received at the time he forwarded the letter from Work and Mactavish, and, supplementing his previous instructions, asked for a report from the Chief Commissioner of Lands, Colonel Moody, through the Governor.<sup>5</sup>

Douglas replied at very great length on May 31, 1859, stating that he had called upon the officers of the Company to furnish details of the lands occupied by them previous to the immigration

(4) Douglas to Lytton, December 7, 1858. Quoted from *Papers relative to the Affairs of British Columbia*, Part II., London, 1859, p. 44.

(5) Lytton to Douglas, February 8, 1859 (Archives of B.C.).

of miners, and enclosing copies of the letter and tabulated list of properties which he had received in return. The tabulated list, which is printed in the appendix, was intended to indicate the conditions under which the various lands were held, and in particular whether each individual property (1) had involved outlay, (2) had been brought into cultivation, (3) was necessary for maintenance of existing stock and establishment, or (4) served for occasional pasture. "The lands thus claimed," Douglas noted, "have no connection with the Gold fields, none is used for Gold mining, nor is any part of the land known to be auriferous."

The reasons why the Governor considered that the claims of the Company merited specially favourable consideration are interesting:—

*First.* The Country West of the Rocky Mountains was previous to the Company's occupation held by Foreigners. The Company succeeded, but not without great exertion and heavy expense in gaining possession and holding it for Great Britain.

*Secondly.* The Company have incurred heavy pecuniary loss through the revocation of their exclusive rights of Trade in British Columbia nearly twelve months before the legal termination of the License under which they enjoyed the privilege. I am not entirely considering the losses which must naturally have resulted from the interruption to the ordinary pursuits of the Company, but more particularly, the losses which it has been represented to me they have sustained from special causes connected with and dependent upon their position in the Country.

For example, viewing their rights of Trade in the Country as exclusive, the Company justly conceived that Her Majesty's Government would hold them morally responsible for the safety of the mining population, and on that supposition, to my own knowledge, they made prodigious efforts, and spared no expense, even when prices ruled high, in laying in large stocks of food to meet the probable demand. In consequence of the opening of the Trade these supplies have been left on hand, and only a few days ago I was informed on the most credible authority that the actual loss incurred merely through the subsequent fall of prices was upward of Fifteen thousand pounds.

In the third place, Douglas reverted to the bearing which the whole question had upon the Company's claims in Oregon, and pointed out further that the Company in part based its claim to title

to the lands occupied by their establishments in British Columbia on the Treaty of 1846, wherein Her Majesty's Government, as well as the Govern-

ment of the United States, have recognized the title of the Company to land in Oregon.<sup>6</sup>

A report from Colonel Moody, Chief Commissioner of Lands, was enclosed by Douglas, who pointed out that Moody was in favour of recognizing the general principle of the Company's claims, with a suggestion that the lands claimed at Langley and Fort Hope should be curtailed in extent and an equivalent given at other places on Fraser's River. Unfortunately, the actual text of Colonel Moody's report is not available.

At this point in the negotiations a change took place in the Government of Great Britain and in June, 1859, the Derby administration was replaced by that of Lord Palmerston. Sir E. B. Lytton was succeeded at the Colonial Office by the Duke of Newcastle, under whose direction a copy of Douglas' report was forwarded to the Hudson's Bay Company on September 14, 1859, by the Under-Secretary of State for the Colonies, Herman Merivale. It was accompanied by a covering letter which indicated clearly the attitude of the new Colonial Secretary toward both the Company and its claims; and as this letter was to have highly important consequences, it merits quotation at some length. In part, Merivale wrote:—

Although fully participating in the wish expressed by his predecessor [Lytton] to deal liberally with those claims, his Grace [the Duke of Newcastle] feels himself nevertheless compelled to indicate certain principles which must guide him in reference to them.

He cannot allow (what the Governor [Douglas] appears to claim) that the Company stand in the position of land owners, with regard to all the soil which they may have partially appropriated, whether by clearing, fencing, pasturing stock, or even raising occasional Crops. The land so used was occupied by them without any title from the Crown in which the ultimate dominion over all waste land in the Colonies is vested: they could derive no right to it from anything contained in their license of trade: and mere permitted but unrecognized occupation in a region where no civil Government was established, cannot confer such a title.

But he holds them entitled in justice to be indemnified from all loss occasioned to them, (other than mere dispossession from an ownership which he does not recognize) through Government's resuming possession of land which they have improved, or on which their Capital has been in any way expended; and he would wish to see such indemnity carried into execution in a liberal manner whether in the form of land to which a title should be given, or in any other shape which may be agreed upon.

(6) For the full text of Douglas' dispatch and its enclosures, except the report from Colonel Moody, *see* H.B.C. Correspondence, Vol. 728, pp. 115-122.

According to the natural course of events, the Company fixed their establishments in the first instance at the spots which seemed most eligible for their trading interests: and the same spots have become, or will become, in the course of time, centres of population so that the soil immediately round their posts will acquire, or has already acquired, high value in the shape of Town lots. Such appears to be already the case at Fort Langley, and at Fort Hope. To recognize the right of the Company to profit, as land owners, by the enormous increase of value given by adventitious circumstances to land thus occupied without any original title would be to acquiesce in their enjoying an advantage to which his Grace cannot consider them entitled, and at the same time to interpose a serious obstacle to the natural progress of Settlement in such places. He must therefore direct the Governor to disallow claims of this character except for the actual sites of existing buildings; although willing to allow compensation for losses such as he has above described, and willing also to allow considerable latitude in effecting such compensation by grant of Country Lands in lieu of what may be thus resumed.

This object provided for, his Grace does not conceive that there would be much difficulty in dealing with the remaining claims in a manner at once satisfactory to the Company and safe for the public. In the case of Country Lands on which actual expenditure of Capital can be shewn, he would approve of their having property in such Lands granted to them, or else a fair compensation for surrender. The principle of exchange might also enter into the arrangement if desired. And in respect to the large tracts of land which are alleged to have been occupied by the Company's Stock, his Grace would entertain no objection to their receiving licenses of occupation, provided such licenses were guarded with proper precaution so as to become gradually terminable as the lands were actually required for purposes of sale.

Such are the principles of the arrangement which the Duke would propose: but it is obvious that they could only be applied in detail after enquiry on the spot. As there are obvious reasons against employing the Governor as Agent for the Crown in this matter (both from his public position, and from his former connexion with the Company) his Grace proposes to entrust this duty to Colonel Moody. He would be glad to be informed by the Directors whether they accede to the principles above laid down, and whether they are prepared to nominate any one to cooperate with Colonel Moody in making the necessary investigation and report.<sup>7</sup>

The tone of this communication was not at all to the liking of the Hudson's Bay Company; and in a reply, dated October 6, 1859, Governor Berens contended that the principles outlined could be applied with justice only to the lands acquired subsequent to 1846, and once more insisted that the Company's land

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(7) Merivale to Berens, September 14, 1859. (H.B.C. Correspondence, Vol. 728, pp. 113-115.)

claims in British Columbia were on a par with those in Oregon, which the British Government had itself recognized when negotiating the Oregon Treaty. In further support of this contention, Berens referred the Colonial Secretary to a report made in 1854 by the Law Officers of the Crown to the Earl of Clarendon, the then Foreign Secretary, which considered at great length the Oregon claims in question and included the following important decision which, in the opinion of the Company, had a direct bearing upon its analogous claims in British Columbia:—<sup>8</sup>

In the vocabulary of conventions and treaties the term "possessory rights" is well known and has long exercised and borne a clear and well understood meaning. It refers to the enjoyment of land and the incidents thereof, and when used as in the 3rd Article of the [Oregon] Treaty its meaning is that possession and absolute property shall be considered and treated as identical, and that whatever lands tenements or territorial franchises the Company, being the privileged party, is found to be in the actual *de facto* enjoyment of, they shall be considered as *de jure* entitled to, and the same shall be guaranteed to them accordingly.<sup>9</sup>

The assumption of this attitude by the Company made the decision with reference to lands in British Columbia as much a matter of law as of negotiation, and, presumably for this reason, the Duke of Newcastle now referred the whole subject to the Government Emigration Board.<sup>10</sup> Early in December a meeting took place between the Emigration Commissioners and the Directors of the Company, but it quickly became evident that no settlement could be reached by negotiation, in view of the wide divergence of opinion existing between the Government and the Company. Resort to the law thus became unavoidable, and the circumstances were well summarized by Herman Merivale in a letter to Governor Berens dated December 30, 1859:—

His Grace [the Duke of Newcastle] is informed that the Directors consider themselves to have a legal claim to a large part at least of the Lands so occupied, and that they are not inclined to enter into any compromise except on the basis of receiving pecuniary compensation for their Lands as Owners.

The Duke of Newcastle is advised on the other hand that the Company has no such Title, and, as it is plainly impossible to arrive at any conclusion

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(8) Berens to Newcastle, October 6, 1859. (H.B.C. Correspondence, Vol. 728, p. 124.)

(9) Quoted from H.B.C. Correspondence, Vol. 728, p. 168.

(10) S. Walcott, Secretary of the Board, to Berens, November 25, 1859. (H.B.C. Correspondence, Vol. 728, p. 140.)

while so material a difference of view continues to exist, he concurs in the opinion, which he understands to be also that of the Directors, that it would be desirable to obtain an authoritative decision on the subject from the Judicial Committee of the Privy Council with as little delay and expense as possible.<sup>11</sup>

This proposal was accepted by the Company, and on January 16, 1860, Berens forwarded to the Duke of Newcastle the lengthy brief which the Company proposed to submit to the Judicial Committee in support of its land claims in British Columbia.

This brief commenced with a recital of the steps which had led up to the amalgamation of the North West Company with the Hudson's Bay Company in 1821, and the issuance on May 30, 1838, of a fresh licence to the Hudson's Bay Company alone, giving it the exclusive privilege of trading with the Indians in the territories in question for a period of twenty-one years. It then continued:—

The Hudson's Bay Company under these circumstances extended considerably their various establishments in the North West Territory and as the District in question was one which offered no inducements for Settlers except in connection with the Fur Trade the only occupants were either the Indians who were engaged in the pursuit of the wild fur bearing animals or the representatives of the Hudson's Bay Company who occupied the Posts and Stations and carried on the Fur Trade with the Indians.

It may be right to mention that in carrying on this trade it was necessary to provide both food and accommodation for a large number of persons as well as space for the collection of the Furs and in many instances accommodation for the Indians, and in this manner the Hudson's Bay Company became the possessors of numerous Forts and Stations with such land surrounding them as it was found necessary to use for the purposes of the Trade.

In the progress [process] of carrying on the Trade by the Hudson's Bay Company it was found desirable to embark a considerable Capital in purposes purely Agricultural and as it was doubtful whether the Hudson's Bay Company could properly apply their Capital to such purposes, an independent Company called the "Puget's Sound Agricultural Company" was formed towards the close of the year 1840 for simply agricultural purposes. This Company acted in concert with the Hudson's Bay Company and may be considered as a species of offshoot from it, and with a view to carry on its operations the representatives of the Company also took possession of large tracts of land which from the nature of the soil were suited to Agricultural purposes—whereas in the choice of the localities for establishing Forts and Stations, the Hudson's Bay Company necessarily had more reference to the habits of the Indians and the districts which they frequented.

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(11) H.B.C. Correspondence, Vol. 728, p. 147.

Then followed a summary of the terms of the Oregon Treaty of 1846, and in particular the property rights it recognized, together with a reference to the 1854 ruling of the Law Officers of the Crown upon the question of possessory rights which has been quoted above. The differentiation between lands and establishments acquired before and after 1846, to which the Company attached such importance, was dealt with in three short paragraphs:—

It should be mentioned that after the Treaty of Oregon the Hudson's Bay Company had expended a considerable amount of money in endeavouring to find a route through the British Territory independent of the Columbia River—both the Shores of which were by the Treaty ceded to the United States and they succeeded in establishing a route through the Interior of the Country but not without much trouble danger and expense.

For the purposes of making this new route available it was necessary to establish relays of Posts where provisions and supplies might be provided and the large bands of horses foraged and pastured and they also took possession of land for the purpose of raising potatoes and grain and for other uses of a like nature.

A distinction therefore will probably be drawn between lands so recently acquired for purposes of a somewhat temporary character and those which had been long before in the possession of the Company in connection with the trade which they were carrying on under the Licenses granted to them by the Crown.

The brief concluded as follows:—

In this state of things, the Hudson's Bay Company contend that their rights to the land, buildings, &c., possessed by them in that part of the North West Territory which was found to belong to Her Britannic [Majesty], must stand upon at least an equally good footing, as their rights in those parts of the Territory which was proved to belong to the United States. The Oregon Treaty distinctly recognizes the property possessed by the Puget's Sound Agricultural Company as being property belonging to them, and the rights of the Hudson's Bay Company to the lands and property possessed by them, as equally recognized. There is no distinction whatever between the nature and extent of the rights of the two Companies, to the lands acquired by them respectively in the North West Territory. At the respective times when the Hudson's Bay Company took possession of the lands they now claim, and erected Forts and Stations on that Territory they had no means of knowing what might prove to belong to the United States or to His Britannic Majesty's Government, indeed at that period the whole was claimed on the part of His Britannic Majesty; and they submit therefore, that the same rule which the Government of Her Britannic Majesty has by treaty laid down for securing the rights of the Hudson's Bay Company in the part of the Territory, ceded to the United States, must govern the rights of that Company in regard to the land now in question.

As already stated with respect to the land that was acquired, and the outlay that was made, subsequent to the treaty of Oregon, they are satisfied to be compensated in respect of them on the footing laid down in the Letter of Mr. Under-Secretary Merivale of the 14th September 1859.<sup>12</sup>

Over a period of approximately a year the whole question now lay more or less in abeyance. Occasional letters passed between the Company and the Colonial Office, but the proposal to refer the dispute to the Judicial Committee of the Privy Council, for some reason, was not carried into effect. In the end it was the pressure of events in British Columbia itself which brought the matter to a head.

As early as May, 1860, the Company complained to the Duke of Newcastle that measures adopted by Governor Douglas were operating in a manner felt to be most unjust to its trading interests. The first point in dispute concerned the imposition of customs duties; but by the end of the year other causes of friction had arisen, and on January 4, 1861, Berens addressed a long letter of protest to the Duke of Newcastle. The most important charge advanced by the Company was that Douglas, in spite of the fact that no settlement had been reached on the lands question had

actually put up for sale not only the lands which he had himself staked out in 1858 as belonging to the Company but actually some of the Buildings upon them; and the Company have been called upon to remove those Buildings, with a threat that if they did not do so the Buildings would be pulled down.

This line of conduct is so extraordinary, [Berens wrote] and, as I conceive, so unwarranted, and so completely at variance with the understanding which had been come to with Her Majesty's Government that all the lands claimed by the Company should remain untouched until their rights to them had been settled one way or the other that I do trust your Grace will lose no time in directing the Governor to suspend proceedings of this description and not to interfere in any way with the lands claimed by the Company and which he had himself described as being in the possession of the Company until it is settled whether they are entitled to hold them or not.<sup>13</sup>

Subsequent letters from the Company and from Governor Douglas indicate that the chief cause of complaint arose from the surveying and sale of lots on the townsite of Yale. A. G. Dallas, agent for the Hudson's Bay Company at Victoria (and, incidentally, a son-in-law of Governor Douglas), declared that Doug-

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(12) For the complete text of the brief, see H.B.C. Correspondence, Vol. 728, pp. 164-185. For Merivale's letter see *supra*.

las had not only arbitrarily deprived the Company of its land reserve at Yale, with the exception of one lot in the new townsite, but had actually run a wide street through a warehouse which had been erected under Douglas' own directions as recently as the fall of 1858.<sup>14</sup> In reply Douglas, through the Colonial Secretary of the Colony, W. A. G. Young, contended that Yale had been abandoned by the Company as a trading-post for a number of years, and had been reoccupied only after the commencement of the gold rush, in the spring of 1858. He advanced much the same argument with regard to the way in which lands claimed by the Company at Derby (Old Fort Langley) had been dealt with, respecting which complaints had also been lodged against him by Dallas.<sup>15</sup> Trouble also arose in connection with the new townsite at Hope, but it is unnecessary to discuss this or the other problems in detail.

The important points with reference to the controversy are two. First, Douglas was backed up at every point by the Duke of Newcastle, who must have been amused to find Douglas cast in the unfamiliar rôle of an oppressor of the Company which he had served for so many years. In the second place, whether or not what Douglas had done was just or unjust, it was apparent that force of events and circumstances had compelled him to take action of some sort. In other words, it was clearly evident that the time had come when a settlement of some kind with reference to lands in British Columbia was imperative, alike from the point of view of the Company and of the British Government.

Douglas himself stated as much, and proposed a definite basis of settlement, in an important dispatch to the Duke of Newcastle, dated at Victoria May 6, 1861:—

Victoria, Vancouver Island,  
6th May, 1861.

My Lord Duke,

I trust your Grace will not deem me importunate in again bringing before your notice the subject of the claims of the Hudson's Bay Company to lands in British Columbia. The inconvenience of those claims being still unsettled or even any basis of settlement determined upon, is daily more felt,

(13) H.B.C. Correspondence, Vol. 729, p. 53.

(14) Dallas to Douglas, November 8, 1860. (H.B.C. Correspondence, Vol. 729, p. 63.)

(15) Young to Dallas, December 5, 1860. (H.B.C. Correspondence, Vol. 729, pp. 67-69.)

and in proportion with the delay so will the difficulty of a final adjustment be increased, the more especially as the Agents of the Hudson's Bay Company, presuming upon the provisional concessions made by this Government in reserving quantities of land to meet their claims if confirmed by Her Majesty's Government, will affect, and in truth, already do affect, to regard as a right what was simply intended as an act of consideration and courtesy, for I am not aware that, otherwise, it was incumbent upon this Government to step in between the Hudson's Bay Company and the public to reserve to the former more than what they had actually enclosed and actually occupied.

