

THE DESPATCH OF TROOPS  
TO RED RIVER, 1846, IN RELATION  
TO THE OREGON QUESTION

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## PREFACE

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## CHAPTER I

### THE STORMY ORIGIN OF SETTLEMENT AT RED RIVER

This thesis is concerned with an investigation into the hitherto little discussed relationship between the settlement of the Oregon Boundary Question and the arrival of British Troops at the Red River Settlement. The Oregon Question has received much attention and the development of trouble at Red River has been explored, but little has been done to show the relationship that existed between them.<sup>1</sup> However, before examining the nature of these crises, it is necessary to take a cursory glance at the geography of the Canadian West, the early history of the colony at Red River and the background of the Oregon dispute.

The term "Canadian West" as used here refers to the prairie area which to-day is located in the three prairie provinces. This region is flanked on the west by the Rocky Mountains, on the north and east by the Laurentian Shield, and on the south by the Mississippi-Missouri Valley. In fact, the prairie region is an extension of this inland plain. The Laurentian Shield overlaps the present provinces on the north and east; about two-thirds of Manitoba, one-third of Saskatchewan and one-sixth of Alberta form part of it.

Because of the barriers imposed by the Rockies and the Shield,

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<sup>1</sup>The exceptions to this are: A. S. Morton, Sir George Simpson (Toronto, 1944) and C. P. Stacey, "The Hudson's Bay Company and Anglo-American Military Rivalries During the Oregon Dispute," Canadian Historical Review, vol. 18, June, 1937, pp. 281-300.

the easiest entry into the Canadian West is from the south. However, the first whites reached the west by following a difficult passage, which skirted the southern part of the Shield. This paradox is explained by the fact that the first whites to arrive in the west came in search of furs. Because the Laurentian Shield was a natural home for fur bearing animals, the traders pushed further and further into it until the plains were reached.

From the appearance of whites in the west, it was the scene of fur trade rivalry. Just as French traders were pushing westward into the Shield area, the Hudson's Bay Company, also interested in the fur trade, began to establish posts on Hudson Bay. Because the Bay offered a cheap water route, compared to the difficult passage of the Shield, the Hudson's Bay Company had a considerable advantage over its French rivals. For this and other reasons, it was able to sell its goods to the Indians at lower prices than the French. The French answer to this was to push around the south of the Bay in order to intercept the flow of furs from the Indians of the hinterland to the English posts on Hudson Bay.

As the French pushed westward from Canada, they had to live in close contact with the Indians for increasingly long periods and gradually they adopted many Indian habits. In time, much intermarriage between French and Indians took place. When, finally, the French broke through the Laurentian barrier into the prairie west, they had been modified by their long contacts with the Indians, and many French voy-

ageurs decided to stay in the west, living in native fashion. Therefore, when France finally lost Canada in 1763, a new group of considerable size had developed. This group, of mixed French and Indian blood, known as *métis*, while concentrated in the west, was also located at strategic spots along the route from Canada.<sup>2</sup>

After the English conquest of Canada, English fur traders from the colonies to the south moved north and began to use Montreal as their headquarters. Soon the English traders had taken over the organization developed by the French and were pushing along the French routes into the prairie west.

The Hudson's Bay Company, with the economic advantage conferred upon it by its monopoly of the Bay route, for many years was content to sit on the shores of the Bay.<sup>3</sup> It was only in the past years of French occupation of Canada that French competition was beginning to force the Bay officials to consider pushing into the hinterland.<sup>4</sup> However, the

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<sup>2</sup>This is but an extremely brief indication of Marcel Giraud's account of the development of the French half breed. Marcel Giraud, Le Métis Canadien (Paris, 1945), pp. 293-379.

<sup>3</sup>Giraud finds that the chief reasons why a large Anglo-Indian group did not develop were, that the Hudson's Bay Company remained on the shores of the Bay for a century and also Company policy tried to minimize the contact between Company servants and the Indians in order to lessen the danger of Indian hostility. Despite these factors a small Anglo-Indian group did develop.

<sup>4</sup>This question is examined by A. S. Morton, A History of the Canadian West to 1870-71, (London, n.d.), pp. 239-42. Morton comes to the conclusion that after 1750, the Hudson's Bay Company was faced with a crisis due to French competition. The decision to advance into the interior was put off until the victory at the conclusion of the Seven Years War temporarily eliminated the necessity of pushing inland.

Seven Years War and the conquest of Canada gave the Company a respite. But with the new organizations of Montreal combining Anglo-Scot financial talent and organizational ability, with French understanding of the Indians, the Hudson's Bay Company soon found that the 'pedlars' from Canada were much more formidable rivals than the French alone had been. As a result, the Company was forced to abandon its policy of sitting on the Bay and to erect posts inland.

The 'pedlars' found that it required considerable capital to overcome the disadvantages of the long route from Montreal, thus small individual enterprises were amalgamated into larger, more financially stable concerns. By the close of the eighteenth century, the process of consolidation was almost complete. The opening years of the new century saw intense competition, amounting almost to private warfare between the great Montreal companies, the North West Company and the X Y Company, for the domination of the southern route and the rich fur areas of the Athabasca region. Finally, in 1804, the members of the X Y Company were absorbed into the rival concern, and the North West Company was able to direct its attention to the destruction of its northern rival, the Hudson's Bay Company.

Declining profits during the first decade of the nineteenth century, made the Governor and Committee of the Hudson's Bay Company aware of the increasing competition of the Norwesters. In order to meet this increasing competition, in 1810-11, a general reorganization of the Company took place. Part of this reorganization was the proposal of one

of the stockholders, Lord Selkirk, to found a colony in the Company's territory.<sup>5</sup> Selkirk was aware of the high cost of shipping food to the posts of the Company, and if activities were to be expanded, these foods costs would rise. At the same time, Selkirk was genuinely worried about the condition of the people in certain of the economically depressed areas of Scotland. He, therefore, suggested that the Company make him a grant of land, upon which he could settle emigrants from Scotland who would be able to contribute to the food supplies of the inland posts. In this manner, not only would the posts be provided with a cheap food supply, but, in addition, some of the economic distress of Scotland would be relieved. The plan was approved, the grant made, officials for the Settlement appointed and the recruiting of the emigrants commenced. Thus was born the colony to which the Oregon crisis was to bring a British garrison. It had a stormy infancy.

The Norwesters heard of these plans with anger. They had been convinced that, despite the advantage of the Bay route enjoyed by the Company, they would soon drive it out of business. Now, the Company was not only reacting to their challenge, but reacting in a manner that posed a direct threat to them, for the colony planned by the Company lay right across the Norwesters' route to the rich northland. Consequently, the Norwesters regarded the projected colony as an attempt by the

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<sup>5</sup>Ibid., p. 532-3. Morton shows that at the time of the grant, Selkirk was not one of the major stockholders, as has been sometimes stated.

Company to interrupt their trade routes.

The opposition of the North West Company to the colony was shown even before the colonists left Scotland. The Norwesters used family connections to discourage would-be emigrants. The most horrible tales of life in the west were circulated. These manoeuvres failed to thwart the Company and, on July 26, 1811, the advance party of settlers, numbering 70, left Scotland for Red River under the command of Miles Macdonell.

The party was forced to winter at York Factory and the following year, though much reduced in size,<sup>6</sup> reached the junction of the Red and Assiniboine Rivers on August 30. Though the opposition of the North West Company was soon evident, the greatest hardship the party suffered was from a shortage of food. Because of this, it was decided to winter at Pembina River, in order to be near the wintering ground of the buffalo.

The party went down to Pembina River, where they built Fort Daer and where, too, they were joined by the second group of colonists late in the year. While the buffalo were fairly near, the settlers proved to be poor hunters, and had to purchase much of their food from the half breeds and Indians in order to avoid starvation.

In the summer of 1813, further efforts were made at the Forks, but in the fall the settlers had to return to Fort Daer. It was there on January 8, 1814, that Miles Macdonell issued his famous "Pemmican Embargo." Up till then, while the hostility of the Norwesters had been

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<sup>6</sup>Chester Martin, Lord Selkirk's Work in Canada (Oxford, 1916), p. 43.

shown in many ways, they had not made a concerted attack upon the colonists.

The Norwesters, however, reacted violently to this Embargo. They did not see it as a measure designed to protect the settlers from starvation, but as an insidious attack upon their company.<sup>7</sup> The long supply lines from Montreal necessitated a reliance upon some local source of food if the company was to show a profit. Macdonell's Embargo, therefore, was an attempt to deny the North West Company the use of pemmican to provision their western posts. If the Embargo was enforced, the North West Company could not operate.

The Norwesters held a meeting at Fort William in June, 1814 and worked out a plan, not only to defeat the Embargo, but to destroy the colony.<sup>8</sup> Duncan Cameron and Alexander Macdonell of Fort Gibraltar were chosen as the chief agents and instructed to enlist the métis as active allies. This they succeeded in doing by appealing to the métis as the heirs of the Indians and "Lords of the Soil", to protect their own interests by preventing the settlers from usurping their title to the land. By this appeal and by flattering them as the "New

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<sup>7</sup>While there is little doubt that Macdonell proclaimed the Embargo in order to protect the settlers, it is also quite evident he knew that by doing so, he was asking for trouble. His instructions from Selkirk told him to avoid arousing the Norwesters. J. P. Pritchett, The Red River Valley, 1811-1849 (New Haven, 1942), pp. 129-131. In actual practise, Macdonell modified the Embargo to permit the brigades of the North West Company to secure pemmican. Morton, Canadian West, pp. 557-8.

<sup>8</sup>The wintering partners of the North West Company had reached a rough compromise with Macdonell, but the Montreal partners insisted upon the destruction of the colony. Pritchett, Red River Valley, pp. 147-8.

Nation", Cameron and Macdonell succeeded in rousing in the métis, what Giraud calls their 'national pretensions'<sup>9</sup> or, more accurately, a group consciousness. At the instigation of the Norwesters, the métis adopted a flag and asserted their claim to the soil.

On June 11, 1815, the Norwesters led the métis in an attack upon the Settlement. Miles Macdonell was captured and sent off to Fort William. Some of the settlers were persuaded to leave for Upper Canada, others who showed signs of wanting to remain, were ordered to abandon the colony and on June 26, a party of half breeds set fire to the buildings of the colony.

The refugees went north to Jack River, where they remained until the arrival of Colin Robertson, who was leading a Hudson's Bay Company expedition into the Athabaska country. He persuaded the refugees to return to the colony. When Robertson and his party arrived, they found that things were not as bad as they had expected and all set to work to restore the colony. Shortly after, they were joined by a new group of settlers just out from Scotland, under the command of Robert Semple, who had recently been appointed Governor of the Hudson's Bay Company territories in America. A good harvest and a decline in the visible opposition of the Norwesters revived the spirits of the colonists, and they celebrated the resurrection of the fort and the rebirth of the colony.

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<sup>9</sup>These 'national pretensions' were rather rudimentary, for the métis wanted to model their nation on that of the Sioux. Giraud, Le Métis Canadien, p. 552.

Meanwhile, Lord Selkirk had reached Montreal where he heard of the attack of the Norwesters. He applied for military protection for the colony, but through the influence of the Norwesters, this was refused. However, Selkirk heard that some of the men of two disbanded regiments, the De Meuron and De Wattville, were available for employment. Thus, Selkirk was able to enlist about 100 men and four officers of these regiments<sup>10</sup> to go to Red River as soldier-settlers and arrangements were made for them to accompany Selkirk to the colony in 1816.

In the northwest, while on the surface it appeared as though the opposition of the Norwesters to the colonists had ceased, in reality a more concerted attack on the colony was being planned. This attack, the Norwesters were determined, would destroy the colony for all time. Guthbert Grant had been sent to round up the métis from the Qu'Appelle River region and this group was to be assisted by reinforcements sent out from Fort William. The two groups were to meet near the colony and launch their attack in the early summer of 1816.

Robertson, anticipating a plot against the colony, seized Fort Gibraltar and took Duncan Cameron to Fort Douglas. Governor Semple seemed unwilling to continue Robertson's aggressive policy, and after a quarrel with Semple, Robertson departed for York Factory. Semple then made belated efforts to strengthen Fort Douglas and also tore down Fort Gibraltar.

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<sup>10</sup>A few men of the Glengarry Fencibles also were enlisted by Selkirk. Pritchett, Red River Valley, p. 182.

The loss of the Norwesters' base at the Forks did not deter the métis from attacking the colony. On June 18, under the command of Grant, a group of fifty to sixty métis set out from Portage la Prairie for the Forks. Though they did not meet their reinforcements from Fort William, the band, in the evening of June 19, approached Fort Douglas.

Semple was fully aware that an attack was to be expected. Therefore, a watch had been posted, and as the métis approached, the alarm was raised. Semple collected a group of about twenty-six men, and not waiting for an attack on the post, set out to meet the painted horsemen. Before advancing very far, Semple realized that the métis were too strong for his group, so he ordered one man to return for a fieldpiece and reinforcements. Before they arrived, however, Semple ordered his men to advance once more.

As the settlers approached the métis, a few words were exchanged between the two groups, then suddenly, a shot was fired.<sup>11</sup> This seemed to be a signal, for immediately there was a rapid exchange, in which the settlers were worsted. Soon, the firing slackened as the métis realized that opposition had ceased. Occasionally a shout was heard as the métis killed one of the wounded. This was the familiar "Massacre of Seven Oaks" in which twenty-three were killed. Of these, one

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<sup>11</sup>Governor Semple, who by his foolishness contributed to the disaster, was one of the first to be killed. Alexander Ross, Red River Settlement (London, 1856), p. 37.

was a follower of Grant's, thus Semple and practically all his group were killed. Fort Douglas then capitulated and on June 22, the remaining settlers again set out for Jack River.

Meanwhile, on May 5, an advance guard of Selkirk's soldier-settlers, under Miles Macdonell, had left Montreal. Within six weeks, the remainder of the expedition including Selkirk, who had recently been appointed justice of the peace for the Indian Territories, set out for Red River.

On June 29, while a few miles from Lake Winnipeg, Macdonell heard of the second destruction of the colony. He returned east immediately. On July 25, he met Selkirk at Sault Ste. Marie and informed him of this latest disaster. Selkirk decided to deal with the Norwesters and set out for Fort William at once.

With his whole force, Selkirk landed a short distance from Fort William on August 12. The following day William McGillivray, one of the partners of the North West Company, was arrested, but when the other partners resisted arrest, the De Meurons, under Captain D'Orsonnes, seized the fort.<sup>12</sup>

During the winter, further steps were taken to weaken the Norwesters and to regain control of the area at the Forks. Early in

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<sup>12</sup>Selkirk believed that from the evidence found at Fort William, he had sufficient justification for his actions. He found out later that he was greatly mistaken. An account of his later difficulties is to be found in Morton, Canadian West, pp. 594-600.

December, Miles Macdonell led a party on towards Red River, and on December 10, D'Orsonnes with twenty-eight men and two field pieces followed after him. The two parties joined up and, after the capture of Fort Daer on December 31, they advanced against Fort Douglas. During the night of January 10, 1817, the party gained an entrance to the fort, the Norwesters were called upon to surrender and without a sign of resistance, they did so.

News of the capture of Fort Douglas was sent to Selkirk at Fort William and the settlers who were wintering at Jack River. Some of the younger settlers immediately returned to the Forks, in order to prepare for the return of the rest of the group. When Selkirk heard of the capture, he determined to set out for the Red River as soon as possible, and he reached the Forks on June 21.

Selkirk, during his stay at Red River, did his best to make up for the former hardships of the colonists and to guard the settlement against any possible attack in the future. The old colonists were treated very generously, the ex-soldiers were established on the land and a treaty concluded with the Indians. In addition, a large experimental farm was planned, roads and bridges were laid out. When, after a three month's stay in the colony, Selkirk set out for the east, the settlement had been re-established and was in fact, stronger than it had ever been in the past. Thus, Selkirk was able to leave with the feeling that at last success was at hand.

Though Selkirk's fortunes declined rapidly from this date on-

ward, his visit to the colony marked the turning point in its existence. Though the struggle between the two companies continued, the scene of the major struggle shifted from the Red River to the Athabaska country, and the colony was left at peace. The colony continued to suffer, not from the antagonism of man, but of nature.

Finally, in 1821, the great struggle between the North West Company and the Hudson's Bay Company was ended, for in that year, the companies united into one; the new Hudson's Bay Company.

## CHAPTER II

### TRADE AND DISCONTENT AT THE COLONY

The union of the companies opened a new era in the life of the people at Red River Settlement. Trade rivalry, which had involved the colony in situations of danger, was over. The peace brought many changes, not the least of which was an increase in size.

Shortly after the arrival of Selkirk at Red River together with about one hundred soldier-settlers, a group of about forty French Canadians, accompanied by Roman Catholic priests, journeyed to the colony, As a result of the persuasion of the priests and the loss of employment because of the union, a large number of métis soon were led to settle in the colony. In addition, an agent of Selkirk had recruited a band of settlers in Switzerland, and they, numbering about 170, reached Red River in 1821.<sup>1</sup> More important for the long term growth of the colony, however, were the discharged servants of the Companies who settled at Red River following the union.

The two companies, in their great struggle, had hired many non-essential and non-productive men in order to overawe their opponents. There was now no need for these supernumeraries; moreover, there were many individuals who were essential to the efficiency of one company, but by the very union were no longer needed. Beginning in 1821, a large number of discharged employees of the former companies settled at

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<sup>1</sup>Pritchett, Red River Valley, p. 224. The Swiss did not stay long. As early as 1823, some were planning to leave. E. H. Oliver, ed., The Canadian North-West (Ottawa, 1914), pp. 228-9. After the flood of 1826, the remainder left the settlement. Ibid., p. 261.

the colony.

On March 27, 1822, Captain Andrew Bulger was appointed Governor of the District of Assiniboia,<sup>2</sup> Shortly after his arrival, Bulger remarked, concerning the colony:

By far the greater part of our population. . . are sunk in vice and depravity, and daring enough to despise our laws and openly to defy our magistrates. . . Even now, no one can be found to interpose and act as magistrate, to such a frightful height has the evil grown. . . Nothing but the presence of a military force to aid the civil power can prevent the country from becoming very soon a den of thieves, for no honest man will remain in it.<sup>3</sup>

Two years later, George Simpson, Governor of the Northern Department, wrote a long letter to Andrew Colville. In this letter Simpson gave his opinion regarding the various groups which comprised the colony. Because of their tractability, Simpson regarded the ex-servants as the best settlers, followed closely by the industrious Scottish, who "considered Red River as much their home as the land of their nativity formerly was...."<sup>4</sup> The Meurons and Swiss "are wretched settlers", for Simpson found them improvident and lacking in industry. When he turned to deal with the métis, Simpson wrote at some length, showing that they were by far the most dangerous element in Red River Society. "I do most

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<sup>2</sup>Oliver, North-West, pp. 218-9. Bulger received two appointments on March 27, 1822; one as Governor of Assiniboia which he received from the Governor and Committee of the Hudson's Bay Company; the other, as agent for Lord Selkirk's estate, from Andrew Colville, the Executor and Trustee of Selkirk's Estate.

<sup>3</sup>Ibid., p. 224.

<sup>4</sup>Pritchett, Red River Valley, p. 232.

seriously apprehend," wrote Simpson, "that they will in due time be the destruction of the colony."<sup>5</sup>

Simpson had good reason to fear the métis groups. They were not only the most numerous element in the settlement, but, thanks to the efforts of the Norwesters, conscious of their mixed parentage. This "nationalism" had been aroused by the Norwesters to aid them in their struggle against the Hudson's Bay Company, but it far out-lived the struggle. Believing that they were the true "Lords of the soil" and because of their easy victory in the "Battle of Seven Oaks", superior warriors to the white settlers, the métis were, for the next half century, a high-strung, quick-tempered, hard-to-handle group. Whenever they felt that their interests were being infringed upon, the métis were quick to answer the call of blood, and by threat of force, were able to gain concessions for themselves.<sup>6</sup>

In maintaining this group spirit and savage demeanour, the buffalo hunt played an important role. It was, in the first instance modelled on the hunt of various Indian tribes<sup>7</sup> but, in time, developed its own unique features. The buffalo hunts, first organized in 1820,<sup>8</sup> became the most important phase in the life of the metis for more than

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<sup>5</sup>Ibid., p. 233.

<sup>6</sup>Ross, Red River Settlement, pp. 165-9.

<sup>7</sup>F. G. Roe, "The Red River Hunt," Transactions of the Royal Society of Canada, Series 3, vol. 29, 1935, pp. 173-4.

<sup>8</sup>Ibid., p. 175.

half a century. Twice a year, in spring and fall, ever increasing numbers of métis moved out from Red River to hunt the buffalo.<sup>9</sup> From these hunts, the metis derived, not only their chief source of food for the year but from the pemmican and hides they sold the Company, they received the money which enabled them to live in the seasons they could not hunt the buffalo.<sup>10</sup>

Alexander Ross accompanied the métis on the spring hunt in 1841. According to Ross,<sup>11</sup> the métis went down from Red River Settlement to the plains near Pembina River. When all had assembled, a council was held at which the officers of the hunt were selected. These comprised ten captains, one of whom was styled "head of the camp". "Each captain had ten soldiers under his orders." In addition ten guides were chosen who, each in turn, guided the camp.

Before breaking camp, a final council was held at which the rules for the expedition were laid down. By these rules, the officers established the discipline of the hunt and infractions of the rules brought severe penalties. Finally, nineteen days after leaving Pembina, the herd was sighted. No less than four hundred hunters lined up to wait for the head of the hunt's order to start. "The earth seemed to tremble when the horses started; but when the animals fled, it was like the

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<sup>9</sup>Ross, Red River Settlement, p. 246.

<sup>10</sup>Ibid., p. 273. Ross says that the Company paid the hunters £5,000 for the provisions received in 1839,40,41.

<sup>11</sup>Ibid., pp. 247-256.

shock of an earthquake. The air was darkened; the rapid firing at first, soon became more and more faint. . . . Two hours, and all was over."<sup>12</sup>

As a result of these semi-annual hunts, the métis not only retained their hunting and riding ability, but developed a loose military discipline and recognized leadership which enabled them, in the absence of trained troops, to overawe and intimidate the government at Red River.

Simpson realized that the métis were a danger to the Settlement. In order to minimize the danger, Simpson made peace with Cuthbert Grant, the métis leader at Seven Oaks. He gave Grant a job in the new Company in the hope that Grant would give his loyalty to the Company, and by his influence with the métis, lessen the danger they posed to the Settlement and the Company.<sup>13</sup>

The union also brought a change in the attitude of the Company's servants towards the colony. It was no longer regarded as an ally in the struggle against the North West Company; it was no longer a pillar in buttressing the Company's position. The Settlement slowly came to be regarded as a new threat to the new Company's trade monopoly. All settlements threatened the fur trade and the Hudson's Bay Company officials realized that the Red River Settlement, though isolated, was no exception.

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<sup>12</sup>Ibid., p. 256. Father George Belcourt, "Buffalo Hunt," The Beaver, Outfit 275, December 1944, pp. 13-17. This is a letter written by Belcourt (and translated by J. A. Burgesse) on November 25, 1845. It confirms Ross on many details, but does not mention the same degree of organization.

<sup>13</sup>Morton, Canadian West, p. 658.

John Clarke, Chief Factor of the Hudson's Bay Company at Fort Garry, saw the danger that the colony posed and was thus determined to make sure that it did not threaten the Company's monopoly. According to Clarke's view, furs, meat, leather, anything that the Indians had to offer for sale could not be purchased from them directly by the settlers, but only through the Company's store.<sup>14</sup> Clarke demanded the Catholic bishop that he issue a notice of the Company's right and informed him that the Company had the right to prevent the settlers from trading in provisions.<sup>15</sup> Clarke followed up his words with actions by breaking into the house of one, Larante, and seizing the skins he found there.<sup>16</sup>

On September 12, 1822, Andrew Bulger, the Governor of Assiniboia, wrote to A. Colville, Lord Selkirk's trustee and also a member of the Committee of the Hudson's Bay Company, protesting against Clarke's action.<sup>17</sup> This, and other protests from Bulger, Colville took up with the Governor and Committee.

At the Red River Settlement, however, the struggle between Bulger and Clarke continued. Clarke denied Bulger's authority to interfere in the Company's business and made it plain that he considered his

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<sup>14</sup>Ibid., p. 653.

<sup>15</sup>Oliver, North-West, p. 241.

<sup>16</sup>Ibid., p. 240.

<sup>17</sup>Morton, Canadian West, p. 653.

position superior to that of Bulger's.<sup>18</sup> Bulger continued to protest to Colville, but finally conditions became so bad that he resigned.

When the Governor and Committee were informed of Clarke's actions, they wrote to Sir George Simpson on May 21, 1823. While the letter announced the acceptance of Bulger's resignation and informed Simpson that a successor had been appointed, by and large it backed Bulger on all points. The Committee believed, that while Clarke was no doubt motivated by his zeal to protect the interest of the Company, his actions were "most unwarrantable as well as extremely imprudent and indiscreet."<sup>19</sup> Clarke's opposition to Bulger was "preposterous", and his forcible entry into Larante's house was illegal. The letter went on to state that Clarke's assertion in his own letter to the Bishop "that the Company have the right to prevent the settlers who hold land under grant from Lord Selkirk from trading provisions, is totally unfounded. The Company has no such right. . . and. . . it never was our intention to prevent the settlers from procuring these skins as far as they might be required for their own consumption."<sup>20</sup>

If there was a danger that the settlers might open up trade with traders from other areas, the Committee went on to say:

. . .the most effectual mode of preventing the intrusion of petty traders from Canada or elsewhere, is to act in con-

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<sup>18</sup> Oliver, North-West, p. 240.

<sup>19</sup> Ibid., p. 240.

<sup>20</sup> Ibid., p. 241.

formity to the instructions contained in our letter. . .in which we directed goods to be sold to all buyers at one third over the York Factory price, this 1/3 could cover all charges for transportation, etc., and still permit the settlers to buy from the Company more cheaply than they could from traders from Montreal or the United States.<sup>21</sup>

This extremely important letter set the policy which was to determine the relations between the Company and the colony for a number of years. The Settlers were to be permitted the right to trade with the Indians to satisfy their own needs. As H. G. Gunn remarks: "This marked the first step in the direction of free trade."<sup>22</sup> Free trade was still a long way away, but the provision satisfied the immediate needs of the settlers. In addition, the letter suggested that instead of using repressive measures to protect the Company's monopoly, the Company officials would be further ahead to take advantage of the economies offered by the 'Bay route and thus offer the goods to the settlers at a price the petty traders could not meet. Furthermore, the officials of the Company were not to look upon the colonists as pawns, who, because of their isolated position had to deal with the Company and therefore, were at the mercy of the Company, but, as a group whose activities were different from those of the Company's and thus able to enter into mutually profitable transactions with the Company.

Following the decision of the Company allowing the colonists

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<sup>21</sup>Ibid., p. 242.

<sup>22</sup>H. G. Gunn, "The Fight For Free Trade in Rupert's Land," Proceedings of the Mississippi Valley Historical Association, 1910, 1911, p. 4.

limited trade with the Indians, relations between the Company and the colony were relatively peaceful for about a decade. During this period of peace, the trading sphere of the inhabitants was expanded. Colonists were permitted to trade with the Indians for their own personal use, and all trade that did not threaten the Company's position (or profits) was tolerated.

Under these conditions there developed a small group of traders at the Red River Settlement. These men traded with the métis, imported goods from England for sale to the other settlers, and undertook special jobs for the Company. The most important of these traders was Andrew McDermot, whose many activities are described by Ross.<sup>23</sup> McDermot began as a servant of the Hudson's Bay Company but resigned to enter private trade. Starting with an initial capital of £75 in 1824, Mc Dermot, by his many activities, soon became the richest man in the colony.<sup>24</sup>

The activities of men like McDermot and Sinclair did not threaten the Company's monopoly in the 1820's. But conditions were not static, and through the peaceful twenties, American fur traders were building posts closer and closer to the Settlement. As long as the Settlement was isolated from the rest of the world, the petty traders had to do business with the Company, but with the approach of the Americans, the petty traders became a threat to the Company's monopoly.

