

SOME RED RIVER FUR-TRADE ACTIVITIES¹

With the defeat of France in North America in 1763, the French fur-trading posts in the Red River and Saskatchewan valleys became idle. The continual stream of furs flowing through the trading houses of Montreal and Quebec ceased. About the year 1766 numerous Canadian traders, — Scotch, French, and half-breed, — motivated by the spirit of industry and adventure, made their way into the West following the old French trails. In less than a decade they had pushed their enterprises far beyond the French limits. Until 1784 the bulk of the inland fur traffic was in the hands of these independent traders. Unfortunately, the French license system of trading was put aside as incongruous with the principles of free trade. There were no legal restraints. The consequence was a cut-throat system of competition, with all kinds of disorder and crime. Fraud, chicanery, and every concomitant evil were practiced to get the Indian barter. Spirituous liquors were freely and indiscriminately used. In spite of this state of affairs the unrestricted trade acquired great proportions and seriously encroached upon the profits of the Hudson's Bay Company. This company, by virtue of a charter granted by Charles II in 1670, claimed the "sole trade and commerce" over the territory bordering on Hudson Bay and Strait and all the country watered by the streams flowing into the bay. The Canadian adventurers had so advantageously located themselves in the "upland" country and on the sources of the rivers which led to the settlements of the Hudson's Bay Company that the company's trade "was in a great measure cut off from its usual channel." Before the petty traders and trappers penetrated the northern regions the Indians were

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accustomed annually to go down to the company's factories on the immediate confines of the great bay and exchange their furs and peltries. But after the arrival of the Canadian there was no longer occasion for them to make these long, toilsome, and perilous journeys, for they were now well supplied at their very doors with the things they wanted.²

To such an extent was the Hudson's Bay Company's fur traffic intercepted that its officials in 1773, as a counter measure, extended its operations into the interior. Samuel Hearne in 1774 established Cumberland House on the eastern shore of Sturgeon Lake within five hundred yards of a Montreal trading post. From this period to early in the nineteenth century the company continued to follow the "Canadians to their different establishments," building rival forts and laying plans to supplant their opponents, whom they regarded with open contempt and stigmatized as "pedlars, thieves, and interlopers."³ The movement to expel these intruders and a smallpox epidemic which raged in the Indian country during the years of 1781 and 1782 led to the formation of a most formidable combination against the company. In the winter of 1783-84 most of the individual traders and a number of Montreal merchants who long had been pursuing similar interests united under the leadership of Benjamin and Joseph

² *Report from the Select Committee on the Hudson's Bay Company; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index*, 387 (*British Parliamentary Papers*, Commons, 1857, 2 session, vol. 15); Edward Umfreville, *The Present State of Hudson's Bay, Containing a Full Description of that Settlement, and the Adjacent Country; and Likewise of the Fur Trade*, 56, 70, 100-102, 204-207 (London, 1790). The author of the latter volume was employed in the service of the Hudson's Bay Company for eleven years, from 1771 to 1782. The charter of the Hudson's Bay Company is printed in E. H. Oliver, ed., *The Canadian North-west; Its Early Development and Legislative Records*, 1: 135-153 (Canadian Archives, Publications, no. 9—Ottawa, 1914).

³ Alexander Mackenzie, *Voyages from Montreal, on the River St. Laurence, through the Continent of North America, to the Frozen and Pacific Oceans; in the Years 1789 and 1793*, ix (Philadelphia, 1802); Umfreville, *Present State of Hudson's Bay*, 73.