I do not forget that the subject is one involving many considerations, and one with which Her Majesty's Government may have some difficulty in dealing, from the very general character in which the claims are preferred, and it therefore may not be out of place for me to submit a few remarks which, perhaps, might assist Her Majesty's Government in disposing of the question in a manner at once equitable to the Hudson's Bay Company and to the Colony, or at all events which might establish a basis of settlement that would be of material assistance to us here, in dealing with many of the complicated cases which are frequently arising in connection with the Company's claims, more especially at Yale and Hope.

The grant made by Her Majesty's Government of the exclusive right of trade on the Western coast of North America was a valuable privilege which the Hudson's Bay Company enjoyed for many years, but the Charter contains no provision granting the fee of the soil to the Hudson's Bay Company, or agreement for compensation upon the expiration of the grant. Such being the case the Hudson's Bay Company can have no legal claim founded on the Charter to free grants of land in British Columbia.

Her Majesty's Government may, however, be of opinion that the Hudson's Bay Company have claims to consideration in consequence of the abrupt termination of the Charter of 1858, soon after and by reason of the discovery of Gold in British Columbia.

The Charter it is true legally expired within a few months of its revocation, but it might have been renewed, had it not been for that circumstance.

Should Her Majesty's Government be disposed to take this liberal view of the position of the Hudson's Bay Company, and the Despatches which I have had the honor to receive upon the subject lead me to such a conclusion, I would take the liberty of recommending, on that ground *solely*, the transfer in fee to the Company of all places occupied by existing Forts or Posts and necessary for carrying on the business of the Company, together with any fields or gardens *actually enclosed* by fences and under cultivation, provided however that no such grant should exceed 100 acres of country land at any one place,—except at New Langley and Kamloops, where the Company have a large number of Cattle and Horses, and where the grant might be increased to 500 Acres;—but in towns the grant should be restricted to building lots actually occupied by the Company's business Houses; at Yale, for instance, to the Town lots at present occupied by their dwelling and store Houses, and at Hope to the site of their Buildings and to the adjacent corral.

Having received invariably so much consideration and favor from Her Majesty's Government the Hudson's Bay Company have no real claim to privileges other than would be conceded to their fellow subjects, and it cannot be required in equity or in sound policy that they should have a gift made to them of town or country land for the mere purposes of sale. They cannot want more than I have here suggested for business purposes.

They could only utilize larger tracts of land by speculating on its resale at a high price, as they have done and are now daily doing at Victoria, and however anxious Her Majesty's Government, as well as myself, may be that the most liberal consideration should be accorded the position of the Company, still the interests of the Colony are undoubtedly pre-eminent and must be so regarded.

If Her Majesty's Government approve of what I herein submit, either as a settlement, or as a basis of settlement, I will, under their instructions, carry the same into effect by marking out the several Establishments and the Lands appertaining to each, both in towns and in country places. This will have the effect of removing many difficulties and embarrassments now existing in respect to lands claimed by other individuals, and it will bring the question to a decision; and should the Hudson's Bay Company consider they have further legal or equitable rights of claim, they will be at liberty, like other of Her Majesty's subjects to appeal to the civil courts of the Colony.

I have, &c.,

(Signed) James Douglas.<sup>16</sup>

His Grace

The Duke of Newcastle  
&c., &c., &c.

This dispatch had the effect of bringing the question to the fore, and on August 9 the Colonial Office transmitted to the Company the general terms of Douglas' proposals and invited comment and suggestion thereon.<sup>17</sup> In a conciliatory reply to the Duke of Newcastle, dated August 27, Governor Berens accepted the proposed basis of settlement, with certain reservations and subject to agreement on matters of detail. He enclosed for the information of the Colonial Secretary a detailed *Memorandum in regard to the Company's claims in British Columbia*, which had been prepared by A. G. Dallas, who had just arrived in London from Victoria. This *Memorandum*, the text of which is printed as an appendix to this article, indicated what Dallas regarded as the minimum land requirements of the Company at

(16) Quoted from a photostat copy of the original letter-book copy in the Public Archives of Canada, Ottawa.

(17) C. S. Fortescue, Parliamentary Under-Secretary of State for the Colonies, to Berens, August 9, 1861. (H.B.C. Correspondence, Vol. 729, p. 116.)

its various posts and stations, and considered these requirements in relation to the Douglas plan of settlement. It became in effect the basis for negotiations between the Emigration Commissioners, who continued to act in the matter for the Government, and the Hudson's Bay Company, and the final *Memorandum of Agreement* which resulted from these negotiations followed its terms very closely.

This agreement, which was reached on October 11, 1861, was accepted by the Duke of Newcastle on November 2<sup>18</sup> and by Governor Berens on November 7,<sup>19</sup> with the result that the long-standing dispute over lands in British Columbia, which had dragged on for no less than three years, was at last brought to a close.

The text of the final memorandum follows:—

MEMORANDUM ON THE BRITISH COLUMBIA LAND CLAIMS.

Emigration Commission

11th October 1861

*Memorandum*

At an interview this day between Mr. Walcott (on the part of the Emigration Commissioners) and Mr. Dallas (on the part of the Hudson's Bay Company) accompanied by Mr. Maynard, the Company's Solicitor, the basis proposed by Governor Douglas in his Despatch to the Duke of Newcastle of 6th May 1861, and Mr. Dallas' Memorandum thereon dated 15th August 1861, for settling the Land claims of the Company in British Columbia, were discussed in detail; and the following arrangements, should the Secretary of State approve them, were assented to by Messrs. Dallas and Maynard in final Settlement of those claims.

The Governor to be instructed to convey as promptly as possible, to the Company in fee simple, and in full discharge of all their Land claims in British Columbia, the sites of the several Forts or Posts and quantities of Land specified below. Should any differences arise as to the sites, shape of blocks, boundaries, quantities or value of Land, or as to what are to be deemed improvements, enclosures or occupation of the Lands by the Company or otherwise connected with this present arrangement the same are to be determined by Arbitrators appointed beforehand, one by the Government

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(18) T. F. Elliot to Berens, November 2, 1861. (H.B.C. Correspondence, Vol. 729, p. 138.)

(19) Berens to Newcastle, November 7, 1861. (*Ibid*, p. 147.)

and the other by the Company with an Umpire to be chosen also beforehand by the Arbitrators. The decisions of these Arbitrators in all cases to be final and binding.

1. *New Fort Langley.*

The actual Site of the Fort (stated by Mr. Dallas to be about 2 acres) with all surrounding Buildings and Enclosures, or actually cultivated or ploughed lands, but not exceeding in the whole 200 acres, and at Langley Farm (about 1 mile distant from the Fort's site) a quantity of Land not exceeding 500 acres. But the Company is to have the option of purchasing at 4s. 2d. per acre at Langley Farm (in addition to the 500 acres) any quantity of the surrounding Land which may have been enclosed, cultivated, or ploughed, or sown with grass, not exceeding 1500 acres. This option to cease if not exercised within six calendar Months of notice from the Governor to the Company's Agent to select the Lands.

2. *Fort Hope.*

The actual site of the Fort, the enclosed Paddock in rear of the Fort, the space in front between the Fort and the road, and a space of 50 feet wide running along the lower side of the Fort and Paddock, from the road in front to the rear of the Paddock, the whole quantity of Land at Fort Hope, not to exceed 5 acres. In addition thereto a quantity of suburban land not exceeding 5 acres, the site to be determined in the Colony.

3. *Fort Yale.*

Lots 1 to 5 both inclusive (60 feet by 100 feet each) as marked on the Colonial Official Plan, including and adjoining the Company's Warehouse, which stands on Lot 4. These Lots abut on the Main Street and face the River Fraser. Should the Company be required by the Governor to remove their Warehouse now encroaching on the Street, the expense (to be determined by Arbitration as herein provided for) to be allowed them in Land.

4. *Old Langley or Derby.*

Site of Salmon Store and Wharf; and Land adjoining not to exceed 2 acres in all.

5. *Kamloops.*

Actual site of the Fort and a quantity of Land there not exceeding in all 600 acres, to be taken in not more than three separate blocks.

6. *Alexandria*, and other Posts in

the North, viz:

Fort George  
 Fraser's Lake  
 Stuart's Lake  
 McLeod's Lake  
 Conolly's Lake  
 Babines  
 and  
 Chilcoten

} Not exceeding 100 acres  
 of Land at each.

And a quantity not exceeding 100 acres each around such other Posts in the North (the total number not to exceed five) as may be in the actual occupation of the Company.

7. *Fort Dallas*.

A quantity of Land not exceeding 50 Acres.

8. *Fort Berens*.

A quantity of Land not exceeding 50 Acres.

9. *Fort Shepherd*.

The actual site of the Fort and a quantity of Land around it not exceeding 100 acres.

10. *Fort Simpson*.

The actual site of the Fort with a belt 100 feet wide surrounding it, together with all actual enclosures or isolated buildings and cultivated ground; but the whole not to exceed in quantity 100 acres.

*Clause 3.* Should any of the Lands intended by this Memorandum be conveyed to the Company be found to have been irrevocably alienated (not merely leased with power of determining the Lease) the value to be determined by Arbitrators as herein provided for and an equivalent credit to be given to the Company in the purchase at the usual Government rates of the day of other Town Lots or Suburban or Country Land.

(Sd.) S. W[alcott]

A. G. D[allas]

At this point it is interesting to note that, apart from the urban lots, provision was made in this agreement for grants aggregating 2,802 acres, whilst the claim of the Company's officials at Victoria, forwarded by Governor Douglas on May 31, 1859, applied for no less than 98,225 acres. When the grants were ultimately made by conveyance, the aggregate acreage actually received was still further reduced to 2,247.

Another period of eighteen months elapsed before the first free grant was made pursuant to the terms of this agreement. That conveyance was only five town lots on the townsite of Yale, including the site of the Company's warehouse there. The date was May 18, 1863. Other townsite lots at Hope, Seymour, and Savona's Ferry were conveyed in 1864 and 1867.

The first grants to include agricultural lands were completed for fort and farm lands at Langley, on April 12, 1864. These included the old fort site of 2 acres, the new fort site of 200 acres, and two parcels of agricultural lands, 500 and 1,500 acres respectively. These were conveyed, the Crown grant shows, "under authority of His Excellency the Governor."<sup>20</sup> Just why that notation should have been made is not clear, unless it be that the memorandum of October 11, 1861, provided that the grant for Langley Farm was not to exceed 500 acres, with the option of purchasing at 4s. 2d. per acre "any quantity of the surrounding land which may have been enclosed, cultivated, or ploughed, or sown with grass, not exceeding 1500 acres." The memorandum provided further, it will be recalled, that this option would cease if not exercised within six calendar months of notice from the Governor to the Company's agent to select the lands.

For lands at Kamloops the first conveyance to the Company was dated November 14, 1868, and was in completion of purchase of 1,954 acres, known as the hay meadows, situated on both the north and south sides of the lake.<sup>21</sup> No specific provision had been made in the memorandum for the acquisition by purchase of such an additional area.

The free grants in conformity with the terms of the memorandum were issued on December 18, 1869, and covered 270 acres for the second fort site on the north side of the Thompson River, 130 acres for the third fort site on the south side of the river, and an additional 200 acres, known as the Dairy Farm, situated about six miles north of the fort, on the west side of the "North River."<sup>22</sup> These were strictly in accordance with the memorandum, which provided for the "actual site of the fort and a

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(20) Crown Grant Register, New Westminster Land District, Group 2.

(21) Crown Grant Register, Lytton Land District, Group 2.

(22) *Ibid.*

quantity of land there not exceeding in all 600 acres, to be taken in not more than three separate blocks.”

It is interesting to note that while negotiations were still in progress between the Company and the Colonial Office, a claim was advanced on behalf of the Company in a rather unusual way, in 1860, by Donald McLean, Chief Trader at Kamloops, evidently by way of application to pre-empt land in the name of the Company. McLean's letter was addressed to H. M. Ball, the Assistant Gold Commissioner at Lytton, and read in part as follows:—

I have been authorized by A. G. Dallas, Esquire, to claim and take possession of Ten Miles square of land for and on behalf of the Hudson's Bay Company, the same having been granted to the said Company by the Government for the pre-emptive right of Trade in this District.

I think it is my duty to address you relating to the foregoing matter, understanding some arrangements are about to be entered into relative to Indian Reserves.

St. Paul, alias J. Baptiste Lolo, has been allowed to establish, pro tempore, and cultivate a portion of land on the east side of the North River. The said land was purchased originally from the Chief of the Aborigines by the Hudson's Bay Company's agent in this District. The land was not given to St. Paul by deed of gift. He was merely permitted to cultivate the same by favour until such times as the Company, by their agents, should again demand it, and as the aforesaid St. Paul, alias J. B. Lolo, has been nearly the whole time a paid servant of the Hudson's Bay Company receiving a salary and rations for himself and his family.

I trust therefore that he will not be considered as having any pre-emption right, should he lay claim to such either in person or by an agent.<sup>23</sup>

In forwarding this communication to Colonel Moody, Chief Commissioner of Lands, at New Westminster, Mr. Ball commented:—

I have the honour to forward the enclosed letter received from Mr. McLean at Kamloops and to request that instructions may be sent me respecting the claim therein mentioned, as I am not authorized by His Excellency's Proclamation on Pre-emption to record such an extent of land.

With respect to the land mentioned in the letter of Mr. McLean, which has been occupied by the Indian Chief St. Paul, it was many years ago the site of the old Hudson Bay Fort but was abandoned when the Fort was transferred to the opposite side of the River. Since which time the old Fort has been occupied by St. Paul and the neighboring land cultivated by him and therefore I should consider that it ought to be regarded in the light of an Indian Reserve.<sup>24</sup>

(23) Donald McLean to H. M. Ball, March 12, 1860. (Archives of B.C.)

(24) H. M. Ball to Colonel Moody, March 24, 1860. (Archives of B.C.)

The suggestion of the Gold Commissioner was later brought into effect by the establishment of an Indian Reserve, on October 26, 1862, by William G. Cox, covering an area extending for 6 miles north along the North River and 12 miles eastward along the Thompson River, but this area was later revised and greatly reduced upon two occasions.

This tract of 10 miles square was included also in the memorandum of the Company's officials at Victoria, forwarded by Governor Douglas on May 31, 1859. The claim is interesting inasmuch as it apparently embodies an effort by the Company to reinforce its claim by way of an application to pre-empt an area greatly in excess of that permitted under the regulations governing the same. The exact location of the land is difficult to determine, apart from the small holding occupied by Lolo St. Paul, on the site of the original fort, on the east side of the North River.

After the completion of the conveyances already noted the consummation of other negotiations was delayed somewhat, and over a period of thirty years, between 1869 and 1899, only five grants were made to the Company. These were the Similkameen River post, east of the present town of Keremeos, 500 acres by purchase in 1879; Fort Simpson (now Port Simpson), 100 acres in 1883; Fort McLoughlin and the post at the mouth of the Bella Coola River, 100 acres each in 1890; and Fort Shepherd (south of the present city of Trail), 100 acres in 1891.<sup>25</sup>

The procedure followed at Fort McLoughlin and Bella Coola varied from the general policy of making grants to the Company as the primary grantee. At each of these posts, the Company having sold its trading business to John Clayton, its representative there, its land interests were also transferred to him on April 21, 1890. Clayton, in making application for issuance of Crown grants in his own name, arranged to acquire an additional area at each post. At Fort McLoughlin the area was increased by application to purchase an additional 50 acres, while at the mouth of the Bella Coola the area was increased to 167 acres.

Clayton had evidently expected developments at Bella Coola to turn out as they did, for on September 11, 1888, he made

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(25) Records of these grants may be found in the Crown-grant Registers for the respective land districts: Osoyoos; Range 5, Coast; Range 3, Coast; and Kootenay.

application to purchase 171 acres adjoining the Hudson's Bay Company's lands to the west, and also to purchase another 61 acres a short distance westward, on North Bentick Arm. The Crown grants to these latter parcels were issued to Clayton on August 20, 1890—just a week after the grants to the Company were honoured by the issuance of title deeds in Clayton's name.

Of the properties for which free grants were made in 1899 and 1900, there remain to-day in the possession of the Company the sites of the posts at the forks of the Chilcotin, 100 acres; Fraser Lake, 100 acres; McLeod Lake, 99 acres; Babine Lake, 99 acres; Stuart Lake, 100 acres; Hudson's Hope, 7 acres; Fort St. John, 29 acres (in two parcels); and Fort Nelson, 11 acres.

Fort St. James, on Stuart Lake, was at one time the administrative centre for New Caledonia, and therefore it was natural that the Company should make application to purchase land additional to the allowance for the fort site. Accordingly the Crown grants for the two parcels at this post conveyed in all 212 acres, inclusive of the fort site of 100 acres.

Free grants were also made in 1900 for Fort Berens (Lillooet), 52 acres, and Fort George, 100 acres. These and the urban sites for which grants were received prior to 1899 were disposed of, thus leaving in the possession of the Company only eight sites for which grants had been received in 1899 and 1900.

In the lists given there is the notable omission of Fort Alexandria, the northern terminus of the brigade trail, where supplies were transferred from pack-animals to river-boats and canoes. In that instance the Company executed a quit claim of its rights, and John S. Twan, after recording a pre-emption, on May 8, 1895, obtained a Crown grant of 109.5 acres covering the original site of the fort. Thus passed to private ownership one of the most historic posts of the Company. Across the Fraser River and slightly to the south an area of 400 acres, known as the Hudson's Bay meadows, also passed to private ownership by Crown grant in 1902.

There were two other posts mentioned in the memorandum of October 11, 1861, as Fort Dallas (2½ miles south of Lytton) and the post on Connolly's Lake, but for neither of these does a Crown grant appear to have been issued to the Company.

TABULAR STATEMENT OF LAND IN BRITISH COLUMBIA HELD BY THE HUDSON'S BAY COMPANIES.