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<sup>23</sup>Ross, Red River Settlement, pp. 400-2.

<sup>24</sup>Ibid., p. 400.

Commercial relations between the Settlement and the American frontier had started early in the history of the colony. As early as 1818, an expedition had been sent from the Red River to Prairie du Chien.<sup>25</sup> In the following years a number of Americans drove cattle and sheep from the American frontier for sale to the colonists.<sup>26</sup> These first contacts were agricultural, but these showed that trade between the two areas was profitable.<sup>27</sup>

The métis, while out on the buffalo hunt, often found that it was easier to sell the products of the hunt to American traders than to bring them back for sale to the Company. As the period progressed, and each year it was necessary to go further afield for the buffalo, the trip to American posts became less difficult. The métis, consequently, established many contacts with the Americans, and became the first group of illicit traders.<sup>28</sup>

While Simpson, as early as 1821, complained of the illicit trade with the Americans, as long as the American posts were far away

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<sup>25</sup>J. P. Pritchett, "Some Red River Fur Trade Activities," Minnesota History Bulletin, vol. 5, p. 409. Ross, Red River Settlement, p. 51, puts the cost of this trip at £1,040.

<sup>26</sup>Pritchett, Red River Valley, p. 252.

<sup>27</sup>Ibid., p. 253. "Alexander Macdonell, Governor of the Colony, John Pritchard, Manager of the Buffalo Wool Company, and James Bird... , ordered 'sundry articles, . . .to the approximate amount of £4,500."

<sup>28</sup>Ibid., p. 250-1. Ross, Red River Settlement, p. 265, mentions that hunters traded buffalo hides at Fort Union.

from the colony, there was little danger to the Company's monopoly.<sup>29</sup> Very few hardy souls were going to risk the long, arduous and dangerous journey to the American posts. But when the Americans pushed close enough to lessen the dangers of the trip, American markets became more attractive. The Company therefore, could no longer be tolerant of the activities of the petty traders and the harmony at Red River disappeared.

Till 1818, the territory immediately south of the 49th parallel was dominated by British fur traders. But after the boundary agreement of that year, they were forced to withdraw from the area, and American traders gradually took their place. In 1819, Fort Snelling was established at the mouth of the St. Peter's River.<sup>30</sup> Within a decade of the establishment of Fort Snelling, seventeen trading posts were established in the Upper Mississippi country.<sup>31</sup> Gradually, the posts were pushed northward towards the boundary, until in 1844, Norman Kittson, of the American Fur Company, established a post at Pembina.<sup>32</sup>

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<sup>29</sup>Simpson, however, was convinced that there was a danger in this trade, and forty-nine settlers were persuaded to sign an agreement binding the Settlement not to "engage in the sale of spirituous liquors or the fur trade". Pritchett, "Trade Activities," Minnesota History Bulletin, p. 407.

<sup>30</sup>Pritchett, Red River Valley, p. 245.

<sup>31</sup>Ibid., p. 246.

<sup>32</sup>C. W. Rife, "Norman W. Kittson, A Fur Trader at Pembina," Minnesota History, a Quarterly Magazine, vol. 6, 1925, pp. 227-8. Pritchett, "Fur Trade Activities," Minnesota History Bulletin, vol. 5, p. 43, indicates that there was a post at Pembina as early as 1829. But as Rife points out (p. 231), this was a rendez-vous, not a post.

Just when the trade between the colonists and Americans became dangerous to the Company, is impossible to say; even in its petty beginnings, Simpson believed it to be a menace. Thus, as soon as he had an opportunity, Simpson took steps to halt it. The first step was to buy off the Americans and to that end he entered into an agreement with William A. Aitkin of the American Fur Company on March 21, 1833, whereby the American company was to withdraw from the border areas west to the Red River and in return the Hudson's Bay Company agreed to pay Aitkin £300.<sup>33</sup> By this means it was hoped that the American posts would be pushed back far enough to discourage trade with the Settlement.

Simpson did not rest content with this measure but developed others to eliminate the trade between the Settlement and Americans. The Selkirk heirs planned to transfer the District of Assiniboia to the Company and in anticipation of this, the Council of Assiniboia was reorganized in 1835.<sup>34</sup> This Council passed a number of resolutions designed to eliminate the "illicit traffic". The first measure was an

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<sup>33</sup> Oliver, North-West, p. 716. Though the agreement dated from March, 1833, the first payment was authorized by the Council of the Northern Department in 1835. Starting in 1839, the drafts were made in favor of Ramsay Crooks, and continued until 1846. Rife, "Norman Kittson," Minnesota History Quarterly, vol 6, p. 235. This agreement has sometimes been explained on the ground that the companies wanted to avoid ruinous competition. However, the fact that the Hudson's Bay Company was willing to pay the Americans to withdraw indicates more than just a fear of competition, but a real desire to eliminate trade between the colony and American posts.

<sup>34</sup> Oliver, North-West, p. 33, states that the date of transfer is a perplexing problem, but "it is possible to state with definiteness that by February 12, 1835, the reorganized Council of Assiniboia was in existence." The actual date in the "Reconveyance" was May 4, 1836, Morton, Canadian West, p. 665.

import and export duty of  $7\frac{1}{2}\%$  on practically all goods coming into or leaving the Settlement.<sup>35</sup> The next resolution called for the erection of a Court house and Gaol, "the expense thereof, to be defrayed out of the duties to be collected from time to time on goods that may be imported into Red River". Simpson then told the Council that the Company "have been pleased to make a grant of £300 in aid of Public Works".<sup>36</sup> Then the Council stated: "The present Police Establishment being considered insufficient for the maintenance of the Peace of the Settlement; It is Resolved. . .that the said Police Establishment be discharged. . ."<sup>37</sup> A Voluntary Corps "consisting of a Commanding Officer, a Sergeant-Major, 4 Sergeants and 54 Privates" was raised.<sup>38</sup> The pay for this force, which would amount to £400, was to be met from the new import and export duties.<sup>39</sup> But, again, Simpson promised that the fur trade would contribute £100 to help defray the expenses of the police force. Alexander Ross was appointed Commanding Officer.

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<sup>35</sup> Oliver, North-West, pp. 267-8.

<sup>36</sup> Ibid., p. 269.

<sup>37</sup> This old force had been started by Bulger when he appointed Donald Murray and Donald McKay constables on March 31, 1823, Ibid., p. 231. The number of constables apparently varied from time to time.

<sup>38</sup> While Simpson obviously introduced this measure in the hope that the new "Voluntary Corps" would be able to make the new trade regulations effective, there is no doubt that the former force was useless. Ross, Red River Settlement, pp. 168-9.

<sup>39</sup> Oliver, North-West, p. 269. The rates of pay laid down were Commanding Officer (Alexander Ross), £20, Sergeant-Major, £12, each Sergeant, £10, and each private, £6.

In addition to these measures, the administration of justice for the Settlement was reorganized. The reorganization provided for the division of the district into four. A magistrate or Justice of the Peace was appointed for each district, and they were to hold regular courts every quarter to try petty cases.<sup>40</sup>

Simpson hoped that these measures, taken together, would effectively check the illicit trade. However, as far as the export and import duties were concerned, Simpson was penalizing the whole Settlement, in order to attack the few traders. The unfairness of this, and the uses to which the revenues were to be put, aroused a storm of protest.<sup>41</sup> As a result, the Governor and Committee stepped in and instructed Simpson to reduce the duty on goods imported into the Settlement from  $7\frac{1}{2}\%$  to 5%, and on June 13, 1836, the Council of Assiniboia passed resolutions reducing both import and export duties to 5%.<sup>42</sup>

The import and export duties did not greatly interfere with the petty traders; as a result their activities flourished. Moreover, the officials of the Company found that it was difficult to deal with the traders for none of them was engaged in entirely illegal activities, but followed many pursuits, legal and illegal, so long as they brought

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<sup>40</sup>Ibid., p. 270-1.

<sup>41</sup>Gunn, "Fight for Free Trade," Mississippi History, p. 9.

<sup>42</sup>Oliver, North-West, p. 276. The following year the duty was further reduced to 4%, at which level it remained until 1874.

a profit. For all the traders of the Settlement, the trade the Company called "illicit" was considered a lucrative legitimate sideline, but one which offered little security as a full time business. The Company naturally came to suspect the worst of all traders, but, since the Governor and Committee of the Company had applied for a renewal of the Charter in 1838, they were unwilling to weaken their case, by forcing a showdown with the traders at this time.

The Journals of Peter Garrioch give an enlightening picture of the life of a trader in the period 1837-1847.<sup>43</sup> Garrioch engaged in many activities; he acted as an agent for the Missouri Fur Company on the Souris River from 1842-3;<sup>44</sup> at another time he sent his own agent out to trade in the Turtle Mountains;<sup>45</sup> he acted as the agent for another trader, James Sinclair, and smuggled Sinclair's furs down to Kittson's place at Pembina;<sup>46</sup> he acted as his own agent at a post on the Souris River.<sup>47</sup> In 1845 he joined the métis and hunted with them

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<sup>43</sup>Donald Gunn, ed., "The Journals of Peter Garrioch." (unpublished). Gunn has edited three journals: "Journal of Peter Garrioch, 1837-47", "Journal of Peter Garrioch, Red River Settlement, 1843-7", and "Seven Days' Experience or The Pleasures of Smuggling". There is some repetition in the material contained in the first two journals. An attempt will be made to distinguish the various journals referred to. These Journals are to be found in the Public Archives of Manitoba.

<sup>44</sup>Gunn, "Journal of Peter Garrioch, 1837-47," pp. 148-58.

<sup>45</sup>Ibid., p. 239.

<sup>46</sup>Gunn, "Seven Days Experience or The Pleasures of Smuggling," p. 1-42.

<sup>47</sup>Gunn, "Journal of Peter Garrioch, 1837-47," p. 166.

on their buffalo hunts that year;<sup>48</sup> he acted as a trader in the Settlement selling to the colonists;<sup>49</sup> he acted as a purchasing agent for other traders at St. Peter's.<sup>50</sup> Garrioch was also a part-time farmer!

Garrioch indicates too, that the number of traders taking part in the illicit trade increased during the period 1837-47, despite the Council's regulations and, despite the dangers of the journey to the American posts at St. Peter's and Lac du Traverse. A brief account of a trip in 1844 indicates the dangers involved. While returning from St. Peter's, Garrioch's party heard that the Sioux had attacked a group ahead of them. The traders then altered their course to bypass the Sioux. Not long after leaving the regular route, the party was lost. Since it was late in the season, every day wasted added to the dangers of the trip. Soon the animals were short of food, and the carts had to be lightened and the goods cached on the prairie. Provisions for the traders ran out but they fortunately found an Indian camp where they were able to secure food. Garrioch then pushed ahead on horseback and reached Pembina on December 3. Without stopping he set out for the Settlement, but his horse proved too weak to get through the snow. Garrioch was forced to take the horse back to Pembina where

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<sup>48</sup>Ibid., p. 267-276.

<sup>49</sup>Ibid., p. 240.

<sup>50</sup>Gunn, "Journal of Peter Garrioch, Red River Settlement 1843-7," p. 21.

it would be sheltered, then he set out on foot for the Colony. Arriving there on December 6, Garrioch secured new animals and went back to help the rest of the party and to secure the goods cached on the prairies.<sup>51</sup>

It is also evident from Garrioch's Journals that as the petty traders became increasingly active, the Hudson's Bay Company officials became increasingly anxious to stop their activities. The "Volunteer Corps" were increasingly vigilant around the Settlement, and Cuthbert Grant and his followers patrolled the plains to intercept the smugglers going to and from the border.<sup>52</sup>

These measures were, apparently, not sufficient. Therefore, Governor Christie, in December 1844, issued two proclamations designed to curb the smugglers. Because previous efforts to strike at the illicit trade had not distinguished between the traders and settlers and consequently had raised considerable opposition, Christie's proclamations were aimed directly at the illicit traders. The first proclamation, that of December 6, stated that Company ships would not pick up import orders unless the individual made the following declaration:

"I hereby declare . . . I have neither directly or indirectly trafficked in furs . . . moreover, if before the middle of August next shall I appear to have acted contrary to . . . this declaration, I hereby agree that the Hudson's Bay Company shall be entitled either to detain my imports. . . or to purchase at original cost of the goods alone."<sup>53</sup>

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<sup>51</sup>Ibid., pp. 22-39. This trip was the beginning of the Crow Wing, or "Wood", Trail.

<sup>52</sup>Donald Gunn and Charles Tuttle, History of Manitoba (Ottawa, 1880), p. 296.

<sup>53</sup>Report of the Select Committee On the Hudson's Bay Company, 1857, p. 272. Gunn, "Journal of Peter Garrioch, 1837-47," p. 238.

On December 20, 1844, Christie ordered that, before letters of the traders would be received for dispatch from the Settlement, they had to be left open, with the writer's name on the "left hand corner below".<sup>54</sup> Thus Christie would be able to read all the letters of those suspected of trading in furs.<sup>55</sup>

These measures presented a considerable threat to the traders and they therefore united against them. They decided to refuse to pay their import duties in the hope that the loss of revenue would cause Christie to alter his stand. On March 28, Councillor Bird wrote Garrioch requesting him to pay the duty due on his imports from the United States.<sup>56</sup> Garrioch politely refused. For awhile, the traders stood together on the issue, but the Council gradually persuaded some to pay.<sup>57</sup>

Early in May, Garrioch decided to petition Governor Christie for the removal of restrictions on trade,<sup>58</sup> and secured eight signatures to his petition. Christie advised Garrioch and his supporters that if they paid their duties, their petition would receive his consideration.

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<sup>54</sup>Report of the Select Committee, p. 265.

<sup>55</sup>This measure soon defeated its own ends for the traders began to send their mail through Pembina to Fort Snelling. Pritchett, "Fur Trade Activities," Minnesota History, vol 5, p. 417, also Pritchett, Red River Valley, p. 257.

<sup>56</sup>Gunn, "Journal of Garrioch, 1837-47," p. 249.

<sup>57</sup>Ibid., p. 262.

<sup>58</sup>Ibid., p. 260.

Upon hearing this, Garrioch and his supporters paid their duties, only to find that nothing was done about their petition.<sup>59</sup>

By the summer of 1845, Christie had broken the passive resistance of the traders, but the mood of the Settlement was ominous. The traders felt that they had been duped and, therefore, set to work to organize more effective resistance to the Company. If they succeeded, the position of the Company at the Red River Settlement would be critical.

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<sup>59</sup>Ibid., p. 263.

## CHAPTER III

### BACKGROUND OF THE OREGON QUESTION

While this crisis was coming to a head in the Red River Settlement, British and American interests in the Oregon Territory were threatening to result in conflict. Without going into a minute history of developments in that region, it is possible to give a brief background to the Oregon question.

Before the close of the eighteenth century, four countries, Spain, Russia, Great Britain and the United States had shown an interest in the region lying along the Pacific Ocean. Before long, their spheres of activity overlapped and produced conflicting territorial claims. The claims and counterclaims of the various powers became so complicated that it seemed that no amicable settlement could ever be reached in the Pacific region and that, sooner or later, hostilities would result.

There were, however, several factors which, even at an early stage, indicated that with patience and compromise, a settlement might be reached without recourse to force. In the first place, the Russians generally confined themselves to the northern part and the Spanish generally confined themselves to the southern region. In the second instance, while the British and Americans contested the central region, the Americans generally were interested in the maritime fur trade, while the British, represented by the North West Company, were interested in the fur trade of the interior. Thus there was little con-

tact between the nationals of the two countries. Moreover, when representatives of the nations did meet, clashes were avoided by the common sense of the parties involved.

Despite a growing American interest in the land connection between the east and the Pacific coast which resulted from the Louisiana Purchase and is indicated by the expedition of Lewis and Clarke in 1805-6, and, despite a westward expansion of the fur trade of the Missouri River, American fur trade did not cross the Rockies before the War of 1812.<sup>1</sup> The chief American company in the north western region before the war was the Pacific Fur Trading Company which had been organized by Jacob Astor, to participate in both the maritime fur trade and the fur trade of the interior.

Astor's plan called for communications between the east and Pacific coast by means of the sea route. In 1810, the first expedition set out, the representatives of the Company reached the mouth of the Columbia in 1811 and there built Fort Astoria which was to be their chief base.

Because of its dependence upon sea communications, the outbreak of the War of 1812 placed the Pacific Fur Trading Company at the mercy of the British fleet, consequently, when traders of the North West Company headed by J. G. McTavish reached Fort Astoria in 1813, the chief representatives of the Pacific Fur Trading Company, who had been

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<sup>1</sup> Certain Correspondence of the Foreign Office and the Hudson's Bay Company, Pt. 11, p.3. This volume was to be found in the Public Archives of Manitoba.

informed of the imminent arrival of ships of the British fleet, took the opportunity to sell out to their trade rivals on October 16, 1813, rather than see their goods captured by the navy.<sup>2</sup> Not long after, a British naval vessel, the Raccoon, appeared at Astoria and the officer in command, Captain Black, took possession of the territory in the name of George III.<sup>3</sup>

At the conclusion of the war, the Treaty of Ghent provided for the restoration of all conquests gained during the hostilities. As a result of the action of Captain Black, the Americans were able to claim the return of Fort Astoria.<sup>4</sup>

The Treaty of Ghent, while providing for commissions to settle a number of disputed points, neglected to mention the Pacific North

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<sup>2</sup>Morton, Canadian West, p. 504-5.

<sup>3</sup>Alexander Ross, Fur Hunters of the Far West (London, 1855), vol. 1, p. 254.

<sup>4</sup>In July 1815, Monroe, the American Secretary of State, informed the British Minister at Washington that they were claiming the restoration of Fort Astoria under the Treaty of Ghent, and requested papers authorizing the American representative to take charge of the post. The British asserted that the change in ownership of Astoria was due to a commercial transaction, and, thus, did not fall within the limits of the Treaty of Ghent. In September 1817, Adams authorized the dispatch of a special agent, Prevost, aboard the sloop of war, Ontario, to occupy Astoria, all the while being careful that the British did not hear of the plans. When he heard of the American action, Lord Castlereagh protested, but in order to avoid an open clash, allowed the Americans to take possession pending the settlement of the whole question of title. William R. Manning, ed., Diplomatic Correspondence of the United States, Canadian Relations, 1780-1860, (Washington, 1940), vol. 1, p. 264 and Morton, Canadian West, p. 506.

West as one of the points in dispute.<sup>5</sup> Therefore, when representatives were appointed in 1818, to discuss among other topics, the boundary from the Lake of the Woods to the Rockies, John Quincy Adams, Monroe's successor as Secretary of State, wrote to Richard Rush, the American Minister to London, to include the disputed area west of the Rockies on the agenda.<sup>6</sup> This was done and the question proved to be the most difficult with which the commissioners had to deal.

The American representatives, Albert Gallatin and Rush, following the instructions of Adams, tried to settle the question decisively and suggested partitioning the area by continuing the 49th parallel as the boundary to the Pacific.<sup>7</sup> The British delegates, Frederick John Robinson, the President of the Board of Trade, and Henry Goulburn, Under-Secretary of State in the Colonial Office, knowing that the North West Company dominated the trade in the interior, were unwilling to partition the area. They, instead, made a counter-proposal that the region be open to nationals of both countries for an indefinite period.<sup>8</sup> Gallatin and Rush realized that the British

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<sup>5</sup>Hunter Miller, ed., Treaties and Other International Acts of the United States (Washington, 1931), vol. 2, pp. 576-9.

<sup>6</sup>Manning, ed., Diplomatic Correspondence, vol. 1, p. 272, Adams to Rush, Washington, May 22, 1818.

<sup>7</sup>Ibid., vol. 1, p. 865, Protocol of Third Conference, London, September 17, 1818.

<sup>8</sup>Ibid., vol. 1, p. 869, Protocol of Fifth Conference, London, October 6, 1818.

fur traders dominated the region and feared that, if allowed to continue to control this area indefinitely, the whole district would fall into the hands of the British. Frederick Merk states that the American representatives felt so strongly about this that, as the conference wore on and it seemed increasingly likely that no settlement regarding the transmontane region would be reached, they proposed, on October 19, 1818, a partition of the area between the Columbia River and the coast. This would have given Great Britain a slice of territory south of the 49th parallel.<sup>9</sup> However, the British members rejected the offer.<sup>10</sup>

Later the same day, the British representatives made a new proposal calling for joint occupation of the disputed area for a limited period: ten years.<sup>11</sup> This suggestion overcame the worse fears of Gallatin and Rush that before the question could be reopened, British traders would so completely dominate the whole area, that it would fall into the hands of Great Britain, and accordingly, they accepted the new proposal.<sup>12</sup> This eliminated the greatest obstacle to a settlement and on the following day, October 20, 1818, the convention, generally known

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<sup>9</sup>Frederick Merk, "The Ghost River Caledonia in the Oregon Negotiations of 1818," American Historical Review, vol. 55, pp. 537-8. This suggestion was not official and thus not included in the protocol of the conference. Merk found this proposal in the unpublished diary that Rush kept of the negotiations.

<sup>10</sup>Ibid., p. 538.

<sup>11</sup>Manning, Diplomatic Correspondence, vol. 1, p. 875 (footnote).

<sup>12</sup>Ibid., p. 875, Rush to Adams, London, October 19, 1818.

as the Convention of Commerce, was signed at London. The third Article referring to the Pacific area, stated:

It is agreed, that any country that may be claimed by either party on the North West Coast of America, Westward of the Stony Mountains, shall, together with its Harbours, Bays and Creeks, and the Navigation of all Rivers within the same, be free and open, for the term of ten years from the date of the signature of the present Convention, to the Vessels, Citizens, and Subjects of the Two Powers; it being well understood, that this agreement is not to be construed to the Prejudice of any Claim which either of the Two High Contracting Parties may have to any part of the said Country, nor shall it be taken to effect the Claims of any Power or State to any part of the said Country; the only object of The High Contracting Parties, in that respect, being to prevent disputes and differences among themselves.<sup>13</sup>

One clause of this article is worth further notice: ". . . nor shall it be taken to effect the Claims of any other Power or State to any part of the said Country." This clause was introduced at the insistence of the American representatives. At this time, the American government was negotiating with both Spain and Russia over the territories on the west coast, and did not wish to jeopardize these negotiations by creating the impression of previously settling the entire question by means of a simple bi-lateral agreement with England.

The treaty with Spain followed shortly after the convention with Great Britain, being signed at Washington, February 22, 1819.<sup>14</sup>

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<sup>13</sup>Miller, Treaties, etc., vol. 2, p. 660.

<sup>14</sup>Ibid., vol. 3, p. 3.

It provided that the 42nd parallel of latitude would be the northern boundary of the Spanish possessions and the southern boundary of American possessions to the "South Sea".<sup>15</sup>

Meanwhile, in line with the American desire to clear up the situation of the west coast, negotiations on this subject had been opened up with the Russian government. On May 10, 1816, James Monroe had instructed William Pinkney, the United States minister to Russia, to sound out the Russians on the possibilities of a settlement of claims in that region.<sup>16</sup>

The course of the negotiations did not run smoothly and many delays developed. On September 4/16, 1821, Tzar Alexander I issued a ukaze concerning the north west coast of America. By this ukaze, foreigners were forbidden to go north of the 51st parallel of latitude and the area was claimed to be exclusively Russian. At the same time, foreign ships were forbidden to enter the northern part of the

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<sup>15</sup>Ibid., pp. 5-6.

<sup>16</sup>Manning, Diplomatic Correspondence, vo.1, p. 243, James Monroe to William Pinkney, Washington, May 10, 1816. It is interesting to note that in his instruction on this subject, Monroe stated: "In adjusting these claims with the Russian government, it will be satisfactory to the United States to do it, by adopting the parallel of 49° as the boundary between them on the Pacific Ocean." If this suggestion had been accepted by the Russians, it would have proved extremely embarrassing to the British Government. For once Russian claims on the Pacific coast of North America had been recognized as far south as the 49th parallel, it would have been very difficult for the British to persuade them to accept a less satisfactory settlement.

Pacific Ocean.<sup>17</sup> The United States and Great Britain both protested against this ukaze and negotiations were temporarily halted.<sup>18</sup>

After some delay, the Russian government sounded out the British and American ministers at St. Petersburg (respectively, Charles Bagot and Henry Middleton) regarding the possibility of a meeting of representatives of the three powers, in order to try to settle the problem of the north west Pacific coast. The reaction of the British government was favorable and on April 24, 1823, Baron de Tuvll, the Russian minister to the United States made a formal proposal for such a conference, indicating also that the British were in favor of it.<sup>19</sup> John Quincy Adams, the American Secretary of State on May 7, 1823, accepted the proposal.<sup>20</sup>

However, Adams did not seem to entertain very great hopes of any success attending the efforts of the representatives of the three governments, for even while the conferences were taking place at St.

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<sup>17</sup>Ibid., vol. 2, p. 59, Adams to Middleton, Washington, July 22, 1823. Morton, Canadian West, p. 736. This is not the place to indulge in a discussion of the Monroe Doctrine, but it may be noted that the ukaze of Alexander I mentioned here was one of the chief factors involved in the formulation of the Doctrine. In the letter from Adams to Rush cited here appears the phrase, ". . . that the American Continents henceforth will no longer be subjects of colonization." [*Italics in text.*] This phrase, in slightly different form, was used by President Monroe in his address to Congress on December 2, 1823.

<sup>18</sup>Manning, Diplomatic Correspondence, vol. 2, p. 58, Adams to Rush, Washington, July 22, 1823.

<sup>19</sup>Ibid., vol. 2, p. 62, Baron de Tuvll to John Quincy Adams, Washington, April 12/24, 1823.

<sup>20</sup>Ibid., vol. 2, p. 63, Adams to Tuvll, Washington, May 7, 1823.

Petersburg, he wrote to Rush in London suggesting that negotiations be opened with Great Britain over the question of the Pacific coast.<sup>21</sup>

Adams was correct in his opinion of the conference at St. Petersburg, for, no agreement was reached by the three powers. Moreover, while Rush had succeeded in opening negotiations with the British government directly and conferred with the British representatives, William Huskisson and Stratford Canning, twenty-six times, no agreement was reached regarding the Pacific north west.<sup>22</sup> Rush, acting on Adams' instructions, proposed that the area in dispute between Britain and the United States west of the Rocky Mountains be divided along the 51st parallel. The British representatives rejected this offer and made a counter-proposal that the 49th parallel be followed to the point where it met the north branch of the Columbia River and follow along the middle of the Columbia until it reached the sea, with the navigation of the Columbia open to both parties. Rush replied that the American government would not accept this offer, but, because of the American "spirit of just accomodation," he would propose, as a compromise, to extend the 49th parallel as a boundary to the sea.<sup>23</sup> When the British representatives refused to

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<sup>21</sup>Ibid., vol. 2, p. 40, Adams to Rush, Washington, June 24, 1823. Other questions were also to be discussed.

<sup>22</sup>Ibid., vol. 2, p. 432, Protocol of the Twenty-Sixth Conference, July 28, 1824, and Rush to Adams, London, August 2, 1824.

<sup>23</sup>Ibid., vol. 2, pp. 433-471, Rush to Adams, London, August 12, 1824.

depart a line from their former proposal, any possibility of settlement disappeared and the conferences were discontinued.