Frobisher and Simon McTavish. The partnership was called the Northwest Company. A few dissatisfied traders and merchants formed a rival company in 1785. After two years of bitter and ruinous competition the two concerns merged under the name of the Northwest Company. This was not an incorporated company with exclusive privileges, but it claimed rights by reason of discoveries and priority in trade. The new organization grew very rapidly and it was not long before it had established fur routes across the continent extending from Montreal by way of the Great Lakes to the Pacific coast and also penetrating well into the northern regions. From 1795 to 1804 there was a halt in its phenomenal growth. Owing to cupidity and disaffection within its ranks, a faction split off and organized the X. Y. Company. Sir Alexander Mackenzie was the leading spirit of this concern. Again diabolical rivalry existed. There was bloodshed and great loss of property. At one time it seemed that the two contending parties would completely destroy each other. This, however, was avoided after the death of Simon McTavish in July, 1804. In less than four months after his death, there was a reconciliation, and again the Northwest Company was predominant in the West. ⁴

The consolidation of the two opposing companies led to a greater development of trade. With almost inconceivable rapidity the Northwesters regained their former vigor. Plans were perfected to meet the opposition of the Hudson's Bay traders, who as early as 1793 pushed into the valleys of the Assiniboine and Red rivers. ⁵ The Red River Valley in the

⁴ Elliott Coues, *New Light on the Early History of the Greater Northwest*, 1: 255 n. (New York, 1897).

⁵ John McDonell Journal, August 26, 1793. A manuscript copy of this unsigned journal is in the Masson Collection in the library of McGill University at Montreal; photostats of the copy are in the possession of the Minnesota Historical Society (see *ante*, p. 306). The dates usually accepted by authorities for the penetration of the Hudson's Bay Company into the valleys of the Saskatchewan and Assiniboine rivers are 1793 and 1805 respectively.

next several years was the center of the fighting ground for the two great rivals. The first phase of the competition was decidedly in favor of the Montreal traders. The Hudson's Bay Company labored under several disadvantages, mainly financial.⁶

In spite of the keen opposition from the Hudson's Bay Company and the private trader the net gains of the Northwest Company increased greatly in magnitude.⁷ The apogee of its success, however, was reached in 1811. The circumstance which turned the tide of fortune for the Northwesters came in the form of a scheme to colonize the interior of British North America. The promoter of the project was Thomas Douglas, fifth Earl of Selkirk, who had already founded colonies on Prince Edward Island and at Baldoon in western Ontario. His much misrepresented purpose was to establish a settlement on the banks of the Red River for the unsuccessful Scotch and Irish peasantry, who were living in a most miserable state. After several unsuccessful attempts to interest the British government he turned his attention to the Hudson's Bay Company. First he intrenched himself in the company by becoming its principal stockholder. Thereupon in 1811, despite spirited opposition, he purchased 116,000

⁶*Report from the Select Committee on the Hudson's Bay Company*, 428; Beckles Willson, *The Great Company*, 2:123-129 (London, 1900). In 1809 the Hudson's Bay Company petitioned the chancellor of the exchequer for temporary assistance. After a careful consideration of the request the committee of the Privy Council for trade decided in the negative. The only consideration received by the corporation was permission to store furs free of duty for twelve months.

⁷In 1805 the "first" free traders made their appearance in the Red River Valley. These men were hunters, trappers, and *voyageurs* of the X. Y. Company who were discharged in the country upon the coalition of that organization with the Northwesters. Instead of returning to Canada they engaged independently in the fur traffic and centered their activities around the Pembina River. Alexander Henry, the younger, the principal Northwest Company trader at Pembina in 1805, complains that they were "as great a nuisance . . . as their former employers." He says that it was his policy "never to give a man his freedom in this country on any conditions whatever," and that he had "always found the benefit of such procedure." Coues, *New Light*, 1:269.

square miles of territory south and west of Lake Winnipeg. This was the vital region of the fur traffic.⁸ Lord Selkirk without delay proceeded to carry out his scheme for the proposed colony.