At what place, and explanatory description of Land.	I Involved Outlay	II Brought into Cultivation.	III Necessary for the maintenance of existing Stock of Establishments.	IV Served for Occasional Pasture
<p>Old Fort Langley (Being part of the Town as now surveyed, or 6 Half Blocks, Nos. 3, 4, 13, 14, 23, 24 in all 60 Lots. The whole of the cleared land at Old Langley claimed by the Hudson's Bay Company as having been cleared and occupied by them. This Land was surveyed and sold by Government against the remonstrances of the Officers of the Company and the portion stated above being inferior in position, is now claimed as only a portion of what they consider they are entitled to.)</p>	9 Acres			
<p>New Fort Langley and adjacent farms. Point at the Forks of Smess River. Point at the Forks of Harrison's River.</p>	50 Acres 20 Acres	10 Square Miles		
<p>Fort Hope with cleared land adjoining especially Block No. 1 on Official Map of the Town which encroaches on the Fort.</p>	640 Acres			
<p>Fort Yale—portion marked Reserve, and Block No. 17 on Official Map of the Town</p>	6 Acres 60 Acres			
<p>Fort at Kamloops, with lands adjoining (Known as Thompson's River.)</p>	50 Acres 60 Acres	10 Miles Square		
<p>Fort Berens Fort Shepherd with adjoining lands (On the Columbia River.) Fort in the Kootenais Country (if North of 49th. Parallel.)</p>	5 Miles Square			
<p>The various Posts in New Caledonia Viz., Fort Alexandria—3400 Acres Fort George — 640 do Fraser's Lake — 1280 do Stuarts Lake — 1280 do McLeod's Lake — 640 do Conolly's Lake — 640 do 7 Babines — 640 do 8 Chilcoteen — 640 do</p>		5 Square Miles 1 " " 2 " " 2 " " 1 " " 1 " " 1 " "		
<p>and for other points along the route from Fort Hope to Thompson's River and New Caledonia, not permanently occupied, but improved by the sowing of Grass seed, and for making roads, a compensation of Five thousand dollars</p>				
<p>Fort Simpson with lands adjoining Fort McLoughlin</p>	600 Acres	600 Acres		

Fort William—8th June 1869.  
(Sd.) A. G. Dallas. President of Council.

## APPENDIX II.

MEMORANDUM IN REGARD TO THE COMPANY'S CLAIMS IN  
BRITISH COLUMBIA.

The basis of Settlement proposed by Governor Douglas, is I need hardly observe, very different from the views he expressed in 1859—but as the Company are desirous of coming to a settlement of the question I think the following propositions might to a certain extent meet their views, and I do not think they can be considered unreasonable on the part of Her Majesty's Government.

The positions of most value to us, are those at Langley, Hope and Yale.

The first named embraces our finest farm; and I would propose that we be confirmed in the actual Fort site, and all outside buildings and enclosures, or actually cultivated or ploughed lands—together with sufficient space, say at least 60 to 100 feet round the Fort pickets, and a less extent round isolated buildings, to guard against fire, and for other necessary purposes. Also at Langley Farm, distant over a mile in the interior—all our buildings and lands actually fenced, or which have been reclaimed and under the plough. This claim will exceed 500 acres. Should it be denied, I would then propose that we be allowed the right of purchase of all or any portion of our claim at the fixed price of country lands in the Colony. Any extra value attaching to the lands has been caused solely by the labour and Capital expended on them by the Company.

At Fort Hope our claim is embraced solely in the Town site. I would propose that we be confirmed in the actual Fort site, with a space of at least 60 to 100 feet all round, and the small enclosures in front and rear—together with Five acres of suburban land. The above is no more than we require for the purposes of our trade, as all our interior brigades rendezvous at Fort Hope.

At Fort Yale I would propose that we be confirmed in the land within the limits actually staked out by Governor Douglas himself, and partially fenced, in 1858, together with actual expense of removing our warehouse should we be required so to do. Failing the above, I would demand at least five town lots of 60 x 100 feet each including and immediately adjoining our warehouse, but, exclusive of the lot covered by Mr. Allard's house, and which he purchased at Government sale.

At Old Langley or Derby, I should be satisfied with the site of our Salmon Store and Wharf, with a moderate portion of ground adjoining, there being no enclosure, and compensation in money or land for the site of Derby, which was cleared and reclaimed by the Company at heavy expense, and subsequently sold by Government and ultimately abandoned as a Town.

At Kamloops I should be satisfied with the Fort site and 500 acres of our lands immediately round the Fort, and at the horse guard farm. By this I mean that we are not to be compelled to take our 500 acres in one block, but in two or more different localities where we at present occupy farms. To this I anticipate no objection on the part of the Colonial Government.

At Alexandria and other Posts in the North, a limit of one hundred acres at each, is not sufficient to maintain our establishments, horses, cattle &c., but as the land is of little value, and not likely to be purchased over our heads, I would not contend against Governor Douglas' proposition.

At Fort Berens, Fort Dallas and other points where we have claims, and houses in isolated positions, or felled and squared timber ready for building, but no actual enclosures, I would propose that we be confirmed in a small quantity of land at each post, sufficient for ordinary purposes. This matter could easily be adjusted at New Westminster, where plans and maps of all the Country may be referred to.

At Fort Simpson I would stipulate for the actual Fort site, with at least 100 feet surrounding it, to protect us against fire and Indians. As also all our enclosures or isolated buildings and cultivated ground. The whole will not amount to 100 acres.

In every instance, as at Fort Langley, I would stipulate for the right of purchase, at the minimum price, of all or any portion of our claims. In this we ask nothing more than priority of choice over lands occupied and made accessible by us. Governor Douglas has frequently asserted that he has not encroached upon, or alienated, any of our claims, and no difficulty need arise on this head.

Some modifications must necessarily be made as several valuable portions of our various claims, including actual buildings and fenced lands, have been alienated beyond recall. The adjustment of such differences might, however, be left to parties on the spot—say the Commissioner of Lands and works on the part of the Government, and one or more members of the Board of Management at Victoria on our part. I would strongly urge that this adjustment be at once made, as our lands are being more and more encroached upon, rendering a solution more difficult.

At Yale, with the exception of the lot upon which our warehouse stands, all the available and valuable portion of our claim has been alienated. At some of our posts an equivalent value (not quantity) might in similar cases be substituted; but at Yale the amount of our business, danger of fire, and consequent necessity of isolation, absolutely require that we be confirmed in at least four contiguous Town lots, say two facing the water, irrespective of Mr. Allard's house. The occupiers of the lots alienated hold them on what are called leases, subject to restoration to Government when called for.

The above remarks will I trust be found sufficiently clear to enable the Board to understand the points which are considered essential to the Company, in the Settlement of the question.

(Signed) A. G. Dallas.

Nairn 15th August 1861.

## THE NEGRO IMMIGRATION INTO VANCOUVER ISLAND IN 1858.\*

California was from the beginning a free State. Its constitution provided that there should be no slavery within its boundaries. Its population was a heterogeneous collection of adventurers from every State in the Union and every nation of the globe. Its people were more interested in placer than in politics. This does not imply that they were not concerned with public matters, but merely that the pursuit of the yellow root of evil occupied the centre of their activities.

In 1850 and in 1851 the State Legislature had taken what appear to have been its first steps against the negro. By these Acts negroes were disqualified from giving evidence against white persons. It speaks well for the general standard of honesty that these statutes did not create or at any rate encourage a condition of lawlessness; for their effect was to deprive the negroes of the ability to protect their property from spoliation by the white man. From time to time attempts were made, but unsuccessfully, to effect a modification of this law. "It is maintained in force," said the *Daily Evening Bulletin*, San Francisco,<sup>1</sup> "simply because a class of our people were brought up in states where negroes were not allowed to testify, not because they were negroes, but because they were slaves, and their vehement adherence to the prejudices of their birthplace has infected the popular mind."

In 1852 the Legislature passed a Fugitive Slave Act,<sup>2</sup> providing for the arrest of any slave found in the State who might have escaped from his master. It authorized any Judge, upon oral evidence or other satisfactory proof, to issue a certificate upon which the fugitive slave could be returned to servitude, but he must be removed from the State. It contained a provision that "In no trial or hearing under this Act shall the testimony of such alleged fugitive be admitted in evidence."

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\* A paper read at the May, 1935, meeting of the Royal Society of Canada. Reprinted by permission from the *Transactions* of the Society, Section II, 1935, pp. 145-156.

(1) December 21, 1857.

(2) Chapter 33 of Acts, 1852.

*British Columbia Historical Quarterly*, Vol. III., No. 2.

The negroes of the State in convention in Sacramento in 1856 denounced without avail these prohibitions against their giving evidence, which left them without the means of protecting their property, persons, or liberty, and placed them in the same position as criminals. The feeling of injustice is deepened when it is recalled that the negroes of the State, in 1857, owned taxable property of the estimated value of about \$5,000,000.<sup>3</sup> In voting upon the constitution of Oregon as a State, in 1857, its people had resolved that free negroes be excluded. This gave the *Evening Bulletin*<sup>4</sup> the opportunity to remark: "It is much better to keep them away than to let them come, and deprive them of all civil rights and the power of defending themselves or their property as is done in this State." In his valedictory address in January, 1858, John Neely Johnson, the "Know-Nothing" Governor, impressed with the unfairness of the situation, recommended that "the law excluding the testimony of negroes and Chinamen should be abolished."<sup>5</sup>

The question of negro slavery in California was discussed by the newly-elected Governor, John B. Weller, a Democrat, in his inaugural address, in January, 1858. The burden of his remarks was along standard Democratic lines: that California had decided that slavery should not exist within her boundaries; that the agitation for the abolition of slavery was unwise, inasmuch as it was an attempt by one State to dictate how another should handle its own internal affairs; and that such agitation tended to weaken the ties of affection between the States.

Almost coincident with these pronouncements of the governors arose a *cause célèbre*—the case of Archy Lee—which in the end set the heather on fire. The first the public knew of the matter was on January 11, 1858, when it was learned that this negro boy had been arrested as a fugitive slave and held for deportation to Mississippi, and that the coloured population were greatly excited. They at once became vitally interested in the proceedings for his release on *habeas corpus*. The facts, as first deposed to by the master, one C. A. Stovall, of Mississippi, were that Archy was his body-servant, and had been a slave on his

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(3) *Daily Evening Bulletin*, October 30, 1857.

(4) *Ibid.*, November 16, 1857.

(5) *Journals of Assembly*, January 8, 1858, p. 50.

plantation for many years; that he set out for the West in January, 1857, taking the boy with him; and that, though since his arrival in California he had been resident in Sacramento, he was in reality travelling for his health, and with no intention of remaining permanently in the State. The slave boy, it was said, was worth \$1,500 in Mississippi. It further appeared that Stovall had purchased a ranch in Carson Valley, on which he had placed some cattle that he had brought across the plains; that he had been in Sacramento since October, 1857; had hired a school-room and advertised for pupils; and that Archy had been working for various persons, but Stovall had collected his wages. The case was transferred from the State Court to that of United States Commissioner George Pen Johnston. He found, upon the facts as stated, that Archy had not escaped from his master and fled to California, but had been knowingly brought by Stovall, his owner, into a free State, and that therefore he had no jurisdiction, as the negro was not a fugitive slave within the meaning of the Act. He, accordingly, returned the case to the State Court.

At this time the State Legislature was in session. Both Houses were overwhelmingly Democratic. Of the thirty-five members of the Senate twenty-seven were Democrats; and of the eighty members of the Assembly sixty-six were also Democrats.<sup>6</sup> To aid the slave-owner, Stovall, Mr. A. G. Stokes, senior member for San Joaquin County, introduced on January 18 a Bill providing that where any slave "shall be brought or *may have been heretofore brought*" by his owner into California, if only travelling through the State or in good faith sojourning therein without the intention of permanently residing, and such slave escapes, he shall not be free, but shall be delivered up to his owner. The opponents of the Bill claimed that it not only tolerated but actually legalized slavery in California. The *Bulletin* expressed the belief that five-eighths of the Democratic members of the lower House were from the Northern States, and on principle and by education opposed to slavery. On February 2, Mr. Stokes introduced another Bill "to prohibit the immigration of free negroes and other obnoxious persons into this state and to

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(6) *Quarterly of the California Historical Society*, IX. (1930), p. 268.

protect and regulate the conduct of such persons now within the state."

To add fuel to the fire the question of the attendance of coloured children in the public schools of San Francisco came before the Board of Education, which on February 17 ordered that they should not be permitted to attend any school except that established for them, and directed that those in attendance at any other public school be removed therefrom.

While these matters were going on, Archy's case reached the Supreme Court of California and was heard by Chief Justice Terry and Judge Burnett. Terry was a "Know Nothing," but Burnett was a Democrat. They rendered a remarkable decision. They found that Stovall was not a visitor nor a traveller; whence it would seem to follow that he had the only other status: that of a resident. It resulted therefrom that a resident of a free State was striving to maintain slavery within its boundaries. But as this was the first case to arise and as Stovall was in poor health and in poor financial condition "we are not disposed to rigidly enforce the rule for the first time. But in reference to all future cases it is our purpose to enforce the rules strictly according to their true intent and spirit."

The decision was received with the jeers and sneers which it deserved. It was painfully manifest that Judge Burnett had permitted his belief that slavery was a proper and laudable institution to override his sense of justice and right. Judge Baldwin, his successor, characterized the decision as "giving the law to the North and the nigger to the South"; and subsequently prepared a humorous abstract of Archy's case in which he said it decided that the constitution does not apply to young men of weak constitution travelling for their health; that it does not apply for the first time; and that the decisions of the Supreme Court are not to be taken as precedents.<sup>8</sup> The *Bulletin* was fearlessly outspoken. It characterized the two judges as "Supreme Mugginses," and called for their impeachment. The Chief Justice it dubbed an "ignorant bully," and declared that it was time that steps should be taken to purge and purify the Supreme Court.

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(7) *Ex parte Archy*, 9 *California Reports*, p. 147.

(8) T. H. Hittell, *History of California*, San Francisco, 1897, IV., p. 245.

Oddly enough a similar case<sup>9</sup> came before Judge George H. Williams of Oregon—also a Democrat—in 1853. A coloured family of Polk County applied for release on *habeas corpus* from their Missouri owner who had brought them into that free State and held them as slaves. Judge Williams decided that the Oregon law of 1844 was valid and constitutional and that its declaration that there should be neither slavery nor involuntary servitude in the State operated to the release of slaves brought there by their masters.

Despite the noise and clamour with which the decision in Archy's case was received, Stovall had his slave in his possession in California—the constitution notwithstanding. He kept the boy secretly in gaol in San Joaquin County; this fact was discovered and a writ of *habeas corpus* again applied for; but before it could be served Stovall whisked Archy out of that confinement. He kept Archy hidden away until March 4, 1858, when the steamer *Orizaba* was about to sail from San Francisco for Panama. In some way the negroes became aware of his purpose. They caused a warrant to be issued charging Stovall with kidnapping the boy. Police officers with the warrant went aboard the *Orizaba*. When the steamer was off Angel Island in the harbour, a small boat with Stovall and his slave came off to her. As the officers arrested him he resisted, saying that the Supreme Court had awarded him the boy and he would be d—d if any Court in the State would take him away. However, Stovall and Archy were taken off the steamer to San Francisco. Great was the excitement in the city over the occurrence. The coloured people were out in strength, and Archy was the observed of all beholders. To increase the tensivity of the situation a number of petitions had been presented to the Assembly, in accordance with ex-Governor Johnson's suggestion, requesting the repeal of the law which prevented the negroes from giving evidence in matters in which a white man was concerned; and on the very day that Archy and his master were taken from the *Orizaba* the Judicial Committee of the Senate had reported adversely.

Events now began to move rapidly. The next day after the *Orizaba* incident the following notice was posted up on the

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(9) Holmes vs. Ford; see *Oregon Historical Quarterly*, XXIII. (1922), p. 111 f.

Athenæum on Washington Street and in other places frequented by coloured people.

NOTICE !!!

There will be a public meeting of the coloured citizens of San Francisco this (Friday) evening, March 5th at Zion M.E. Church, Pacific, above Stockton St., to commence at 8 o'clock.

Signed by a Committee

The meeting was largely attended. The church was filled with coloured people and a sprinkling of whites. An appeal was made for funds to carry on the fight for Archy's freedom. The sum of \$150 was subscribed, and a committee appointed to solicit further contributions. On March 8, the application for Archy's release on *habeas corpus* came up. The Court-room was densely crowded and great interest was manifested in the case. When Judge Frelon denied Stovall's application to dismiss the writ, his counsel consented to Archy's discharge. He was immediately re-arrested as a fugitive slave and the matter came again to the Court of United States Commissioner George Pen Johnston. There was great excitement among the negroes. The United States marshal, fearing a tumult, called to his assistance a considerable number of police officers. Much confusion ensued. As poor Archy was being taken away by the marshal and his men there was a rush and a press and a large crowd followed through the streets while the boy was forced along towards the marshal's office. Several excited coloured individuals were arrested for assault and battery and creating a disturbance; but nothing like a rescue was attempted. Everybody was excited.

Day by day the case dragged its slow length along; there were delays and adjournments. But the coloured people were always in attendance to catch the least word or movement. A month went by before the matter was decided. In that interval the interest shifts to the Legislature. The two Bills introduced by Mr. Stokes were dropped in favour of one brought in on March 19 by Mr. J. S. Warfield, the senior member for Nevada County. It is described in the journals<sup>10</sup> as an Act to restrict and prevent

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(10) *Journals of Assembly*, March 11, 1858, p. 408 (Notice of Bill).

the immigration to and residence in the State of negroes and mulattoes. No mulatto or negro was thereafter to be allowed to immigrate to California; if any did and were found therein they were to be deported. It provided that the sheriff could hire them to any person "for such reasonable time as shall be necessary to pay the costs of the conviction and transportation from this state before sending such negro or mulatto therefrom." All coloured people then in the State were to register; failure so to do was to be a misdemeanour. Any one bringing a coloured person into the State with intent to free him from slavery was to be guilty of a misdemeanour. Those already in California might depart without molestation if they went at once. Every registered negro must be licensed, and any person employing an unlicensed negro would be liable to a heavy fine. There were many supporters of such legislation, both within and without the House. When one of the members asked where the coloured people then in the State were to be sent, a voice replied, "Send them to the Devil."<sup>11</sup>

This Bill, like its predecessors, was nevertheless strongly criticized. It was claimed that the migration of a negro from one State to another could not be, or be made, a crime; that the negroes were already there and that the provision that newcomers could be arrested and their services sold at auction to the lowest bidder in order to raise the money for their deportation was the thin edge of the wedge of slavery. It was contended that it was oppressive to pass such a retroactive law, which would drive them out of employment, for no one would dare to employ one of them lest it be discovered that such negro had no licence and the employer be thereby rendered liable to a heavy fine.