With the failure of the three power meetings at St. Petersburg, but while the conferences in London were still going on, Adams decided to try to reach a bi-lateral agreement with Russia regarding the north west coast. These meetings were more successful and on April 5/17, 1824, a convention was signed at St. Petersburg. Regarding the Pacific coast region, the convention stated:

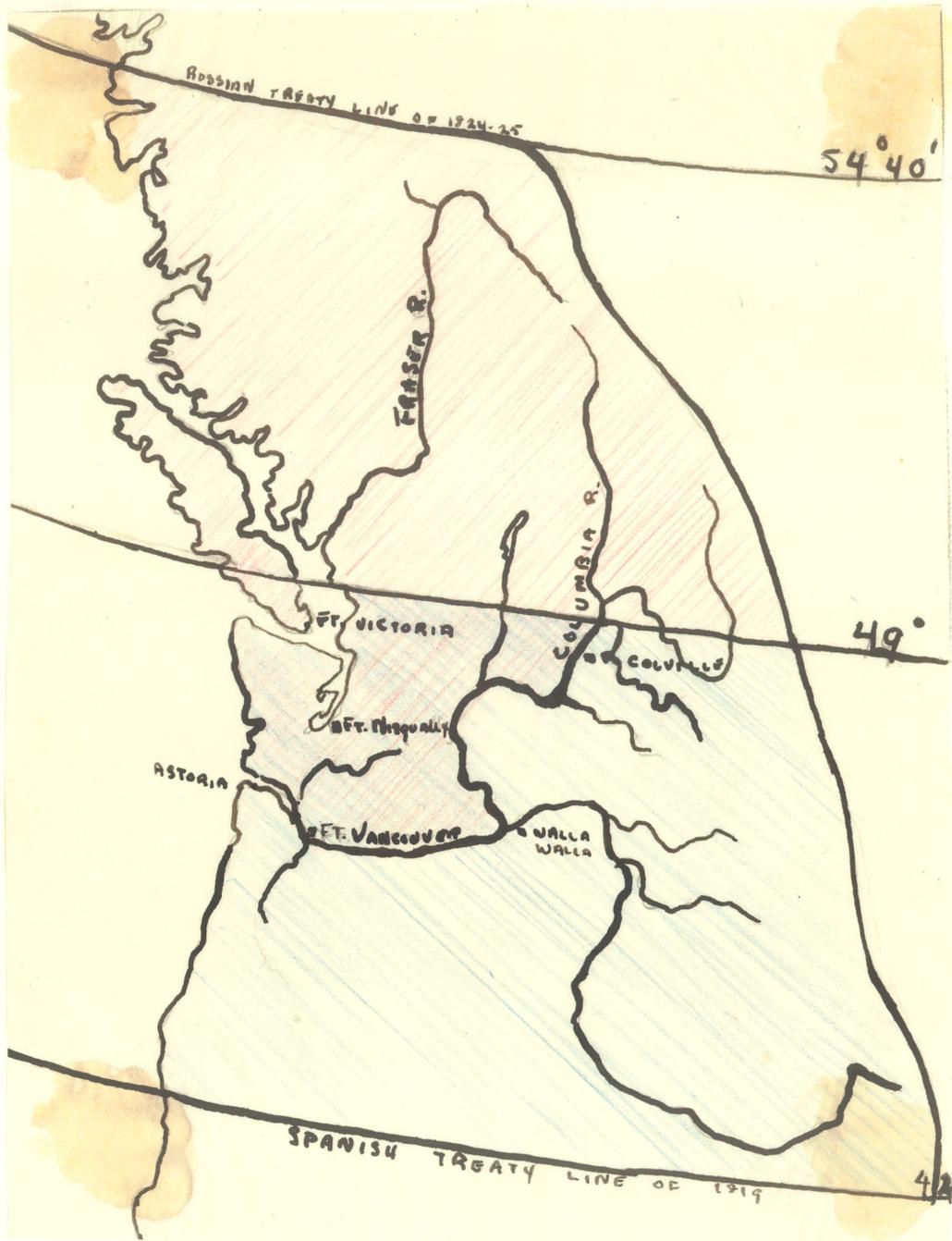
It is, moreover, agreed that hereafter there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the north west coast of America, nor in any of the islands adjacent, to the north of the fifty-four degrees and forty minutes of north latitude; and that in the same manner there shall be none formed by Russian subjects or under the authority of Russia, south of the same parallel.<sup>24</sup> [Italics not mine].

With the conclusion of this agreement limiting Russian activity to the area north of  $54^{\circ}40'$ , it was an easy matter for the British government to reach a similar agreement with Russia, and accordingly, this agreement was concluded on February 28, 1825.

Thus, by 1825, considerable progress had been made towards finding a solution to the boundary problems in the Pacific coastal region. The Spanish had agreed to confine themselves south of the 42nd parallel, the Russians had agreed to stay north of  $54^{\circ}40'$ . It remained only to partition the area of overlapping British and American claims.

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<sup>24</sup>Miller, Treaties, etc., vol. 3, pp. 153-4.



### OREGON TERRITORY



BRITISH TERRITORY AFTER 1846



} AMERICAN TERRITORY AFTER 1846



ACTUAL AREA IN DISPUTE PRIOR TO 1846

Theoretically, the disputed area extended northward from the 42nd parallel to 54°40'. Actually, however, despite the many protests to the contrary, the British had committed themselves to a boundary following the 49th parallel to the Columbia and following along it to the coast. The Americans, likewise had committed themselves to the extension of the 49th parallel to the sea. Thus the area still in dispute was limited to that quadrilateral, bounded on the south and east by the Columbia river, on the north by the 49th parallel and the west by the Pacific Ocean and the Straits of Juan de Fuca. (see map opposite).

Encouraged by the progress which had been made in the past few years towards a solution to the boundary question, and also, because the ten year period established in the convention of 1818 was rapidly drawing to a close, the new Secretary of State of the United States, Henry Clay, decided once again to attempt to reach a definitive settlement with the British regarding the coastal area. Moreover, there were a number of other points that Clay wanted to settle; the north eastern frontier, the navigation on the St. Lawrence and trade between the United States and the British American colonies being the most important.<sup>25</sup> On June 19, 1826, Clay sent his General Instructions to Albert Gallatin, the United States minister to Great Britain for the negotiations which were to commence as soon as

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<sup>25</sup>Manning, Diplomatic Correspondence, vol. 2, pp. 76-7, Clay Gallatin, Washington, June 19, 1826.

possible.<sup>26</sup>

The first conference of the convention negotiations was held in London at the Foreign Office on November 15, 1826.<sup>27</sup> In these conferences, the American government was represented by Albert Gallatin, the British, by William Huskisson the President of the Board of Trade, and Henry Addington, Under-Secretary of Foreign Affairs. Because the time limit set by the convention of 1818 was rapidly approaching and also because of a real desire to reach a final agreement on the Pacific coastal region, Gallatin insisted that this topic be placed first on the agenda of the conferences.<sup>28</sup> At the same meeting, Gallatin pointed out the necessity of clearing up for all time the conflicting claims. He, therefore, suggested that there was no reason for the representatives to reproduce the arguments used on earlier occasions, but rather, they should investigate new lines of approach which might lead to a satisfactory settlement. To this end, while reiterating the American demand for the boundary line west of the Rocky Mountains to follow the 49th parallel, he stated that if this meridian cut across the Columbia River, or any branch of it ". . . the navigation of the said. . . Columbia River itself to the ocean

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<sup>26</sup>Ibid., vol. 2, pp. 76-104, Clay to Gallatin, Washington, June 19, 1826.

<sup>27</sup>Ibid., vol. 2, p. 526, Foreign Office, London, Protocol of first conference, November 15, 1826.

<sup>28</sup>Ibid., vol. 2, p. 527, Protocol of first conference, November 15, 1826.

shall be perpetually free to the subjects of Great Britain, in common with the citizens of the United States."<sup>29</sup> This was an important concession for one of the chief reasons that the previous British negotiators had insisted on the Columbia River boundary was the belief that navigation of the Columbia was indispensable to the British fur traders operating in that region.

At the third conference, the British representatives replied to Gallatin's proposal. Since this proposal was based on a suggestion that the boundary follow the 49th parallel, they rejected it.<sup>31</sup> Then, adopting the tactics employed by Gallatin, they proposed that since American insistence on the 49th parallel was based upon the desire to secure a suitable harbour on the Pacific coast, the Columbia River be the boundary, but that an American enclave be created north of it on Puget's Sound, which would provide a fine harbour.<sup>32</sup> Gallatin considered the British proposal entirely inadequate and, without referring it back to the American government, he summarily rejected it.<sup>33</sup>

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<sup>29</sup>Ibid., vol. 2, p. 527, Protocol of first conference proposed Article A, November 15, 1826.

<sup>30</sup>Since the Union of the Companies in 1821, these traders were the servants of the Hudson's Bay Company.

<sup>31</sup>Manning, Diplomatic Correspondence, vol. 2, pp. 532-3, Protocol of the third conference, December 1, 1826.

<sup>32</sup>Ibid., vol. 2, p. 532, Protocol of the third conference, December 1, 1826.

<sup>33</sup>Ibid., vol. 2, p. 533, Protocol of the third conference, December 1, 1826.

Negotiations dragged on, but it was obvious that neither side was willing to compromise sufficiently to permit a partition acceptable to the other side.<sup>34</sup> Thus, while negotiating other points of mutual interest, the representatives set to work to draw up a convention which would provide for the continued joint occupancy of the central Pacific coastal region. Finally, on July 27, 1827, after fourteen conferences,<sup>35</sup> agreement was reached on a new convention which was signed August 6th, 1827.<sup>36</sup> This convention stated that all the provisions of the third Article of the Convention of October 20, 1818, would be ". . .further indefinitely extended. It shall be competent to either of the Contracting Parties, in case either should think fit, at any time after the Twentieth of October, 1828, in giving due notice of twelve months. . . to annul and abrogate this convention."<sup>37</sup>

While the British and American governments had been engaged in this long series of negotiations over the fate of the Pacific coastal region, certain developments that must be noted had taken place there.

During the war of 1812-14, British naval power had dominated the Atlantic seaboard, despite this, however, American merchants had con-

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<sup>34</sup>In fact, the day following the third conference Gallatin wrote to Clay; "There is no prospect of an agreement with the British Government on the subject of a boundary line west of the Stony Mountains." Ibid., vol. 2, p. 543, Gallatin to Clay, London, December 2, 1826.

<sup>35</sup>Ibid., vol. 2, p. 601, Protocol of the fourteenth conference, July 27, 1827.

<sup>36</sup>Ibid., vol. 2, p. 603, Gallatin to Clay, London, July 29, 1827.

<sup>37</sup>Miller, Treaties, etc., vol. 3, pp. 309-10.

tinued to control the maritime fur trade. Moreover, after the hostilities had ended, this domination had continued. With reference to the fur trade of the interior, the North West Company maintained its pre-eminent position. American traders did not push through the Rockies before the 1820's and, in its great struggle with the Hudson's Bay Company, the North West Company kept the Hudson's Bay Company's servants out of the area west of the Rocky Mountains.<sup>38</sup> After the union of the North West Company and Hudson's Bay Company in 1821, the new company set out, not only to insure its continued control of the fur trade of the interior, but also, to destroy American dominance in the maritime fur trade. Soon the Hudson's Bay Company proved strong enough to break American control of the coastal trade and, in fact, to eliminate American shipping from the west coast.<sup>39</sup> In the interior, the Company had to meet the increasing competition from the American traders but in this, too, it was generally successful.

As early as 1818, the Norwesters had sent an expedition under Donald McKenzie into the Snake River country and had found that area was rich in beaver.<sup>40</sup> McKenzie continued the very profitable Snake

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<sup>38</sup>Alexander Ross, Fur Hunters of the Far West, vol. 2, p. 9  
The only exception was Howes expedition of 1810-11.

<sup>39</sup>F. W. Howay, W. N. Sage and H. F. Angus, ed., British Columbia and the United States (Toronto, 1942), p. 13.

<sup>40</sup>Joseph Schafer, A History of the Pacific Northwest (New York, 1918), p. 79.

River expedition until the union in 1821. The expedition in 1822 was led by Finnan Mc Donald and it was on this expedition that some of the Company's half breed servants deserted to the American traders whom the party encountered in the eastern Snake River area.<sup>41</sup>

In 1824, Peter Skene Ogden became the leader of the Snake River expeditions. For a while, Ogden complained bitterly of the American competition and the declining returns of the expeditions and even suggested that the area be abandoned to the Americans. The new super intendent of the western department, Doctor John McLoughlin, refused to see such a rich area fall into the hands of the Company's rivals, and with the consent of the Committee, met the prices set by the Americans and reinvigorated the Snake River expeditions.<sup>42</sup> Until 1840, the rich returns from the area justified McLoughlin's policy.

However, there were other justifications for the Snake River Expeditions. Before 1825, McLoughlin had been notified by the Committee that the most that could be hoped for in the case of a boundary settlement west of the Rockies, was the Columbia River.<sup>43</sup> Therefore, to insure that this area would be British, the Americans were to be discouraged from encroaching on it, by creating a barren area to the south and

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<sup>41</sup>George W. Fuller, A History of the Pacific Northwest (New York, 1931), p. 113. This indicates that Simpson was a little out in the date mentioned above p. 34, footnote 1.

<sup>42</sup>Howay, Sage, Angus, British Columbia, pp. 55-6.

<sup>43</sup>Dorothy O. Johansen, "Ogden's Snake Country Journals," The Beaver, Outfit 282, September, 1951, p. 46.

east. This was accomplished by the Snake River expeditions. In addition, if the area north of the Columbia River was to be British territory, there was no need to be in a hurry to trap it, but, if the area south of the river was soon to be American territory, there was good reason to secure all the furs possible while the area was still open to British trappers.<sup>44</sup>

In so far as the American traders were concerned, the Company's policy was successful and it continued to dominate the fur trade of the central Pacific area. However, the Company's hope that the Columbia River would become the boundary west of the Rockies was frustrated by the appearance in the 1830's of a new element: American missionaries who brought in their wake immigrants into Oregon. A standard feature of these missionary enterprises was, upon arrival in the Oregon, to accept all possible hospitality and assistance from the Hudson's Bay Company, but once established, to attack the Company bitterly.

One of the first men to become concerned over the fate of Oregon was a congressman from the state of Virginia, Doctor John Floyd. On September 19, 1820, Floyd persuaded Congress to appoint a committee "to inquire into the situation of the settlements upon the Pacific Ocean and the expediency of occupying the Columbia River". The committee produced a bill urging annexation, but the bill was turned down.

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<sup>44</sup>Certain Correspondence of the Foreign Office and the Hudson's Bay Company, Pt. 11, p. 58, Simpson to the Governor and committee of the Honorable Hudson's Bay Company, November 25, 1841.

In 1822, Floyd tried again, but, once more his bill was defeated.<sup>45</sup>

Another Oregon enthusiast was Nathaniel J. Wyeth. In March, 1832, having dispatched a ship to the Pacific coast via Cape Horn, Wyeth gathered a party of settlers at Boston and set out on the trans-continental journey for Oregon. After many difficulties, which caused a large part of his group to drop out en route, Wyeth arrived at Fort Vancouver. While there, Wyeth and his party were treated kindly by McLoughlin, and in October, he learned that his ship and its cargo had been lost. Confronted with this blow to his plans, Wyeth decided to return east to raise reinforcements for his party and to arrange for the dispatch of another ship.<sup>46</sup>

Arriving back in Boston, Wyeth made these arrangements and, in the spring, 1834, set out with a new band of emigrants for the Oregon. Included in this party were Jason and Daniel Lee, Methodist missionaries.

In October, 1831, a band of fur traders returned to St. Louis accompanied by some Indians from the north west. A fictitious story of how these Indians had come east to find out about the white man's Bible, appeared in the Methodist Christian Advocate on March 1, 1833. Contributions for a mission to the "Flatheads" poured in to the Christian Advocate, and two volunteers to undertake the mission were

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<sup>45</sup>R. A. Billington, Westward Expansion (New York, 1949), p. 510

<sup>46</sup>Schafer, Northwest, pp. 110-111.

requested. Jason and Daniel Lee responded to the appeal and were accepted. The Lees then heard of Wyeth, who had just returned from the Oregon, and made arrangements to accompany him when he went back there the next year.<sup>47</sup>

On September 15, 1834, Wyeth's second expedition reached Fort Vancouver. Again McLoughlin made the party welcome. When he heard of the intentions of the Lees, McLoughlin offered them every assistance, but persuaded them to visit the Willamette River region, rather than the Flathead country. After their inspection of the Willamette area, the Lees lost interest in the Flatheads. To aid the missionaries in establishing their mission, McLoughlin lent them much stock and equipment.<sup>48</sup>

In 1838, Lee returned east in the hope of raising more assistance. He not only secured twenty-one more persons, but also a new grant of forty-two thousand dollars. This party, known as "the great re-enforcement" reached the Oregon in 1840. While in the east, Lee made a speaking tour, telling of the wonders of the Oregon country. This tour did much to arouse interest in the far west and stimulated many to undertake the transcontinental trek.<sup>49</sup>

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<sup>47</sup>Billington, Westward Expansion, pp. 515-6.

<sup>48</sup>Howay, Sage, Angus, British Columbia, pp. 92-3.

<sup>49</sup>Billington, Westward Expansion, p. 517.

Meanwhile, other denominations became interested in extending Christianity to the natives of Oregon. In 1833, the American Board of Missionaries received a volunteer to the Oregon in the person of the Reverend Samuel Parker. A year later, Doctor Marcus Whitman also made application and was accepted. In the spring of 1835, Parker and Whitman set out for the west and, later in the year, established a mission in the eastern region of Oregon.<sup>50</sup>

The increasing missionary effort in the Oregon was well publicized in the east and caused a great surge of interest to be manifested in the area. In 1835, the American government responded to this increased interest when President Jackson dispatched W. A. Slacum to the Pacific coast, to gather information about the area. Slacum contacted the missionaries who, despite the fact that they had been assisted by McLoughlin and the Company, were very hostile to it.<sup>51</sup> As a result, Slacum's report was very critical of the Hudson's Bay Company.<sup>52</sup> The report was presented in the Senate Documents and the House Report and attracted wide attention. It was the principal reason why Senator Lewis F. Lynn of Missouri introduced a bill in 1838, providing for the military occupation of the Columbia and the creation of a territorial

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<sup>50</sup>Schafer, Northwest, p. 119.

<sup>51</sup>Many of the missionaries had spent more time in commercial transactions than spiritual, and this, to a considerable extent, accounts for their hostility to the Company. Howay, Sage, Angus, British Columbia, p. 93.

<sup>52</sup>F. E. Ross, "The Retreat of the Hudson's Bay Company in the Pacific North West," Canadian Historical Review, vol. 18, pp. 262-3.

government for Oregon. Though the bill was defeated, the discussion did much to increase the public interest in the Oregon.<sup>53</sup>

Following the panic of 1837, a general depression set in, which, combined with the glowing accounts of the Oregon and chauvinistic propaganda, did much to induce people to move to the Pacific coastal region. However, while some settlers did follow the Oregon trail in the late 1830's to assist in the missions, the real migration did not begin until the 1840's. But the first immigrants to the Oregon were not Americans; they were half breeds from the Red River Settlement.

Sir George Simpson, the Governor of the Hudson's Bay Company in Canada, had watched the recent developments in the Oregon with much interest, not to say, alarm. Just as the Hudson's Bay Company had succeeded in eliminating the threat of American fur traders, the arrival of American missionaries and the interest they attracted to the Oregon, produced a new threat on the Company's hold in the region. In order to counter-balance the new American population, Simpson ordered the emigration of half breeds from the Red River Settlement to the Oregon territory.<sup>54</sup> This group of about eighty persons left the Red River Settlement in June 1841, and in October, 1841, after many difficulties, reached Walla Walla. Because of the difficulties of the trip and the growing futility of trying to offset the increasing number of

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<sup>53</sup>Billington, Westward Expansion, p. 522.

<sup>54</sup>A. S. Morton, Sir George Simpson (Toronto, 1944), p. 213.

American settlers with half breeds from the Red River, this was the only emigration from this source.<sup>55</sup>

In 1842, Elijah White led a group of 120 Americans to the Oregon. This band, like its predecessors, was given considerable assistance by the Hudson's Bay Company.<sup>56</sup> The following year saw the so-called "Great Migration" when between 875 and 1,000 persons made the trip to Oregon. In 1844, another group, estimated by McLoughlin "about a thousand" reached Oregon and the next year, three thousand more immigrants arrived.<sup>57</sup>

Despite the fact that the settlers received the utmost assistance from the Hudson's Bay Company, they bitterly resented the Company and its commercial domination of the area. In 1838, when only numbering about forty, the Americans in Oregon addressed their first appeal to Congress to take "energetic measures to secure the execution of all laws affecting Indian trade and the intercourse of white men and Indians." This measure was clearly aimed at the destruction of the Hudson's Bay Company in Oregon. In 1840, and again in 1843, the American settlers sent similar petitions to Congress, urging the enactment of laws for their government and protection.<sup>58</sup>

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<sup>55</sup>Howay, Sage, Angus, British Columbia, pp. 99-100.

<sup>56</sup>Ibid., p. 101.

<sup>57</sup>E. E. Rich, ed., The Letters of John McLoughlin, Third Series, 1843-46 (Toronto, 1944), p. 34.

<sup>58</sup>Billington, Westward Expansion, p. 527.

In 1841, the American settlers held a meeting to draft a code of laws and prepare a constitution, but on the advice of Commodore Wilkes of the United States Exploring Expedition, who was in Oregon at the time, action was postponed. The desire for some sort of government continued and on May 2, 1843, at Champoeys in the Willamette Valley, by a vote of 52 to 50, it was decided to establish a provisional government.<sup>59</sup> This provisional government had little practical value, but it did give expression to American hostility to the Hudson's Bay Company. In the following year, the French-Canadian settlers joined in the provisional government with the understanding that its jurisdiction was limited to the area south of the Columbia River.

Despite this understanding, later in the year the provisional government took it upon itself to extend its authority to 54°40'. Then, in 1845, reinforced by the large immigration of the previous year, the settlers addressed a petition to Congress, requesting that territorial government be established in the Oregon. The petition added, however, that if this was contrary to the spirit of existing treaties, then Congress was asked to send military and naval protection to the Oregon.<sup>60</sup> In 1845, a new organic law was adopted by a vote of the people. It provided for a government and a legislature elected by the

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<sup>59</sup>Rich, McLoughlin's Letters, 1844-6, Introduction by W. Kaye Lamp, pp. XXXVI-XXXVII. The 50 votes against the establishment were cast by French-Canadians who were influenced by the Company.

<sup>60</sup>Howay, Sage, Angus, British Columbia, p. 110.

voters south of the Columbia.<sup>61</sup>

All this while, the Hudson's Bay Company had remained aloof from the proceedings. However, in August 1845, McLoughlin and James Douglas, acting for the Company agreed to participate in the provisional government. Their action was based on the knowledge that, in the absence of government from either the United States or Great Britain and in view of the recent increase in population with a large proportion of rough frontiersmen, a government had to be formed that would protect life and property. The provisional government was obviously the best means of guaranteeing the security of the Company's holdings.<sup>62</sup> While participating, McLoughlin and Douglas made it clear that the provisional government's right to taxation of the Company was limited to the Company's transactions with the settlers, and did not include its fur trade activities. This was acceptable to the provisional government for it ensured increased revenues as well as cooperation of the officers of the Company.

While these important changes had been taking place in the Oregon, new negotiations, designed to settle outstanding difficulties between the United States and Great Britain, had been undertaken by the two powers. Lord Aberdeen, the British Secretary for Foreign Affairs,

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<sup>61</sup>Rich, John McLoughlin's Letters, 1844-6, pp. 85-6.

<sup>62</sup>Ibid., pp. 99-102.

had been informed of events in the Oregon by the Hudson's Bay Company and Sir George Simpson.<sup>63</sup> Therefore, he had instructed Lord Ashburton, the special envoy of Britain, to discuss the whole problem of the northwestern boundary during the negotiations.<sup>64</sup>

These negotiations, which resulted in the Webster-Ashburton Treaty of August 9, 1842, proved to be so difficult that Ashburton had not wanted to jeopardize the eastern settlement by the inclusion of the further difficulties associated with the northwestern boundary question.<sup>65</sup> Consequently, Ashburton had not included this subject on the agenda. With the settlement of the northeastern boundary, Aberdeen had written to Fox, the British minister in Washington in October 18, 1842, instructing him to suggest to the American Government the desirability of finally settling the north west boundary question.<sup>66</sup> Fox had communicated to Webster on this subject, but before any action developed, Webster had resigned. This had delayed the commencement of negotiations.

It was not until February 21, 1844, that Richard Pakenham, Fox's successor, had been able to open negotiations. But hardly had

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<sup>63</sup>Morton, Simpson, pp. 216-7. Because of the distances involved, Aberdeen's latest information about Oregon was bound to be somewhat out of date.

<sup>64</sup>Manning, Diplomatic Correspondence, vol. 3, p. 690, Aberdeen to Ashburton, February 8, 1842.

<sup>65</sup>Ibid., p. 786, Aberdeen to Fox, October 18, 1842.

<sup>66</sup>Loc., cit.

Pakenham begun his conversations with Able P. Upshaw, who succeeded Webster, when Upshaw had been killed in an explosion aboard the Prince-ton on February 28, 1844.<sup>67</sup>

John C. Calhoun, Upshaw's successor, was not anxious to resume correspondence on the Oregon Question and therefore, waited for Pakenham to do so. The latter wrote on July 22, 1844, regarding the desirability of negotiations, but Calhoun did not reply to Pakenham's letter until August 22.<sup>68</sup> However, at this time, Calhoun did express himself as being favourable to the opening of negotiations regarding Oregon before the end of the month. Since Calhoun privately believed that the United States had nothing to gain from settling the Oregon situation at this time, nothing was accomplished. Calhoun favoured a policy of "wise and masterly inactivity". Regarding the Oregon he said, "Time is acting for us; and if we still have the wisdom to trust its operation, it will assert and maintain our right with resistless force, without costing a cent of money or a drop of blood."<sup>69</sup>

Meanwhile, other events had taken place which were to affect the situation considerably, not only in the Oregon but in the larger scope of relations between the United States and Great Britain. Senator Linn

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<sup>67</sup>Ibid., p. 809.

<sup>68</sup>Ibid., p. 254, Calhoun to Pakenham, August 22, 1844.

<sup>69</sup>J. S. Reeves, American Diplomacy under Tyler and Polk (Baltimore, 1907), pp. 246-8.

had continued to champion the cause of Oregon in the Senate. In 1843, he had succeeded in getting the Senate to pass a bill providing for the construction of a chain of military posts along the route to Oregon and the extension of the jurisdiction of Iowa over Oregon up to  $54^{\circ}40'$ .<sup>70</sup> This measure, however, was rejected by the House of Representatives. The western states were deeply disturbed at the failure of Linn's second bill. Many local meetings were held throughout the west. In July, 1843, at Cincinnati, an Oregon Convention, attended by about 100 delegates, called for the American acquisition of the whole area between the 42nd parallel and  $54^{\circ}40'$ .<sup>71</sup>

At this point, the politicians took hold of the Oregon issue. The southern Democrats were anxious to secure the annexation of Texas. However, knowing that their northern colleagues were not well disposed to the addition of more slave territory to the Union, but that the western element within the party was desirous of securing the Oregon territory, the southern Democrats decided to combine the two issues. This was acceptable to the north west wing of the party. However, since the leading contender for the Democratic nomination, Martin Van Buren, had already announced his opposition to annexation, he was passed over. A compromise candidate, James Knox Polk, who was known to favour

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<sup>70</sup>C. P. Stacey "The Hudson's Bay Company and Anglo-American Military Rivalries During the Oregon Dispute," The Canadian Historical Review, vol. 18, p. 283.

<sup>71</sup>Billington, Westward Expansion, p. 529.

annexation, received the Democratic nomination.<sup>72</sup> The Democratic convention included in the party platform the statement ". . . our title to the whole territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power."<sup>73</sup> Crying such slogans as "fifty-four forty or fight" and "all of Oregon or non," the Democratic party carried the election of 1844.

Such blatant chauvinism, especially since it had been endorsed by the American people, created considerable tension between Great Britain and the United States. Polk, by his inaugural address of March 4, 1845, added to the tension, for on that occasion he stated: "Nor will it become in a less degree my duty to assert and maintain by all constitutional means the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is 'clear and unquestionable!'"<sup>74</sup>

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<sup>72</sup>A. M. Schlesinger, Jr., The Age of Jackson (Boston, 1946), pp. 435-6.

<sup>73</sup>W. A. Dunning, The British Empire and The United States (New York, 1914), p. 178.

<sup>74</sup>J. D. Richardson, A Compilation of the Messages and Papers of the President (Washington, 1903), vol. 4, p. 381.