In the autumn of 1812 a small detachment of immigrants arrived on the banks of the Red River near its junction with the Assiniboine. Throughout the succeeding decade several more contingents came. The settlement of the West holds few tales more vivid and tragic than that of the Red River. The colony was planted directly across the path of the Northwest Company. From the beginning the company left no "means untried to thwart" this encroachment. It was convinced that the scheme of colonization was nothing more than a strategic move of the Hudson's Bay Company to obstruct its fur routes into the West and deprive it of its lucrative trading posts. It determined that the settlement should not succeed. An insidious struggle ensued between the two companies, the brunt of the depredations falling upon the innocent colonists. The climax was reached in 1816, when a murderous attack was made upon the colony by the Indians and half-breeds, the obsequious allies of the Northwest Company. Some twenty settlers were killed, including the governor. In 1817 and 1818 the imperial government intervened. Mutual restitution was made as far as possible and the sanguinary conflict stopped. Bitter antipathy, however, continued until 1821, when the two companies united and were reorganized under the name of the Hudson's Bay Company. The propitious coalition not only concentrated fur-trade activity but also made for the peace and prosperity of the incipient settlement.⁹

⁸ *A Narrative of Occurrences in the Indian Countries of North America, since the Connexion of the Right Hon. the Earl of Selkirk with the Hudson's Bay Company, and His Attempt to Establish a Colony on the Red River*, 3-5, appendix 1 (London, 1817).

⁹ *Narrative of Occurrences in the Indian Countries*, 9, 15, appendix 13; *Report from the Select Committee on the Hudson's Bay Company*, 395, 419, 428.

The Hudson's Bay Company in its grant of Assiniboia to Lord Selkirk in 1811 expressly reserved to itself two important prerogatives over the district, namely, "all rights of jurisdiction whatsoever granted to said Company by their Charter" and the complete monopoly of "trade and traffick." It was specifically stipulated that neither Selkirk nor his heirs nor his settlers should "carry on or establish or attempt to carry on or establish . . . any trade or traffick, in or relating to any kind of furs or peltry." These reservations constitute the company's first effort to safeguard itself against encroachments of the Red River inhabitants. During the first eight or ten years of the settlement's existence there was scarcely any attempt on the part of the colonists to infringe upon these restrictions, as the problems of colonization were paramount. In the three subsequent decades, however, colonization and the fur trade came into direct collision. The old Hudson's Bay Company directorate had accepted Selkirk's scheme of settlement only with great reluctance. The officials were thoroughly convinced that the purposes of colonization and the interests of the fur trade were incompatible. Owing, however, to the predominant influence of Lord Selkirk and to the current opposition of the Northwest Company, fur-trade activities were subordinated to colonization. Upon the death of Lord Selkirk in 1820 and the fusion of the Hudson's Bay and Northwest companies in 1821 "the interests of fur-trade once more predominated." ¹⁰

During 1821 and 1822 the population of Red River doubled. This resulted directly from the reorganization of the Hudson's Bay Company. Hundreds of its employees — English, Scotch, French-Canadian, and half-breed — were discharged from its service; others positively refused continued connection with a corporation under a title which they fairly despised. For the most part these traders, trappers, and

¹⁰ Oliver, *The Canadian North-west*, 1: 156, 160; Chester Martin, *Lord Selkirk's Work in Canada*, 34, 169-171 (*Oxford Historical and Literary Studies*, vol. 7 — Oxford, 1916).

voyageurs did not return to Canada. Some crossed over into the United States and became a valuable asset to the American Fur Company; others, together with a few Americans, in 1822 organized the Columbia Fur Company, whose chief establishment was strategically located on Lake Traverse. The majority, however, were content to take up permanent abode in or about Red River. Many of them intermarried with the Indians and a large half-breed population grew up. The importance of this new influx of settlers in the colony cannot be overestimated. These men, by nature a hunting and trapping people, found it extremely difficult to desist completely from participation in the fur traffic and to pursue the more domestic duties of permanent civilization. Out of these came the independent traders and merchants, and as early as 1822 several of them had already got into the field. Supplied with food, clothing, ammunition, and sundry other articles, they slipped out into the prairies and bartered with the Indians for furs. And, too, it was not long before they had built up a *sub rosa* trade across the border with the American fur-traders, with whom they had first come in contact on their biennial buffalo hunts into United States territory. When the local officers of the Hudson's Bay Company became aware of this traffic, which they termed illicit, methods for its suppression were immediately adopted.¹¹ Forty-nine of the leading inhabitants of the colony, twenty-five of whom were De Meurons or Swiss and the remainder Highlanders and Norwegians, were persuaded to sign an agreement binding the settlement not to "engage in the sale of spirituous liquors or the fur trade."¹² This agreement was never effective.