One of the negroes in a letter to the *Bulletin*,<sup>12</sup> signed W. M. G. (probably W. M. Gibbs, a man of marked ability), took up the cudgels for his people and put forward their case in a manly, outspoken fashion. He concludes in this wise:—

Let the bill now before the Legislature take what turn it may, the colored people in this state have no regrets to offer for their deportment. *Their* course has been manly, industrious, law-abiding. To this Legislature and the press that sustains them be all the honour, glory, and consequences of prosecuting and abusing an industrious, unoffending, and defenceless people.

(11) *Quarterly of the California Historical Society*, IX. (1930), p. 281 f.

(12) April 5, 1858.

But to return to Archy and his case. Stovall, strange to relate, now made an affidavit altogether different from that which he had made when he launched the original proceedings in the preceding January. Then he had said that he had brought Archy with him from Mississippi. He now changed his front and to give the poor boy the appearance of a fugitive slave, he declared that Archy had assaulted a person in Mississippi with a knife and that he had, in consequence, fled from that State in January, 1857. Stovall further declared that after Archy had disappeared he set out for California, over the plains, and that at the crossing of the North Platte River he accidentally encountered Archy, and together they journeyed to Sacramento. By virtue of the law of 1851 Archy was, of course, prevented from contraverting any of these statements. However, George Pen Johnston, the United States Commissioner—a Democrat too, by the way—had not forgotten the first account that Stovall had given; the manifest contradictions could not be explained. To the great surprise of many with anti-negro feelings Johnston held, after mentioning the variations in the two stories told by Stovall, that in any event he could not decide that Archy was, in any sense, a fugitive slave who had escaped to California; and on April 14, 1858, he granted Archy his freedom. Great was the jubilation of the coloured population.

But at the same time they were at white heat; for though they had been victorious in the Court the Legislature had to be reckoned with, and the proposed drastic legislation against them was slowly making its way towards becoming a law in some form or other. Their very existence and their freedom were in jeopardy. The only safe course appeared to be to remove from the State. On the very day of Archy's release a large meeting was held in Zion Methodist Episcopal Church. The question was not *whether* they should emigrate, but *whither* they should emigrate: and it was discussed at length. The choice lay between Vancouver Island—then a separate British colony—and Sonora in Mexico. They declared that "they would not be degraded by the enactment of such an unjust and unnecessary law against them by their own (American) countrymen." The further consideration was deferred until the next day, when they again assembled in the same church. The first business then taken up

was the raising of money to pay the deficit in the expenses of Archy's case. While the collection was being taken up they sang a hymn of rejoicing. It was an adaptation of Charles Wesley's well-known words.

THE YEAR OF 'ARCHY LEE'

A SONG OF REJOICING FOR ARCHY'S DELIVERANCE

Blow ye the trumpet! Blow!  
 The gladly solemn sound,  
 Let all the nations know  
 To earth's remotest bound  
 The year of Archy Lee is come,  
 Return, ye ransomed Stovall, home.

Exalt the Lamb of God;  
 The sin-atoning Lamb;  
 Redemption by His blood  
 Through all the land proclaim.  
 The year of Archy Lee is come,  
 Return, ye ransomed Stovall, home.

Ye slaves of sin and hell,  
 Your liberty receive;  
 And safe in Jesus dwell,  
 And blest in Jesus live.  
 The year of Archy Lee is come,  
 Return, ye ransomed Stovall, home.

The gospel trumpet hear—  
 The news of pardoning grace;  
 Ye happy souls draw near;  
 Behold your saviour's face.  
 The year of Archy Lee is come,  
 Return, ye ransomed Stovall, home.

The appropriateness of the adjective "ransomed" as applied to Stovall (the slave-owner) is scarcely apparent, but the spirit behind the hymn must plead excuse. The money came down thick and fast as the hymn was sung. Then followed another—an atrocious bit of composition; but what it lacked in obedience to the rules of rhyme and rhythm it made up for in its genuine feeling of thankfulness for the victory in the court. It was based upon Thomas Moore's well-known *Miriam's Song*.

## A SONG OF PRAISE

## FOR THE BENEFIT OF THOSE NAMED THEREIN

Sound the glad tidings o'er land and o'er sea—  
 Our people have triumphed and Archy is free!  
 Sing, for the pride of the tyrant is broken;  
 The decision of Burnett and Terry reversed.  
 How vain was their boasting! Their plans so soon broken;  
 Archy's free and Stovall is brought to the dust.  
 Praise to the Judges and praise to the lawyers!  
 Freedom was their object and that they obtained.  
 Stovall was shown it was time to be moving;  
 He left on the steamer to lay deeper plans.  
 But there was a Baker, a Crosby, and Tompkins,  
 Before Pen Johnston and did plead for the man.

In the discussion it was stated that in the past year scarcely twenty-four coloured people had arrived in California from the free States. Upon this fact the argument was built that an ulterior motive lay behind the heinous law then before the Legislature. Though at the outset the majority seemed to favour emigration to Mexico the feeling gradually swung round to the nearest British possession, Vancouver Island.

On April 19 the third meeting was held. By this time they had formulated their plans, and it was now resolved to send an advance party of sixty-five persons to Vancouver Island to ascertain whether that British possession would receive them as residents; and, if so, these forerunners were to purchase as much land as possible with a view to permanent settlement under British protection. Mr. M. W. Gibbs, one of the negroes, then delivered a farewell address to the vanguard who were to sail on the steamer *Commodore* on the following day. The *Bulletin*,<sup>13</sup> dealing with their departure, said editorially:—

All this puts one in mind of the Pilgrims and the address of Pastor Robinson, when those adventurers embarked for their new homes across the seas. When the colored people get their "poet" he will no doubt sing of these scenes which are passing around us almost unheeded, and the day when colored people fled persecution in California may yet be celebrated in story. This is an important epoch for this class of our inhabitants. The sixty-five yesterday went off in the *Commodore*, and are now pushing toward the north, bearing their lares and penates to found new homes. It is said that if the attempt to make a settlement on Vancouver's Island should prove abortive, a number who favor P. Anderson's proposition for a settlement in

(13) April 21, 1858.

Sonora, Mexico, will make an attempt in that direction. Whatever may be their destiny, we hope the colored people may do well.

While this advance guard of negroes were journeying to the land of freedom, the Assembly was just closing its session. The dreaded Warfield Bill (which, as has been shown, had been substituted for those introduced by Stokes) failed to become law, but that was merely because the Senate had tacked on some small amendments and before these could be considered and approved by the Assembly, the time of prorogation had arrived and the Bill was lost in the hurry that always accompanies the closing days of any session. The House, as has been said, was overwhelmingly Democratic; a large majority favoured this legislation; any thought, therefore, that its failure to become law was in any way caused by the negro emigration is entirely gratuitous. It was even said that the pro-slavery supporters were so in earnest in the matter of Archy that some of them sensing that U.S. Commissioner Johnston would order his release, strove to provoke a duel with him, in order effectually to prevent a favourable judgment for the negro boy, by disposing of the Commissioner on the "field of honour."

On May 6, 1858, another meeting of the negroes was held in the usual place, Zion Methodist Episcopal Church, to hear the report of the delegates to Vancouver Island. About 300 persons were present, of whom some fifty were whites. The report was very satisfactory. It was stated that the forerunners had been received "most cordially and kindly by His Excellency the Governor, and heartily welcomed to this land of freedom and humanity"; that land could be obtained at twenty shillings an acre; one-quarter in cash, and the remainder in four annual payments with interest at five per cent., but with no tax on the land until full payment; that land-holders after a residence of nine months had the right of electoral franchise, of sitting as jurors, and all the protection of the law as citizens of the Colony, but that to enjoy the complete rights of British subjects they must reside seven years and take the oath of allegiance; and that town lots 66 feet by 132 could be bought for fifty dollars each. Another report stated that within an hour after they had secured a house in Victoria they had held a solemn religious service in thankfulness for their improved prospects; that they had had

a visit from the Rev. Edward Cridge, the resident Episcopal minister, who welcomed them to their new home and expressed his pleasure at having so many Christian friends around him, that he had invited them to the services of the Church of England and to his home, and, after offering to do anything in his power to aid them, had concluded his visit with a prayer for their well-being. It added that they had seen the land of the island, and that it was in every way suitable for their requirements. Another letter spoke of the beautiful situation and site of Victoria. It also stated that the Governor had authorized the writer to say that if they came to the colony they would have all the rights, privileges, and protection of the laws of the country; that there were two churches and two schools, one of which was taught by an educated Indian; that, in short, "It is a God-sent land for the coloured people."<sup>14</sup>

Throughout the whole story one cannot fail to be impressed with the deep religious feeling of these people and their reliance upon God under every trial. This must plead in excuse of the flamboyancy of their language at times and of their metrical compositions, which sometimes "had in them more feet than the verses would bear."

The meeting discussed and approved of these reports and of the "course of the Brethren in Vancouver's Island." Speeches were made, and great enthusiasm prevailed when it was agreed that they organize an Emigrant Society to enable their removal to the British colony. The plan was to raise \$2,500 by contributions of \$25 each; to charter a vessel therewith and remove as a body to their new-found home. Following the precedent of the Declaration of Independence, they now prepared "A Declaration of the Sense of the Colored People":<sup>15</sup>

Whereas We are fully convinced that the continued aim of the spirit and policy of our Mother Country is to oppress, degrade, and entrap us. We have therefore determined to seek an asylum in the land of strangers, from the oppression, prejudice, and relentless persecution that have pursued us for more than two centuries in this, our mother country. Therefore, a delegation having been sent to Vancouver's Island, a place which has unfolded to us in our darkest hour, the prospect of a bright future; to this place of British possession the delegation having ascertained and reported the condition, character, and its social and political privileges, and its living re-

(14) *Daily Evening Bulletin*, May 7, 1858.

(15) *Ibid.*, May 12, 1858.

sources. This mission in the highest degree creditable they have fulfilled and rendered most flattering accounts to their constituents in their reports, in view of which be it resolved as follows:

Then follow twelve resolutions expressing thanks to the delegation, to Governor Douglas of Vancouver Island, and to the Rev. Edward Cridge, affirming their conviction that that island will prove a haven of rest, pledging loyalty to its laws and institutions, and indicating the conduct to be pursued by the coloured people during their residence. The eighth and twelfth resolutions seem worthy of being reproduced in full.

8. Resolution. That in bidding adieu to the friendships, early associations, and the thousand ties which bind mankind to the places of their nativity; we are actuated by no transitory excitement, but are fully impressed with the importance of our present movement, and with our hearts filled with gratitude to the Great Ruler of the Universe, who has provided this refuge for us, we pledge ourselves to this cause and will make every effort to redeem our race from the yoke of American oppression.

12. Resolution. That we now unitedly cast our lots (after the toil and hardships that have wrung our sweat and tears for centuries), in that land where bleeding humanity finds a balm, where philanthropy is crowned with royalty, slavery has laid aside its weapons, and the colored American is unshackled; there in the lair of the Lion, we will repose from the horrors of the past under the genial laws of the Queen of the Christian Isles.

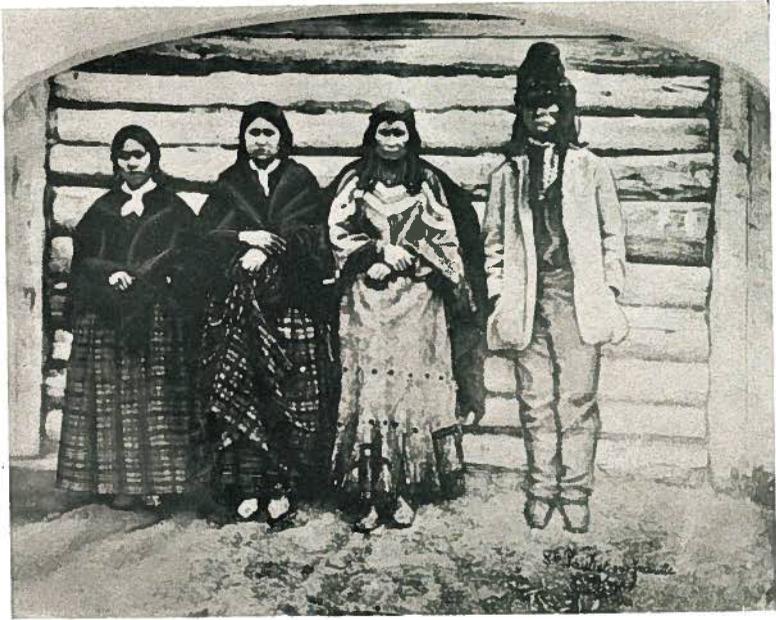
And with these words the negroes shook the dust of California off their feet. Among those who went in the first contingent was the celebrated Archy, whose persecution had lit the fire. Doubtless he and his coloured brethren breathed freely as the coast of California sank from view. The number who emigrated has not been definitely ascertained. Very shortly after the promulgation of the "Declaration of the Colored People" began the Fraser River gold rush of 1858, and the negroes were simply absorbed in the great crowd of eager adventurers hurrying to the latest El Dorado. Edgar Fawcett,<sup>16</sup> writing in 1912, estimated the number at 800, but this appears too large; the Rev. Matthew Macfie, a Congregational minister who came to Vancouver Island in 1859,<sup>17</sup> places it at 400; and this appears to be a closer approximation.

NEW WESTMINSTER, B.C.

F. W. HOWAY.

(16) Edgar Fawcett, *Some Reminiscences of Old Victoria*, Toronto, 1912, p. 215.

(17) Matthew Macfie, *Vancouver Island and British Columbia*, London, 1865, p. 388.



Captain St. Paul, with his wife and daughters.

From a photograph in the Provincial Archives, taken at Kamloops by Charles Gentile, probably in 1866. The building in the background is almost certainly the identical structure which was purchased and preserved by Mr. David Power, and re-erected in Riverside Park in 1937.

## CAPTAIN ST. PAUL OF KAMLOOPS.

Any one who has delved into the history of the Kamloops district, however superficially, must have encountered the name of Jean Baptiste Lolo, better known in later years as St. Paul. He is one of the very few Indians who, like Maquinna of Nootka Sound and old Kwah of the Northern Interior, have gained a place for themselves in the history of British Columbia on their individual merits, in contrast to the many who are known simply because they happened to be chief of a certain tribe at a certain time. Yet, in spite of this, Lolo remains to a great extent a man of legend and mystery; and any written account of his life must resemble a mosaic, composed of scores of carefully chosen but fragmentary references.

Lolo—or Leolo, as the name is spelled in the earliest references to him in the Hudson's Bay Archives—was born in 1798.<sup>1</sup> The place of his birth is not known. He is usually referred to as being a chief of the Shuswap Indians, and the Fort St. James District Report for 1822–23 describes him as “a native of Kamloops,”<sup>2</sup> but unfortunately neither reference is conclusive. Tradition amongst the Indians at Kamloops insists that he was not a local chief, and this view is supported strongly by an old Indian, still living, who can remember Lolo personally. The context of the reference in the District Report is ambiguous, and it may only mean that he was stationed at Kamloops at the time the report was compiled. Father Morice describes Lolo as being “one of the leading Indians of Fraser Lake,”<sup>3</sup> and this casual reference quite possibly indicates his true origin; but at the moment nothing can be proven, one way or the other.

There is general agreement that he was christened Jean Baptiste Lolo by a Roman Catholic priest, and Morice states that

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(1) His age is given as 31 in 1829 and 36 in 1834. (H.B.C. Arch. B.239/g/8;12.) This and all subsequent references to and quotations from documents in the Archives of the Hudson's Bay Company are published by kind permission of the Governor and Committee, and the authors wish further to acknowledge the courtesy and consideration with which inquiries were received by the Company.

(2) H.B.C. Arch. B.188/e/1.

(3) A. G. Morice, *History of the Northern Interior of British Columbia*, third edition, Toronto, 1905, p. 204.

he was "dubbed St. Paul by the *engagés* of the fort" at Fraser Lake.<sup>4</sup> This must have happened relatively late in Lolo's life, for, although he was almost invariably called St. Paul in later years, the earliest use of the name is found in the journal of Fort Kamloops for 1850, at which time Lolo would be 52 years old.<sup>5</sup> Both names have given rise to various suppositions as to his origin. The French Christian names, coupled with the fact that Lolo spoke some French and once referred to himself as "un Canadien,"<sup>6</sup> suggest that he either had French-Canadian blood or came from Eastern Canada, but there is no conclusive evidence on the point. Others have suggested that he came from St. Paul, in Oregon, or even St. Paul, in Minnesota, but the early date of his birth—1798—and the late date at which the name St. Paul came into use rule these possibilities out of court. To complicate matters further, a narrative based on conversations with John Tod, who knew Lolo well, advances the surprising theory that he received the name because he was "a 'mission' Indian who preached about St. Paul!"<sup>7</sup>

Ambiguity in reference seems to plague the searcher after truth about Lolo. Thus the entry in the Fort Kamloops Journal which records his death describes him as "an old Company's servant,"<sup>8</sup> and opinion is divided as to whether this means that he had originally been a servant of the North West Company—the "Old Company," which amalgamated with the Hudson's Bay Company in 1821—or simply that he had been in the service of the Hudson's Bay Company for a lengthy period. We reach firm ground only when we find the name "Baptiste Leolo" in the Abstracts of Servants' Accounts of the Hudson's Bay Company for outfit 1822–23.<sup>9</sup> As there was neither a credit nor a debit balance standing to his account on June 1, 1822, it is presumed that he joined the Company's service during the season

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(4) *Ibid.*

(5) Kamloops Journal, September 22, 1850.

(6) *Cheadle's Journal of Trip across Canada 1862–63*, with introduction and notes by A. G. Doughty and Gustave Lanctot, Ottawa, 1931, pp. 219–220.