## CHAPTER IV

### SIMPSON AND THE CRISES

News of Polk's speech reached London on March 26. In a confidential letter to James Buchanan, the Secretary of State, dated April 2, 1845, Edward Everett, the United States minister to Great Britain, reported on the reception of the speech by the English newspapers.<sup>1</sup> In this letter, Everett quoted a leading article from the Times: ". . . that in spite of his marauders, and what he terms his constitutional rights, the territory of Oregon will never be wrested from the British Crown to which it belongs, but by War."<sup>2</sup> This statement, Everett pointed out, was much milder than those contained in the Morning Chronicle, a Liberal Newspaper, which "is sparing no pains, by the bitterest taunts, to goad the government into extreme measures."<sup>3</sup>

Sir George Simpson was in London at the time. He immediately connected the Oregon crisis with the Red River Settlement and addressed a long memorandum<sup>4</sup> to Sir John H. Pelly, Governor of the Hudson's Bay Company, which the latter passed on to the Cabinet. In this memorandum,

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<sup>1</sup>Manning, Diplomatic Correspondence, vol. 3, pp. 942-3, Edward Everett to James Buchanan, April 2, 1845.

<sup>2</sup>Ibid., p. 942.

<sup>3</sup>Ibid., p. 943.

<sup>4</sup>Joseph Schafer, ed., "Documents Relative to Warre and Vavasour's Military Reconnaissance [sic] in Oregon in 1845-6," The Quarterly of the Oregon Historical Society, vol. 10, March, 1909, pp. 13-15, Simpson's Memorandum in Reference to the Oregon Question, Hudson's Bay House, London, March 29, 1845.

Simpson stated:

Should the recent proceedings in the Congress of the United States on the Oregon question result in hostilities between the two countries, I think it would be absolutely necessary for the protection of the Company's interest. . . that a small military force be stationed at the Red River. Besides this force I think it would be very desirable that a company of riflemen should be embodied in the country from our native half-caste population, who are admirably adopted for guerilla warfare, being exceedingly active, and, by the constant use of the gun from childhood, good marksmen.

However, Simpson went on to say that officers for this force would have to be sent out from Canada. If this were to be done, or if the body of troop he recommended were to be sent out, the Company would make the necessary arrangements. Simpson then turned to deal with the situation in the Oregon:

For the protection of British interests on the Columbia and N. W. Coast, I would moreover suggest that two sailing ships of war and two steamers should be stationed there. It would be highly important to get possession of Cape Disappointment and to erect thereon a strong battery, which would effectually command the mouth of the river. . .<sup>5</sup>

As far as the Columbia was concerned, Simpson suggested that the warships carry a large body of marines and that these could be supplemented by a force of two thousand half breeds and Indians. Turning to the boundary question, Simpson naturally endorsed the desirability of securing the Columbia River boundary, but went on to say:

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<sup>5</sup>The British naval forces on the Pacific coast were increased during 1845 and, in 1846 five ships were stationed there. F. V. Longstaff and W. Kaye Lamb, "The Royal Navy on the Northwest Coast, 1813-1850," British Columbia Historical Quarterly, vol. 9, 1935, p. 113.

If the 49th parallel be adopted as the boundary line, the whole way from the mountains to the sea, then it would be indispensable to have Vancouver's Island and the free navigation of the Straits of de Fuca secured to us.

On such partition of the country it would as a matter of course be necessary that the Company and British settlers should be secured in their present possessions by a provision in the treaty, and the free navigation of the Columbia River. . . should be secured to us.<sup>6</sup>

Following upon this memorandum, Simpson was granted an interview with Sir Robert Peel and Lord Aberdeen on April 2. As the result of this interview, the government decided to send immediately two officers from Canada to secure more information of the Oregon situation. To this end, a note was sent to Lord Metcalfe, the Governor General of Canada, requesting him to make the necessary arrangements for the dispatch of

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<sup>6</sup>Simpson's memorandum is an extremely important document, for not only does it contain the first suggestion that troops be sent out to the Red River and naval forces be sent out to Oregon, but it was also the first time that the suggestion was made by anyone on the British side that the 49th parallel was an acceptable solution to the boundary question. In fact, up to now, the British position regarding the north west boundary had been taken not merely on the grounds that they had a just claim to the Columbia River, but also because the Hudson's Bay Company officials had insisted that the Columbia River was essential to the fur trade. Thus, this shift by Simpson had profound influence on British attitudes in later negotiations regarding the north west boundary.

Simpson had, in fact, already written off the Columbia River region. The returns from the fur trade there had fallen off badly in the past few years and, after 1842, had shown a deficit. C. W. Kaye Lamb's Introduction to E. E. Rich, The Letters of John McLoughlin, 1844-6, pp. LVI, LVII. Moreover, Simpson knew that settlement had ruined the trade and now threatened the property of the Company. Thus before he wrote this memorandum, he had already sent instructions to McLoughlin to shift the Company's main depot from Fort Vancouver to Fort Victoria. Stacey, "Hudson's Bay Company During the Oregon Dispute," C.R.H., pp. 284-5.

the officers.<sup>7</sup>

The question raised by Polk's inaugural address was introduced in the House of Commons by Lord John Russell and in the House of Lords by Lord Clarendon on April 4, 1845.<sup>8</sup> Both speakers criticized Polk severely and requested information on the government's position regarding Oregon. The replies made by Sir Robert Peel and Lord Aberdeen in their respective Houses, indicated the seriousness of the situation. Yet, while both speakers expressed their confidence in the governments of Great Britain and the United States to settle their disagreements amicably, Sir Robert went on to say:

I feel it my imperative duty on the part of the British Government to state in language most temperate, and at the same time most decided, that we consider we have rights regarding this territory of Oregon which are clear and unquestionable. We trust still to arrive at an amicable adjustment... . but, having exhausted every effort to effect that settlement, if our rights shall be invaded, we are resolved and we are prepared to maintain them.<sup>9</sup>

Simpson stayed in London for the parliamentary debates on the Oregon question but sailed the following day for the United States,

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<sup>7</sup>Schafer, "Documents," Oregon Quarterly, vol. 10, pp. 16-18, H. U. Addington to James Stephen, April 3, 1845 and Stanley to Metcalfe, April, 1845.

<sup>8</sup>Hansard, Parliamentary Debates, 3rd Series, vol. 79. Lord Clarendon's speech on the Oregon question is to be found on pp. 115-120, while Lord John Russell's is on pp. 178-93.

<sup>9</sup>Ibid., pp. 193-201.

arriving at Boston on May 22. He paid a hasty and surreptitious<sup>10</sup> visit to Richard Pakenham, the British minister in Washington. While there, Simpson received the latest information regarding the American attitude towards the Oregon and also discussed the situation with a number of Americans. Thus, on May 4, 1845, he was able to write Sir John Pelly:

I had the satisfaction, however, of learning from that gent<sup>l</sup> [Pakenham] & likewise from several influential members of Congress whom I fell in with in the course of my journey that, notwithstanding the tone of Mr. Polk's Inaugural Address (which was considered exceedingly indiscreet & principally intended to please the Locofoco or Democratic party which carried his Election) there was a strong desire on the part of the Government of the United States and of the most influential and respectable portion of the community that the question should be amicably disposed of, and among that class there seems to be no apprehension that it will lead to hostilities, the prevailing opinion being that, it will in the end be submitted to the arbitration of some neutral friendly power.<sup>11</sup>

Upon his arrival at Lachine, Simpson found that, acting upon the instructions of Lord Metcalfe, Sir Richard Jackson, The Commander of Troops in Canada, had appointed Lieutenant Henry Warre of the 14th Regiment and Lieutenant Mervin Vavasour of the Royal Engineers to under-

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<sup>10</sup>n. . . It is desirable that my visit to Washington should not be known, & my non-appearance in Montreal may be ascribed to my proceeding to New York on business." Hudson's Bay Company Archives, D4/66, p. 218. Sir George Simpson to Chief Factor Duncan Finlayson, April 22, 1845. This and later reference to correspondence from the Hudson's Bay Company Archives refer to transcripts from the correspondence which are on file in the office of The Beaver, Hudson's Bay House, Winnipeg. They are used by the permission of the Governor and Committee of the Hudson's Bay Company.

<sup>11</sup>H.B.C. Arch., Simpson to Pelly, Lachine, May 4, 1845.

take the mission to Oregon.<sup>12</sup> On May 5, they set out for the west with Simpson. While en route, Sir George drew up a memorandum<sup>13</sup> in which he elaborated his ideas concerning the defence of the Company's territories. After pointing out the fact that the Americans were forming a "cordon" of military posts along the northern frontier and stressing the desirability of the British government establishing two posts in the west, he suggested as the location of these posts, Point Meuron on the Kaministaquoia River about nine miles above the Hudson's Bay Company trading post at Fort William, and Fort Garry at the Red River Settlement.

Simpson elaborated his reasons for selecting these particular points:

Point Meuron, the site I would recommend as a post on the Kaministaquoia, is on high ground, overlooking the river, and is not commanded by any other point within reach.

.....  
 Red River Settlement is the most favorable situation in the Indian territory east of the Rocky Mountains for a military depot and large levies of troops might be there raised from the half caste population and the neighboring Indian tribes, who, when properly disciplined, would form such a force as would overcome many, and greatly harass all the United States settlements on the Missouri. A detachment of about 200 regular troops, however, I should consider sufficient to form

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<sup>12</sup> Loc. cit.

<sup>13</sup> Schafer, "Documents," Oregon Quarterly, vol. 10, pp. 25-31, Simpson to Warre and Vavasour, Encampment, Lac a Lu Pluie, May 30, 1845. Warre and Vavasour forwarded a copy of this memorandum to Col. Holloway, Commanding Royal Engineers, Canada. War Office Records, 1/552. This and the succeeding references to War Office Records refer to microfilm copies of the Records. These microfilm copies are located in the library of the University of Manitoba.

the nucleus of a force of several thousand natives. . .<sup>14</sup>

Simpson then remarked upon the trip west from Red River Settlement to the Columbia. The officers would find the trip to the Rockies very easy, while the pass through the mountains "is by no means difficult on horseback". While in the Oregon, Simpson directed the attention of the officers to Cape Disappointment at the mouth of the Columbia stating that if, after close examination, they wanted to occupy it "Mr. Ogden has private instructions from me to take possession of that headland on behalf of the Hudson's Bay Company, ostensibly with a view of forming a trading post. . ." If in addition the officers find any other place upon which to form a fort, they would only have to mention it to Ogden and he would take possession.

The party reached the Red River Settlement on June 5 and five days later Vavasour sent a report<sup>15</sup> to Colonel W. C. E. Holloway, Commanding Royal Engineers, Canada. In this report, Vavasour stated that the British forts along the route he had travelled from Canada were not defensible against attack. Furthermore, the Americans not only had a "cordon of military posts along their north west frontier",

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<sup>14</sup>In his letter to Pelly (above p. 65) Simpson expressed confidence in the peaceful solution of the Oregon question. The desire he expresses here to secure troops for Red River Settlement indicates that he is already worried about the situation at the colony.

<sup>15</sup>W.O. 1/552, Report of Lt. Vavasour (Royal Engineers) to Col. Holloway, Commanding Royal Engineers, Canada, Red River Settlement, June 10, 1845.

but also "several schooners and one small propeller on Lake Superior." Therefore, Vavasour believed that this route would have to be strengthened considerably before it would be practicable to use it to send troops to the Red River Settlement.<sup>16</sup> But the many difficulties of the route rendered it almost impracticable for the transport of a large number of troops, while "Artillery, or Heavy Baggage, Ammunition or Stores, could not be conveyed by this Route in its present state, but we are informed that ordnance, stores, etc. can be conveyed with Much greater facility to the Red River Settlement by the Hudson's Bay Company Ships to York Factory. . . Should the facilities of this more Northern Route be such as have been represented to us it would appear preferable for the conveyance of all such troops as may be required in the Settlement."<sup>17</sup> Vavasour then went on to describe both Upper and Lower Fort Garry, and although he did not express an opinion concerning them, it is obvious from his description that he was not impressed with their military potentialities. Regarding the troops to be sent to Red River Settlement, Vavasour writes:

. . . we beg to call your Lordships attention to the inutility of employing infantry in a Country where the distances required to be transversed are so great that no Infantry Soldiers

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<sup>16</sup>It is interesting to note that despite the fact that in his memorandum Simpson had suggested Point Meuron as one of the best places at which to locate a military post, he did not take the officers there to examine it for themselves. Vavasour specifically mentioned this in his report, thereby implying that he was in no position to endorse the suggestion put forward in Simpson's above-mentioned memorandum.

<sup>17</sup>Patterson, H. S. "54°40' or Fight," The Beaver, June, 1936, p. 41. Patterson quotes directly from Vavasour's report to Metcalfe.

could compete with the Half-Breeds or Indian Tribes -- the great majority of whom would be on Horseback either as an enemy or as an Ally. . . should it be deemed advisable to send any Troops to this quarter that a certain number of steady Active Cavalry or Artillery Men who would have some knowledge of the Infantry Manoeuvres and the defence of Posts would appear preferable for the description of Warfare carried on in this Country. . . .<sup>18</sup>

On June 16, under the guidance of Peter Skene Ogden, the two officers set out for the Oregon. It is not necessary to follow the details of this journey, and although their reports from the Oregon reached England too late to influence the decision of Her Majesty's Government,<sup>19</sup> some details of the reports should be noted. Writing to the Colonial Secretary on<sup>20</sup> October 26, 1845, the officers reported that "the facilities for conveying troops to the Oregon, by the route we have lately past, do not exist to the extent that Sir George Simpson represents." By this report, the officers rejected Simpson's prior suggestion regarding the transportation of troops across the west. Although in this report the officers dealt somewhat sympathetically with the problems of the Hudson's Bay Company in the Oregon and condoned McLoughlin's participation in the provisional government of

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<sup>18</sup>Loc. cit.

<sup>19</sup>One report did reach England prior to the settlement of the Oregon question, but it contained practically no information regarding Oregon and, in fact, amounted to an apology for this lack of information. Schafer, "Documents," Oregon Quarterly, vol. 10, p. 37-8, Warre and Vavasour to Metcalfe, Fort Vancouver, November 1, 1845.

<sup>20</sup>Ibid., pp. 39-51. Warre and Vavasour to "The Rt. Hon. the Secretary of State for the Colonies," Fort Vancouver, Oregon Territories, October 26, 1845. This report is marked "Rec'd July 6, 1846," which indicates to some extent the handicap of the British government in the negotiations. At best, information was eight months old.

1845, in a later report, they were very critical of the policy of the Company's representatives in the Oregon. . . . "Whatever may have been the orders," they stated, "or the motives of the gentlemen in charge of the Hudson's Bay Company on the west of the Rocky Mountains, their policy has tended to the introduction of American settlers into the country."<sup>21</sup>

Meanwhile, certain important developments had taken place at the Red River Settlement. Simpson had agreed with Governor Christie's proclamations of the previous December, consequently, during his stay at the Settlement, he met with the Council<sup>22</sup> to pass further measures to harass the petty traders. These new regulations stated stores could be imported duty-free, if they were for the use of the importer; goods to the value of £10 could be imported without duty if the importer declared that they were for his own use within the Settlement; goods to the extent of £50 could be imported without duty, if the importer declared that they were for his own use or for sale within the Settlement; all other goods coming from the United States would be subject to the same duties that were in effect in other parts of British North America.<sup>23</sup>

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<sup>21</sup>Ibid., pp. 65-81, Warre and Vavasour, Report to Secretary of State for Colonies, June 16, 1846.

<sup>22</sup>There is some confusion about these council meetings. Alexander Begg, History of the North West (Toronto, 1894), vol. 1, p. 254, and Report from the Select Committee on the Hudson's Bay Company (1857), p. 373, list regulations passed by the Council June 10, 1845, which are very similar to those given in Oliver, North-West, pp. 317-320, but dated June 19, 1845. It does not seem likely that the Council would pass two so similar lists of regulations.

<sup>23</sup>Oliver, North-West, pp. 317-320.

These regulations were designed especially to curb the illicit activities of the petty traders. The imports of the great majority of the settlers would be admitted free, but the strict limits would curtail the activities of the traders. These regulations, following upon the proclamations of Christie, showed that the Company was determined to check the activities of the traders.<sup>24</sup> Since the proclamations had aroused considerable opposition, these new measures could not help but increase the discontent at Red River. Apparently the Company was finally willing to face open opposition in order to protect its rights.

Soon after this, Simpson set out for Lachine. From Michipicoten, while en route eastward, Sir George wrote Sir John Pelly a

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<sup>24</sup>During the summer Simpson planned to attack the petty traders in another way: by setting up a post in opposition to Kittson at Pembina, in an attempt to drive him out of business. In accordance with his plan, in the fall, Simpson secured an American trading license from Charles W. Borup. C. W. Rife, "Norman W. Kittson," Minnesota History, vol. 6, p. 234. Then in the course of the winter, Fisher, a servant of the Company, was set up in opposition to Kittson at Pembina. Kittson, however, quickly intimidated Fisher's men and the latter had to retire to the Colony. Red River Correspondence, 1845, 46, 47, pp. 71-73, Christie to Simpson, April 21, 1846. This manuscript volume of Red River Correspondence is to be found in the Public Archives of Manitoba.

This border warfare has its humorous side. Simpson did not know that Kittson was an agent of the American Fur Company, but believed him to be an independent trader. As a result, while Kittson was stirring up trouble against the Company after 1844, the Company continued to pay the American Fur Company to stay out of the border region until Simpson was enlightened late in 1846. (See above p. 25, footnote 33). At one stage Simpson even proposed to Crooks that the two Companies eliminate Kittson. The error was not all Simpson's, for Borup, who supplied the license which permitted Fisher to set up a post in American Territory at Pembina, was an important member of the American Fur Company. Rife, "Norman W. Kittson," Minnesota History, vol. 6, p. 234. It was only after Kittson complained about Fisher to Sibley that the situation was cleared up. Each party was convinced of the duplicity of the other, and the struggle became vicious. Ibid., p. 235-6.

confidential letter. In this letter, Simpson indicated his belief that Warre and Vavasour had been favorably impressed with the forts at the Red River Settlement. He then went on:

. . .I now beg to state that I consider it highly necessary for the protection of British interests in the North-Western frontier of Canada, that, one or two military posts should be established therein without delay, say one near Fort William on the Kaministaquoyah and another at Red River Settlement.<sup>25</sup>

Also, while at Michipicoten, Simpson wrote to Lord Metcalfe informing him of the successful trip westward and pointing out to Metcalfe the need for British forts in the west.<sup>26</sup>

Convinced of the need of military posts to protect the Company's interests in the west, Simpson shortly after his arrival at Lachine, undertook to impress upon the government the danger of the western situation. In an interview with Lord Metcalfe, Simpson stressed the necessity of stationing troops at Red River.<sup>27</sup> At the conclusion of his interview, Simpson was able to report confidentially to Pelly on August 1:

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<sup>25</sup>H.B.C. Arch., Simpson Outward Correspondence Book, 1845-6, p. 193, Simpson to Pelly, Michipicoten, July 8, 1845. Since Simpson was not alarmed about the Oregon situation (see above, p. 65) it must be concluded that Simpson's urgent request for troops in this letter was based on conditions at the Red River Settlement.

<sup>26</sup>Schafer, "Documents," Oregon Quarterly, vol. 10, pp. 35-37, Simpson to Metcalfe, Michipicoten, July 9, 1845.

<sup>27</sup>H.B.C. Arch., Simpson Outward Correspondence Book, 1845-46, p. 219, Simpson to Pelly, "Confidential", Lachine, August 1, 1845.

. . . His Excellency seemed to attach much value to the information I have given him and was pleased to express himself greatly on the subject; and informed me that, he is decidedly of the opinion that the government ought to establish the military posts I have recommended and further said that he handed to the Secretary of State a copy of my letter by the last mail and reported favorably on the subject.<sup>28</sup>

Not long after he had made this report to Pelly, Simpson received an alarming letter<sup>29</sup> from Chief Factor Alexander Christie, the Governor of the Council of Assiniboia. This letter stated that while the hunters had been out on the plains this summer, they had met a detachment of American cavalry. "The officer in command of this party (Captain Sumner) gave the Half-Breeds to understand that after this season, they could not (being British Subjects) be permitted to hunt the buffalo upon American territory." The half breeds had replied to the officer that the buffalo was the only means of support that they had for themselves and their families, to which Sumner had replied, "he could see no alternative, except they form themselves into a Settlement within the American boundary either near Pembina, or at some other more eligible situation."<sup>30</sup> This communication was followed shortly by a further report<sup>31</sup> from Christie and one from Recorder

<sup>28</sup>Loc. cit.

<sup>29</sup>H.B.C. Arch., Alexander Christie, Sr., to Simpson, Fort Garry, August 12, 1845.

<sup>30</sup>The ubiquitous Peter Garrioch was with the métis when this encounter took place. Gunn, "Journal of Peter Garrioch, 1837-47," p. 268.

<sup>31</sup>H.B.C Arch., D5/14, Alexander Christie, Sr., to Simpson, Fort Garry, Red River Settlement, August 26, 1845.

Adam Thom.<sup>32</sup> In his second report Christie stated:

. . . The meeting between the American troops and the American Half-breeds in the plains this season has already tended to occasion some excitement in the Settlement, a petition is now going around for signature (written by McLaughlin, Mr. McDermot's Nephew)-- with the intention of being afterwards presented to Congress, craving protection from the American Government, for the formation of a Settlement at Pembina, these poor people are doubtless much encouraged in this object by those who are so anxious to interfere with the Company's Trade,-- and that from a Settlement within the American Territory, they could carry on the illicit trade on this Side the line to greater advantage. . .

Upon the receipt of this letter, Simpson realized that the situation at Red River was critical. He, therefore, resolved at all costs, to secure troops for the colony. In pursuance of this resolve, Simpson wrote Pelly the following blunt letter:<sup>33</sup>

The presence of the military establishments in the Interior can be productive of little benefit to us at any other point than Red River Settlement and there one is absolutely necessary to the existence of the Fur trade, not in reference to any difficulties with the United States only, but as a means of protection against the inhabitants of the Settlement, as with the feeling at present existing in the minds of the half breeds, it will be quite impossible to protect or inforce [sic] our laws without the presence of military at that point. This state of things would not, of course, influence the government in affording the required support; but I draw your attention privately to it, in order to show the necessity of urging the formation of military post at Red River, ostensibly with a view of securing to Great Britain that influence over her own subjects, both white and Indians, which has long been the wane,

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<sup>32</sup>Ibid., Adam Thom to Simpson, Red River Settlement, August 18, 1845.

<sup>33</sup>H.B.C. Arch., Simpson Outward Correspondence Book, 1845-6, pp. 385-8, Simpson to Pelly, Lachine, October 24, 1845.

consequent upon the proximity of the American garrisons at St. Peters and other points along the frontier. . . and if it be the desire of the Government to establish a post at the Red River next summer, it is absolutely necessary that, I should have instructions before the departure of the winter express, to make the necessary arrangements for the conveyance of the troops from Lake Superior to Red River Settlement; -and, as I consider the salvation of the Hon. Company's trade to be dependent on the early formation of the post, I think there is not a moment to be lost in preparing the Government upon the subject while the excitement on the Oregon question exists, as if that once pass away, I feel assured the Government will not afford the Protection we require at Red River.<sup>34</sup>

This is an extremely important letter, for it shows Simpson's true interpretation of the Oregon question and the nature of the Company's problem at Red River. He believed that the Company's position and monopoly at Red River were in danger. Troops were urgently needed if the Company's laws were to be "enforced" at the Colony.

Simpson realized that as far as the British government was concerned, the difficulties of the Hudson's Bay Company would not be considered an adequate reason for the dispatch of troops to Red River. Consequently, in dealing with the government, he advised Pelly to pass over the difficulties of the Company, but to emphasize the American threat to the Colony and the need of troops to offset American influence and restore British prestige at Red River.

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<sup>34</sup>Morton, Simpson, p. 199 quotes this letter only as far as the phrase "without the presence of military at the point". Since the latter part of the letter more fully shows Simpson's attitude toward the Oregon question, Morton's interpretation of Simpson's role is open to some question. Morton, Canadian West, p. 809, is an even more glaring distortion of this document.

The Oregon crisis would help considerably in achieving these ends. The Company had written off the Oregon, and consequently, Simpson was not interested in it. But the British government was concerned about the Oregon. By exaggerating the Oregon danger and by linking American pressure there to events at Red River, Simpson believed the government could be persuaded to send troops to the Colony. Certainly if the Oregon crisis was eliminated, there would be little possibility of the government agreeing to the dispatch of troops to Red River. Simpson, therefore, impressed upon Pelly the necessity of immediate action while the government was still worried about the Oregon.

In Simpson's eyes, therefore, the Oregon had ceased to be a problem, but had become a means of settling the Company's difficulties at Red River.

Having informed Pelly of the true nature of the relationship between the Oregon crisis and the difficulties at Red River, Simpson officially notified the Company of the danger to its position in the west,<sup>35</sup> though the terms used by Simpson in this letter were not as blunt as those used in his letter to Pelly.

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<sup>35</sup>H.B.C Arch., Simpson Outward Correspondence Book, 1845-6, p. 347-54, Simpson to Hudson's Bay Company, Lachine, October 28, 1845.

Upon the receipt of Simpson's urgent report, Pelly immediately took steps to secure troops for the Red River Settlement. He wrote to Lord Aberdeen to this subject, and when his message was not answered at once, Pelly visited Colonial Office, Foreign Office and the Horse Guards in order to secure approval for the dispatch of troops to the Colony. After much effort, he was able to write Simpson, on December 3, that he was beginning to get some action from the government and he hoped that troops would be received for the Settlement.<sup>36</sup>

During the fall, Simpson received many alarming reports from Company Officials at Red River. Therefore, he repeatedly pressed the Governor and Committee in England to make sure the government agreed to the dispatch of troops to Red River.<sup>37</sup> In addition, Simpson continued his correspondence with Lord Metcalfe and had several interviews with the Governor General.<sup>38</sup>

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<sup>36</sup> H.B.C. Arch., Simpson Inward Correspondence Book, 1845, Pelly to Simpson, London, December 3, 1845.

<sup>37</sup> H.B.C. Arch., Simpson Outward Correspondence Book, 1845-46, and War Office, 1/557.

<sup>38</sup> Simpson wrote Metcalfe on November 6 and enclosed a copy of the instructions to the commander of the American troops, Captain Sumner, who met the half breeds on the plains the preceding summer. War Office 1/552, Simpson to Metcalfe, Lachine, November 6, 1845.

Metcalfe was apparently much impressed with Simpson's arguments, and, while passing on Simpson's correspondence to the Colonial Office in London, he fully endorsed Simpson's suggestions.<sup>39</sup>

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<sup>39</sup>In a post-script to the letter he wrote the Hudson's Bay Company, November 11, 1845, Simpson states that he had received from Metcalfe a letter "which is satisfactory, inasmuch as it appears the subject of the formation of a Garrison at Red River Settlement will be immediately brought under the consideration of the home Government by the authorities". H.B.C. Arch., London Inward Correspondence from Sir George Simpson, 1845, Simpson to H.B.C., Lachine, November 11, 1845.

## CHAPTER V

### THE DECISION TO SEND TROOPS TO RED RIVER

Despite the pressure brought to bear by Simpson and Pelly, the British government did not immediately decide to act upon their recommendations to send troops to Red River Settlement. At this time, Peel's Government faced a severe crisis.

The Oregon negotiations were not going well.<sup>1</sup> Moreover, the Whigs, or at least Lord Palmerston, the former Foreign Secretary and to a lesser extent Lord John Russell, were using the Oregon crisis in an effort to embarrass Peel's Government. Palmerston had attacked the Webster-Ashburton Treaty, or more properly, the Washington Treaty of 1842, as a betrayal of British interests.<sup>2</sup> He also continued to attack Lord Aberdeen's Pacific foreign policy, in particular, Aberdeen's obvious inclination to compromise the Oregon boundary question on lines suggested by the Americans.