¹¹ William H. Keating, *Narrative of an Expedition to the Source of St. Peter's River*, 1:445 (London, 1825); Donald Gunn and Charles R. Tuttle, *History of Manitoba from the Earliest Settlement to 1835*, 224 (Ottawa, 1880); George A. Belcourt, "Department of Hudson's Bay," in *Minnesota Historical Collections*, 1:221 (St. Paul, 1872); Oliver, *Canadian North-west*, 1:226, 240-243.

¹² George Bryce, *The Old Settlers of Red River*, 6 (Historical and Scientific Society of Manitoba, *Transactions*, no. 19—Winnipeg, 1885).

The half-breeds maintained that they, as half-breeds, were in no sense bound to forfeit a natural right.

Even before 1822 the company began to concern itself with the approach of the Americans. As early as 1816 the American Fur Company established a trading post at Red Lake; it already had fur houses at Sandy Lake and on the St. Peter's River, now called the Minnesota; and in 1822 three more important posts were occupied between Rainy Lake and the Lake of the Woods.¹³

The illicit Red River fur-traffickers found their way into Minnesota by trails well traced. The Northwest Company had extended its enterprises to the Minnesota and Mississippi rivers, and in 1816 and 1817 the British trader, Colonel Robert Dickson, and his men were located on Lake Traverse at the head of the St. Peter's River. Dickson was used to getting his goods and supplies from the Selkirk colony, bringing them up the Red River "in carts made for the purpose." Usually four or five days were necessary for the journey. The Hudson's Bay Company also carried its operations up the Red River into Minnesota. In the spring of 1818 the company sent Louis Bellain and two other agents to the American Fur Company settlement at Red Lake. They defiantly bartered goods and liquor with the Indians and made preparation for a winter outfit near the lake.¹⁴

For an account of the De Meurons, see Alexander Ross, *The Red River Settlement; Its Rise, Progress, and Present State*, 40 (London, 1856).

¹³ Oliver, *Canadian North-west*, 1: 212; Chester Martin, "The Hudson's Bay Company's Monopoly of the Fur Trade at the Red River Settlement, 1821-1850," in Mississippi Valley Historical Association, *Proceedings*, 7: 258 (Cedar Rapids, Iowa, 1914); and the following letters in the letter books, known as the Mackinac Register, of the agent of the American Fur Company at Mackinac: Ramsay Crooks and Robert Stuart to John Jacob Astor, July 21, 1817; Crooks to Astor, June 21, 1819, and November 30, 1821; and Stuart to David Stone, May 19, 1823. The original letter books are in the Astor House at Mackinac; photostatic copies are in the possession of the Minnesota Historical Society.

¹⁴ "Pike's Explorations in Minnesota, 1805-6," in *Minnesota Historical Collections*, 1: 397-399 (St. Paul, 1872); *Niles' Weekly Register*, 14: 388

Commercial intercourse between the Red River settlers and the United States frontier settlements was started in 1820. In 1818 and 1819 grasshoppers completely destroyed the Red River grain crops. To secure a supply of seed grains, a body of settlers in the dead of winter went through the Minnesota wilds to Prairie du Chien on the Mississippi. The commodities purchased, consisting of oats, peas, wheat, and a few chickens, were loaded on three Mackinac boats and transported up the Mississippi and Minnesota rivers and down the Bois des Sioux and Red rivers to the devastated colony.¹⁵ This expedition is important, for it led to the establishment of a very extensive trade with the American frontiersmen.