(7) Gilbert Malcolm Sproat, *Career of a Scotch Boy Who Became Hon. John Tod* [a series of newspaper articles published over the period September 30 to December 23, 1905], *Victoria Times*, December 9, 1905.

(8) Kamloops Journal, May 15, 1868.

(9) H.B.C. Arch. B.239/g/2.

1822-23. Other brief entries enable us to trace his career during the next ten years. The Fort St. James District Report for 1822-23 states that "one of the Indians Leolo, a native of Kamloops, acting as interpreter is dismissed . . ." <sup>10</sup> Nevertheless, his name appears in the list of Company servants for 1823-24, and during outfit 1824-25 he was employed as an interpreter in Western Caledonia. <sup>11</sup> The Company considers it "probable that he was also employed in the transport brigades [between the western posts and Hudson Bay] as we find from a York Factory ledger that he was supplied with goods at that place in 1825." <sup>12</sup> He left the service on July 27, 1827, but re-engaged on November 20 of the same year, <sup>13</sup> and the name of Jean Baptiste Leolo appears in the list of servants in the Thompson River District from 1828-29 until 1831-32. He was "allowed to go free," in the phrase of the time, on June 1, 1832.

It is evident that Lolo served the Company in the triple capacity of interpreter, guide, and trader; and even in 1832 he had attained a position far above that of the ordinary Indian servant in its employ. That position, coupled with his forceful personality, gave him great influence amongst the natives, and it was undoubtedly for this reason that he began to be referred to loosely as an Indian chief. Though he had no legitimate right to it, the title was much to Lolo's liking, and in later years he claimed it quite frankly, at least when dealing with the whites.

Two or three letters have survived which give us a glimpse of Lolo in 1832. They were written by Samuel Black, then in charge of the post at Kamloops, to Alexander Fisher, the officer in charge at Alexandria. After leaving the service on June 1, Lolo evidently spent some time in wandering about the country, and in a letter dated September 16, Black notes that "altho Lolo told me he was coming back here [to Kamloops] perhaps to live," it appeared that "he had taken his whole family with him to Frasers River" on a recent expedition, which might well indicate a change in his plans. This was not agreeable news to Black, for, in spite of the fact that he distrusted Lolo's independence

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(10) H.B.C. Arch. B.188/e/1.

(11) H.B.C. Arch. B.239/g/4.

(12) H.B.C. Arch. B.239/x/4a, p. 321.

(13) H.B.C. Arch. B.239/1/2.

and ambition, and deplored the "fuss" made about him—"this man whose inward policy is to be superior to his Master"—he admits, even to Alexander Fisher, that the post at Kamloops "may be lame without him."<sup>14</sup> This is significant, since Black and Fisher were far from being on good terms at the time, and Black was accusing Fisher of employing unfair means and foul to persuade Indians whose furs would normally reach Kamloops to send them to Alexandria instead. Under these circumstances, Lolo's assistance would be a tremendous asset; and it would be interesting to know the details of the story which lies behind the fact that Black was able to re-enlist him in the service at Kamloops on October 1, 1832.<sup>15</sup>

Lolo promptly furnished Black with full details of Fisher's methods and operations, as is shown by Black's letter to Fisher dated October 29:—

Lolo tells me of the many tricks wherewith you deceive the Indians . . . . However, as some of these poor devils may have resisted such an imposition on their understanding [as the tricks just described] which you practise in order to get their furs, Lolo makes his usual tour among the natives belonging to this district, being instructed by no means or pretence to interfere in any way or trade a single skin from any Indian that has been accustomed to frequent your post. At the same time he is to get information as to the truth of the reports concerning your proceedings, and when he returns and gives me the necessary proofs of so infamous tricks as aforesaid, I shall, for the remainder of the season, act accordingly for the general interest of the Honorable Hudson's Bay Company, not to get the Indians' furs for one year, but for always, and in order to establish the respectability of the Company. . . .<sup>16</sup>

This letter was carried to Alexandria by Lolo himself, and Fisher took advantage of his presence there to reply in the following terms:—

I have to acknowledge receipt of your epistle of the 29<sup>th</sup> October on 6<sup>th</sup> November, per Lolo, your interpreter. . . .

In my letter of the 5<sup>th</sup> October I took the liberty to request you to keep your men, women and children at your own establishment or within its limits. A month thereafter, day for day, your interpreter (Lolo) is again at the post or fort of Alexandria, which amply bears me out in my statements that your threats of opposition have been put into practice long ago and are still continued.<sup>17</sup>

(14) Black to Fisher, September 16, 1832 (Archives of B.C.).

(15) H.B.C. Arch. B.239/1/3.

(16) Morice, *op. cit.* pp. 155–156.

(17) *Ibid.*, p. 156.

The unreasonable attitude here displayed was typical of Fisher, at whose door the blame for the unhappy struggle between Kamloops and Alexandria must be laid. One would think that fishing in such troubled waters would have intrigued Lolo, but apparently this was not the case, as he deserted the service at the end of August, 1833.<sup>18</sup>

Nothing is known of his activities during the next seven and a half years. When we pick up his trail again we find him at Fraser Lake, where the Hudson's Bay post was in charge of William Thew, whose ruthless ways and violent temper were notorious in the district. Father Morice, who had access to journals and correspondence which have since disappeared, relates that early in 1841, upon some trivial pretext, Thew fell upon Lolo,

one of the leading Indians of Fraser Lake, dubbed St. Paul by the *engagés* of the fort, and gave him such a beating that, arming themselves with axes, the naturally peaceful villagers went in a body to the fort, a mile distant, broke open the gates, and rushed on the establishment, when the now fairly frightened autocrat came to a window, and, begging for his life, threw down gifts to the mob, promising at the same time to make Saint Paul a chief and compensate him for the ill-treatment he had received, words which succeeded in calming the irritation of the natives and preventing further hostilities.<sup>19</sup>

It is scarcely necessary to add that Alexander Fisher and William Thew were not typical Hudson's Bay traders, and it seems unfair that disaster was reserved for their much more worthy and attractive brother officer Samuel Black, who was murdered by an Indian at Kamloops early in this same year, 1841. Lolo must have returned to Kamloops soon after the tragedy, judging from an entry in the journal kept by John Tod, who arrived early in August to take temporary charge of the post and hunt down the murderer. Tod records that he found the Fort, at least the store and dwelling house, locked up, but guarded by the Indian Lolo alone who had passed the summer here with his wife and family, [and who] reports that he had suffered much from hunger, and [that] the natives around in consequence of the want of ammunition had suffered much privation that way also.<sup>20</sup>

This passage is interesting, since it indicates that Lolo felt a certain responsibility for the safety of the fort, which had been

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(18) H.B.C. Arch. 239/1/5.

(19) Morice, *op. cit.*, p. 204.

(20) Kamloops Journal, August 3, 1841.

abandoned after Black's murder. Doubtless he expected his fidelity to be rewarded, but his action is significant in spite of that. And it is interesting further to note how dependent the Indians had become upon the ammunition which they could only obtain from the white men.

Lolo took an active part in the successful search for Black's murderer, and in September Tod noted that he had once more become "engaged to the Coy. for three years . . ." <sup>21</sup> The fort journal shows that he was again employed as a trader and interpreter, as well as being charged with a considerable variety of minor duties. In May, 1842, Tod left Kamloops, and remained absent until he returned to take formal command of the post in August. His account of his arrival seems to imply that Lolo had been in charge of the Company's affairs in the interval:—

On the 5 August [1842] found an immense concourse of Indians at the Fort. Lolo, however, had collected few furs not alone a pack in all, but in other respects the Indians had been remarkably quiet and had exerted themselves during the summer in giving every assistance to raft down the wood for the new Fort.

The mention of the new fort—the second built by the Company at Kamloops—should be noted. More than a year passed before it was completed, but in October, 1843, the journal carries the following entry:—

Lolo alone remains at the old Fort until a temporary place, at which Seana is now at work, is got up for him and the Indians. <sup>22</sup> In actual fact it is doubtful if Lolo ever did move to the new quarters. It is more likely that he moved instead into the best of the abandoned buildings on the old fort site, which was on the east bank of the North Thompson River, just north of the point where the Thompson and North Thompson meet. The old fort certainly became Lolo's residence at an early date, and he continued to occupy it for the rest of his life—a circumstance which had much to do with the creation of the Indian reserve thereabouts in 1862. <sup>23</sup>

(21) *Ibid.*, September 6, 1841. See also H.B.C. Arch. B. 239/g/22–25.

(22) *Ibid.*, October 12, 1843.

(23) See the letters quoted by F. W. Laing on p. 94 of his article on *Hudson's Bay Lands on the Mainland of British Columbia*, published elsewhere in this number of the *Quarterly*.

Lolo once more "went free" in 1845,<sup>24</sup> but he continued to serve the Company in so many ways that any one reading the old fort journals would take it for granted that he was still an employee. He still led fur-trading expeditions up the North River and into the Canoe Country, took pack-trains to the Fraser River to secure salmon from the Indians there, carried dispatches, and guided and assisted the New Caledonia brigades. Upon at least one occasion, in 1847, he saved Fort Kamloops from possible destruction by contriving to warn John Tod that an attack upon the post was planned, and Bancroft tells at length the amusing story of how Tod was able to ward off the danger by means of a smallpox scare.<sup>25</sup>

Tod was succeeded as Chief Trader in charge at Kamloops by Paul Fraser; and it is in Fraser's Journal, in an entry dated September 22, 1850, that we find the earliest reference to Lolo under the name of St. Paul. As the fort journals for the period 1844-49 are missing, it is not possible to say just when or why the adoption of the new name took place, but the change was complete, and later references to Lolo are few and far between. About the same period Lolo began to acquire horses and cattle and to cultivate a few fields around the old fort, which he had been permitted to occupy and was coming to consider a more or less personal estate; and it would be interesting to know whether his new name was connected in any way with the airs and pretensions he evidently began to develop about the same time.

We have no record of St. Paul between May of 1855 and January, 1859, owing to another gap in the file of fort journals. By the latter date, when the narrative resumes, he was in very poor health. "Old St. Paul," we read in March, in the none too grammatical journal of William Manson, "still very unwell, indeed very little hopes of his recovering his former health."<sup>26</sup> But the

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(24) H.B.C. Arch. B.239/1/13-16.

(25) H. H. Bancroft, *History of British Columbia*, San Francisco, 1887, pp. 141-152. Bancroft dates the incident 1846 (p. 141), but Tod told G. M. Sproat that the morning Lolo arrived to warn him he had received "news . . . from Oregon of the prevalence of smallpox among some of the Walla Walla Indians, and of the murder of Dr. Whitman and his wife." (Sproat, *op. cit.*, in *Victoria Times*, December 23, 1905.) The Whitman massacre occurred in November, 1847.

(26) Kamloops Journal, March 11, 1859.

most important event of 1859 was the visit to Kamloops in May of Lieutenant R. C. Mayne, of the survey ship H.M.S. *Plumper*, who wrote a detailed account of his stay at the fort. The day after his arrival he crossed the North Thompson to the Indian village to pay his respects to St. Paul, who, Mayne states, "was described to us as being somewhat of a notability."<sup>27</sup> His narrative continues:—

The building into which we were introduced was more like a regular wooden house than an Indian hut.<sup>28</sup> In the centre room, lying at length on a mattress stretched upon the floor, was the chief of the Shuswap Indians. His face was a very fine one, although sickness and pain had worn it away terribly. His eyes were black, piercing, and restless; his cheek-bones high, and the lips, naturally thin and close, had that white, compressed look which tells so surely of constant suffering. Such was St. Paul, as the Hudson Bay Company called him, or Jean Baptiste Lolo, as he had been named by the Roman Catholic priests who were in this district many years before. Behind him stood his wife, and presently he summoned two handsome-looking Indian girls, whom he introduced to us as his daughters. St. Paul received us lying upon his mattress, and apologized in French for not having risen at our entrance. He asked Mr. M'Lean [Chief Trader at Kamloops] to explain that he was a cripple. Many years back it appeared St. Paul became convinced there was something wrong with his knee. Having no faith in the medicine-men of his tribe, and there being no white doctor near, the poor savage actually commenced cutting a way to the bone, under the impression that it needed cleansing. In time, at the cost of course of great personal suffering, he succeeded in boring a hole through the bone, which he keeps open by constantly syringing water through it. Mr. M'Lean described him as a man of very determined character, who had been upon many occasions most useful to him and his predecessors at the fort. Although obliged to lie in his bed sometimes for days together, his sway over his tribe is perfect, and, weak as he is, he rules them more by fear than love. Upon my remarking casually that I wondered he was not sometimes afraid of some or other of his people taking advantage of his comparatively helpless condition, he heard me with a grim smile, and for answer turned back his pillow, where a loaded gun and a naked sword lay ready to his hand. Upon our rising to leave Mr. M'Lean whispered that our host would take it ill if he were not asked to accompany us; and this being done, to my surprise St. Paul at once assented. Being assisted to rise, he hobbled to the door on crutches, and, having been with considerable difficulty got into the saddle, rode about all the day with us.<sup>29</sup>

(27) R. C. Mayne, *Four Years in British Columbia and Vancouver Island*, London, 1862, p. 118.

(28) Possibly he was living in one of the old fort buildings.

(29) Mayne, *op. cit.*, pp. 119–120.

St. Paul undoubtedly possessed great influence amongst the Indians, but, as already noted, it is very improbable that he was ever actually chief of the Shuswaps, as Mayne believed. The wife and daughters mentioned are pictured, along with St. Paul, in the accompanying photograph.

Mayne was evidently greatly impressed with St. Paul, and it was he who named the near-by peak Mount St. Paul in his honour, after he had climbed the mountain in company with Donald McLean.<sup>30</sup> St. Paul, in his turn, seems to have taken a fancy to Lieutenant Mayne, and when Mayne arranged to secure horses from him to carry his party to Lillooet, St. Paul determined to accompany him personally as far as Pavilion. The streams by the way were much swollen, and, but for St. Paul, one of these might have barred the advance of the party. Mayne writes:—

. . . After a long search we came upon the trunk of a tree by which Indians were evidently accustomed to cross. To our annoyance, however, the river had risen so high that this rough bridge was at least two feet under the water, which tore over it with a rapidity of a mill-stream; so that, unless a rope could be carried over and fastened at the other side to form a balustrade, it seemed quite impossible to get ourselves and the luggage across safely. However, St. Paul seemed determined that this should be done, and several of his men stripping to the work endeavoured gallantly to cross the river. As often, however, as they managed to get to the middle of the primitive bridge, the elasticity of the tree, together with the velocity of the current, sent them spinning off, and they were swept down the stream, having to swim vigorously for their lives.<sup>31</sup>

St. Paul's anger had been mounting with each failure, and now, to the dismay of Mayne, who feared he would be swept to his death owing to his crippled condition, the old man took a hand personally:—

. . . Breaking from us he was soon standing mid-stream, the rope in his hand, yelling to his men, and swearing in a French jargon peculiar to himself, with a zeal and originality that would have inspired the members of Captain Shandy's troop in the Low Countries with admiring envy. Very much to our relief, as may be supposed, St. Paul succeeded in scrambling over the fragile bridge with the agility of a monkey, and, the rope being made fast to the other side, we crossed with comparative ease.<sup>32</sup>

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(30) *Ibid.*, p. 121.

(31) *Ibid.*, p. 126.

(32) *Ibid.*, p. 127.

Though Mayne proceeded on his way rejoicing, the effort St. Paul had made was in fact almost fatal, and more than a month later the fort journal records that he was still "said to be very low."<sup>83</sup>

The journals for the years 1860, 1861, and 1862 are unusually detailed and complete; and as they contain scores of references to St. Paul, it is possible to reconstruct a fairly complete picture of his activities at this time. Incidentally, the references show that a further change took place in his name. In October, 1860, St. Paul gives way to "Mr. St. Paul"; and this is replaced very shortly by "Mr. Capt. St. Paul." There is nothing to indicate the reason for this, though it may have been a humorous attempt to keep up with his pretensions, which had now reached their height.

Upon occasion St. Paul still served the Hudson's Bay Company. An entry dated October 9, 1860, reads:—

Mr. St. Paul started this morning by the opposite side of the Lake to overtake Mr. [Chief Factor J. W.] McKay and assist that Gentleman with his Influence &c. to get the Indians to stir their stumps a little this winter in trapping Martens &c.

His influence with the Indians was frequently exerted in similar ways for the Company's benefit, and he still advised its officers upon routes of travel and trading prospects, and occasionally guided and assisted the brigades, as in the old days. It is pleasant to read that upon at least one occasion William Manson "was directed by Mr. McKay to Cancell his debt of \$26.67 in consideration of his services in getting the Indians to hunt &c. &c."<sup>84</sup>

De Groot tells us that in 1858–59 St. Paul owned "a large amount of stock, the sale of which to the whites of late has rendered him quite wealthy."<sup>85</sup> It is true that he owned horses and cattle, but that wealth came his way, even temporarily, is much less certain. Mayne describes him as being "the possessor of a score or more horses,"<sup>86</sup> which probably gives a much more accurate idea of his circumstances. Travellers, miners, and even the Company itself hired horses or purchased cattle from him from time to time, and stray references indicate that St. Paul

(33) Kamloops Journal, June 24, 1859.

(34) Kamloops Journal, November 28, 1860.

(35) Henry de Groot, *British Columbia its condition and prospects*, San Francisco, 1859, p. 12.

(36) Mayne, *op cit.*, p. 122.

cultivated a few fields, and some seasons could offer potatoes, hay, and even grain for sale.

He also set up as a merchant and trader, and sold at the fort many small batches of furs which he had bought from Indians. From the Company he purchased bacon, flour, and nails, to which in later years were added occasionally brandy and sherry. The officers of the fort seem to have regarded his trading activities with amused and friendly tolerance. In August, 1861, they even granted him a cash loan of some \$345.<sup>37</sup> Of this sum \$105 was repaid within a few days; but it must have been somewhat of a shock when St. Paul used the balance to purchase goods for his store from one Thomas, a trader who came from Hope.<sup>38</sup> Thereafter references to St. Paul and his debt are frequent. One or two entries are worth quoting. On November 5, 1861, we read:—

Mr. Capt. St. Paul notwithstanding our having on several occasions assisted him and also being still in our debt has given us trouble in getting a yearling Heifer from him as part payment, when the damned old scoundrel should have come forward at once thankfully.