Aberdeen, in October 1845, suggested a compromise based upon the American proposal that the boundary follow the 49th parallel, but, because of their fear of Palmerston's attacks, the other members of the cabinet refused to sanction the compromise.<sup>3</sup>

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<sup>1</sup>See below, p. 97-103

<sup>2</sup>Frederick Merk, "British Party Politics and The Oregon Treaty," American Historical Review, vol. 37, July, 1932, pp. 663-6.

<sup>3</sup>Frederick Merk, "The Oregon Pioneers and the Boundary," American Historical Review, vol. 24, April, 1924, pp. 698-9.

The Oregon problem, however, was of minor importance in relation to Peel's determination to abolish the Corn Laws. For some time, Great Britain had been moving toward free trade and, from 1843, this trend had been greatly accelerated. Finally, the potato famine in Ireland in 1845 made it necessary to alter English trade laws fundamentally and immediately.

For Peel, the answer was simple: eliminate the Corn Laws. Peel's personal popularity won many over to the cause of free trade, but a large group in the Conservative party, for the most part, representatives of the landed interest, refused to follow him in this policy. When he could not gain the unanimous support of his Cabinet, Peel decided to resign. This he did on December 6, 1845.<sup>4</sup> Queen Victoria then asked Lord John Russell to form a government.

Russell accepted the task, but found it impossible. He needed both Palmerston and Earl Grey in his Cabinet, but when he told Grey that Palmerston was to be Foreign Secretary, Grey refused to serve. In an effort to placate Grey, Russell asked Palmerston to become Colonial Secretary. Palmerston believed that if he accepted this post, it would mean in the public eyes that his former foreign policy was unsatisfactory, and rather than risk this, Palmerston refused the

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<sup>4</sup>C. S. Parker, ed., Sir Robert Peel (London, 1899), vol. 3, p. 240.

position.<sup>5</sup> Caught in this dilemma, Russell decided that a Whig Cabinet could not be formed.<sup>6</sup> Queen Victoria, when informed of this, turned again to Peel on December 20th.<sup>7</sup>

Peel met with his former cabinet members immediately and informed them of his intention to form a new cabinet. Lord Stanley declared that if the repeal of the Corn Law was adhered to, then "he must persevere in his resignation." Peel then invited W. E. Gladstone to replace Stanley as Colonial Secretary. This was the only change in the Cabinet caused by the Corn Law issue.<sup>8</sup>

When the crisis was finally passed, Peel's position was much stronger than before. Not only had he eliminated dissenting opinion from his Cabinet, but he had chastised the Whigs. Russell had been given an embarrassing example of the lack of unity in his party, and made to realize that while Palmerston was often an asset, he could also be a real liability. Russell, in future, was less outspoken in his criticism of the Government's foreign policy, which permitted Aberdeen to re-open negotiations on a different basis, with the American govern-

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<sup>5</sup>Merk, "British Party Politics," A.H.R., vol. 37, pp. 668-9.

<sup>6</sup>Russell, while admitting the conflict within his party, later maintained that the true cause of the Whig fiasco in December was the bad faith of Peel. He stated that Peel, in private, had guaranteed his support of a Whig ministry if it would introduce repeal. Acting on this, Russell had accepted Her Majesty's request that he form a cabinet. Then he found that Peel would not renew his guarantees. Hansard, Parliamentary Debates, vol. 83, pp. 96-110.

<sup>7</sup>C. S. Parker, Sir Robert Peel, p. 283.

<sup>8</sup>Ibid., pp. 284-5.

ment over Oregon.<sup>9</sup>

During the winter, additional correspondence on the subject of sending troops to Red River was exchanged. Gladstone wrote to Lord Cathcart, who was at once the Acting Governor General of Canada and the Commander-in-Chief of Her Majesty's Forces in Canada, requesting him to get information on specific points from Sir George Simpson. To this end, Cathcart addressed a series of questions to Simpson which were answered on February 23, 1846.<sup>10</sup> Simpson's answers are a good illustration of his tremendous self-confidence, even when dealing with a subject about which he knew nothing. At this time, Simpson stated that 2,000 half breeds could be raised to serve in a militia force. This force could be expanded to "10,000 and upwards" if the Indians were enrolled. Simpson also stated that he believed 1/6 per diem would be fair pay for the half breeds, providing that their training did not interfere with the buffalo hunt. When asked how much the Company would contribute to defray the cost of native and regular troops, Simpson replied "the Company has not considered paying anything towards the cost of native troops, as they will not be used in defending the Company's territory, but in offensive operations against the United States." He went on to say that he was not prepared to

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<sup>9</sup>Merk, "British Party Politics," A.H.R., vol. 37, pp. 669-70.

<sup>10</sup>W. O. 1/557. "Answers to Queries submitted to Sir George Simpson by His Excellency, Earl Cathcart, by instructions from the Secretary to the Colonies, February 23, 1846.

state the amount the Company would be willing to contribute towards the maintenance of the Regular Force, but that he would refer the subject to London.

Simpson was also asked if the forts "would be made or strengthened" by the Company without assistance from the Government, other than that which could be supplied by the troops. Simpson answered this in a manner which indicated that only a little work was needed to complete Lower Fort Garry, and it "would be finished at no expense to the Government, other than assistance from the troops."<sup>11</sup>

While Simpson's answers avoided committing the Company to financial obligations if troops were sent to Red River, on the other hand, they provided eloquent testimony of his profound ignorance of military matters.

The one shilling and sixpence per diem which Simpson casually suggested as fair pay for half breed irregulars, was, in fact, 50% more than contemporary British regulars were paid. The inference that the half breed militia be permitted to continue participation in the buffalo hunts meant that, not only would most of the military training have to take place in the winter time, but also, that such units as were formed would have to be disbanded during the summer months while the métis were away on the buffalo hunt. Simpson's sugg-

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<sup>11</sup>Loc. cit.

estions regarding the development of a militia seem, in fact, not so much concerned with securing an effective militia, as with having the Government contribute to the support of the métis during the time when they could not hunt buffalo. Simpson's denial of the possibility of defensive operations was equally fatuous. The United States Army with relatively good supply lines was, in his view, to be forced to remain on the defensive by a small body of British regulars, augmented by a native militia, operating from a base maintained by almost non-existent supply lines in summer, and completely isolated in winter time!

Despite the obvious shortcomings of Simpson's replies, in his letter to Gladstone which accompanied the replies of Simpson, Lord Cathcart expressed his agreement with Simpson's request for troops to be stationed at Red River. However, Cathcart did not think that such a force could be raised from the troops in Canada except from the "Volunteers or General Service which are now serving in the ranks of the different regiments serving in Canada. . . for a small Bounty they would be willing to enroll themselves for this service".<sup>12</sup> Moreover, the officers for such a force would have to be sent out from England.<sup>13</sup>

Simpson's answers and Cathcart's endorsement did not influence

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<sup>12</sup>W.O. 1/557, Cathcart to Gladstone, Montreal, February 28, 1846.

<sup>13</sup>Loc. cit.

the government's decision, for on March 2, 1846, the War Office had already communicated<sup>ca</sup> to Gladstone that the Duke of Wellington "has arranged with Sir John Pelly to send a detachment of infantry to Fort Garry. The detachment will probably consist of 3 companies making a force of from 200 to 300 men."<sup>14</sup> Gladstone was requested to send the Duke of Wellington the necessary instructions so that "the proceedings may be formally correct."<sup>15</sup> The note also expressed Wellington's desire to land the troops at York Factory and proceed from there "down Lake Winnipeg".<sup>16</sup>

Events now took a significant turn. A really first class military mind was beginning to take notice of the Red River discussions. Wellington may have been over seventy-five years old and 3,000 miles away, but he grasped the essential facts with precision. Wellington had, apparently, a large respect for the United States Army and his opinion was confirmed by the Mexican War. He was aware of the difficulties of communicating with the Red River Settlement and consequently, not misled by the glib way Simpson passed over them. Wellington's intervention almost upset Simpson's calculations.

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<sup>14</sup>W.O. 1/557, War Office to Gladstone, March 2, 1846.

<sup>15</sup>Loc. cit. Then, on April 1, 1846, Gladstone formally notified Pelly of the government's decision to send a "detachment of troops to Fort Garry". H.B.C. Arch., Correspondence with H. M. Government Folder, 1846, Gladstone to Pelly, April 1, 1846.

<sup>16</sup>Wellington's decision to send troops via York Factory instead of through Canada was made as a result of Lt. Vavasour's unfavorable report of June 10, pp. 66-7.

Wellington soon began to doubt the wisdom of sending troops to Red River while the fortifications there were inadequate. He gave expression to these doubts in a long letter to Gladstone on April 8.

. . . It may be relied upon that when Her Majesty's troops will occupy Fort Garry [sic] the attention of the government of the United States will be drawn to that quarter, and that in the event of War, an attempt will be made to acquire a little military reputation for the United States Army, and as the reputation of Her Majesty's Army is a valuable property of this Nation acquired by time, great expense, some risk and danger to public interests, and great loss of life of valuable Officers and Soldiers and exertions on their parts, the loss of such an advantage should not be risked if the necessity for the risk can be avoided by previous arrangements and precautions.

Fort Garry is considered as a Post for a small body of men sufficient to hold it against an attack of Indians.

We may rely upon it that when occupied by Her Majesty's troops it will be attacked by a detachment of the regular army of the United States with the aid of all the means of attack which the facilities of the Land and Water conveyance throughout the union will enable the Government of the United States to bring to bear on that post.

My opinion is then, that if we should occupy any Post at Fort Garry it should be a Redoubt defensible by the number of men intended to occupy it - say 200 or 300 - well built of durable materials with a good ditch, revetted Scarp and Counter-Scarp, armed with Ordnance of Sufficient calibre for its defences: that it should have in it a Bomb-proof defensible Barracks and casements on it's defences to be used as Store Rooms for it's ammunition, provisions and other Stores of each for Six Months at least. . . .<sup>17</sup>

If, Wellington went on to suggest in a memorandum accompanying this letter, Her Majesty's Government did not feel that these measures should be adopted, two officers should be sent out to report directly

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<sup>17</sup>W.O. 1/557, Wellington to Gladstone, April 8, 1846.

to him regarding the present conditions at Fort Garry, the topography of the immediate neighborhood of the fort, the changes needed to make the forts defensible and the routes from York Factory to Fort Garry. Wellington closed his letter by saying that if the government decided to adopt this second course, "occupation of Fort Gary must be delayed from June 1846 to June 1847."<sup>18</sup>

Upon the receipt of Wellington's letter, Gladstone took up His Grace's proposals with the Chancellor of the Exchequer. Accordingly, on April 11, Gladstone wrote Wellington two letters, one private and one official. In the private letter, Gladstone told the Duke that the Treasury was not prepared to sanction the adoption of the first project, "partly on general ground and partly because no arrangement had yet been made with the Hudson's Bay Company. . . to the mode of defraying whatever charge may be found to attend the defence of the Company's Territory."<sup>19</sup> However, there was no objection to the proposal made in Wellington's memorandum regarding the dispatch of two officers to Fort Garry. Therefore, in his official letter, Gladstone asked the Duke to "make arrangements for dispatching two officers to Hudson Bay for the purpose of examining the present state of the Fort and surrounding Countries, with a view to the regular occupation of that Post hereafter."<sup>20</sup>

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<sup>18</sup>Loc. cit. If Wellington's suggestion had been acted on, in all probability, the troops would never have been sent to Red River.

<sup>19</sup>W.O. 1/557, Gladstone to Wellington, "Private," April 11, 1846.

<sup>20</sup>W.O. 1/557, Gladstone to Wellington, April 11, 1846.

Then, on April 17, 1846, Gladstone notified both Lord Cathcart<sup>21</sup> and Sir John Pelly<sup>22</sup> regarding the dispatch of the detachment of troops to Fort Garry: "I now think it right to apprise you that Her Majesty's Government intend to consider further the expedition of that arrangement before they adopt any measure for carrying it into execution." In a private letter to Pelly the same day, Gladstone indicated that the reason for the change in the Government's plan was that the Duke of Wellington had suggested that, before the troops be dispatched, two officers should be sent out to Red River to report on what works were necessary to render the forts defensible.<sup>23</sup>

Pelly realized that a delay in sending the troops would be dangerous. Simpson had impressed upon him the urgency of the need of troops at Red River. A delay in sending them would mean that they would arrive too late to be of any value to the Company. In addition, the Oregon difficulties might well be settled in the interval, in which case the Government would not be likely to consider sending any troops at all to the Red River.

Pelly, therefore, redoubled his efforts and continued to press

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<sup>21</sup>W.O. 1/557, Gladstone to Cathcart, April 17, 1846.

<sup>22</sup>W.O. 1/557, Gladstone to Pelly, April 17, 1846. Also H.B.C. Arch., Correspondence with H. M. Government Golder, 1846, Gladstone to Pelly, April 17, 1846.

<sup>23</sup>H.B.C. Arch., Correspondence with H. M. Government Folder, 1846, Gladstone to Pelly, "Private," April 17, 1846.

the government to send troops to Fort Garry. He produced new and more forceful arguments to strengthen his requests. He claimed that the Company was entitled to the protection of Her Majesty's troops.<sup>24</sup> This caused considerable activity in the Colonial Office in an effort to determine exactly the Company's rights to protection. The Charter of the Hudson's Bay Company and also the documents regarding the renewal of the Charter were examined at some length. However, from the records available, it does not seem that the officials of the Colonial Office were able to determine to what extent the Company was entitled to protection by the British troops.<sup>25</sup> In addition, Pelly indicated that the Company was willing to bear part of the costs of the expedition.<sup>26</sup> This, of course, was an extremely persuasive argument, especially since it was the report of the Treasury, following Wellington's suggestion to reconsider the decision to send out the troops to the Red River Settlement, that had caused the government to change its plans.

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<sup>24</sup>It seems likely that Pelly made this suggestion in conversation with officials of the Colonial Office. Thus, it is impossible to state precisely when first this topic was raised. It is evident, however, from the number of inter-office notes concerning the right of the Company to protection that the question was first raised sometime in the week following the message from Gladstone which indicated a change in the Government's plans.

<sup>25</sup>W.O. 1/557, Inter-Office notes, Gladstone to Smith, April 17-24, 1846.

<sup>26</sup>Like the question of the Company's right to protection, this was probably introduced in a conversation. But from the flurry of activity which followed the suggestion, it seems that Pelly first mentioned it after hearing from Gladstone that the government was reconsidering the decision to send troops to Red River.

The exact nature of the financial commitment of the Company was not easily determined.<sup>27</sup> On April 24, Pelly wrote that the Company offered "to do what any officer of the Government may send, may seem necessary to make the forts efficient."<sup>28</sup> Gladstone, writing on April 28, chose to interpret this to mean that the Company had stated "its readiness to bear the expenses of rendering the forts defensible."<sup>29</sup> But the ambiguity continued, for, on May 30, while writing Pelly<sup>30</sup> that he would soon be informed of the cost of the armaments sent out, Gladstone inquired of Smith in the Colonial Office: "Is it clear that this expense is included within the spirit of the Company's understanding?"<sup>31</sup> Smith was unable to throw

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<sup>27</sup>In fact, the nature of the Company's financial commitment appears never to have been determined exactly. W.O. 1/557, An Inter-Office note from Lyttleton to Stephen, April 17, 1846 indicates this difficulty. Lyttleton pointed out that the amount that the Company was to pay was not settled. Moreover, the manner of payment was not known. Lyttleton suggested that if the Company had difficulty raising funds, it would, perhaps, make payment in clothing, supplies or transportation.

<sup>28</sup>W.O. 1/557, Smith to Gladstone, May 30, 1846. Smith here quoted directly from a letter written by Pelly.

<sup>29</sup>Loc. cit.

<sup>30</sup>W.O. 1/557, Gladstone to Pelly, May 30, 1846.

<sup>31</sup>W.O. 1/557, Intra-Office note, Gladstone to Smith, May 30, 1846.

further light on this subject.<sup>32</sup>

To what extent these new arguments introduced by Pelly influenced the government is not known. Doubtless, they were of some considerable importance, or at least, the agreement to bear part of the expense involved, must have impressed the government. In any case, on April 28, 1846, Lord Lyttleton wrote to Pelly:

Mr. Gladstone desires me to state that he passes by as unnecessary for the present purpose the discussion of the opinion promulgated on behalf of the Company "That they feel they have the right to claim that protection from the Government which is afforded to the other Colonies." Yet he cannot omit to apprise you that he must demure to a doctrine which denies any distinction in regard to the responsibility of Her Majesty's Executive Government where there is so very broad a distinction in regard to its power, as between the Colonies on one hand, and the Territories of Chartered Propriety Company on the other. . . although it is happily unnecessary to fix its precise limits particularly at a time when Her Majesty's Government has expressed its willingness to lend the aid of the regular force for the defence of the Territories of the Company and when the company on its part, has stated its readiness to bearing the expense of rendering the post defensible at which it is proposed to place a detachment.

Waiving therefore any further notice of the question

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<sup>32</sup>Because the Government could recall the troops at any time, its position was necessarily much stronger than the Company's. Thus, its interpretation of the Company's committment became the valid one. More important, however, was the change in the Government's interpretation. The Government soon began to regard the Company responsible for expenses in making a defensible fort (i.e. building an entirely new fort) rather than merely "rendering the forts defensible." This actually developed when the Royal Engineer Officer, Capt. Beatty, sent out to inspect the forts, became convinced that neither fort at Red River could be made defensible.

of General claims and liabilities, Mr. Gladstone has simply to acquaint you that Her Majesty's Government accept the offer of the Hudson's Bay Company, and that they will be prepared to forward a detachment to Fort Garry during the present Season.<sup>33</sup>

On the same day, Gladstone wrote to Wellington "that Her Majesty's Government are of the opinion that it will be necessary to dispatch the detachment of troops which your Grace has already been authorized [i.e. from the former occasion] to send troops to Fort Garry, and I have to request that your Grace will make arrangements accordingly."<sup>34</sup>

Despite the fact that the troops were to be sent to Red River in 1846, Wellington maintained that two officers should be sent out to Red River to report on the defences of the forts.<sup>35</sup> However, it was realized that, if they were to arrive ahead of the troops and serve a useful purpose, they would have to be sent out from Canada.<sup>36</sup>

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<sup>33</sup>H.B.C. Arch., Correspondence with H. M. Government Folder, A8/3, pp. 55-6, Lyttleton to Pelly, April 28, 1846. Gladstone's attitude as expressed in this letter was much more confident regarding the Company's right to protection than that expressed in the Intra-Office Notes of the Colonial Office, especially that of Lord Lyttleton's note of April 16, 1846.

<sup>34</sup>W.O. 1/557, Gladstone to Wellington, April 28, 1846.

<sup>35</sup>W.O. 1/557, Wellington to Gladstone, April 29, 1846.

<sup>36</sup>W.O. 1/557, Murray to Gladstone, April 30, 1846. Because of the double change of plans, the Engineer officers were appointed by Colonel Holloway on April 27, 1846. This was not cancelled when Cathcart received the news of the first change of plans. H.B.C. Arch., Chief Factor D. Finlayson to HBC, Lachine, May 24, 1846. Capt. Beatty and Lt. Moody were the officers appointed.

Since the troops going to Red River would have to leave as soon as possible in order to reach their destination that year, arrangements for their departure were pushed ahead rapidly. On May 1, Lord Fitzroy Somerset, Military Secretary of the Commander-in-Chief, informed James Stephen, Under-Secretary of State for Colonies, that orders had been sent out to the Sixth Regiment of Foot for three hundred men and officers under the command of a field officer, to stand by for embarkation at Cork early in the month of June.<sup>37</sup> Shortly after, the Colonial Office was informed that Major John Ffolliott Crofton<sup>38</sup> had been appointed commander of the detachment of troops going to Red River.<sup>39</sup>

The details providing for clothing rations, pay and transportation to York Factory were completed quickly. Correspondence between Wellington and Gladstone on April 29 and 30 make provision for

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<sup>37</sup>W.O. 1/557, Somerset to Stephen, Horse Guards, May 1, 1846.

<sup>38</sup>John Ffolliott Crofton was born in Dublin, 1800. He entered the army in 1824 and in 1825, joined the 6th Royal Wickshire Regiment at Cape of Good Hope; served in India and Aden until 1842, when the regiment returned to England; was major commanding two companies stationed at Preston until 1844, when the moved to Mullingar, Ireland. In 1845, he married Miss Addison of Preston. In 1846, he commanded the detachment sent to the Red River. He returned in 1847 and in the same year was promoted to the rank of lieutenant colonel. He became a major-general in 1861; lieutenant general in 1870; general in 1877.

<sup>39</sup>The earliest available reference to the appointment is in an intra-office note from Gladstone to Stephen, W.O. 1/557, Gladstone to Stephen, May 18, 1846.

Winter clothing for the troops.<sup>40</sup> On May 23, C. E. Trevelyn wrote James Stephen to inform him that arrangements had been made for payment to the troops while at Red River. Mr. Mildmay had been appointed Deputy Assistant Commissary General and would accompany the troops. He would be provided with a "supply of specie. . . in order that the troops may be paid in specie according to the actual practice of the Service." On May 5, Smith wrote to Captain Hamilton, Royal Navy, to instruct him to provide for sufficient tonnage to carry the detachment and its stores to York Factory.<sup>42</sup>

Because the Hudson's Bay Company officials in London did not seem to know what Ordnance was on hand at the forts at Red River, the question of what Ordnance should accompany the detachment was more difficult to settle. On April 13/30, Gladstone wrote to Pelly, requesting an accurate statement of the "calibre and quantity of any Ordnance and Ordnance Stores lodged at Fort Garry."<sup>43</sup> Pelly replied to this on May 12, stating: ". . .I beg to acquaint you that there are certainly two brass field pieces (six Pounders) at that Fort, and pro-

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<sup>40</sup>W.O. 1/557, Wellington to Gladstone, April 24, 1846, and Gladstone to Wellington, April 30, 1846.

<sup>41</sup>W.O. 1/557, Trevelyn to Stephen, May 23, 1846.

<sup>42</sup>W.O. 1/557, Smith (Colonial Office) to Hamilton, May 5, 1846.

<sup>43</sup>W.O. 1/557, Gladstone to Pelly, April 30, 1846.

bably two of the same description at the lower Fort."<sup>44</sup> However, with regard to Ordnance stores, Pelly had to reply that he had been unable to obtain any information "that can be depended upon!"<sup>45</sup>

This information proved to be contradictory to that supplied by Sir George Simpson to Lord Cathcart on February 3. Lord Lyttleton, writing to Mr. Stephen on May 13, remarked that Pelly must be wrong, because Simpson had reported that there were four Brass four-pounder field pieces and six metal four-pounders at the forts. Lyttleton suggested that it would require sixteen guns to complete the armaments of the forts.<sup>46</sup> Lyttleton also indicated that the Company should be billed for this Ordnance, since it had agreed to bear the costs of rendering the forts defensible.

The Duke of Wellington did not think that sixteen guns would be sufficient armament for the forts, for it was reported indirectly to Gladstone on May 22, that the Duke had ordered "28 pieces of ordnance with ammunition" for the detachment.<sup>47</sup> Gladstone was then ask-

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<sup>44</sup>W.O. 1/557, Pelly to Gladstone, May 12, 1846.

<sup>45</sup>Loc. cit.

<sup>46</sup>W.O. 1/557, Lyttleton to Stephen, May 13, 1846.

<sup>47</sup>W.O. 1/557, Unsigned Colonial Office Note, May 22, 1846.

The ordnance ordered by the Duke of Wellington included:

"6 pdr Guns, light	6
5 pdr Guns, light	6
12 pdr Howitzers	8
4-2/5 inch Mortars	<u>8</u> <u>28"</u>

Since there were, all told, only twenty-eight officers and men of the Royal Artillery sent with the detachment, this seems to have been a large number of guns and mortars. Perhaps it was hoped that a part of the "native militia" could be trained in their use.

ed to make arrangements to transport this quantity of ordnance to York Factory, which he did.

On May 30, Gladstone wrote to Pelly informing him of the amount of ordnance being sent with the detachment. He remarked at this time, "I shall forward to you by another opportunity a statement of the expenses of this armament."<sup>48</sup> On the same day, Stephen wrote to the Office of Ordnance requesting a statement of the cost of equipment, but the reply was not received until July 29. At that time, A. Byham, secretary of the Master General of Ordnance, replied that the value of the Ordnance, ammunition, entrenching tools and Horses amounted to £8,068/12/9.<sup>49</sup> However, it is very doubtful whether the Hudson's Bay Company ever paid for this equipment. The government, in fact, probably did not expect them to do so, for an unsigned note appears on the side of Byham's letter indicating that most of the cost would probably fall on the public, but it would do no harm to try to collect it from the Hudson's Bay Company.<sup>50</sup>

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<sup>48</sup>W.O. 1/557, Gladstone to Pelly, May 30, 1846. Yet from the notes that accompany this letter, it is evident that Gladstone was not sure that the Company had been committed to these expenses.

<sup>49</sup>W.O. 1/557, Byham to Stephen, July 29, 1846.

<sup>50</sup>Loc. cit.

## CHAPTER VI

### THE PEACEFUL SETTLEMENT OF THE OREGON QUESTION

While these steps were being taken to strengthen the British military position in the west, negotiations between British and American representatives were reopened after the delay caused by the change in government in the United States. Mr. Pakenham, the British Minister at Washington, had intimated to Simpson, during the latter's visit there,<sup>1</sup> that President Polk's public announcements regarding Oregon had not indicated the true official position on the subject, and that, in reality, the President would be willing to compromise. The first American actions indicated that Pakenham had estimated Polk's attitude correctly, for on July 12, 1845, James Buchanan, Polk's Secretary of State, reopened negotiations. Buchanan pointed out, after a lengthy review of American claims to the Oregon, that Polk continued to believe that these claims were valid and "he would not have consented to yield any portion of the Oregon Territory had he not found himself embarrassed, if not committed, by the acts of his predecessors."<sup>2</sup> Because of this, Buchanan renewed the former American offer to divide the area along the 49th parallel to the Pacific coast. In addition, the British were offered the grant of

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<sup>1</sup>See above p. 65

<sup>2</sup>Manning, Diplomatic Correspondence, vol. 3, p. 281, Buchanan to Pakenham, Washington, July 12, 1845.

any ports south of that line, on Vancouver Island.<sup>3</sup>

On July 29, 1845, Pakenham replied to Buchanan's proposal. He attacked all of Buchanan's points and bluntly rejected the American proposal for the division of the territory. Pakenham did not refer the matter to London, instead he requested Buchanan, "to offer some further proposal for the settlement of the Oregon Question, more consistent with fairness and equity and with the reasonable expectations of the British Government."<sup>4</sup>

Pakenham's blunt rejection of Buchanan's offer was a grave blunder. He had already been informed by Lord Aberdeen<sup>5</sup> that the British attitude to the partition of the Oregon was changing, so at least he should have referred the proposal to London. At the same time, it is evident that, while Pakenham had been correct in believing Polk was willing to compromise on the Oregon question, he had completely misunderstood Polk's attitude to compromise and consequently he had become too complacent about the Oregon.<sup>6</sup>

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<sup>3</sup>Loc. cit. Polk had instructed Buchanan not to renew the Gallatin offer of free navigation of the Columbia River.

<sup>4</sup>Reeves, Diplomacy of Tyler and Polk, p. 253.

<sup>5</sup>S. F. Bemis, A Diplomatic History of the United States (New York, 1936), p. 279. Bemis states that on April 18, 1845, Aberdeen had notified Pakenham of the change in the British attitude regarding the partition of Oregon. This would indicate that Simpson's change of attitude (see above pp. 63) already had affected the official British point of view.

<sup>6</sup>Manning, Diplomatic Correspondence, vol. 3, p. 962. Everett to Buchanan, London, May 3, 1845. In this letter, Everett wrote that in his latest interview with Aberdeen, the latter had told him that Pakenham was not worried about the Oregon Question; that Pakenham had had a long interview with a member of the opposition and was certain that the boundary question would be settled amicably. Everett suggested that Pakenham should be given a true picture of Polk's attitude.