The earliest Selkirk colonists brought over cattle and sheep from Scotland, but these were either killed or lost during the troubles with the Northwest Company. About 1819 British traders passed a few head of cattle from St. Mary's or Sault Ste. Marie through the United States Indian country to the settlement, but these did not meet all demands. Taking advantage of this opportunity for profitable trade, Alexis Bailly, an American half-breed trader, in 1821 drove a small herd of cattle to Red River and sold them, the inhabitants alleged, at exorbitant prices. In subsequent years a number of American stockmen bought up in Louisiana, Kentucky, and Missouri several droves of cattle and flocks of sheep and sold them in the colony at a goodly profit.¹⁶

Early in the spring of 1822 Alexander McDonell, governor of the Red River colony, John Pritchard, manager of the

(August 1, 1818); Eustache Roussain to George Boyd, July 17, 1819, and Crooks and Stuart to Boyd, July 14, 1819, Mackinac Register.

¹⁵ Henry H. Sibley, "Reminiscences; Historical and Personal," in *Minnesota Historical Collections*, 1:470 (St. Paul, 1872); Belcourt, in *Minnesota Historical Collections*, 1:220.

¹⁶ Keating, *Narrative*, 2:66; Sibley, in *Minnesota Historical Collections*, 1:469; Roussain to Boyd, July 17, 1819, and Crooks to Joseph Rolette, March 28, 1822, Mackinac Register. Frequent mention of cattle and sheep passing through Minnesota to Red River during the twenties is made by

Buffalo Wool Company, and James Bird, a Hudson's Bay Company chief factor, requisitioned of a Mississippi River merchant "sundry articles," the produce of the country, at the value of approximately forty-five hundred pounds. It seems quite likely that after several months of delay the order was filled and delivered at Fort Garry.¹⁷ By these several transactions American trade influence gradually advanced toward the British frontier and a new market was opened up to the Red River hunters and trappers.

Shortly after the death of Lord Selkirk the Hudson's Bay Company officials in Rupert's Land assumed a dictatorial attitude toward the struggling colony. It was feared that unless a "drastic management" was adopted, the settlement "would 'ultimately ruin the trade.' " The company's policy was always to keep the fur trade and the sale of goods and supplies exclusively under its control. Through chartered and licensed rights, it aimed to keep out all competitors, thereby making itself the sole market for the colony produce.¹⁸ But the opening of a Minnesota outlet proved a stimulus which saved the settlement from permanent inactivity.

Throughout the twenties the Red River traffickers enjoyed freedom of trade, except during 1822 and 1823, when there

Lawrence Taliaferro, Indian agent at Fort Snelling from 1819 to 1840, in his Journals. On at least one occasion Indians between St. Peter's and the Selkirk colony fell upon such an expedition, killing or driving off both cattle and sheep. See E. T. Langham to General William Clark, August 7, 1828, in the Taliaferro Papers. The Taliaferro Journals and Papers are in the possession of the Minnesota Historical Society.

¹⁷ Crooks to Maitlands Garden and Auldjo, March 28, 1822, Mackinac Register; Oliver, *Canadian North-west*, 1:253. Alexander McDonnell, John Pritchard, and a Mr. Logan, who is not mentioned in the Crooks letter, early in 1822 made application "to keep a store in the Colony for providing articles for the use of the settlers." The petition was referred to the Selkirk trustees. "On account of the new plan of obtaining articles from the Hudson's Bay Company," the concession was refused. The requisition for the goods and supplies from the United States had been made nearly a year before.