Equally amusing is the entry dated November 13:—

It is reported that St. Paul is very unwell. I must get this old fellow persuaded to make us his Bankers in case of his clearing off some fine day and leaving his debt unsettled.

The debt question was again raised on January 12, 1862:—

. . . Had a visit from Mr. Capt. St. Paul and an important conversation on matters generally—on the whole the old rascally Saint left us in tolerable humour—notwithstanding his being again reminded of his debt and the propriety of his doing something soon towards its liquidation.

Critical and scornful the officers at the fort might be; but they were friendly as well. Thus on March 29, 1862, we find this revealing entry in William Manson's journal:—

Pierre Bouche has agreed to remain again with Paul—and as I do not wish to be awkward with the old man or drag away his man have cancelled the agreement he made with the Company.

It was well that St. Paul had friends, for the very next day Manson added:—

Thomas the man who supplied Paul with Goods has come for payment. This will very nearly clear out the old man.

Early in April a Chinaman arrived from Lytton with a summons for St. Paul for debt; and it is evident that Thomas and the Chinaman between them brought about St. Paul's ruin, so far as

(37) Kamloops Journal, August 8, 1861.

(38) *Ibid.*, September 5, 1861.

his store-keeping was concerned. Within a month or two he had again reverted to his old occupation and was leading trading parties to the Canoe Country for the Hudson's Bay Company.<sup>39</sup>

His temporary independence and comparative prosperity appear to have been due to a brief placer-mining excitement which centred upon the Tranquille River, in 1861. The miners who flocked to the spot furnished a market for his goods, and the following quotation from a newspaper of the day indicates that he also tried his luck at mining as well:—

*Tranquille gold excitement.*

St. Paul, a noted Kamloops Indian Chief, is there, has staked off claims and set a large number of his tribe at work with rockers. None of the miners know what he is taking out per day, but judging from the prospects they have obtained, and the quantity of dust he is known to have in his possession, his men must be making excellent wages.<sup>40</sup>

Though the fort journal shows that St. Paul did trade gold direct to the Hudson's Bay Company from time to time, the quantities were never large, and the Tranquille mining boom was of short duration.

We catch a last glimpse of St. Paul in the journal kept by Dr. W. B. Cheadle during his celebrated trans-Canada journey in 1862-63. Readers will recall the desperate plight into which his party fell during the trip from Edmonton to Kamloops. St. Paul was the first person Cheadle encountered as he and his weary companions stumbled along in the dark towards the latter post, on August 28, 1863. He thus describes the dramatic moment:—  
Darker still, but at last in the twilight we discern a long rambling shanty, & riding round to the front found several people seated round a tarpaulin stretched on the ground eating—pots & kettles on the fire near. An old man jumped up & in a curious mixture of French, English & Indian invited us to eat, saying "Une piastre chaque, Monsieur," "Une piastre chaque, mon-

(39) It must have been on one of these expeditions that some incident occurred which caused the following item to appear in the *Victoria Colonist* for February 27, 1863:—

At Canoe Creek a number of horses, pack animals, had died. An Indian called "Saint Paul" came to Canoe Creek from Kamloops, and relieved the Indians at the former place of some of their best horses, on pretense of curing them. The medicine administered by the "Saint" was a villainous compound, and Mr. Ritchie asserts that every animal it was given to died. The Indians intend prosecuting the quack.

(40) *Victoria Colonist*, May 28, 1861.

sieur, "Campez, campez ici," I said, All right we must eat if it costs £50 a piece, & straight let loose our horses & sat down to the remains of the repast which consisted of a greasy soup of bacon, cabbage & pease in a tin dish, beautiful white galette, & tea & sugar. Milton & I did wonders! . . . The old man informed us he was Captain St. Paul "un Canadien" of whom we must have heard; showed us into a kind of out-house with 2 broken-down bedsteads in it & fowls roosting on the beams.<sup>41</sup>

Cheadle added further details in his diary the day following, August 29:—

Old St. Paul impressed upon us his importance. How the magistrate always stayed with him on making his rounds; always "Monsieur St. Paul" from him & Governor; great extent of land which he owned on that side of river; no one allowed to graze a horse, or cut wood without his permission. Called our attention to two notices fixed up to trees, "Indian Reserve Lands," "Not to be trespassed upon," Cox Chief Magistrate.<sup>42</sup>

Four years previously Mayne had noted "that when travelling with the officers of the Hudson Bay Company, St. Paul was always admitted to their mess . . ." <sup>43</sup> The notices mentioned by Cheadle would be those posted by W. G. Cox when he first established an Indian reserve at Kamloops, in 1862.

During the last years of his life St. Paul seems to have dropped into the background, as the journals of the fort contain no reference to him except the simple entry, in the handwriting of Chief Trader Moffat, which records his death:—

Lolo or St. Paul died this morning he was an old Company's servant. The date was May 15, 1868, and Lolo would be 70 years old.

Since then another seventy years have passed, and it might be expected that Lolo's name would have been forgotten; but his picturesque character and long association with the Kamloops district make him prominent in its history. Moreover, he is commemorated by at least seven place-names, which serve to keep his memory green: Lolo Creek, Lolo Lake, Lolo Mountain, St. Paul Street in Kamloops, Paul Creek, Paul Lake, and the mountain that Lieutenant Mayne christened Mount St. Paul, but which is now known locally as Mount Paul and officially as Paul Peak.

GEORGE D. BROWN, JR.

KAMLOOPS, B.C.

W. KAYE LAMB,

VICTORIA, B.C.

(41) *Cheadle's Journal*, pp. 219-220.

(42) *Ibid.*, p. 221.

(43) Mayne, *op. cit.*, p. 127.

## NOTES AND COMMENTS.

### CONTRIBUTORS TO THIS ISSUE.

F. W. Laing was for many years Secretary to the Minister of Agriculture of British Columbia and since his retirement, in 1938, has been at work upon an exhaustive study of early land policy and settlement on the Mainland. Two or three paragraphs of Mr. Laing's article are quoted from a paper entitled *Hudson's Bay Company Lands and Colonial Farm Settlement on the Mainland of British Columbia, 1858-1871*, which he contributed to the December, 1938, issue of the *Pacific Historical Review*, and are here reproduced by kind permission of the Editor.

George D. Brown, Jr., is Secretary of the Kamloops Museum Association and has long been an enthusiastic collector of documents and photographs relating to the Kamloops district.

Dr. Hunter Miller, the distinguished authority on diplomatic history, is editor of the monumental series entitled *Treaties and Other International Acts of the United States of America*, published by the Department of State, Washington. The Oregon Treaty is dealt with in Volume V. of the series, and Dr. Miller there presents a definitive history and analysis of the negotiations which preceded the agreement.

### BRITISH COLUMBIA HISTORICAL ASSOCIATION.

A meeting of the Provincial Council was held in Victoria on February 8, and the Council was delighted to learn that a New Westminster and Fraser Valley Section of the Association had been organized at a meeting held in New Westminster on February 1. This meeting was attended by Mr. J. R. V. Dunlop, President of the Vancouver Section, and by Dr. Robie L. Reid, who outlined the aims and objects of the society and expressed the hope that those present would organize a local section in the Royal City. Upon the motion of Mr. W. N. Draper, seconded by Mr. D. E. McKenzie, this suggestion was adopted, and it was decided to call the branch the New Westminster and Fraser Valley Section, as it was thought that many residents of the Fraser Valley would wish to join the Association. An election of officers was then held, and resulted as follows:—

Honorary President.....	His Honour Judge Howay.
President.....	W. N. Draper.
Vice-President.....	Mrs. E. G. Pearson.
Treasurer.....	E. H. Sands
Secretary.....	E. M. Cotton.

Members of the Council:—

D. E. McKenzie.	Otway Wilkie.
A. W. Petapiece.	S. L. Speck.
Miss Camerson.	C. Moir.

Mrs. C. D. Peele.

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Twelve members were enrolled immediately, and it is expected that many more will be added to the roll in the near future.

Mr. B. A. McKelvie drew the attention of the Council to the fact that the Hudson's Bay Company had reopened a retail store in Nanaimo three-quarters of a century after the closing of its original establishment there, and at his suggestion it was agreed that a letter of congratulation should be sent to the Company.

Upon the motion of Mr. McKelvie, seconded by Mr. E. W. McMullen, an Honorary Membership was conferred upon Dr. Kaye Lamb, in appreciation of the great interest he has taken in the Association and the great amount of work which he has done as Editor of the *Quarterly*.

On April 1, 1939, the paid-up membership of the Association, according to latest reports in the hands of the Secretary, was as follows: Victoria Section, 119; Vancouver Section, 170; New Westminster and Fraser Valley Section, 26; members at large, 81; total, 396. In addition sixteen subscriptions to the *Quarterly* had been received from newsagents, bringing the total paid-up subscription list of the magazine to 412. This is exactly the same total as was reported on April 1, 1938.

#### *Victoria Section.*

The first meeting in 1939 was held in the Provincial Library on January 17, Mr. John Goldie, the President, presiding. The speaker was Mr. J. W. Eastham, Plant Pathologist for the Department of Agriculture at Vancouver, his subject being *The Early Botanical Exploration of the Pacific Northwest*. Members who remembered Mr. Eastham's very interesting contribution to the programme of the meeting last year devoted to David Douglas had looked forward to his address, and they were not disappointed. Upon this occasion he dealt mostly with the botanists who accompanied the early Russian expeditions to this continent, including such men as Jean-Georges Gmelin and Georg Wilhelm Steller, the naturalists who accompanied Bering, and the authors of a celebrated *Flora Sibirica* and a famous journal of the expedition of 1741 respectively; and George Heinrich Langsdorff, who was with Krusenstern in 1803-07. Mr. Eastham had much of interest to say about the surprisingly wide geographical range of certain Pacific Coast plants, and also commented upon affinities between the flora of Siberia and that of British Columbia. He brought to the meeting mounted specimens of many of the plants and flowers mentioned.

A second general meeting of the Section was held on February 21, when the speaker was Mr. F. S. Cunliffe, of Nanaimo, who spoke on *The Early History of Nanaimo*. Though he could not lay claim to the title of old-timer, Mr. Cunliffe explained that he had lived in the city for thirty years and had long been interested in its history, partly because he had known many of its earliest pioneers, who were still living when he took up residence there. The last of these was Mr. John Meakin, now aged 85, whom he had hoped might have been able to be present at the meeting, and who arrived in the *Princess Royal* in 1854. Mr. Cunliffe gave a graphic and carefully documented account of the founding of the Island City in 1852,

and of its development during the next two or three years into the embryo coal-exporting centre from which the city of to-day has grown. His story was based largely upon contemporary letters and journals, the originals or copies of which happily have been preserved. Miss Agnes McKay, daughter of Chief Factor J. W. McKay, who established the post at Nanaimo under the direction of James Douglas, was present at the meeting and contributed interesting reminiscences of her father and conditions in early days.

The arrival of Richard Blanshard, first Governor of the Crown Colony of Vancouver Island, and the commencement of formal British rule in this part of the world was commemorated as usual by the Section. This year the celebration took the form of a reception at the Beach Hotel on the evening of March 11, and some ninety members attended. The reception committee for the occasion consisted of Mr. John Goldie, Mrs. W. F. Bullen, Mrs. Curtis Sampson, Mrs. T. A. Rickard, and Mrs. Arthur Cree. Mr. Goldie, President of the Section, gave the address of the evening on Richard Blanshard, following which Dr. T. A. Rickard spoke briefly upon the interest and value of history. Mrs. Fitzherbert Bullen extended a welcome to all new members, and explained that since the Section had grown so rapidly of late it was deemed expedient to hold the reception in order that the members might have an opportunity to meet the newcomers. During the evening Mr. Dudley Wickett delighted the audience by singing a group of songs. He was accompanied by Miss Maquinna Daniels. [MURIEL R. CREE, Secretary.]

*Vancouver Section.*

*Kamloops: The Meeting of the Waters* was the subject of the address given by Mr. Henry Johnson at the meeting of the Section held at Hotel Vancouver on February 7. Mr. Johnson, who was the sponsor of a high school group in Kamloops which compiled a history of the city, illustrated his address with slides made from old documents and from his own research into the history of the district. Tracing the story of the fur post from the time the site of Kamloops was first seen by white traders of the Pacific Fur Company, through the regime of the North West Company and of the Hudson's Bay Company, Mr. Johnson told of the various locations of the fort and the reasons for the move from one site to another. Following a general outline of the city's history, he singled out one or two characters in the story for special mention. He told how Sir George Simpson had wished to eliminate the post because it was unprofitable, but was later compelled to recognize that it was an essential link in the transportation and communication system of the fur-traders. He told one or two of the extraordinary stories which surround the name of John Tod, whom the Indians came to believe it was impossible to kill; and, finally, he had much of interest to say about St. Paul, the famous old Indian who seemed to be everywhere at once when he was needed, and who proved a good friend to the traders. White settlers arrived at Kamloops in 1862 with the Overlanders, who had come across the plains from Red River, and their arrival marked the end of the fur-trading era. The first settler's home was built in 1862; the first steamer appeared on the river in 1865, and the first private store was

opened in 1867. With the arrival of the Canadian Pacific Railway in 1885, Kamloops became a divisional point and a town of some size, and took its place in a Province which had been truly linked up with the rest of Canada.

Rev. Father O'Boyle was the speaker at the meeting of the Section held in Hotel Vancouver on March 20, his subject being *Father Coccola*, the missionary, who worked for many years amongst the Indians of the Interior of British Columbia. Father Coccola was born in Corsica, and after completing his studies in Paris made his way to New Caledonia, a district in which the Oblate Order—to which both he and the speaker belonged—was particularly interested. He arrived at Kamloops in railway-construction days, and did much to preserve peace between the Indians and the workmen. Later, he performed a similar service along the railway between Calgary and Golden. Father Coccola's name is probably most often associated with Kootenay. There Chief Isadore, who had been making things difficult for the North West Mounted Police, became a follower of Father Coccola, and his message to his people, the Kootenai, was: "Listen to him and all will be well." Working in co-operation with Colonel Steele, Father Coccola was instrumental in moving the Indians to an irrigated district around St. Eugene, to take the place of land fenced off by a land-grabbing settler, who was also trying to find an area not populated by mosquitoes. The Indians were started upon an era of scientific farming, and many of the first fruit-trees in the district around Creston were planted at this time.

After twenty years of labour in the Interior, Father Coccola was called to the Yukon and Northern British Columbia. There he championed the fishing rights of the Babines, and went with the Indians to Ottawa to bring their case before the Dominion Government.

From his personal acquaintance with Father Coccola, and from a study of his life as set forth by the late Denys Nelson, Father O'Boyle drew a lesson in the continuity of history, and gave as his definition of history: "The reservoir of the precedent of noble deeds." Father Coccola he described as being "a dynamic influence in the propagation of spiritual ideas among the Indians" with whom he came in contact. A vote of thanks to the speaker was proposed by His Honour Judge Forin, who had been welcomed by Father Coccola when he went to preside at his first court at Fort Steele, many years ago.

The annual dinner will be held on April 21, when Dr. T. A. Rickard will speak on *Drake's Plate of Brass*. [HELEN R. BOUTILIER, Secretary.]

#### SIMILKAMEEN HISTORICAL ASSOCIATION.

The annual supper gathering was held in the Orange Hall, Princeton, on September 15, 1938, when over 175 people were present. Every part of the valley was represented, and visiting delegates from Penticton and Hope brought greetings from kindred societies. Two addresses were given, in addition to reports and musical numbers. Rev. E. W. S. Gilbert spoke on the history of the Anglican Church in Princeton, and Rev. J. Wesley Miller, of Keremeos, reviewed the history of the lower end of the Similkameen Valley. Other speakers were Mrs. R. B. White, of Penticton; Mr. T. L.

Thacker, of Hope; Mr. W. H. Holmes, of Coalmont; and Mr. C. H. Tupper, M.L.A. Mr. S. R. Gibson, President of the Association, presided.

At the quarterly meeting held on November 18, Mr. A. E. Howse, Honorary President, was reported sick. He died on the 13th of the following month. Albert Elgin Howse was born in Lincoln County, Ontario, on July 12, 1855. He came of United Empire Loyalist stock. One of his earliest memories was of seeing the Prince of Wales, who afterwards became Edward VII., and who visited Eastern Canada during the summer of 1860. Little Albert was hoisted on Uncle Beamer's back, and never forgot what he saw. In the fall of that year, 1860, Royal Engineers from the Old Land laid out the first townsite of Princeton, which was named in honour of the visiting Prince. While still in his teens Mr. Howse went to the Southern States, and later crossed to San Francisco. From there he came to the Nicola Valley in 1877. As pioneer merchant, and as Indian Agent, he played a great part in the development of the Nicola, Tulameen, and Similkameen valleys. Mr. Perley Russell was elected Honorary President at the quarterly meeting held in January.

The discovery was reported recently of a group of Indian rock-paintings, 3.7 miles east of Hedley and about an eighth of a mile north from the highway. The interesting thing about these pictographs is the number of them to be found within a small area. At the base of the cliff, within a distance of 66 feet, are nine sets of pictures, depicting various animals and men on horseback. There are also the usual conventional signs, all done in red ochre. The pictures are crude but clear.

Mr. W. H. Holmes, of Coalmont, has prepared an interesting autobiographical sketch which is a welcome addition to the Association's file of notes on Similkameen pioneers. [JOHN C. GOODFELLOW, Secretary.]

## THE NORTHWEST BOOKSHELF.

*The Commercial Empire of the St. Lawrence.*

By D. G. Creighton. Pp. x., 441. \$3.50.

*A History of Transportation in Canada.*

By G. P. deT. Glazebrook. Pp. xxviii., 475. \$3.75.

*The Railway Interrelations of the United States and Canada.*

By William J. Wilgus. Pp. xviii., 304. \$3.