Pakenham had interpreted Polk's attitude to mean that the whole Oregon question had been reopened for new discussions of the British and American proposals, and that from these discussions a new basis for compromise could be reached. This was not Polk's attitude to compromise. By compromise, Polk meant that he was willing to depart from the Democratic platform and his own pronouncements calling for 54°40' as the Oregon boundary, and to settle the question on the basis of the former American proposals. Accordingly, when Polk heard of Pakenham's rejection, and the manner in which Pakenham had rejected the American overtures, he ordered Buchanan to withdraw the offer.<sup>7</sup>

Though Polk was extremely secretive about his own attitude concerning the Oregon dispute, it seems evident that he remained willing to compromise on these grounds throughout the whole critical period.<sup>8</sup> Polk's attitude was determined by two factors: first, from August 7, 1845, he was more concerned about the Mexican situation than about Oregon and consequently, anxious to settle amicably the latter question;<sup>9</sup> second, he personally was not very interested in the Ore-

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<sup>7</sup>Reeves, Diplomacy of Tyler and Polk, pp. 254-4. Buchanan did not want to break off negotiations, but was ordered to do so by Polk. In fact, the President took a hand in framing the very contentious note of August 30, 1845, by which the American offer was withdrawn. E. I. McCormac, James K. Polk, A Political Biography (Berkeley, 1922), p. 571. Polk regarded Pakenham's note as insolent.

<sup>8</sup>McCormac, James Polk, pp. 571-611. There were numerous complaints in Washington of Polk's secretive attitude. Ibid., p. 548.

<sup>9</sup>Ibid., p. 571.

gon, but because of the demands of the Democratic party platform, and his own former pronouncements, he wanted an excuse for compromise so that he, personally, couldn't be criticized too severely for not securing 54°40'.<sup>10</sup>

Lord Aberdeen was much annoyed when informed of Pakenham's precipitous action. In a conversation with Louis McLane, Edward Everett's successor as American Minister to London, Aberdeen intimated that the Government might repudiate Pakenham's action and, equally significant, he hinted that the Government's attitude to the partition of the Oregon had changed. McLane reported this to Buchanan, writing, "that at a proper time they would be prepared to assent to greater concessions, and a more equitable partition. . ." <sup>11</sup> In a further conversation with McLane on September 30, Aberdeen was even more critical of Pakenham's action, and stated if the offer had not been withdrawn, "he would have disavowed his [Pakenham's] rejection."<sup>12</sup>

Pakenham tried to get Buchanan to renew his offer of July 23.<sup>13</sup>

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<sup>10</sup>The first proposals, those of July 29, 1845, were excused because the President was "embarrassed, if not, committed by the act of his predecessors." Polk, later, passed the onus of the final settlement to the Senate.

<sup>11</sup>Manning, Diplomatic Correspondence, Vol. 3, p. 978, McLane to Buchanan, September 18, 1845. This letter confirmed the suspicions that Barton already had entertained regarding Aberdeen's attitude to partition of the Oregon, and which had been communicated to Polk earlier, McCormac, James Polk. p. 574.

<sup>12</sup>Manning, Diplomatic Correspondence, vol. 3, p. 981, McLane to Buchanan, October 3, 1845.

<sup>13</sup>Reeves, Diplomacy of Tyler and Polk, p. 257.

Buchanan, personally, was in favor of reopening the negotiations because he was afraid that if the situation was left up in the air for long, war with Britain might develop, but Polk insisted that the British must take the next move, if negotiations were to be reopened.

During the fall, while Buchanan and Pakenham held a number of conversations, nothing was done to reopen negotiations. During the period, Polk was in a strong position. He had heard through McLane that the British government had been on the verge of repudiating Pakenham and also that the British were on the point of making concessions to the American position.<sup>14</sup> In addition, he could place the onus for the break in negotiations on the British. However, as the time passed and the British did not introduce their new proposals,<sup>15</sup> Polk decided to force the British Government's hand.

Therefore, in his annual address<sup>16</sup> to Congress on December 2, 1845, Polk told of the recent negotiations with Great Britain over Oregon and how, despite their belief in the validity of American

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<sup>14</sup>Manning, Diplomatic Correspondence, vol. 3, p. 309, Buchanan to McLane, November 5, 1845. In fact, throughout the fall, Polk was in favor of forcing the issue. Buchanan, on the other hand, was in favor of conciliation.

<sup>15</sup>This delay was caused by the development of a severe crisis in English politics. See above pp. 79-81.

<sup>16</sup>J. D. Richardson, A Compilation of the Messages and Papers of the Presidents, vol. 4, pp. 385-416.

claims to the whole region, the American representative had offered compromise terms, only to have these terms rejected. Polk continued by saying that he did not believe that the British government would, if it reopened the negotiations, make any offer acceptable to the American government and people. Therefore, he urged Congress "that provision be made by law for. . .terminating. . .the convention of the 6th of August, 1827." On the same occasion Polk asked Congress to make provision for the protection of American citizens en route to Oregon by the erection of a number of "stockades and block-houses", and adding that "the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon."<sup>17</sup>

British response, when news of Polk's speech reached England, was, all things considered, favourable. At least it did not increase the tension as Buchanan had feared it might. Instead, the President's remarks regarding the break in negotiations subsequent to Pakenham's rejection of Buchanan's offer in July, was the first the British public had heard of the American side of the question, and many admitted that American action was justified.<sup>18</sup> Lord John Russell spoke in the

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<sup>17</sup>Ibid., pp. 394-6.

<sup>18</sup>Part of this change in attitude may have been due to the pacific articles inspired by Everett which appeared in a number of papers. J. M. Callahan, American Policy in Canadian Relations (New York, 1937), p. 222.

Commons on January 23, 1846 and<sup>19</sup> he was blunt in his criticism of Pakenham's action. Peel replied and was hard put to defend Pakenham. He remarked: "I have the greatest respect for his [Pakenham's] talents, and the greatest confidence in his judgment; yet, I must say, that it would have been better had he transmitted that proposal to the home government, for their consideration. . ."<sup>20</sup>

On December 13, 1845, Buchanan wrote<sup>21</sup> McLane that the President was worried about the increases in British naval and army expenditures. Therefore, Buchanan asked McLane to request Lord Aberdeen for an explanation of them. McLane had an interview with Lord Aberdeen on December 30, and was able to write to Buchanan on January 3 regarding the increased expenditures by Britain. When questioned on the subject, Lord Aberdeen denied that the new expenditures had been undertaken because of any warlike intentions directed against the United States. In fact, most of the expenditures were for the navy and had been necessitated by recent technological developments in naval craft which had rendered a large part of the British navy out of date. While McLane stated that he was convinced of the honesty of Aberdeen's reply, he did not hesitate to point out to Buchanan that British naval expenditures would be very valuable in the event of hostilities developing between the two countries over Ore-

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<sup>19</sup>Hansard, Parliamentary Debates (London, 1846), vol. 83 pp. 152-3.

<sup>20</sup>Ibid., p. 154.

<sup>21</sup>Manning, Diplomatic Correspondence, vol. 3, p. 312, Buchanan to McLane, Washington, December 13, 1845. McCormac, James Polk, p. 582.

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Meanwhile, in accordance with the desire of Aberdeen to reopen negotiations, Pakenham, on December 27 had proposed to Buchanan that Great Britain and the United States turn the Oregon dispute over "to the arbitration of some friendly sovereign or state."<sup>23</sup> However, on the definite instructions of Polk, Buchanan, on January 3, 1846, rejected this offer.<sup>24</sup>

In the hope of getting the British government to make a definite proposal, Polk had Buchanan write to McLane on January 29, informing him of the urgency of the situation and the need of immediate action on the part of the British. Thus, Buchanan wrote:

The fact is not to be disguised that the feeling of the country is becoming daily more unanimous and intense in favor of asserting our right to the whole territory;. . . If the British Government intend to make a proposition to this Government, they have not an hour to lose, if they desire a peaceful termination of the controversy.<sup>25</sup>

Moreover, while Polk still wanted all of Oregon, he was willing to

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<sup>22</sup>Manning, Diplomatic Correspondence, vol. 3, pp. 987-991, McLane to Buchanan, London, January 3, 1846.

<sup>23</sup>Ibid., pp. 987-8, Pakenham to Buchanan, Washington, December 27, 1845.

<sup>24</sup>Ibid., p. 314, Buchanan to Pakenham, Washington, January 3, 1845. Reeves, Diplomacy of Tyler and Polk, p. 260 reports a conversation between Pakenham and Buchanan at this time. Buchanan asked Pakenham why the Americans would want war when British naval superiority would give them command of the Oregon coast. Pakenham replied this was true but the struggle would not be confined to that region, in fact, the British were willing, in the event of hostilities, to limit the fighting to that area if the Americans would agree to it.

<sup>25</sup>Manning, Diplomatic Correspondence, vol. 3, pp. 316-17, Buchanan to McLane, Washington, January 29, 1846.

pass on any reasonable proposal to the Senate for advice.<sup>26</sup>

When McLane received this letter, he arranged for an interview with Lord Aberdeen on February 25.<sup>27</sup> He related the information he had received from Buchanan. Aberdeen told him that the British government would be willing to continue the boundary along the 49th parallel to the "Straits of Fuca." However, it would also want to secure the navigation of the Columbia, if that river was intersected by the 49th parallel.<sup>28</sup> Thus, Aberdeen remarked, that if the President was unalterably opposed to this, then the question of the free navigation of the Columbia might be the stumbling block to the peaceful settlement of the whole question.<sup>29</sup> McLane was not in a position to reassure Aberdeen on this point, but he intimated in his letter to Buchanan, that if the Hudson's Bay Company was given the free navigation of the Columbia for a certain number of years, the difficulty might be overcome.<sup>30</sup>

This letter was received in Washington on March 21, thus, al-

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<sup>26</sup>Ibid., p. 317.

<sup>27</sup>Ibid., p. 1006, McLane to Buchanan, March 3, 1846.

<sup>28</sup>Ibid., pp. 1007-9, McLane to Buchanan, March 3, 1846. This was one of the offers made earlier by Gallatin in 1826 that had been dropped by Polk. In fact, Polk had spoken out very forcibly against it. (see above p. 98)

<sup>29</sup>Ibid., vol. 3, p. 1008.

<sup>30</sup>Loc. cit.

though Polk sent a message to the Senate on March 24, again recommending the abrogation of the Convention of 1827, he was careful to point out that notice of abrogation "is authorized by the treaty itself and cannot be regarded as a warlike measure."<sup>31</sup> Moreover, while there were warlike speeches in Congress, the resolutions for abrogation were so amended that the motion would not antagonize Great Britain and thus embarrass the negotiators.<sup>32</sup>

There was, at this time, a great need for caution, and Polk realized it. He had been determined to settle the Oregon question along the lines of the American proposals, and was on the threshold of success. Naturally, he was anxious not to see his work on the Oregon question undone. But more dangerous at this time, were American relations with Mexico.

The Mexicans had threatened war if Texas was annexed. War had not come, but the situation remained dangerous. Polk moreover, had not been satisfied with adding Texas to the union, but wanted to gain the Mexican territory lying between Texas and the Pacific coast. He hoped that this might be secured by negotiating a purchase price.<sup>33</sup> As these negotiations failed to mature, Polk determined upon war with Mexico. To this end, he had ordered General Zachary Taylor to occupy

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<sup>31</sup>Richardson, Messages of the Presidents, p. 427.

<sup>32</sup>Reeves, Diplomacy of Tyler and Polk, p. 261.

<sup>33</sup>G. H. Latané, A History of American Foreign Policy (New York, 1937), pp. 260-66.

disputed territory between the Nueces River and the Rio Grande.

Taylor reached the Rio Grande on March 28, 1846.<sup>34</sup>

The situation in the south was rapidly leading to war. Polk, therefore, was extremely anxious to bring the negotiations regarding Oregon to a successful and peaceful conclusion.

Polk's message which accompanied the notice of abrogation was, therefore, friendly. When McLane notified Aberdeen that the notice of abrogation had arrived, the latter arranged for an interview. At this interview, Aberdeen told McLane that he had directed Pakenham to make new proposals to the American government for the settlement of the Oregon question. Briefly these proposals were: 1, to continue the 49th parallel to the Straits and follow the Straits to the sea; 2, to guarantee British subjects in the area between the Columbia and the 49th parallel, the property they now possessed; and 3, the free navigation of the Columbia guaranteed the Hudson's Bay Company.<sup>35</sup>

Meanwhile, although Taylor's occupation of the area between the Nueces and Rio Grande had been accomplished, hostilities had not resulted. Though Polk waited, nothing happened. Finally, Polk, on May 9, called his Cabinet together and proposed a war message to

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<sup>34</sup>Ibid., p. 267.

<sup>35</sup>Manning, Diplomatic Correspondence, vol. 3, pp. 1033-5, McLane to Buchanan, May 18, 1846. These are very similar to those suggested by Simpson in his memorandum of March 29, 1845. (see above pp. 63)

Congress. With one dissenting vote, the Cabinet agreed.<sup>36</sup> Later the same day, however, news arrived that on April 25, Taylor had been attacked by Mexican forces operating north of the Rio Grande.<sup>37</sup> The Cabinet unanimously voted for war with the Republic of Mexico on May 11, Polk read his war message to Congress and two days later, Congress declared war.<sup>38</sup>

These events took place before news of Aberdeen's definite proposals reached Washington. With one war on his hands, and as he believed, a major diplomatic victory over the Oregon within his grasp, Polk was not in a position to quibble over the details. Therefore, when Pakenham presented his proposals to Buchanan on June 6,<sup>39</sup> Polk had the document sent, without amendment to the Senate for advice. On June 12, the Senate passed its resolution of advice by a vote of 38-12.<sup>40</sup> On June 15, the treaty was signed without change and on the 18th day of the month, despite some opposition from the western states, it was ratified by the Senate by a vote of 41-14.<sup>41</sup>

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<sup>36</sup>Reeves, Diplomacy of Tyler and Polk, p. 296.

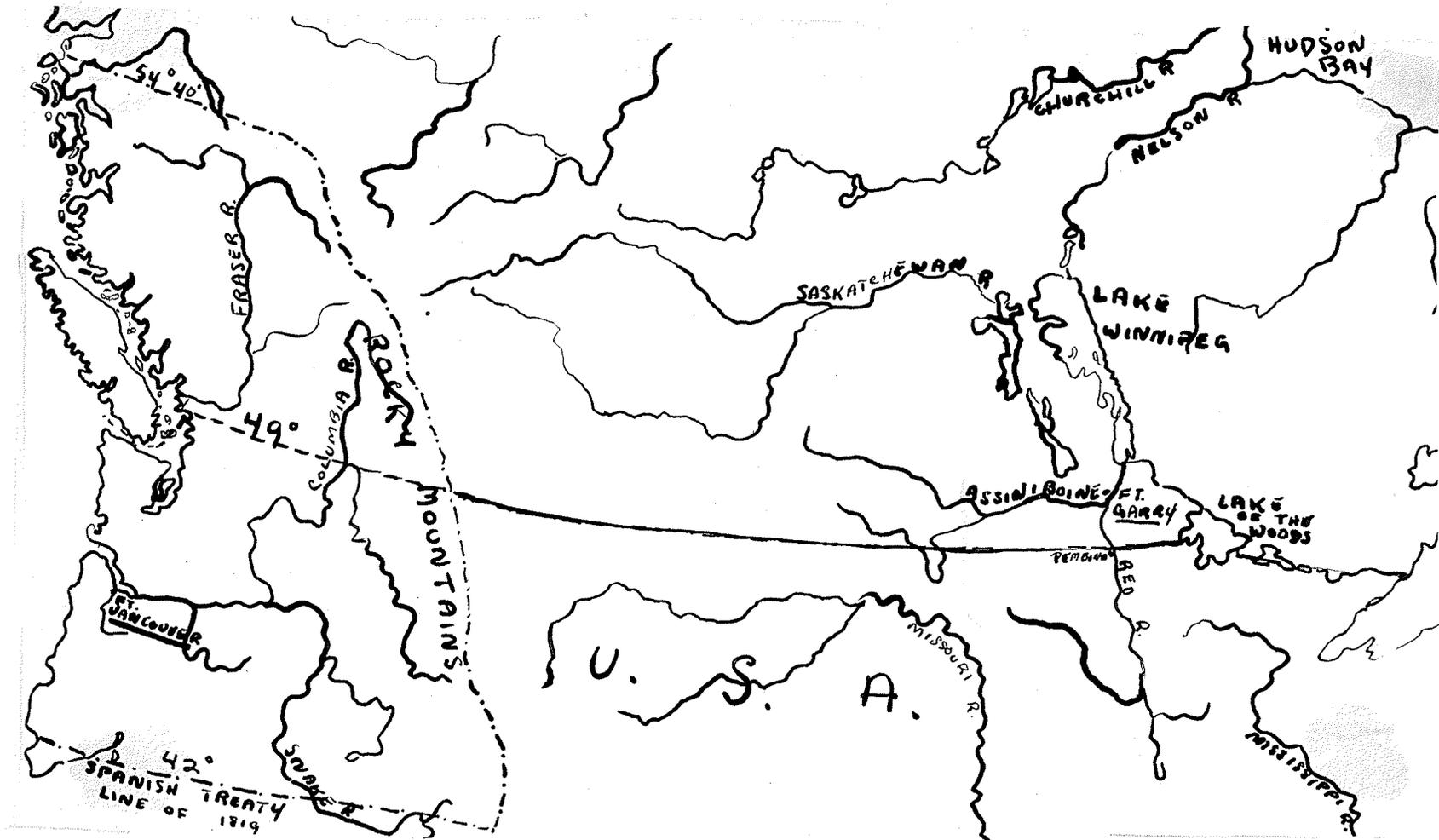
<sup>37</sup>Ibid., p. 297. However, by the time the news reached Washington, General Taylor was already fighting within recognized Mexican territory.

<sup>38</sup>Ibid., p. 297-8.

<sup>39</sup>Manning, Diplomatic Correspondence, vol. 3, p. 1047.

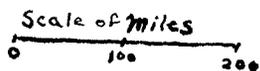
<sup>40</sup>Miller, Treaties, etc., vol. 5, p. 7.

<sup>41</sup>Ibid., vol. 5, p. 9. A western protest motion to take the line 54°40' as the boundary received only 5 votes.



# BRITISH TERRITORY IN THE WEST

1846



- DISPUTED OREGON TERRITORY
- BOUNDARY OF 1846

News of the vote of the Senate resolution of advice taken on June 12, reached England on June 29.<sup>42</sup> A few hours later, Peel's government, after having been successful in abolishing the Corn Laws, resigned when defeated on a bill for the coercion of Ireland.<sup>43</sup> When ratifications of the Oregon treaty were finally exchanged on July 17, it was Palmerston who represented Great Britain.<sup>44</sup>

The Oregon Treaty has often been regarded as a great diplomatic victory for the Americans and in particular, President Polk. According to this view, Polk interpreted British policy correctly, that the British Government would not go to war over Oregon, and thus by taking an intransigent stand, forced the British Government to accept American proposals as the basis for the settlement in Oregon.

While this explanation has a certain superficial validity, it will not stand up under closer examination. Actually, after immigration into Oregon reached large proportions in the early 1840's,<sup>45</sup> the most realistic American policy was to let nature take its course and ultimately all of Oregon would have fallen to the United

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<sup>42</sup>Manning, Diplomatic Correspondence, vol. 3, p. 1059, McLane to Buchanan, London, July 3, 1845.

<sup>43</sup>Ibid., p. 1061.

<sup>44</sup>Ibid., p. 1066, McLane to Buchanan, London, July 17, 1846.

<sup>45</sup>Frederick Merk, "Oregon Pioneers," A.H.R., vol. 29, pp. 681-98. At this time of the negotiations, Merk points out, American settlers in the disputed area were far fewer than British settlers. This does not invalidate the present argument, it merely shows that Aberdeen was not so much concerned with present conditions as with the future.

States. This was the policy advised by Calhoun, but rejected by Polk.

Conversely, the sound British policy was to work for an immediate permanent settlement of the Oregon question. This Aberdeen realized. Therefore, Aberdeen instructed Ashburton to include Oregon in the negotiations regarding the eastern boundary. Ashburton believed that this would lessen the possibility of a definite settlement of the Northeastern boundary question, and did not do so. Aberdeen then sent Pakenham to Washington to attempt the settlement of the Oregon dispute. Pakenham blundered and bungled the job. In so doing he prolonged the Oregon crisis and thereby gave Polk an opportunity to play a conspicuous but ill-conceived role. To a certain extent, Pakenham's mistakes have clouded the issue.

Despite the aroused public on both sides of the ocean, the bungling of his representative, the tempermentality of Polk, the decline of British influence in the Oregon, Aberdeen secured a better settlement than any offered to his predecessors. This, certainly, was a considerable achievement for a man intimidated by the President of the United States.

## CHAPTER VII

### THE SIXTH FOOT AT RED RIVER

News of the peaceful settlement of the Oregon dispute reached England too late to prevent the sailing of the troops which the government had decided to send to Red River. The Senate acceptance of the British proposals reached London on June 29, 1846, but three days earlier the Sixth Foot had embarked at Cork.

This was indeed fortunate for the officials of the Hudson's Bay Company. During the winter, opposition to the Company at Red River had developed to alarming proportions. The traders, Anglo-Saxon, French and half breed, had been roused by the Council's new trade regulations of June, 1845. The police force, which had been reorganized in June,<sup>1</sup> was devoting much of its time to searching for and seizing furs. Christie had authorized the members of the force to seize all furs traded by private individuals whether they were for the individual's personal use or not.<sup>2</sup>

The métis had indicated their discontent on August 29, 1845, when they addressed a number of queries to Christie.<sup>3</sup>

1st Has a Halfbreed, a Settler, the right to hunt furs in this country?

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<sup>1</sup>Oliver, North-West, pp. 316-7.

<sup>2</sup>Gunn, Journal of Peter Garrioch, 1837-47, p. 282.

<sup>3</sup>Red River Correspondence, 1845-46-47, pp. 15-17. This is a manuscript volume which is located in the Public Archives of Manitoba.

3rd If a Halfbreed has the right to hunt furs, can he hire other Halfbreeds for the purpose of hunting furs?

4th Can a Halfbreed sell his furs to any person he pleases?

10th With regard to trading or hunting furs have the Halfbreeds, or natives of European origin, any rights or privileges over Europeans?

13th If a person cannot trade furs either in or out of the Settlement, can he purchase them for his own or family use and in what quantity?

Christie had replied to these queries on September 5, 1846:<sup>4</sup>

"Your first nine queries. . .are grounded on the supposition, that the Half breeds possess certain privileges over their fellow citizens, who have not been born in the country," but there is no distinction between different groups or British subjects. With regard to the questions on the right to trade, Christie had continued, "I cannot admit that you require information to the extent you profess," but if so, he had suggested that they read the Company's charter and the laws of the District of Assiniboia.

Christie's answers denied special privileges to the half breeds, and avoided the questions on trade, consequently, they were little designed to lessen their antagonism to the Company.

The police had continued their seizures. Despite all their efforts, however, the illicit trade had flourished,<sup>5</sup> but the traders

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<sup>4</sup>Ibid., pp. 18-20.

<sup>5</sup>Gunn, Journal of Peter Garrioch, 1837-47, p. 285.

had become increasingly hostile to the Company and its policy.

Garrloch and some friends had studied the Company's charter and had reached the conclusion that "it is not worth the paper it is written on."<sup>6</sup> Gradually the traders had united to oppose the Company.

On February 11, 1846, a meeting had been held, at the home of Andrew McDermot, to discover how the traders could more effectively fight the Company.<sup>7</sup> This had been followed by another meeting on February 26, attended by one hundred malcontents of whom all but four were "French".<sup>8</sup> Father Antoine Belcourt had presided at the meeting.<sup>9</sup> From these meetings had developed the determination of the malcontents to draw up a petition of grievances.

Christie, soon aware of the mounting opposition,<sup>10</sup> had reacted to increase the pressure on the traders. Despite the best efforts

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<sup>6</sup>Ibid., p. 283.

<sup>7</sup>Ibid., p. 293.

<sup>8</sup>Ibid., p. 299.

<sup>9</sup>Belcourt had worked with the *métis* for sometime and was naturally sympathetic to their cause, but apparently his active opposition to the Company was of recent origin. Red River Correspondence, pp. 35-8, Belcourt to Christie, January 16, 1846.

<sup>10</sup>Apparently Christie reproached McDermot, as a member of the Council, for permitting an "unlawful meeting" at his house, for on March 3, McDermot wrote Christie, denying that the meeting held in his house was "Unlawful". Ibid., pp. 41-2, McDermot to Christie. When Christie denounced the role that Belcourt had played in the organization, McDermot replied that if anything, Belcourt had restrained the group. "Belcourt stepped in. . .and reasoned with the people. . .to prevent them from doing anything of their own framing, he told them to keep quiet, and that he would get this petition underway." Ibid., pp. 43-5, McDermot to Christie, March 18, 1846.

of Christie and the police, the private fur trade had continued to flourish.<sup>11</sup> Moreover, the petition had been drawn up and circulated and, despite the pressure brought to bear by Christie and the Company, 977 persons had signed it. Then it had been taken to England by James Sinclair.<sup>12</sup>

The opposition to the Company, which had mounted continually during the spring of 1846, had been brought to a halt in the latter part of June by an epidemic of bloody flux (i.e. measles). The epidemic had raged for six weeks during which time 321 persons died.<sup>13</sup> Confronted with the ravages of disease, concern over the limits of trade had seemed a little thing.

Oblivious of these events at Red River, the expedition sailed aboard the ships Blenheim and Crocodile<sup>14</sup> on June 26. The force consisted of three hundred and seven officers and men of the 6th Regiment of Foot, twenty-eight officers and men of the Royal Artillery

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<sup>11</sup>Ibid., pp. 47-8, Gunn, Seven Days Experience or The Pleasures of Smuggling, pp. 1-42.

This latter is a semi-humorous account of an expedition of Garrioch to deliver James Sinclair's furs to Kittson at Pembina in May, 1846. It shows that despite the utmost vigilance on the part of Grant and his men that the smugglers had little difficulty eluding them.

<sup>12</sup>Morton, Canadian West, p. 810.

<sup>13</sup>Ross, Red River Settlement, p. 363.

<sup>14</sup>W.O. 13/21, Crofton to Somerset, Fort York, August 23, 1846, p. 4. Unlike the other sections of the War Office microfilm referred to in this work, this section is typed and consequently, subject to errors in transcription.

and one sergeant and eleven men of the Royal Sappers and Miners.<sup>15</sup>  
The whole force was commanded by Major John Ffolliot Crofton. In addition, fifteen women and seventeen children accompanied the troops.

On July 20, while off the coast of Greenland, the ships encountered fog and parted company. The Blenheim spent some time trying to find the Crocodile, but was not successful and therefore, sailed on alone. In the evening of August 8, the Blenheim reached the flats at the mouth of the Nelson River, "about 22 miles from the Factory."<sup>16</sup> The following day, Major Crofton landed and went to meet James Hargrave who was in charge of York Factory. Hargrave informed him that Sir George Simpson would arrive at the post around the fifteenth of the month.<sup>17</sup>

Concerning York Factory, Crofton wrote to Somerset as follows:

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<sup>15</sup>Loc. cit. Regarding the number of troops in the detachment, Crofton's report is somewhat confusing. While in one place, he has listed the number of officers and men according to rank, and in another place, he has listed the various officers by name, the latter bears little resemblance to his humerical breakdown. The disembarkation return, W.O. 1/557, gives a total of 346, all ranks. However, one soldier, Private Ingham, was too sick to be removed from the ship, and returned to England. This would mean that 347 persons embarked on the expedition. Crofton's figures, referred to above, do not contradict this fact, but merely obscure it. C. P. Stacey, "The Hudson's Bay Company and Anglo-American Military Rivalries During the Oregon Dispute," The Canadian Historical Review, vol. 18, p. 294, takes the number of troops disembarking to be identical to that embarking, and thus gives the erroneous impression that only 346, all ranks, sailed from Cork.

<sup>16</sup>W.O. 13/21, Crofton to Somerset, Fort York, August 23, 1846.

<sup>17</sup>Ibid., p. 5.