¹⁸ Martin, *Lord Selkirk's Work in Canada*, 171; *Report from the Select Committee on the Hudson's Bay Company*, 383.

was an attempt to extend the company's monopoly of trade over the colonists "even to the extent of forbidding them to buy horses, leather, or provisions from the Indians." This endeavor, however, came to naught. Captain Andrew Bulger, the Red River governor in 1822 and 1823, protested to the Selkirk trustees, who regarded the affair with enough concern to call the attention of the Hudson's Bay officials in London to it. At this the London directors caused the offensive restriction to be removed and wrote George Simpson, the governor of the company's territories, that the late proceedings in "the interest of the Fur Trade . . . were most unwarrantable as well as extremely imprudent and indiscreet." In the next year Simpson was further informed that the "Governor and Committee of the Company in London would 'not suffer the fur trade to oppose or oppress the Settlement, and if it be attempted, the expence of redressing the evil must and will fall on the fur trade as in Justice it ought.' " ¹⁹ From this date until the passing of the district of Assiniboia to the company in 1834, freedom of trade was more or less undisturbed.

Naturally, after the transfer, when the company attempted to establish civil government over the colony and especially to enforce its chartered privileges of trade, it was found difficult to conform the duty of legislator and administrator with the interests of the private trader. The very first act of the council on February 12, 1835, was the enactment of an impolitic tariff of seven and one-half per cent on the imports and exports of the settlement. The revenue collected was to be used in the payment of expenses incurred in the "maintenance of tranquility" and the enforcement of the "laws, rules and regulations." The main purpose of this tariff, although not so stated, was to enforce the Hudson's Bay Company's

¹⁹ H. G. Gunn, "The Fight for Free Trade in Rupert's Land," in Mississippi Valley Historical Association, *Proceedings*, 4:76 (Cedar Rapids, Iowa, 1912); Oliver, *Canadian North-west*, 1:240; Martin, *Lord Selkirk's Work in Canada*, 172.

commercial creed. It struck directly at the petty trader and merchant, who now was engaged in a flourishing smuggling traffic to St. Louis and St. Peter's and other American outposts. A bitter outcry of dissatisfaction arose throughout Red River, particularly from the French half-breed element. Mass meetings were held before the gates of Fort Garry and the repugnant regulation was openly and systematically violated. Finally, the leaders of the opposition petitioned Alexander Christie, the district governor, for its repeal. He advised them to pay the duty and "their request for exemption would meet with favorable consideration." With this promise the tax was paid, but the company said nothing more about exemption. In 1836, on the request of the London officers, the colonial council reduced the obnoxious tariff to five per cent and again in the next year to four per cent. It remained at this rate until Canada took over the territory in 1870.²⁰

During the first half of the Hudson's Bay Company's rule over the Red River there was constant friction between the independent traders of the settlement and the Fort Garry officials. In spite of the company's vigilance and obstructive trading measures, the free traders determined to continue their lucrative enterprises across the border; they would defy any attempt of the company to extend its monopoly. Quantities of furs — beaver, fisher, mink, marten, raccoon, and buffalo robes — and other native products were secretly carried over the boundary and exchanged for American produce. Usually the interlopers departed in the dark of night and avoided the accustomed trails so as to keep clear of the Fort Garry constabulary force. Pembina, on the American side, was the smugglers' rendezvous. Merchandise secured from Galena or St. Paul was left at Pembina until there was an opportunity to smuggle it into the settlement. Of course,

²⁰ Oliver, *Canadian North-west*, 1:267; Gunn and Tuttle, *Manitoba*, 286, 297; Gunn, in Mississippi Valley Historical Association, *Proceedings*, 4:81.

the trade into Minnesota involved many risks and dangers. The trails to the Mississippi led through a wild waste of country inhabited by numerous hostile Indian tribes. The American markets, nevertheless, were very attractive. Peltries and hides sold there at a much higher price than in the markets of the Hudson's Bay Company.²¹ The value of the Red River trade was as highly remunerative to the American settlements as it was to the Red River colony. Naturally, American merchants and traders encouraged and greatly aided "the success of these illicit enterprises."