*The North American Assault on the Canadian Forest.*

By A. R. M. Lower, with studies of *Forest Industries of British Columbia*, by W. A. Carrothers, and of the *Forest Industries in the Maritime Provinces*, by S. A. Saunders. Pp. xxviii., 377. \$3.50.

Toronto: Ryerson Press; New Haven: Yale University Press; London: Oxford University Press. 1937 and 1938.

These four interrelated volumes form part of the economic history section of the Relations of Canada and the United States, an important new series of studies prepared for the Carnegie Endowment for International Peace, Division of Economics and History, under the able directorship of Professor James T. Shotwell, of Columbia University. The object of the series is thus set forth by the publishers:—

“For a number of years scholars and experts have been at work in Canada and the United States not only in economics but also in history, politics, international law, sociology, and education, in the fulfillment of a cooperative program designed to cover all of the most important elements in the past and present of the two countries. The project has had the difficult task of maintaining scientific objectivity in the presentation of facts or conclusions while serving at the same time the purpose of a better international understanding. The series will consist of about thirty volumes, thus furnishing a body of material which will make possible for the first time consistent and developed courses on Canadian-American relations in our colleges and universities as well as supplying the interested reader with a new outlook on American history.”

It is easy to conjecture that this series will take its definite place among the few essential “long sets” dealing with North American affairs. British Columbians will find much to interest them in nearly all the volumes already published. In his short monograph on *The Settlement of Canadian-American Disputes*, Professor P. E. Corbett, of McGill University, touches on the settlement of the Oregon boundary in 1846, the San Juan dispute, 1859–72, and the Alaskan boundary award, 1903. He also deals with the fur-seal arbitration of 1893, the Hudson’s Bay Company’s claims of 1869, and the Trail smelter fumes case which was settled by the International Joint Commission in 1931. Professor H. F. Angus, of the University of British Columbia, has ably edited a series of sociological studies entitled *Canada*

*British Columbia Historical Quarterly*, Vol. III., No. 2.

and her Great Neighbor, in which British Columbia obtains a fair share of the space. Many of the chapters are the work of Professor Angus, and Professor F. H. Soward has contributed valuable studies on what periodicals Canadian school children read, what radio programmes they hear, what motion pictures they see, and what they think about various phases of Canadian-American relations. Mr. R. E. English has investigated dairy conditions in British Columbia and contributed a section to the joint volume, edited by Professor H. A. Innis, of Toronto, entitled *The Dairy Industry in Canada*.

Of the four volumes listed at the beginning of this article, Professor Creighton's *The Commercial Empire of the St. Lawrence* stands out on account of the originality of its conception and its treatment. It has often been stated that "Canada is a nation in spite of the hard facts of geography." Mr. Creighton does not believe this to be true and has written his book to substantiate his belief.

In his introductory chapter, "The Economy of the North," he sketches the fundamental differences between the two great societies which grew up in North America north of New Spain—the English colonies on the Atlantic seaboard, and "the society of the St. Lawrence," at first French and later French and English. "The Atlantic seaboard," he tells us, "conformed more nearly to the geographic conditions of western Europe," but "the river up which Cartier ventured gave entrance to the totally different dominion of the north." "The Canadian Shield and the river system which seamed and which encircled it, were overwhelmingly the most important physical features of the area. They were the bone and the blood-tide of the northern economy." (pp. 3-5.) Unsited for agriculture, the Canadian Shield was successively the home of the fur trade and of the eastern lumber trade, and is now the scene of some of the greatest mining activity in North America.

The St. Lawrence leads to the Great Lakes and to the heart of the continent. Along this unparalleled waterway the French explorers, missionaries, and fur-traders penetrated to the Mississippi, the Missouri, Lake Winnipeg, and the Saskatchewan. British merchants accompanied Wolfe's army to Quebec, and by the time that Canada was transferred officially to Great Britain by the Treaty of Paris, 1763, traders from the American colonies were planning to organize expeditions into the interior. These merchants "took over the direction of the northern commercial system" and pushed the fur trade farther and farther into the wilds. They opened up the Athabaska country and finally crossed the Rocky Mountains into what is to-day British Columbia.

The American Revolution cut the commercial empire of the St. Lawrence in two, but the Montreal merchants continued to trade south as well as north of the boundary-line fixed by the Treaty of Versailles in 1783. The Western Posts, including Niagara, Detroit, and Michilimackinac, remained in British hands till 1796, and it was not until 1816 that the United States Congress "passed legislation providing that licences for the Indian trade within the territorial limits of the United States could be granted only to American citizens, except upon the personal direction of the president."

(p. 183.) The War of 1812 had been, on the whole, beneficial to the British fur-traders. The North West Company, a combine of Montreal merchants and traders, had succeeded in wresting the overland trade of the Pacific slope from the Astorians, and Michilimackinac and Prairie du Chien remain in British hands until after the Treaty of Ghent. But the North West Company was falling upon evil days. The competition of the Hudson's Bay Company was too strong to be eliminated, and the Selkirk Colony at Red River lay across the lines of communication of the Canadian company. In 1821 the North West Company merged with its British rival and the first or fur-trading stage of the commercial empire of the St. Lawrence had passed with history.

The division of the Old Province of Quebec into Upper and Lower Canada in 1791 was the second partition of the empire of the St. Lawrence. Montreal became the leading commercial city of Lower Canada, but it was to a large extent cut off from its natural hinterland, Upper Canada. The United Empire Loyalists had commenced the settlement of Upper Canada almost a decade before the Constitutional Act was passed in 1791, and the settlement was, as usual, inimical to the fur trade. But the canoe route to the west went up the Ottawa and by way of Lake Nipissing and French River to Georgian Bay and Sault Ste. Marie, leaving the settlements on the St. Lawrence and the lower Great Lakes severely alone. None the less, the Canadian merchants still attempted to hold the trade of the Great Lakes region and sought to import American goods for transshipment to Great Britain. Their policy was free trade on the Great Lakes and protection for Canadian exports, including goods of American origin, in the markets of Great Britain. For a time they were successful.

The Napoleonic wars brought into existence the Canadian lumber trade. Unable to import timber from the Baltic, British merchants turned to Upper and Lower Canada and the Maritime Provinces. This meant a new harvest for the Montreal merchants. At the same time agricultural products were receiving protection in British markets and this protection continued until the repeal of the Corn Laws in 1846. The Canadian merchants were actively engaged in building up an import trade of British manufactured goods and an export trade of Canadian and American products. The commercial empire of the St. Lawrence seemed to be re-establishing itself on the basis of the new staples.

But evil days were ahead, both economic and political. The construction of the Erie Canal between 1817 and 1825 led to the diversion of much of the lake trade to New York by way of Buffalo, and the building of the Canadian canals was an ineffectual counter move. Then, too, the merchants were closely allied politically to the Family Compact in Upper Canada and the Chateau Clique in Lower Canada. Strife broke out between the commercial and the agrarian interests, culminating in the rebellions of 1837-38. The French-speaking habitants who followed Papineau were utterly opposed to the merchants and their commercial system, and the Upper Canadian farmers who followed William Lyon MacKenzie were equally hostile to the "shop-keeping aristocracy" which formed the backbone of the Family

Compact. Professor Creighton has done a real service in pointing out and explaining these economic causes of the rebellions.

After Lord Durham's Report and the reunion of the Provinces in 1841, the merchants entered upon their last period of prosperity. It was none the less illusory. The repeal of the Corn Laws in 1846 and of the Navigation Acts in 1849 was the death-blow to the commercial empire of the St. Lawrence. Lord Elgin in 1854 put through the reciprocity treaty with the United States and a new era began. The railway age had also arrived in Canada and with the railways came dreams of transcontinental lines which would link in one system the Maritime Provinces, Canada, and the far-off colonies on the Pacific Coast.

Since Professor Creighton's book is so stimulating it has been accorded the lion's share of the space. It provides a central theme around which the economic development of "Old Canada" (Ontario and Quebec) may be written during the ninety years from 1760 to 1850. In its stress on the "northern economy" and its treatment of the fur trade as the first stage of the commercial empire of the St. Lawrence, it enables students of Canadian history to obtain a new perspective. Too often we have tended in British Columbia to link the fur trade too closely with the Hudson's Bay Company. The North West Company is not forgotten, but its close connection with the political and economic life of Upper and Lower Canada has not been sufficiently stressed. Professor Creighton has done yeoman service to the cause of Canadian history from sea to sea by writing this important book.

Professor George Glazebrook, also of the Department of History of the University of Toronto, has written a workmanlike volume in a field where such a study was badly needed. His book lacks the broad, comprehensive scope of *The Commercial Empire of the St. Lawrence*. It is rather a conventional economic history which brings together in one volume the story of water transport in the French regime, the transportation methods of the fur-traders from 1763 to 1821, the progress of sail and steam, the building of roads in the old Provinces, and, needless to say, the construction of railways both before and after Confederation. The final chapters deal with modern waterways and transportation by electricity and gasoline. It is, on the whole, a factual study based on wide reading and research, the latter chiefly undertaken in the Public Archives in Ottawa and the Archives of the Hudson's Bay Company in London.

To British Columbians the most interesting portions of the volume are those dealing with the fur trade and with the transcontinental railways. The Canadian fur-traders, as is well known, followed the water routes from Montreal west and finally reached both the Arctic and the Pacific. The French reached the Saskatchewan, but did not cross the Rockies. The Nor' Westers, the successors of the French, carved out a fur-trading empire which stretched from Old Canada, through the Hudson's Bay territories to the unexploited fields of the north and the Pacific slope. The Hudson's Bay Company was in the end too strong for its Canadian rival, but both companies were so weakened by their strife that had the union of 1821 not

taken place, it is probable that neither company could long have withstood the financial strain. As Mr. Glazebrook wisely remarks:—

“In the end it was the cost of transportation which settled the dispute. Montreal perforce capitulated and the trade flowed only north. But it was not a final defeat for Montreal as the base for expansion westward, but only for expansion based on furs and canoes. Unwillingly, Montreal was obliged to *reculer pour mieux sauter*. The weakness of French expansion (which overlapped the conquest by sixty years) was that it was built on an inadequate system of transport. By accident the collapse of the Montreal fur trade did for Canada what the Alleghanies had done for the American colonies: forced the building of foundations in a limited area. When, a generation later, the people of the St. Lawrence valley once more sought to make the north-west Canadian, they had much greater population and wealth, and had in the railway a mode of transport which offered new hopes of success. Thus, though the Montreal fur traders discovered the west, the Montreal railway builders captured it.” (p. 27.)

In his account of the fur trade and its methods, Professor Glazebrook has, on the whole, followed the well-beaten path of other Canadian historians, but he adds some pertinent reflections of his own. “Too much stress, perhaps,” he claims, “has been laid on the romantic side and too little on the darker side: the reckless slaughter of the fur-bearing animals, the exploitation and debauchery of the Indians, the brutalizing influence on the white man. One reads much of the gaily-dressed *voyageur*, with his ready song and love of his work; less of the hardship, privation and death that too often attended his trips.” (p. 60.) None the less, he concludes that “the influence of the fur trade on the development of communications and economic growth was enormous,” and stresses the importance of the opening-up of the country by both the Nor’Westers and the Hudson’s Bay Company. One wishes, however, that he had found space for a mention of the maritime fur trade and its influence on the development of the Pacific Coast.

Almost half the volume is devoted to the development of Canadian railways, including the early history of the eastern Canadian railways. The connection between railways and Confederation is most properly stressed and the story of the Intercolonial is clearly told. Three long chapters are devoted to the subject of the first railway to the Pacific coast. The first of these chapters deals with early proposals for a transcontinental railway. The second chapter gives a clear account of the building of the Canadian Pacific, and the third discusses the consequences of the construction of the railroad.

The story of the later transcontinentals, the Grand Trunk Pacific, the National Transcontinental, and the Canadian Northern, is told at some length. Professor Glazebrook shows clearly that the plan of 1903, which brought the National Transcontinental and the Grand Trunk Pacific into existence at a time when the Canadian Northern was rapidly extending its lines on the Prairies, was responsible for most of the subsequent railway woes of Canada. “In the light of later events it is easy to conclude that it was this failure to see the railway question as a whole that was the weak-

ness of the plan of 1903—a failure that was to bring much trouble to the next generation. It is hard now to recapture the optimism of that period, when parliament, the press, and business-men all were thinking in terms of progressive prosperity and rapid expansion." (p. 329.) Even before the outbreak of the Great War the western boom had broken and the new railways, not yet completed, were already "white elephants."

Canada's railway problem since 1913 receives lengthy treatment. The Canadian Northern was the first to become bankrupt and to pass into the hands of the government. The Grand Trunk Pacific followed and, later, the Grand Trunk Railway. The Canadian Northern obtained \$10,800,000 as a result of arbitration, but the Grand Trunk shareholders were paid nothing for their common stock. The Canadian National Railways came into existence in 1920, and since then Canada has had only two competing transcontinentals, one in private hands and the other owned by the Dominion Government. British Columbia in 1918 took over the Pacific Great Eastern Railway. During the last fifteen years the Hudson Bay Railway has been completed and the Ontario government line, the Temiskaming & Northern Ontario Railway, has reached Moosonee, on James Bay. Neither of these lines has fulfilled the rosy expectations of the promoters.

On the whole Canadians seem to be averse to an amalgamation of the two transcontinental systems under either private or public control. Statistics may be quoted to show that the present methods of organization and competition are ruinous to Canada, but the bulk of Canadian opinion seems to favour its continuance because it fears monopoly. There is a cry that "Railways should be taken out of politics," but, as Professor Glazebrook drily remarks: "Railways and politics have, in fact, never been completely dissociated in Canada, and it is a question whether they ever will be." No solution has yet appeared for the Canadian railway problem.

The railways to-day are facing competition from motor cars and trucks and, to a much less extent, from aeroplanes. The aeroplane is opening up vast new areas and is complementary to the railway. But Trans-Canada Airways is now planning passenger flights and the railways have a new rival. The historian of 1990 will probably have to include a much larger section on air communications in his account of Canadian transportation.

From a discussion of transportation it is an easy transition to the subject of the railway interrelations of the United States and Canada.

Colonel Wilgus is an American railway engineer of vast experience. He is responsible for the Grand Central Terminal in New York, the Windsor-Detroit tunnel, and the bridging of the St. John River between Maine and New Brunswick. He was also "the founder of the transportation service in France for the American Expeditionary Force in the World War." He has gathered a great mass of facts and statistics and he writes with authority.

After a study of the physiography of North America and a short historical summary, Colonel Wilgus discusses in detail the north-eastern, Great Lakes, and north-western "gateways" between Canada and the United States. He then deals with interrelated mileages and border activities, and follows this by a chapter on the international bridges and tunnels connect-

ing American-Canadian railroads. Next he analyses the comparative investment and income of the railways and also their rate structure. The concluding chapter is a résumé, and there are several valuable appendices.

The following paragraph is an excellent summary of Colonel Wilgus's findings regarding the interrelations of Canadian and American railroads:—

“In now looking backward at a long array of facts and figures, the intimacy of border contact between the United States and Canada stands out in bold relief. It truthfully may be said that it is without a parallel in the history of man. Within a comparatively short distance from their common border, 4,000 miles in length from sea to sea, are their greatest cities, their more thickly settled communities, their richest mines and their most fruitful fields. Serving these neighboring scenes of intense activity are navigable waterways of the first magnitude descending east to the Atlantic Ocean, south to the Gulf of Mexico and north to Hudson Bay. Binding them together with bands of steel are some 300,000 miles of railroad, sufficient to encircle the globe a dozen times, which are closely interwoven at the border through fifty gateways. Through these border eyelets more than 7,300 miles of Canadian controlled railways in the United States are linked with their parent systems on the north; and over 1,500 miles under American control in Canada are similarly joined with their systems on the south. The vast network of railways reaching by land in all directions to the remote corners of both countries is thus made an indivisible whole.” (p. 226.)

The railway interrelations of the United States and Canada are of vast importance, not only in the history of the two nations but even more so in their ordinary day by day life. Colonel Wilgus has done a service in writing this volume. It must be confessed that it is rather factual, perhaps too factual, but it is a pioneer study in a new field. The author tells us that “I soon found that, while there was a wealth of information at my command about railways on either side of the border, there was really very little that had a bearing on their interrelations.” (p. ix.) He had, therefore, to search into past records and to make inquiries from railway executives and public officials. Professor J. T. Shotwell, the general editor of the series, thus points out the real merit of the volume:—

“This book, therefore, serves a larger purpose than the casual reader may at first divine. It shows the ‘unarmed frontier’ not as a negative product of history, but as a positive fact, an expression of the interplay of two nations, each at work fashioning its own destiny and planning for its own prosperity. The interplay is a part of both destiny and prosperity, however, because the two countries share one continent.” (p. vi.)

The sharing of one continent by the two nations is also clearly brought out in Professor A. R. M. Lower's *The North American Assault on the Canadian Forest*. The forest areas of Canada have been exploited by Canadians and Americans and the greatest market for Canadian lumber has for many years been in the United States. The trade in squared timber and deals (pine) which had been the bulwark of Canadian lumber export to Great Britain fell off after the British fiscal revolution of the late 1840's.

The Reciprocity Treaty of 1854 promised to be a great aid to the export of Canadian lumber to the United States, but, as Professor Lower shows, the effects of this treaty were complicated by railway-building in Canada, the Crimean War of 1854-1856, the financial crisis of 1857-58, and finally by the American Civil War. On the whole the Reciprocity Treaty accentuated "the trade expansion which the opening of the large American market brought about." The railways grew at the expense of the canals. Stands of timber on Georgian Bay and the north shore of Lake Huron were exploited, and Chicago became a market for Canadian lumber. The Reciprocity Treaty assisted in speeding up the exploitation of the Canadian forest, but the exploitation would have taken place in any case.