The defences of the factory, except the very strong and high palisade, are natural only. . . The factory could from the sea be attacked from boats only. The swamps on three sides of the factory prevent all approach by land, except by light armed men guided by Indians. The lightest piece of Ordnance could not be carried. Ft. York, if fort it may be called, may fairly be considered secure from a coup-de-main. In front of the factory are four 3-pounder brass guns. . ."<sup>18</sup>

Crofton wanted to proceed with the offloading as soon as possible but bad weather prevented this for a few days.<sup>19</sup> When the weather improved, every effort was made to offload the Blenheim rapidly. As he began to plan for the trip inland, Crofton encountered other difficulties. The Hudson's Bay Company had expected a force of about two hundred men, and had not obtained sufficient boats to transport the expedition and its supplies inland. Instead of being able to transport the three hundred tons of equipment, Crofton found that only forty-four tons could be taken inland that year.<sup>20</sup> The remainder would be transported to Fort Garry the following year or some of it would be sold to the Hudson's Bay Company. Crofton also reported to Somerset that only three of the twenty-eight pieces of Ordnance could be transported. These guns included one six-pounder and two three-

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<sup>18</sup>W.O. 33/21, Crofton to Somerset, Fort Garry, October 15, 1846, p. 10.

<sup>19</sup>W.O. 33/21, Crofton to Somerset, Fort York, August 23, 1846, p. 6.

<sup>20</sup>Ibid., p. 5.

pounders.<sup>21</sup> Furthermore, because of the epidemic that summer, there was a shortage of men to man the boats for the force.<sup>22</sup> Despite these handicaps, Crofton pushed ahead with his plans to start inland as soon as possible.

On August 13, much to Crofton's relief, the Crocodile finally arrived at York Factory. However, he was dismayed to find that while the troops on the Blenheim had suffered the voyage with little trouble, eighty-nine men on the Crocodile were sick. In fact, one man was so ill that he could not be removed from the ship and had to be returned to England.<sup>23</sup>

The following day, Sir George Simpson arrived, accompanied by Lieutenant Moody, one of the Engineer officers set out from Canada.<sup>24</sup>

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<sup>21</sup>Loc. cit. The statement is somewhat confusing. Earlier there was no mention of three-pounders. The confusion may be the result of a change in plans of which there is no record available, or it might be that Crofton was in error and called the five-pounders, three-pounders. Since Crofton repeats his statement regarding three-pounders, it seems that the former supposition is correct. However, W. E. Ingersoll, "Red Coats at Fort Garry," The Beaver, Outfit 276, December, 1945, p. 15, is wrong in stating that the guns shipped inland were one nine-pounder and three six-pounders, since these figures do not appear in Wellington's note or Crofton's report.

<sup>22</sup>Loc. cit.

<sup>23</sup>W.O. 33/21, Crofton to Somerset, August 23, 1846, p. 6.

<sup>24</sup>Ibid., p. 5.

From Moody, Crofton learned that the forts at Red River were considered defensible against any force attacking without artillery likely to be brought against them. At the same time, Crofton learned, much to his disapproval, that the detachment would have to be divided between the two forts, as neither fort was large enough to accommodate the whole force. In addition, he was informed that Lower Fort Garry would not be completed for occupancy until October 1.<sup>25</sup>

Despite the delays caused by the weather and difficulties arising from the shortages of the crews and boats, the first troops started inland on August 17. For the trip to Fort Garry, the detachment was divided into four troop brigades and a stores brigade. Each of the troop brigades was composed of six boats, almost all of which were commanded by an officer.<sup>26</sup> By August 23, the last of the regular brigades had left Fort York and only the stores brigade with two officers and five other ranks, remained at the post. Crofton in the company of Sir George, left York Factory by canoe on August 24.<sup>27</sup> The brigades took the traditional route inland and as Simpson and Crofton travelled along, they passed the toiling brigades. Crofton was much impressed with the difficulties of the route and reported on

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<sup>25</sup>Loc. cit.

<sup>26</sup>Ibid., p. 6-8.

<sup>27</sup>Isaac Cowie, Manitoba Free Press, April 8, 1911.

them at some length to Lieutenant-General Somerset.<sup>28</sup>

The trip was difficult for all of the brigades, but especially so for the stores brigade which carried the major part of the forty-four tons of equipment and supplies inland. Chief Factor Donald Ross, who had been ordered to assist the stores brigade on the trip, wrote from Norway House to Sir George Simpson, December 7, 1846: "We left York Factory late on the evening of the 28th of August,<sup>29</sup> and arrived at this place on September 24th; the voyage was therefore, sufficiently tedious, but not more so than might well be expected with such extraordinary cargoes as Her Majesty's stores proved to be-- piles of awkward cases of great weight, of every possible shape and size; massive pine tables, benches, wheelbarrows, immense washing tubs."<sup>30</sup>

The four troop brigades arrived together at Fort Garry on September 17.<sup>31</sup> The stores brigade, after being transferred to two schooners at Norway House, reached the lower Fort on October 10.<sup>32</sup>

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<sup>28</sup>W.O. 33/21, Crofton to Somerset, Fort Garry, October 15, 1846, pp. 11-12. Crofton suggested at this time that if other troops were to be sent out at any time, it would be well worth while to send a group of Royal Engineers ahead to "blow" some of the rapids and improve some of the portages.

<sup>29</sup>These dates are open to question, for Crofton reported to Somerset, October 15, that the stores brigade left York Factory on August 28, and arrived at Norway House on September 26. W.O. 33/21, Crofton to Somerset, Fort Garry, October 15, 1846, p. 12.

<sup>30</sup>Ingersoll, "Red Coats," The Beaver, p. 15.

<sup>31</sup>W.O. 33/21, Crofton to Somerset, Fort Garry, October 15, 1846, p. 12.

<sup>32</sup>Loc. cit.

Though a number of minor injuries were sustained by members of the detachment, none suffered serious hurt, though Ross reported that one of the boatmen of the stores brigade was fatally injured.<sup>33</sup>

Upon his arrival, Crofton found that Engineers under Captain Beatty, assisted by men from the Settlement, were working hard to complete Lower Fort Garry before winter set in. The completion of this fort was of the utmost importance and thus, Crofton directed that every available man be assigned to this work.<sup>34</sup>

Crofton found, just as it had been reported to him by Lieutenant Moody, that neither fort could accommodate the entire detachment and that it was necessary, much against his own feelings, to divide the force between the two forts. A company and a half of the Sixth Foot and the Artillery were stationed at Upper Fort Garry (which was also Crofton's "humble" headquarters), while the remainder of the infantry and Engineers were stationed at the Lower Fort.<sup>35</sup>

Crofton reported to Somerset on the military potentialities of the forts at Red River Settlement:

This opinion I offer with diffidence as being only a Major of Infantry, and not a regularly educated Engineer.

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<sup>33</sup>Ingersoll, "Red Coats," The Beaver, p. 9.

<sup>34</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 21, 1846.

<sup>35</sup>Loc. cit.

. . . The Wall around the Fort or Factory is of Lime Stone and strongly built - The Walls are however, not finished and the present Bastions at the four angles not completed - the place is however, capable of being defended, and as the Stores are all stone, I would not fear to hold the Barracks against a strong force unaided by Artillery. . . There are no Wells in the Fort, but I would supply this defect by filling the large Ice House with ice from the River, which would give more than a month's supply of water. . . Next Season wells can be sunk inside the Walls."<sup>36</sup>

Crofton then inspected Upper Fort Garry and reported:

"I was pleased to find that the Upper Fort well walled, and the Bastions finished- the whole being in excellent order and capable of being well defended from attack without Artillery."

It was Crofton's opinion that the Upper Fort was more important than the Lower, not only because it was in the heart of the Settlement, but also because it commanded the navigation of the two rivers. Thus, he believed that any new fortifications to be constructed should be undertaken at Upper Fort Garry. This opinion he communicated to Captain Beatty, "but it will be for him to weigh their value, as the officer appointed to select the site."<sup>37</sup>

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<sup>36</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 15, 1846. Apparently Crofton's opinion of the two forts improved, for later he reported to Somerset. . . "The two Forts are quite capable of being held against any force which could be brought against them, unaccompanied by Heavy Ordnance, and Heavy Ordnance I have excellent information, could not be transported from the United States. W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 21, 1846.

<sup>37</sup>Loc. cit.

While he was assuring himself that everything possible was being done to make the forts ready for occupation and defence, Crofton also concerned himself with the problem of food supplies. He was especially anxious because the amount of supplies brought inland had been limited by the shortage of boats. However, Sir George Simpson had anticipated the large needs of the detachment, and had made considerable effort to meet them. Shortly after his arrival, Crofton found that "a large quantity of Grain. . . nearly a year's supply",<sup>38</sup> had been stored for the troops, and in addition, a large supply of beef and a month's supply of salt meat had also been acquired by Simpson.

Since the Hudson's Bay Company officials had stated that the regular troops could be supplemented by raising a local militia, Crofton assessed the military value of the local population. He was much impressed by the métis, for he communicated to Somerset: "The physical appearance of the half breeds is much in their favor. They are a tall, strong and active race of men. They are the best horsemen and marksmen in the country. If it should ever be considered expedient by Her Majesty to raise a body of regular cavalry in this country, there exists in the half breed the most eligible mater-

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<sup>38</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 15, 1846.

ial I have ever seen in any country. . .<sup>39</sup> . . . a noble militia could be embodied and I think would be a popular measure among the Scotch and English. . .<sup>40</sup>

Crofton then went on to assess the attitude of the various sections of the population. The Roman Catholic element, "about 7/12 of the whole people" were more favorable to the American Government than the British, but there was no doubt about the whole hearted loyalty of the Protestant. Crofton reported that there had been no trouble in the Red River Settlement until intercourse with the United States was opened up through St. Peter's, and remarked, "I am convinced that much late dissent was suggested and stimulated by American agency here. . ."<sup>41</sup>

It was soon apparent that the arrival of the troops at Red River had checked the growing disaffection of certain elements of the population; as Crofton put it: "The arrival of the Troops may shut out all hopes entertained before, of the Colony coming under Republican Rule. . ."<sup>42</sup> The most outspoken critics of the Company, reported

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<sup>39</sup>W.O. 33/21, Crofton to Somerset, Red River, November 23, 1846, p. 19. However, Crofton modified his remarks about the metis by saying that it would be very difficult to discipline them.

<sup>40</sup>Ibid., pp. 19-20.

<sup>41</sup>Loc. cit.

<sup>42</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 15, 1846.

Alexander Ross, found it expedient to become "pro tempore" subjects of the United States.<sup>43</sup> But, while the troops overawed the Colony and thereby suppressed discontent, they also supplied a much needed market for the products of the colony, and in so doing, eliminated the economic cause of the discontent. Apart from the original large stores, the troops supplied a continual daily market for many items. At a later date, Ross estimated that during their stay in Red River, the troops had put £15,000 in circulation.<sup>44</sup> Wemyss Simpson (the brother-in-law of Sir George), in a letter to Donald Ross from Red River in 1846, wrote: ". . . The people of the Settlement were never so well off, as the Government spends about £30 per day and the Company also spends a great deal, buying all the cattle, pigs, sheep and grain. McDermot and the Scotch settlers are making fortunes. The soldiers buy great quantities of beer and give any price for it, and there are few houses in the Settlement where they cannot get it."<sup>45</sup>

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<sup>43</sup>Ross, Red River Settlement, p. 36. Garrioch's Journals run to March, 1847 and show that he was at Red River at least till that date, yet strangely do not mention the presence of troops. Gunn, Journal of Peter Garrioch.

<sup>44</sup>Ibid., p. 365. Ross states (p. 403) that within a few months after the arrival of the troops, McDermot had made over £1,400. With this wealth as an indication, it is no wonder that there was little discontent in the Colony while the troops were there.

<sup>45</sup>Ingersoll, "Red Coats at Red River," The Beaver, Outfit 276, p. 16. The prevalence of this and the sale of spirits caused the Council, May, 1848 to tighten the regulations on the sale of spirits. Oliver, North-West, pp. 342-3.

While the presence of the troops accounted for the peace and tranquility the Settlement experienced during their stay there, their immense popularity can be directly attributed to the economic function they fulfilled, that of supplying a market for the surplus products of the colony.

The danger of the American attack disappeared with the settlement of the Oregon dispute.<sup>46</sup> However, Crofton realized that it might be some time, at least one winter, before the troops were withdrawn and that the weather to be expected would likely be the most dangerous foe that the troops would encounter. Therefore, despite the fact that the force had been equipped with winter clothing before leaving England, Crofton purchased additional equipment with which to meet the continental winter. A number of buffalo coats were procured for sentries, while "Moccasins", fur caps with flaps and gloves were purchased for all the troops.<sup>47</sup>

When winter arrived, Crofton enforced strict rules to meet the dangers presented by the cold weather to troops not used to it. He

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<sup>46</sup>W.O. 33/21, Crofton to Somerset, January 13, 1847. Crofton learned at an early date that the American garrison at Fort Snelling had been reduced from 400 to 100 men. During the summer of 1845, the North-West frontier was practically stripped of troops in anticipation of hostilities with Mexico. This definitely indicates that Polk was not going to risk war with England. Stacey, "Hudson's Bay Company during the Oregon Dispute," C.H.R., p. 281.

<sup>47</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, Red River, September 15, 1846.

reported to Somerset:

All that caution could do was not spared, and every day my orders were given by the Sergeant-Major, while mounting guard, that I would severely punish any soldier who stood still at his post, except to salute officers passing and who did not call out every quarter of an hour "All's Well." This was to keep the sentries from sleep, so liable to creep on them while standing still. If any sentry failed to call out in reply to the sentry at the guardhouse, the sergeant was ordered to proceed with two men to the post to see the sentries. . . The sentries at each post were relieved every hour at night.<sup>48</sup>

Military duties did not fill the winter days and nights, therefore, Crofton encouraged the troops to do what they could to fill in their time with recreation. The weather hampered outside activities, although the troops were encouraged to take advantage of the fine days. Football games were played when possible, and a slide, which proved very popular, was built on the river bank.<sup>49</sup> Crofton also encouraged reading, in order to pass away the long evenings. To his surprise, the troops enjoyed this type of recreation. Even those who could not read participated by listening to a leader read aloud to groups of about twelve men.<sup>50</sup>

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<sup>48</sup>Cowie, Manitoba Free Press, April 8, 1911. As a result of these strict rules, Crofton was able to report at the conclusion of the winter that only one person, an officer, had been seriously affected by frost-bite.

<sup>49</sup>Loc. cit.

<sup>50</sup>Loc. cit. In another report to Somerset, Crofton requested that more books be sent out by the Hudson's Bay Company ship the next summer. W.O. 33/21, Crofton to Somerset, Upper Fort Garry, January 14, 1847. p. 21.

Many of the officers had come to Red River with hopes of some good hunting. However, during the winter, they were badly disappointed. Except for a few wolves, not a single animal was seen.<sup>51</sup> Therefore, as the weather improved in April, some of the officers asked Crofton for leave to go duck-hunting at Shoal Lake. Though he considered this "a wild goose chase," Crofton permitted the officers to go, for he realized that they had had an extremely weary time during the winter. Much to his surprise, his officers returned from the expedition with a "mass of game."<sup>52</sup>

In order to minimize possible friction between the troops and the inhabitants of the Settlement, Crofton was strict about drinking and dealt severely with cases of drunkenness.<sup>53</sup> While he made provision for a small quantity of beer for sale to the troops, he was happy to report to Somerset that the sale of spirits was strictly regulated in the Colony.<sup>54</sup> Because of this, Crofton hopefully remarked: "I trust, therefore, that drunkenness, the Curse of a Sol-

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<sup>51</sup>W.O. 33/21, Crofton to Somerset, Upper Fort Garry, January 13, 1847, p. 23.

<sup>52</sup>Cowie, Manitoba Free Press, April 8, 1911.

<sup>53</sup>There was little trouble between the troops and settlers. Ingersoll, "Red Coats," The Beaver, p. 16, states that there were a few minor brawls and one or two men stabbed. The only case reported in the Records of the Quarterly Court, involving a soldier and civilian, was the case of John Logan, who assaulted Margaret Cramer and was sentenced to six months imprisonment. Records of the Quarterly Court, pp. 75-81. This volume of manuscript records is to be found in the Public Archives of Manitoba.

<sup>54</sup>W.O. 1/557, Crofton to Somerset, Upper Fort Garry, September 15, 1846.

dier's Offences, may be easily prevented and the men induced to place their savings in the Savings Bank."<sup>55</sup>

Crofton was soon disillusioned on this score, for the soldiers found it possible to purchase beer from almost every settler. A number of cases of drunkenness followed. Crofton remarked on this: "The beer in this country is most exorable stuff, yet my men, I am sorry to say, sometimes take more of it than agrees with their heads, weak as it is and strong as they are."<sup>56</sup>

Despite his strong feelings on the subject, Crofton did permit small purchases of spirits during the most severe weather<sup>57</sup> and an issue of spirits was made at Christmas and upon the Queen's Birthday.<sup>58</sup> The officers apparently carried the Christmas celebrations too far. A number of them journeyed up from the Lower Fort and a merry party took place at Upper Fort Garry. Crofton was not amused, for he wrote: "The officers made enough noise last night to make one fancy bedlam had emigrated to Red River. The uproar and debauchery is so pernicious in example to the soldiers that I have determined to put a stop to such riot."<sup>59</sup> Crofton later noted that he had censured the officers involved.

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<sup>55</sup>Loc. cit.

<sup>56</sup>Cowie, Manitoba Free Press, April 8, 1911.

<sup>57</sup>W.O. 33/21, Crofton to Somerset, Upper Fort Garry, Red River, May 14, 1847, p. 23.

<sup>58</sup>Cowie, Manitoba Free Press, April 8, 1911.

<sup>59</sup>Loc. cit.

Shortly after his arrival at Red River, Crofton became aware that, because of the proximity of the American border, there was a great temptation for some of the soldiers to desert.<sup>60</sup> Moreover, he realized that certain individuals in the Settlement were only too willing to help the soldiers escape. Crofton reported to Somerset that he felt sure of the old soldiers, but some of the younger ones, "who have only two or three years' service will. . .make an effort to desert, especially at this Colony does not hold out the allurements of vice or intemperance."<sup>61</sup> During the winter, however, there was little danger of any of the men attempting the trip to Pembina even if assisted by some of the settlers.

As soon as spring arrived, Crofton's fears were realized. On May 8, two men, Bruce and Johnson deserted.<sup>62</sup> Crofton was very anxious that this attempt be thwarted so that others would not be encouraged to attempt to desert. Thus, he went to some lengths to have the men captured. Seven half breeds were sent after them. On May 14, Crofton heard that the half breeds had overtaken them and that the whole party would be back at Fort Garry that night. On May 18, Crofton wrote, "I tried by District Court Martial the two deserters, and the Court found

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<sup>60</sup>W.O. 1/577, Crofton to Somerset, Upper Fort Garry, Red River, September 15, 1846.

<sup>61</sup>W.O. 33/21, Crofton to Somerset, Upper Fort Garry, Red River, November 23, 1846, p. 20.

<sup>62</sup>Cowie, Manitoba Free Press, April 8, 1911.

them both guilty."<sup>63</sup> A day later, he continued, "This morning I caused the sentence of flogging to be carried into effect in the presence of men. Bruce took his punishment badly, but Johnson, like a soldier. I have often observed that Scotch and Irish never bear punishment silently as a sturdy Englishman does. Bruce is a Scotsman. . . I gave Bruce 125 and Johnson 75. . . I feel quite convinced that this timely punishment will by its due severity, check, if not stop, desertion to the United States."<sup>64</sup>

Crofton was not happy at the Red River Settlement. "There was no great love between us [i.e. The Colony and Crofton] at the beginning and it pleased Heaven to decrease it upon further acquaintance."<sup>65</sup> He found the society was uncivilized and dull;<sup>66</sup> the climate, he considered dreadful. At the end of the winter, Crofton reported that though he himself was healthy, "hardly one of the men looks as fresh as in England", and the inhabitants generally looked sallow.<sup>67</sup>

Crofton realized that whatever glory was to be gained by the expedition had already been achieved by its trip out, and nothing fur-

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<sup>63</sup>Loc. cit.

<sup>64</sup>Loc. cit.

<sup>65</sup>Cowie, Manitoba Free Press, April 15.

<sup>66</sup>Loc. cit. "I am most disgusted with the vulgar and ill-bred folk here." Crofton considered only five men of the Settlement as fit guests to his mess.

<sup>67</sup>Ibid., April 8.

ther was to be gained personally by remaining at Red River Settlement.<sup>68</sup> Moreover, Crofton had just been married in 1845, and was anxious to return to his wife.<sup>69</sup> Shortly after his arrival he wrote to Lord Somerset asking to be allowed to return to England as soon as possible.<sup>70</sup> The following spring he heard that his request had been granted and on June 13 his successor, Major Griffiths, arrived at Red River Settlement from Canada.<sup>71</sup> Crofton had been busy making arrangements for the changeover and consequently, he was able to turn over his force to Griffiths on June 16 and depart for Canada.<sup>72</sup>

Meanwhile, the government in England had decided to recall the troops from Red River. With the signing of the Oregon Treaty in June, 1846, the crisis in Anglo-American relations had passed.<sup>73</sup>

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<sup>68</sup>Crofton wrote his wife: "Since there is peace with the United States, I can gain nothing by wasting time here. The credit of the expedition, if any, has been gained." Ibid., April 15.

<sup>69</sup>Crofton's only son was born while he was at Red River. His diary shows that he was continually worried about his wife and fretted about the lack of mail. He even hired two men at £10 to make the trip to St. Peter's for mail. Loc. cit. Crofton's complaints about the mail service roused Governor Christie to introduce measures to ensure more regular service. Red River Correspondence, p. 82, Christie to Simpson, July 30, 1847.

<sup>70</sup>W.O. 1/557, Crofton to Somerset, September 21, Upper Fort Garry, 1846.

<sup>71</sup>Cowie, Manitoba Free Press, April 15, 1911. Some time during the winter Crofton received notice that he had been promoted to the rank of Lieutenant-Colonel, but he made no note of it in his diary.

<sup>72</sup>Loc. cit.

<sup>73</sup>Had the troop ship been delayed in sailing, in all probabilities, their orders would have been countermanded. Stacey, "Hudson's Bay Company During the Oregon Dispute," C.H.R., p. 295.

From the point of view of the government, there was no further need for a military force at the Red River Settlement, and the Cabinet was determined that the troops would be recalled in the near future. Since, however, nothing could be done before the spring of 1847, the government did not immediately act on the subject.

The government's determination to withdraw the troops was soon strengthened by difficulties which developed at Red River. Pelly, in order to secure troops for the colony, had agreed that the Company would "do whatever any officer the government may send, may deem necessary to make the forts efficient."<sup>74</sup> Captain Andrew Beatty of the Royal Engineers had the responsibility of determining what measures were necessary to render the forts at the Red River 'efficient'. Beatty arrived at Red River in July, 1846.<sup>75</sup> He inspected the forts upon arrival and was not impressed by either construction or location. Therefore, he began to consider "the laying out of the site for and proceeding with the permanent work at this place."<sup>76</sup>

Simpson arrived at the Settlement with Crofton a few days later<sup>77</sup> and soon heard of Beatty's ideas. He resolved to put a stop

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<sup>74</sup>See page 90.

<sup>75</sup>W.O. 1/557, Beatty to Holloway, Fort Garry, August 12, 1846.

<sup>76</sup>W.O. 1/557, Beatty to Holloway, Lower Fort Garry, September 14, 1846.

<sup>77</sup>W.O. 33/21, Crofton to Somerset, October 15, 1846.

to them at once. Simpson knew that, while the Governor and Committee had been willing to undertake certain expenses in order to secure troops for the Settlement, they would view the expenses entailed in the construction of a new fort in a very different light. Therefore, on September 21, 1846, Simpson wrote to Beatty and referred to the plans for a new fort,

"I am strongly inclined, with all due respect for the opinions of those who have instructed you to that effect, to doubt the expediency of the matter in question. Either of the two Forts, or both of them can, I believe, be rendered perfectly efficient against everything but heavy artillery, and such means of attack could not be conveyed hither from the United States without our receiving sufficient warning to enable us to cut off the invading party on route. With due consideration, therefore, for your responsibility in this matter, and also for the pressure of circumstances, I beg to recommend, that till further instructions can be received from Home, your operations be confined to such preparatory work as can be performed by the Troops."<sup>78</sup>

Immediately upon receiving this disconcerting letter from Simpson, Beatty wrote his Commanding Officer, Colonel W. C. E. Holloway, and his immediate superiors refused to take a definite stand with regard to Simpson's suggestions.<sup>80</sup> Finally, Beatty's letter reached the Duke of Wellington.

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<sup>78</sup>W.O. 1/557, Simpson to Beatty, Red River Settlement, September 21, 1846.

<sup>79</sup>W.O. 1/557, Beatty to Holloway, Fort Garry, September 21, 1846.

<sup>80</sup>W.O. 1/557, Correspondence between October 30 and December 30, 1846.

On December 30, 1846, Wellington sent a long memorandum on the Red River to Earl Grey, the Colonial Secretary.<sup>81</sup> In this memorandum Wellington presented with great precision the issues involved in having troops stationed at Red River.

. . .the Military Establishments as they were called at Fort Garry on the Red River consisted of two Redoubts at the distance of twenty miles from each other; neither of them defensible excepting against the attack of marauding Natives in search of plunder. . . . It appeared to me that if a Detachment of Her Majesty's Troops should appear in such a position, the object of the Government of the United States upon the commencement of hostilities, would be to fit out an Expedition to attack and cut off a Detachment thus isolated and having such distant if any hopes of support.

I was not insensible to the difficulties which would attend such attack even upon the Forts as they now rest, but being sensible that these difficulties might be surmounted, I considered it my duty to advise that Her Majesty's Regular Troops should not be sent to the Territories of the Hudson's Bay Company, unless a proper Establishment was formed for their protection, well fortified, armed, and supplied with ammunition and provisions, to enable them to defend themselves till they could be supported<sup>82</sup> . . . . .

I see that Sir George Simpson considers an attack upon Her Majesty's Troops at Fort Garry impossible. The Enemy would be cut off! How? By what Troops? - There are none in the Territory of the Hudson's Bay Company. The whole system is founded on the impossibility of maintaining communications for Troops between Red River and Canada.

The fact that the Oregon dispute had been settled, made no

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<sup>81</sup>W.O. 1/557, Memorandum from the Duke of Wellington to Earl Grey, December 30, 1846.

<sup>82</sup>Wellington remarked that "The reports of the Operations of the Army of the United States within the Mexican Territory" show whether the Americans are likely to leave "unmolested" an isolated post on their frontier in the event of hostilities. Loc. cit.

difference to Wellington. If there was the slightest danger of attack, then the troops must be given adequate protection; if there was no possibility of attack, then the troops were not needed at Red River and should be withdrawn.

Despite Wellington's pungent analysis of the military situation at Red River, the government did not immediately come to a decision to withdraw the Sixth Foot. When the decision was finally reached on June 3, 1847, it was already too late to complete the arrangements for the removal of the troops that year.<sup>83</sup> As a result, orders were sent out to the Commanding Officer to make preparation to move to York Factory in the summer of 1848.<sup>84</sup> On the same day, Pelly was informed of the government's decision.<sup>85</sup>

When Simpson heard of the projected withdrawal, he immediately wrote to Pelly asking him to try to secure replacements for the Sixth Foot.<sup>86</sup> He also informed Pelly that Lieutenant-Colonel Crofton "intends to recommend that the two Companies of the Canadian Rifles" be

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<sup>83</sup>W.O. 1/557, Grey to Wellington, June 3, 1847.

<sup>84</sup>Stacey, "Hudson's Bay Company During the Oregon Dispute," C.H.R., vol. 18, p. 295.

<sup>85</sup>W.O. 1/558, Grey to Pelly, June 3, 1847.