From 1870 to 1900 Canadian and American firms engaged in a battle royal for eastern Canadian lumber. The issue was complicated by tariffs and the invasion of the Canadian forests by Americans who held timber limits and erected sawmills. The American Dingley Tariff of 1897 "restored the two-dollar rate on lumber and thus broke what Canadian lumbermen had taken to be a sort of gentleman's agreement." But during this period the eastern Canadian lumber industry reached its peak. The greatest of Canadian lumbermen, John R. Booth, of Ottawa, built up the largest lumber business in the world. The Ottawa valley reigned supreme in the Canadian lumber industry. But lumbering operations spread ever westward and northward into the Canadian Shield. "The generation which saw the termination of the Reciprocity Treaty saw also the National Policy, the building of the Canadian Pacific Railway, the settlement of the prairies and the expansion of the Canadian lumber industry from its narrow limits in the Maritime Provinces and the basin of the St. Lawrence below Lake Huron to the entire basin of the St. Lawrence and Great Lakes, and along the main line of the Canadian Pacific, wherever lumber was to be procured, right to the Rocky Mountains." (p. 183.)

Since 1900 the Canadian lumber trade has known its ups and downs. It reached its all-time high with a total production of 4,900,000 M. board-feet in 1911 and its lowest point of 1,800,000 M. in 1932. British Columbia's highest point was in 1929, with just under 2,500,000 M., and its lowest, just under 1,000,000 M., in 1932. Ontario and Quebec are to-day both under their 1910 levels. On the whole it may be said that the eastern Canadian lumber trade is distinctly declining.

Dr. W. A. Carrothers has added a valuable study on the *Forest Industries of British Columbia*. After a discussion of forest types and forest tenure, he deals with logging and sawmill methods. He then discusses the lumber trade to 1914, shingle production and trade, and finally markets and tariffs. The study is heavily statistical, and includes valuable appendices on the pulp and paper industry and the capital investment in forest industries. Mr. S. A. Saunders has written a very useful section on the lumber industry in the Maritime Provinces. The three authors have co-operated in the production of a volume which cannot safely be neglected by any student of Canadian economic history.

The Carnegie Endowment for International Peace is doing a great work in bringing out this series on the Relations of Canada and the United States. When it is completed it will provide a mass of information on the peaceful interrelations of the two great North American nations which should be unique. Professor Shotwell is to be congratulated, not only upon the vastness of his designs, but also upon the competent manner in which these designs are being carried out. A word of commendation should also be added for Professor Harold A. Innis, who has maintained a general oversight over the production of several of these important volumes.

UNIVERSITY OF BRITISH COLUMBIA,  
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WALTER N. SAGE.

*Journal of Occurrences in the Athabasca Department by George Simpson, 1820 and 1821, and Report.* Edited by E. E. Rich, with a foreword by Lord Tweedsmuir and an introduction by Chester Martin. Toronto: The Champlain Society, and London: The Hudson's Bay Record Society. 1938. Pp. lix., 498.

The one great, and almost untapped, source of the history of western Canada and, indeed, of western America is the Archives of the Hudson's Bay Company. Fully alive to its responsibility as custodian of documents of inestimable historical value, the Great Company some ten years ago began the herculean task of arranging and cataloguing them, with a view to their publication. This purpose took definite shape in 1936 when The Champlain Society made an agreement with the company to publish a Hudson's Bay series of volumes.

Since that time the public has eagerly awaited the appearance of the initial volume, being that now under review. No better choice could have been made than Simpson's Athabasca Journal, 1820-21. Simpson's entry into the company was at the crucial point in its history and in its struggle with the North West Company. Then began his career, rising steadily in importance and influence for forty years. He surely could say of the Hudson's Bay Company, as Augustus Caesar said of Rome, that he found it brick and left it marble.

This journal shows Simpson in his salad days in the fur trade, a *mangé du lardé*, as he calls himself. It begins at Rock Depot on Hayes River in July, 1820, only three months after he had left England. The journal covers less than two years, and as one reads it the anomalous position Simpson occupied appears, for though nominally in charge of the Athabaska district he is sometimes seen acting as if he were (as he actually was) the Governor of Rupert's Land. It certainly shows the man himself, for like Pepys he had a way of confiding to his journal his secret thoughts, opinions, and intentions, but without the protection of cypher. From September, 1820, when he arrives at the Hudson's Bay Company's Fort Wedderburn, until he leaves in May, 1821, it is almost a Book of Lamentations. It was a time of tension: assaults, threats of violence, robberies, duels, and murders had flourished in the region, and were daily expected. Warrants flew here and

there, evaded if, and when, possible. The company's business had been permitted to run along without watchful eye or guiding plan. Habits of insubordination had developed; extravagance flourished on every hand; each postmaster followed his own sweet will, and the subordinates emulated their officers; there was a total absence of unified purpose or co-ordination. All this was as bitter as the waters of Marah to Simpson's methodical mind. It must be ended at once. Coupled with these internal troubles and dissensions was the energetic opposition of the Nor'Westers who not only made every effort, legitimate and otherwise, to circumvent the Hudson's Bay men in the trade, and industriously circulated false rumours regarding them, but also resorted to force under the specious pretext of some imaginary wrong. Facing passive foes within and active foes without, Simpson, with infinite patience and diplomacy and the example of untiring energy, set himself to the task of creating an *esprit de corps* in every trading-post, and of inculcating the ideal of a unified body working to one end, the success of the company. How he accomplished these ends the journal tells in detail. Sometimes he found opportunity to deliver a public reprimand, or used severe means; at others he employed cajolery: "a little flattery and good humour," to a husband or his wife, he confided to his journal, will often secure attachment. "Flattery," he wrote to William Brown, "is a very cheap commodity and greatly estimated by such people." He even played upon the Indians' belief in his star and in his supernatural powers. He formed his own opinion of every man in the company's service, but in his relations with them he concealed it except where policy demanded sterner methods.

Everywhere he goes he has an eye upon possible improvements in the carrying-out of the trade. When he crosses the 13 miles of the Methy Portage he plans to build a road and use horses; for winter conveyance he thinks of training caribou or reindeer as auxiliary to the dogs, which are insufficient numerically for the work. The food-supply, too, was a constant source of anxiety. He ordered early and sufficient supplies of twine; instructed that nets be made without delay; and every exertion used to ensure a plentiful store of fish against the long winter. His password was *Economy*: Economy in the use of food; economy in supplies; economy in Indian credits; economy in wages and in every expenditure. He was determined to close up all the small leaks and to see that nothing was wasted. "My orders," he wrote in November, 1820, "are not to be disputed." He saw opportunities for improvement: in the management of every post, in its personnel, and in every branch of the trade. Little wonder is it that Wentzel wrote in March, 1824: "The North-West is now beginning to be ruled with an iron rod."

The North West Company looked on the Hudson's Bay people as interlopers in Athabaska. The Methy Portage marked the northern limit of the charter and, though the Nor'Westers treated that document with contempt, they were determined that their opponents should get no foot-hold on northern-flowing water, as being outside its limits. One man of the Nor'Westers was Simpson's special aversion: Samuel Black. No word in

English was too strong to be applied to him. In the journal he is always "this outlaw," "the miscreant Black," "the desperate character," "the black-hearted," "the villain Black"; yet, after the companies were united, Black was presented with a ring, inscribed "To the most worthy of the Northwesters," and after his murder, twenty years later, Simpson referred to him as "Our late and much-valued friend, Mr. Samuel Black." Truly, other things besides misery acquaint a man with strange bed-fellows. In the struggle the Nor'Westers had built a watch-tower near Fort Wedderburn in order to oversee the movements of their opponents. Simpson built a wall to shut off their view. Out of this action came threats and mutual armings, resulting in the arrest of Simon McGillivray, Jr., on 23rd October, 1820; the prisoner was kept in confinement in Fort Wedderburn until the 3rd December following, when, probably through bribery of the guard, he escaped. Though there seem to have been, at least, communications between the brigades *en route*, Simpson forbade any intercourse between the forts of the opposing companies. Yet it continued to a very limited extent. He was suspicious of the semi-friendly relations that existed between two of such forts in the far-away Peace River region. Doubtless he feared that his men might be induced to desert or that the apparent friendship was a mere cover for spying. Each side took care to circulate, especially amongst the Indians, stories of its kindly intentions, its fine equipment, its superiority in men, goods, and force, and its intention to expel the other. Simpson brought efficiency into the forts; all were now fully armed, on the alert, and ready for any attack; and in addition he had imbued a new spirit into the trade. As early as November, 1820, he heard rumours of a coalition between the companies, but the undeclared war continued. At Lake Winnipeg on June 18, 1821, he learned that the union had been effected. To his journal he expressed himself thus: "I must confess my own disappointment that instead of a junction our Opponents have not been beaten out of the Field, which with one or two years of good management I am certain might have been effected."

Simpson had a decided view that rum was necessary, not only to secure the furs from the Indians, but also to enable the voyageurs to spend their wages with the company and thus to leave nothing due them at the end of their engagement. At the same time it must not be indulged in to the point of intoxication—that interfered with efficiency, a word which stood close to economy in his mind. For example, on November 13, 1820, he wrote that some officers had indulged over freely and added: "It is, however, the first transgression of the kind, and I think it will be the last while I am in Fort Wedderburn." There are many references to the plan of extending the trade into New Caledonia, then a monopoly of the North West Company, but from one cause or another it was not undertaken. Simpson appears to be unaware of Fraser's voyage of 1808; for, on page 134, he plainly refers to the Fraser, covers the name of the Columbia. His *Report*, which follows the journal, under fifty-seven pages and is an abridgment of it. He therein speaks his mind almost as freely regarding the officers and servants of the company and the methods employed in the trade.

The introduction by Chester Martin is a fine piece of work, carefully planned and performed, but that is what we have learned to expect from him. It converges the light upon the last days of the struggle between the two companies, so as to furnish a real background for the journal. This is followed by a compendious outline of the journal in which he paints the picture of Simpson as he shows himself in this most self-revealing document.

The notes by Mr. Rich, speaking generally, are well done, though here and there some occur which do not appear necessary, as for example, note 3 on p. 8, 2 on p. 14, 1 on p. 21, 2 on p. 23, 1 on p. 45, part of note 4 on p. 75, and note 1 on p. 223. On the other hand there are some notable omissions: free Iroquois, p. 132; train, p. 182; train timber, p. 224; parchment sled wrappers, p. 271; and winter shoes, p. 278, might well have had a word of explanation. The learned editor is in error in his statement on p. 41 that the marriages between the traders and Indian women were not recognized by Canadian law; see the well-known case of Connolly vs. Woolrich in *La Revue Legale*, Vol. I. (1869), pp. 253-400, sustaining on appeal the decision of Judge Monk in favour of their validity. There is some confusion in note 3 on page 38; and note 2 on page 133 and note 1 on page 134 have been interchanged. The page headings added by the editor will prove of service to every reader.

The appendices A and B contain short sketches of the trading-posts mentioned in the journal and biographies of the principal actors in its pages. These bear marks of careful and painstaking examination and research and meticulous collation. The fact that some of the biographies have already appeared in the appendix to W. S. Wallace's *Documents relating to the North West Company*, The Champlain Society, 1934, does not detract from the wisdom of their inclusion in this volume for convenience of reference. Three maps showing the location of the Hudson's Bay Company's forts, Simpson's route to Athabaska, and the country beyond enable a reader unfamiliar with the geography of northern Canada to follow the journal in its details. The frontispiece is a reproduction of the well-known picture of Sir George Simpson.

F. W. HOWAY.

NEW WESTMINSTER, B.C.

*Winning Oregon. A Study of an Expansionist Movement.* By Melvin Clay Jacobs. Caldwell, Idaho: The Caxton Printers, Ltd. 1938. Pp. 261.

The thesis of this work is "the winning of Oregon territory through a frontier movement" (p. 16). The territory thought to have been thus won by the United States and lost by Great Britain (not "England") is that between the Columbia River and the 49th parallel of north latitude, excepting, of course, the southern portion of Vancouver Island; but the author is mistaken (pp. 226-7) in thinking that the offer made in 1826 by Great Britain to yield the Olympic Peninsula was not renewed; it was repeated in the note of August 26, 1844, from the British Minister at Washington (Pakenham) to the American Secretary of State (Calhoun).

Dr. Jacobs brings forward interesting evidence in support of his proposition; but he has not studied important papers in the Archives of the Department of State and the Library of Congress relevant to the later diplomatic history of the subject; in considerable part, this material has been printed (*see* Miller, *Treaties and other International Acts of the United States of America*, V., pp. 3-101).

Not only did Lord Aberdeen tell Pakenham on March 4, 1844, "to draw from" Secretary of State Calhoun a proposal of the line of 49° to the Gulf of Georgia, with free ports and common navigation of the Columbia River, but he wrote to Sir Robert Peel on the following September 25 that he was "convinced that this was the utmost which can be hoped for from negotiation," and that he thought "this would be in reality a most advantageous settlement" (Dr. Robert C. Clark has printed the letter in the *Oregon Historical Quarterly*, xxxiv. (1933), pp. 236-40; and, while Peel was not then persuaded, Aberdeen wrote in a private letter to Pakenham in the early days of the Polk administration (April 18, 1845) that if such an offer was made by Secretary of State Buchanan, it might be sent on to London for consideration.

The letter to Polk of August 4, 1845, from the American Minister at London (McLane) is cited (p. 109) to show influence of the Hudson's Bay Company against surrender of territory north of the Columbia; but the succeeding paragraph of that letter accurately forecast the attitude of the British Government as acceptance of the 49th parallel, except for Vancouver Island, with continuance for a longer period of privileges of the Hudson's Bay Company, the duration of that period being "the most difficult point of the compromise."

The proposal of Polk, made in a note of Buchanan to Pakenham of July 12, 1845, was for the line of 49° to the Pacific, with free ports on Vancouver Island south of that parallel, and without mention of navigation of the Columbia River. McLane was about to leave for London; he had with him a copy of Polk's proposal and, in an instruction of the same date, the possible concession of the "small cap" of Vancouver Island was mentioned as one which would be of "no importance to the United States." Delivery of the note to Pakenham at Washington was, however, delayed four days, so that he was unable to send a copy to Aberdeen by the packet on which McLane sailed on July 16.

Pakenham now made the diplomatic blunder of hastily rejecting (July 29) Polk's proposal instead of referring it to his Government; but before Polk, on August 30, withdrew that proposal, he had before him the letter of McLane (received on August 19) which made known the position of the Government of Great Britain; and by October 21 Polk received McLane's despatch of October 3 in which the information was communicated that Aberdeen would have taken up Polk's proposal as the basis of his action if Pakenham had forwarded it for consideration, as he should have done.

In the early autumn of 1845 Polk could have obtained as good a treaty (and indeed in some respects a better one) as the Oregon Treaty of June 15, 1846. Aberdeen endeavoured in October to reopen the negotiation at

Washington; a note was written by Pakenham for that purpose; but because of Polk's proposed frigid answer it was withdrawn; and how far Polk's judgment was wrong at this time is shown by his letter of October 29, 1845, to McLane in which he doubts whether the Senate would accept the line of 49°, and wrote that it was "certain that we could not accept one less favourable" than the proposal of July 12; the subsequent treaty was distinctly less advantageous to the United States, both in respect of Vancouver Island and of the navigation of the Columbia River.

The view of Richard Rush, which the author seems to accept (p. 197) that it was Polk's message to Congress of December 2, 1845, which produced the settlement of the Oregon Question, is baseless; the statements in that message to the effect that all attempts at compromise had failed were disingenuous; neither in the message nor in the accompanying papers was there any hint of the fact that the British Government had made known, both to McLane at London and to Buchanan at Washington, its desire to renew negotiation on the basis of the line of 49°.

Polk had said in Cabinet on October 21 that he might submit to the Senate any new proposition made by the British Government before he acted on it, but he then refused permission to Buchanan to so inform Pakenham; by the end of December the policy was agreed on in Cabinet to refer to the Senate an offer of 49° or an equivalent proposition; in January, 1846, the possibility that Lord Aberdeen would be succeeded by Lord Palmerston gave to think; Polk now yielded somewhat to the views of Buchanan, who favoured settlement; the instruction to McLane of January 29 intimated a desire for a fresh proposal from the British Government and authorized McLane to tell Aberdeen that the President might submit a proposal to the Senate for advice; and there were somewhat detailed discussions of terms between Aberdeen and McLane at London and in instructions to McLane, but without formal diplomatic correspondence between the two Governments; indeed, Polk, as late as April 13, was able to inform the Senate, with technical accuracy, that there had been no correspondence since the British offer of arbitration had been twice made and decline in correspondence of the previous December to February; but if the Senate was officially uninformed, Senators doubtless knew from Buchanan and Pakenham what was going on; Webster sagely remarked that there might have "been correspondence between the Department of State and the American Minister in London."

Aberdeen would have made his proposition if the withdrawn note of Pakenham had been otherwise received in October, or if the offer of arbitration had been declined in a different tone; as it was, he waited for the action of the Senate on the resolution for termination of the so-called "joint occupation" treaty; and Polk, taking the chances of a change of administration at London and with the Mexican War coming on, was standing on what Benton called a "point of etiquette," and leaving responsibility to the Senate.

So when the British proposal came to Washington in June, 1846, it was referred to the Senate by Polk for advice, and was accepted *literatim et*

*verbatim* as written in London. Pakenham wrote of the "positive impatience shown by Mr. Buchanan to sign and conclude," which he attributed to the fact that the Mexican War had commenced. Aberdeen, on the other hand, thought that the conduct of his "predecessor and expected successor [Lord Palmerston], with regard to the Ashburton Treaty had filled Mr. McLane with the greatest alarm, which, I presume, was shared by the Government of the United States." Webster may be quoted again: "Now, Gentlemen, the remarkable characteristic of the settlement of this Oregon question by treaty is this. In the general operation of government, treaties are negotiated by the President and ratified by the Senate; but here is the reverse,—here is a treaty negotiated by the Senate, and only agreed to by the President."

We have McLane's authority for saying that if there had been any discussion of the wording of the text some modifications would have been conceded in London; and one of these, specific mention of Haro Strait, would have avoided dispute regarding the water boundary, which lasted until its arbitration twenty-five years later.

A case can be made for the influence of the frontier movement, actual and prospective, on the settlement of the Oregon Question; but the argument for that thesis is weakened, rather than advanced, by supposing that Polk's policy and diplomacy after the summer of 1845 were the forces which moved the British Government to the final proposal.

HUNTER MILLER.

VICTORIA, B.C.

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