<sup>86</sup>W.O. 1/558, Simpson to Pelly, Lachine, August 9, 1847.

sent out from Canada.<sup>87</sup>

In December, 1847, Pelly took up Simpson's suggestion with Earl Grey.<sup>88</sup> It might be thought that with the Oregon issue long since settled, that Pelly would have to be more open with Grey in this letter than he had been earlier with Gladstone. Despite the lack of the Oregon issue, Pelly was still able to obscure the real issue at Red River.

In the letter Pelly asked Grey to consider sending "a small irregular force for the future protection of the forts." A company or two of the Canadian Rifles he suggested would be adequate for the needs of the Settlement. He then continued.

There is not, it is sure, at present the same necessity for maintaining a strong garrison at Red River that there was when a war with the United States was impending. The altered state of our relations with that country may for the time, have taken something from the weight of one of the reasons which induced Her Majesty's Late Government to send a detachment of Troops to that quarter, but the other reasons which led to that measure still subsist in full force. . . . .  
 . . .as early as 1845, you will perceive, the Americans were tampering with the allegiance of the settlers at Red River. . .

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<sup>87</sup>A large proportion of this letter Simpson devotes to an attack upon Captain Beatty. He informed Pelly that while it was estimated that Upper Fort Garry could be rendered defensible from between £2000 to £3000, that the work planned by Beatty would cost "from £120,000 to £150,000". No wonder Simpson had moved quickly to stop him. In addition, the new fort was to be built in an area surrounded by swamp and "it would be totally useless as a means of protection from abroad, or commotion at home." Perhaps Simpson's criticism of Beatty was the result of wounded vanity, for Beatty had rejected Lower Fort Garry, the product of Simpson's military genius.

<sup>88</sup>W.O. 1/558, Pelly to Grey, December 2, 1847.

The Americans, he went on, were thwarted by the arrival of the troops. But as soon as it became known that the troops were to be withdrawn, American activity started again. These American plans "if not defeated, will assuredly effect the ruin of the Colony, and ultimately increase in no small degree the facilities which the United States already possess for carrying out their well known designs on Canada."

Despite this eloquent appeal, the government was unwilling to dispatch a new body of troops to Red River. Pelly kept up his appeals until March, 1848, when a compromise was reached, and the government agreed that a group of Pensioners would be sent to Red River, to replace the Sixth Foot.<sup>89</sup>

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<sup>89</sup>W.O. 43/89/115010, Sullivan (War Office) to Staff Office of Pensioners, April 5, 1848.

## CHAPTER VIII

### THE PENSIONERS AND A NEW CRISIS AT RED RIVER

Not long after Simpson heard, in August 1847, that the government had decided to withdraw the Sixth Foot from the colony, he wrote to the Governor and Committee suggesting that the government had been influenced in its decision by Alexander Koonabay Isbister.<sup>1</sup> Whether this is true or not is open to question, but it is little wonder that Simpson subscribed to the idea.

When James Sinclair took the Petition to England in 1846, he turned it over to Isbister. The Petition requested relief from the Company's monopoly "which, has weighed heavily on us for about one hundred and seventy-six years, is getting heavier all the time." The petitioners complained about the lack of justice in the colony: "because the judge is paid by the Company, the people lack confidence in the justice" but this would not be the case if the people had a part in making the laws. The Petition continued: "as British subjects we desire and demand urgently that there be accorded to us that liberty of trade, so necessary to the prosperity of states and so powerfully maintained by the laws in all the other possessions of

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<sup>1</sup>W.O. 1/558, Simpson to the Governor and Committee of the Hudson's Bay Company, Lachine, 4 (or 7) November, 1847. According to Simpson the settlers at Red River were convinced of this, for he remarked that they believed that "the intended removal of the troops had been brought about by the representations of Isbister and his associates."

our august Sovereign."<sup>2</sup>

On February 17, 1847, Isbister forwarded the Petition to Earl Grey, the Colonial Minister. The covering letter, signed by Isbister and five others, which accompanied the Petition, was a lengthy indictment of the Hudson's Bay Company.<sup>3</sup>

Earl Grey received the Petition, but before acting on it, he informed Sir John Pelly of the charges against the Company,<sup>4</sup> and sought information from Lord Elgin, the Governor General of Canada.<sup>5</sup> In addition, Major Caldwell, the commander of the Pensioners and newly-appointed Governor of Assiniboia, was instructed to make a complete report on the Settlement and to state whether there was justification for the charges.<sup>6</sup>

Pelly, of course, quickly denied the charges brought against the Company. Elgin replied that, while it was difficult to get infor-

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<sup>2</sup>Copies of Any Memorials Presented to the Colonial Office by the Inhabitants of the Red River Settlement (1849), pp. 4-5. (Translated). This volume is to be found in the Public Archives of Manitoba.

<sup>3</sup>Ibid., pp. 1-4, Isbister (and others) to Grey, February 17, 1847.

<sup>4</sup>Ibid., p. 11, Hawes to Pelly, March 5, 1847.

<sup>5</sup>Ibid., p. 6, Grey to Elgin, June, 1847.

<sup>6</sup>Ibid., p. 7, Hawes to Caldwell, July 10, 1848, and W.O. 43/89/115010, Grey to the War Office, March 31, 1848.

mation regarding the Company's administration, what information he secured was "highly favorable to the Company."<sup>7</sup> Caldwell, shortly after his arrival at Red River, sent a report indicating that he was much impressed by the government of the Company.

After receiving these reports Isbister was informed: "Lord Grey is of the opinion. . .that the charges you have brought against the Hudson's Bay Company are groundless."<sup>8</sup> Nonetheless, Lord Grey was going to ask Lord Elgin to make further enquiries into the subject.

After his return to Ireland, Lieutenant-Colonel Crofton was asked for his opinions regarding the charges brought against the Company. Crofton replied on February 12, 1848: "The memorial to Her Majesty originated among one or two discontented men at Red River. . . I unhesitatingly assert, that the government of the Hudson's Bay Company is mild and protective, and admirably adopted. . .for the state of society existing in Prince Rupert's Land. . ." <sup>9</sup> About a year later, Crofton's successor at Fort Garry, Major Griffiths submitted another hearty endorsement of the Company's government of the colony.<sup>10</sup>

To Grey, the unqualified approval of the Company given by

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<sup>7</sup>Copies of any Memorials, pp. 8-9, Elgin to Grey, January 6, 1848.

<sup>8</sup>Ibid., p. 50, Hawes to Isbister.

<sup>9</sup>Ibid., p. 101, Crofton to Hawes, February 12, 1848.

<sup>10</sup>Ibid., pp. 109-112, Griffiths to Hawes, January 18, 1846.

these "unbiased" officers settled the issue. The Company had been vindicated and as Dawes informed Isbister, Lord Grey believed there was no justification for the Cabinet to recommend further action against the Company.<sup>11</sup>

Isbister, however, refused to admit defeat and set about getting support in Parliament for action against the Company. On February 9, 1849, an address in the House of Commons led<sup>to</sup> the correspondence concerning the complaints being laid before the House. A motion was made, on July 5, 1849, asking for an investigation of the Company.<sup>12</sup> After further inquiry, Lord Grey asked Isbister if he would appear as complainant against the Company before the Judicial Committee of the Privy Council. Isbister declined to do so and the inquiry ended abruptly in 1850.<sup>13</sup>

Meanwhile, the Colony had heard that the government had decided to recall the Sixth Foot. Even before the news reached the Colony, it had been received direct from England at York Factory. Shortly after hearing that the troops were to be withdrawn, Letitia Hargrave, wife of the Chief Factor of York Factory, writing to her mother, remarked with extreme candour: ". . .the half breeds will get

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<sup>11</sup>Ibid., p. 112, Hawes to Isbister, January 23, 1849.

<sup>12</sup>Morton, Canadian West, p. 813.

<sup>13</sup>Pritchett, Red River Valley, p. 261. Pritchett suggests that Isbister did not pursue the matter further because he would have to bear the costs of investigation.

out their horns. Let the Company take it however, for they pretended that they were only afraid of the Yankees in case of war, while in fact, it was their own settlers that were inclined to be turbulent. Sir George will be back in a panic. . ."<sup>14</sup>

The news of the imminent departure of the troops came as a blow to the Settlement.<sup>15</sup> Governor Christie called a special meeting of the Council on November 18, 1847, in order to pass on a memorial to the Governor and Committee of the Company asking them to secure "to this country the continuance of military protection."<sup>16</sup> Then, not long before the troops set out for York Factory, the Council passed unanimously a resolution regretting the departure of the troops.<sup>17</sup> Since Andrew McDermot, the most important of the petty traders was a member of the Council, the unanimous resolution is not without significance as an expression of the trading community's attitude towards the Sixth Foot.

The troops, under the command of Major Griffiths, moved up to York Factory where part of the force boarded the General Palmer, which

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<sup>14</sup>M. A. MacLeod, ed., The Letters of Letitia Hargrave (Toronto, 1947), p. 225.

<sup>15</sup>H.B.C. Arch., John Black to Donald Ross, Lower Fort Garry, September 27, 1847. After remarking on the consternation of the Settlement at the news about the departure of the troops, Black continued". . . the golden dreams of universal prosperity are to be nipped in the bud."

<sup>16</sup>Oliver, North-West, p. 340.

<sup>17</sup>Ibid., p. 344.

had just transported the Pensioners out from England.<sup>18</sup>

Pensioners, in 1848, were former long term service soldiers who, as a result of wounds or ill health, were no longer physically fit for active service. As Pensioners they were used in roles which required only light duty; for example, as garrison troops, and base depot troops. Consequently, the Pensioners were poorly equipped to stand the rigors of the trip to Red River or to perform satisfactorily the tasks expected of them when they reached the Settlement.

The Pensioners arrived at Red River Settlement in the third week of September. All told, the force consisted of two officers and sixty-nine other ranks.<sup>19</sup> As part of the conditions<sup>20</sup> upon which the government agreed to send out the Pensioners, the Hudson's Bay Company was to provide accomodation. This it did by turning over a large part of Upper

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<sup>18</sup>M. A. MacLeod, Letters of Letitia Hargrave, pp. 229-238.

<sup>19</sup>W.O. 43/89/115010, Memorandum for Major Caldwell, June 9, 1848. MacLeod, Letters of Letitia Hargrave, p. 230, states that the whole group that landed from the General Palmer numbered "150 men, women and children." These figures in themselves indicate the vast difference between the Sixth Foot and the Pensioners, apart from the number of soldiers in each force. The Sixth Foot were soldiers (only seventeen women and nineteen children accompanied Crofton's force), while the Pensioners were soldier-settlers accompanied by their families.

<sup>20</sup>In order to avoid the haggling which had developed out of the poorly defined conditions upon which the Sixth Foot had been sent to Red River, the agreement reached between the government and Company on the dispatch of the Pensioners, contained specific commitments. W.O. 43/89/115010, Memorandum of Conditions Proposed for Pensioners. Despite this, the War Office correspondence on the Pensioners shows that the quibbling was repeated.

Fort Garry to the Pensioners and their families.<sup>21</sup>

The military duties of the Pensioners were relatively light. They were required to attend military exercises "12 days in each year" and to attend church parade "every Sunday, under arms." In addition, until May 1, 1849, during which time they would be paid 3/6 per week, (in addition to their pay from the government) they were liable for three days every week on whatever "duty the Governor of the Settlement may direct." However, if called upon to serve during any other period. . ." in the defence of the Settlement "they were entitled to the regular army pay in addition to their pensions."<sup>22</sup>

It is obvious that the Pensioners were a far different type of force than the Sixth Foot. It was their misfortune to succeed a well trained, well disciplined force. Much of criticism directed against the Pensioners arose from the very human tendency of the settlers to compare them with their predecessors. Such a comparison was unfair; a more valid comparison would be with the old "Voluntary Corps." It was this continual comparison to the Warwicks that accounts for many

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<sup>21</sup>Loc. cit. The Pensioners could, if they so desired, live elsewhere, providing they did not "go beyond two miles from the Fort for this purpose."

<sup>22</sup>Loc. cit.

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of the gibes directed against the pensioners.<sup>23</sup> Generally speaking, the Pensioners were not a bad lot,<sup>24</sup> unfortunately, the settlers, used to the Sixth Foot, expected too much.

The Commander of the Pensioners was Major W. B. Caldwell.<sup>25</sup> On September 20, 1848, Caldwell presented his commissioner as Governor of Assiniboia to the Council,<sup>26</sup> thereby beginning his dual role as Soldier-

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<sup>23</sup>An example of this is to be found in Ross, Red River Settlement, p. 365. With reference to the Sixth Foot, Ross says that they put £15,000 into circulation during their stay (i.e. £7,500 p.a.), but in referring to the Pensioners, he uses the phrase "at an annual expense of £3,000." This refers to the fact that the Hudson's Bay Company gave each of the privates 3/6 a week, in addition to subsistence. Ross neglects to mention that the Pensioners put this £3,000 back into circulation and another £3,000 as well. Ross refers to the Pensioners as "a second edition of the de Meurons." Loc. cit. H.B.C. Arch., John Black to Donald Ross, December 12, 1848, brings out the handicap under which the Pensioners were placed. "Compared to the gallant fellows who have left us," wrote Black, "the Pensioners cut rather a poor figure, both in point of view of numbers and appearance."

<sup>24</sup>The Records of the Quarterly Court show that, generally speaking, the Pensioners caused little serious trouble, the exception was one William Smith, who was a bad character. On May 17, 1849, Smith was tried twice, the first time for selling beer to the Indians, the second for assault. Records of the Quarterly Court, pp. 147-8.

<sup>25</sup>In the eyes of the settlers, Capt. Foss "had charge of the Pensioners." H.B.C. Arch., John Bullenden to Donald Ross, December 11, 1848. In the eyes of the British government, however, Caldwell was the commander of the troops. W.O. 43/89/105010, Memorandum to Major Caldwell, June 9, 1848, and Grey to Secretary at War, March 31, 1848.

<sup>26</sup>Oliver, North-West, p. 345. Morton, Simpson, p. 201, states that Caldwell's appointment as Governor of Assiniboia was made upon the instigation of the Governor and Committee of the Hudson's Bay Company who wanted to divide the fur trade and settlement. This would give the colony "a life of its own." To this end, the Governor and Committee wrote Simpson that he was not to interfere with the Settlement. This wise plan did not work, because Caldwell proved to be incompetent. However, there is some evidence that the appointment of Caldwell as Governor of Assiniboia was one of the conditions upon which the British government agreed to send the Pensioners to Red River. W.O. 43/89/115010, Grey to Secretary at War, March 31, 1848.

Governor. In normal conditions this double task would not have been too difficult for an able man. However, the times were critical and Caldwell soon showed himself to be incompetent. ". . .the good old Major," wrote Alexander Ross, "was so destitute of business habits and of the art to govern, that after a few sittings the Council and magistrates refused to act with him; he was, therefore, superseded, merely that the wheels of Government might be kept moving."<sup>27</sup>

Moreover, Caldwell and his military subordinate, Captain Foss, were not able to get along together. Caldwell was a married man who had brought his wife and children out to Red River. Foss was a single man, who enjoyed a 'sporty' life.<sup>28</sup> They carried these personal differences into their work. Just as events moved to a climax, in the spring of 1849, Caldwell suspended Foss. At the crisis, Caldwell was busy with his judicial duties and Foss suspended, the Pensioners were leaderless and completely ineffective.<sup>29</sup>

Since the spring of 1846, the traders of the Settlement had been fairly quiet. Father Belcourt,<sup>30</sup> at that time, diverted the tra-

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<sup>27</sup>Ross, Red River Settlement, p. 366.

<sup>28</sup>These interests lead to Foss becoming a centre of gossip. In order to check the gossip, Foss brought suit against A. E. Pelly and wife, and John Davidson and wife. This suit in itself, became a source of gossip. Records of Quarterly Court, pp. 181-221, July 16-18, 1850.

<sup>29</sup>Morton, Simpson, pp. 201-2.

<sup>30</sup>McDermot mentioned Belcourt as the person behind the organization of the petition (see above p. 113).

ders' interests from direct action to organize the petition.<sup>31</sup> He had persuaded them that by this means they could secure redress of their grievances. While the traders were still passive, hoping for this constitutional solution, the Sixth Foot arrived.

While the troops were at the Settlement, direct action was impossible. But the presence of the troops did much to eliminate the causes of the discontent of the traders. The Sixth Foot presented a large new market to the traders. In their activities to supply the demands of this new market, the traders forgot their grievances against the Company. Simpson had secured the troops for the Settlement in order to forestall action against the Company by intimidating the traders, métis and white. Unconsciously, he had supplied the free market that the traders had demanded, and consequently, had eliminated the basis of their grievances.

However, just as they had become adjusted to this new market, news reached the Settlement that the troops were to be withdrawn. It is little wonder that McDermot, who "has made a fortune since the troops Arrived" voted in favor of the resolution to petition the Governor and Committee to secure "the continuance of military protection." McDermot could also vote with the utmost sincerity for the resolution regretting the departure of the Sixth Foot and he was certain that the other traders would heartily endorse his action.

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<sup>31</sup>An epidemic of measles in 1846 also had drawn the attention of the traders away from their economic grievances.

At the same time that the traders faced the loss of the military market, they came to realize that their petition had failed. Despite Isbister's continued efforts, it was obvious that their long standing grievances were not be redressed by constitutional means.

Though the traders did successfully petition the Council for a reduction of duties on imports from the United States,<sup>32</sup> it was hardly compensation for the loss of the market supplied by the Sixth Foot.

Nor did the arrival of the Pensioners. While they did supply a market, it was less than half that of the Sixth Foot. Again the comparison between Pensioners and their predecessors was detrimental to the new corps.

While the winter of 1848-9 was one of growing discontent on the part of the traders, both white and métis, the crisis when it came was not of their making.

On May 17, 1849, John Ballenden, Chief Factor of the Hudson's Bay Company, prosecuted Pierre Guillaume Sayer and three others for illicit trading of furs.<sup>33</sup> The half breeds were aroused by the arrest

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<sup>32</sup>The petition was presented to the Council on July 27, 1848. Oliver, North-West, p. 344. It was more than a coincidence that this petition was presented to the Council the same day that the Council was expressing its regret at the imminent departure of the Sixth Foot. The petition was answered on October 10, 1848, when the Council resolved that the duty on imports from the United States be lowered to ten percent. Ibid., p. 349.

<sup>33</sup>A complete record of the proceedings of the Sayer Trial is to be found in the Records of the Quarterly Court, pp. 151-4.

of Sayer. Vague plots were formed to rescue him, rather than see him sentenced for dealing in furs. No definite plans were laid when rumors circulated indicating that the Pensioners were to be armed and assembled at the Court House on the day of the trial.<sup>34</sup> The half breeds determined to take counter measures. On the day of the trial, fully armed, they gathered at the Court House from all parts of the Settlement. The Pensioners did not appear on the scene that day, if such an appearance had been planned. Major Caldwell was in the Court and Capt. Foss had been suspended, therefore, the Pensioners were leaderless - and therefore, valueless, at the time of the crisis.<sup>35</sup>

At eleven o'clock Sayer was called to answer the charge against him, but did not appear. The Court proceeded with other cases. Ross went "in search of him but in place of the defendant coming to the bar of the Court, James Sinclair and Peter Garrioch and many others pre-

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<sup>34</sup>H.B.C. Arch., Caldwell to Donald Ross: "What set the whole thing in a blaze was the report spread that the Pensioners were to be armed on the day of the trial."

<sup>34</sup>Morton, Simpson, p. 202. Even if the Pensioners had been assembled, they would not have been able to control a mob such as assembled at the Court that day. If they had appeared, in all likelihood, their appearance would have been a signal for a riot. However, the fact that they did not appear, was the final blow to their reputations. Henceforth, the Settlement refused to rely upon them. On October 5, 1849, the Rev. R. Hunt had tea with Major Caldwell at Upper Fort Garry. Caldwell on this occasion told Hunt that he had deliberately not taken any Pensioners to the Court House because a rumor had been circulated that the Pensioners would be there to fire on the crowd. Caldwell believed this decision had prevented bloodshed on the day of the trial. Public Archives of Canada, The Diary of Reverend R. Hunt.

sented themselves as delegates from a great number of armed half breeds who were outside the court."<sup>36</sup> Sinclair and Recorder Thorn proceeded with exchange opinions on the Company's Charter. Sinclair was offered an opportunity to plead for the defendant. In the company of his supporters, Sinclair withdrew from the Court, in order to consult with Sayer. Sometime later Sinclair returned to the bar, accompanied by Sayer. However, before the trial began, Sinclair objected to five of the jurors and they were replaced.<sup>37</sup>

The Company's case against Sayer was somewhat confused. It was soon obvious that Sayer had been dealing in furs. But evidence was produced to show that he had been assisted in this from time to time by servants of the Company. After hearing the evidence, the Jury retired but soon returned with the verdict that Sayer was guilty of trading furs, with the recommendation of mercy "as it appeared that he thought that he had a right to trade, as he and others were under the impression that there was a free trade."<sup>38</sup>

Mr. Ballenden, the prosecutor, replied that he was not interested in the value of the furs, "but it was the principal [sic] of the transaction which he looked at, but since a Jury has now given a

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<sup>36</sup>Records of the Quarterly Court, p. 151.

<sup>37</sup>Ibid., p. 152.

<sup>38</sup>Ibid., p. 154.

verdict against illicit trading, he willingly acceded to the recommendation of the Jury."<sup>39</sup>

These were indeed historic words, for no sooner had a Jury for the first time given a verdict against illicit trade, than the half breeds, misinterpreting Ballenden's meaning, rushed from the Court House shouting, "Le commerce est libre!"<sup>40</sup> Thus, the legal verdict of one minute was wiped out by the popular verdict of the next. For, henceforth, the trade was free and all the Company could do was tacitly accept the effective decision of the hunters and free traders.<sup>41</sup>

The Sayer trial and the disturbances which followed, marked the climax of events which had brought both the Sixth Foot and Pensioners to Red River.

Simpson and Pelly, convinced that the monopoly of the Company could only be preserved by the presence of troops at Red River, had persuaded the British government to send troops to the colony to

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<sup>39</sup> Loc. cit.

<sup>40</sup> Ross, Red River Settlement, p. 376.

<sup>41</sup> Oliver, North-West, pp. 351-2. The Council of Assiniboia, May 31, 1849, gave legal recognition of the free trade principle by passing a resolution permitting "a free trade in furs." The Council had obviously been intimidated by the recent demonstrations for, at this time, it passed a number of popular resolutions.

forestall American aggression in the event of hostilities developing out of the Oregon crisis.

While the Sixth Foot were at Red River, there was little trouble, but, hardly had they been replaced by the Pensioners, when fresh signs of discontent became evident. The Sayer trial was a showdown between the Company and the discontented elements at Red River. Though the Company's monopoly received legal confirmation at the trial, the Pensioners could not prevent the traders, white and métis, from setting aside the decision of the Court and destroying the Company's monopoly.

## CHAPTER IX

### CONCLUSION

While, from the beginning of the 19th century there was always the possibility that conflicting interest in the Oregon would make it a cause of war between the United States and Great Britain, conditions at Red River only became dangerous with the approach of the American frontier. That war finally threatened over the Oregon, however, was the work of two men: President Polk who suddenly brought the Oregon question to the fore and upset existing negotiations; and Richard Pakenham, the British minister to Washington who, misreading Polk's intentions, bungled the negotiations.

While the approach of the American frontier to Oregon and the Red River Settlement created a vague link between the two, it remained for Sir George Simpson to tie them closely together. Simpson saw in the Oregon crisis, not a threat to the Company in that region, for apparently, he had already written off the Oregon, but an opportunity to quell discontent and restore the Company's position at Red River.

To this end, he magnified the danger of American aggression and sedition at Red River in the event of hostilities resulting from the Oregon crisis. At the same time he pursued a policy at Red River, while designed to ensure the security of the Company's monopoly, could not help but foment trouble there. When, the colonists reacted to this increased pressure, Simpson used the reaction to give strength to his demands that troops be sent to the Red River Settlement.

In this Simpson was almost thwarted by the efforts of the Duke of Wellington and Earl Aberdeen. Wellington saw into the heart of the matter and realized just how fatuous were Simpson's ideas about the value and employment of troops at Red River. He almost convinced the government not to send troops; he did manage to delay their departure, but not quite long enough.

Aberdeen, on the other hand, almost frustrated Simpson's plans by his quiet determination to reach an amicable settlement of the Oregon crisis. Had he been better served in Washington, the crisis would have been shortened by ten months and this would have made it impossible for Simpson to secure troops for Red River.

However, thanks to Pakenham, the Oregon crisis became worse in the fall of 1845. This played right into Simpson's hands and he skilfully made the most of it. As a result of this combination of factors, the British government decided to send troops to Red River. Again Simpson was lucky, for if negotiations had been advanced as little as four or five days, news of their successful conclusion would have reached London soon enough to have forestalled the sailing expedition.

The presence of Sixth Foot at Red River did quieten discontent. The métis were no longer the dominant force, consequently, the Company could not be intimidated. Equally important as the threat of force that they presented, the Sixth Foot also supplied a market for the Settlement, and this, as much as intimidation, explains the quiet of the colony during the occupation of the troops.

The presence of troops, however, was but a temporizing measure, and

not a solution of Red River problems. Simpson should have realized this. Instead, Simpson did his utmost to prolong the stay of the troops and to ensure the replacement of the Sixth Foot by an equally potent force. The arrival of the Corps of Pensioners indicating again a concession gained from the government, was another, though limited, success for Simpson.

The Pensioners, however, proved to be inadequate for their task. As soon as this became evident, the sterility of Simpson's policy was obvious. The Company, of course, asserted its legal rights, but, as in the case of the earlier conflict with the North West Company, this meant nothing if they were not recognized by the opposition. Thus Simpson's carefully prepared plans ended in failure and the Company's position as a result, was greatly weakened.

Simpson should not be condemned too harshly for his efforts. The fact that he used the issues of the day for the Company's purposes should not be a basis of criticism. Simpson was, after all, in the employ of the Hudson's Bay Company, not of the Foreign, or the Colonial, Office. Therefore, he took what steps he thought necessary for the continued security and prosperity of the Company. Whether his policy was actually in the best interests of the Company is a debatable question. He may be criticised for his concentration on one solution to the difficulties so that when his policy failed it automatically ended in defeat for the Company. Such a criticism is perhaps valid. He might be criticized for not seeking an entirely new solution to the problem presented by the Settlement and

the frontier, but such criticism could be based on the advantage of historical hindsight.

May 17, 1849, marked the end of an era in the development of the Red River Settlement. Founded to aid the Hudson's Bay Company in its struggle for existence, the colony did so by diverting the attention of the Norwesters, not as it had been planned - as a supply base for the Company. With the end of the struggle, in the eyes of the masters of the fur trade, the colony had out-lived its usefulness. Once regarded as a stroke of genius on the part of Lord Selkirk, the colony was now an object of suspicion, and an encumbrance to the fur traders. So it remained until 1849.

During this period the colony was dominated, politically and economically by the Hudson's Bay Company. Though the Company maintained its political control until 1869-70, in 1849 the colonists cast off the economic control of the Company. This date, therefore, marks a half-way point in the struggle of the colonists to determine their own affairs.

Finally, the crisis at Red River in the 1840's had significance in that it contributed to the pattern of events in the future. Consequently the colonists came to believe that law and justice at Red River were no more than agencies by which the Company maintained its control over the Settlement. Gradually this led to a disregard of law - except when enforced. General respect for law declined; such respect as existed was transferred to the agency of enforcement. This meant that in future, whenever the agency of enforcement was inadequate, the law itself offered no protection to either the Company or the inhabitants.

Another result of the events of this period was that the people lost faith in constitutional methods of securing redress of grievances. A large part of the people of the Settlement had signed a petition. In doing so they had been encouraged to believe that their grievances would be corrected with regard to violence. The petition, however, failed to accomplish its purpose.

On the other hand, by threatening violence, the métis were immediately able to gain their purpose.

The very success of this threat of violence and the failure of the petition indicated that, in future, when the colonists had grievances, constitutional methods would be avoided and reliance placed on the threat of violence. In this manner the events of the 1840's set a pattern for the future. As a result it is possible to say that, without the precedent of 1849, the rising of 1869-70 might not have been attempted.

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