Previous to 1829 the American Fur Company had established a fur-trading post at Pembina, only some seventy miles from Fort Garry.²² In 1840 Joseph Rolette, the son of the famous upper Mississippi British Indian trader of the early nineteenth century, was put in charge of the company's affairs in that region. So successful was he in competing with the Hudson's Bay Company and in sustaining the illegal fur traffic across the frontier that in 1843 he started a line of carts from Pembina to St. Paul. In the same year, however, the "Yankee trader," Norman W. Kittson, was made general manager of the American Fur Company's operations in northern Minnesota, and Rolette became Kittson's chief representative.²³ During the ensuing decade a hotly contested

²¹ Samuel Woods, *Report of Major Wood[s], Relative to His Expedition to Pembina Settlement, and the Condition of Affairs on the Northwestern Frontier of the Territory of Minnesota*, 14 (31 Congress, 1 session, *House Executive Documents*, no. 51—serial 577). Prices paid for furs by the American Fur Company and by the Hudson's Bay Company are compared in *Report from the Select Committee on the Hudson's Bay Company*, 283.

²² A manuscript trader's ledger kept at Lake Traverse from 1829 to 1831, now among the Sibley Papers in the possession of the Minnesota Historical Society, contains an "Inventory of Goods sent to the Big Fork of Red River—Sept. 18th 1829."

²³ Warren Upham and Mrs. Rose B. Dunlap, *Minnesota Biographies, 1655-1912*, 654 (*Minnesota Historical Collections*, vol. 14—St. Paul, 1912); J. Fletcher Williams, *A History of the City of Saint Paul, and of the County of Ramsey, Minnesota*, 48 (*Minnesota Historical Collections*, vol. 4—St. Paul, 1876); Woods, *Pembina Settlement*, 18 (serial 577).

trade war waged along the British line. Red River private hunters and trappers increased rapidly in number and became more determined in their secret enterprises. Kittson and his employees stimulated considerably the constant ferment in the Red River settlement. The American influence is incalculable. On March 2, 1846, Kittson wrote to Henry H. Sibley, partner and chief factor at St. Peter's of Pierre Chouteau, Jr., and Company of St. Louis, "We have created quite a censation in our favour in their colony, which is working strongly against them," meaning the Hudson's Bay Company.²⁴ Thus during the period from 1844 to 1849, numerous petitions signed by Red River half-breeds were sent to American governing officials requesting leave to establish themselves within the United States as citizens. The financial success of the American company in this fight is extremely doubtful. Although Kittson at the beginning of each season wrote Sibley letters that were full of optimism, the fur and peltry returns were nearly always discouraging.²⁵ Nor did the Hudson's Bay Company prosper; its losses were severe. It was the free traders of Red River who, in the end, actually reaped the benefits.

The tendency of the Red River traffickers to set at defiance the Hudson's Bay Company's fur monopoly did not pass unopposed. The company had no intention of placidly allowing itself to be dispossessed of its ancient rights and privileges. It determined to stop the unlawful traffic at all costs. Consequently, a more rigid system of espionage was adopted

²⁴ Sibley Papers; *Report from the Select Committee on the Hudson's Bay Company*, 135. In September, 1842, the American Fur Company broke up. In the next year Pierre Chouteau, Jr., and Company took over its business. The name American Fur Company was applied to this concern more commonly than its real name.

²⁵ John McLaughlin to James Buchanan, October 22. and November 14, 1845, in the archives of the United States Department of State, Miscellaneous Letters. The Minnesota Historical Society has copies of these letters. See also Kittson to Sibley, December 4, 1847, and April 6, 1848, and Belcourt to Sibley, January 15, 1848, in the Sibley Papers.

"which fell as hard upon the innocent as it did upon the guilty." On the slightest suspicion or provocation searches were made for the violators of the fur trade law. The settlers complained that traders on their trips to Minnesota who were suspected of having furs or peltries were stopped by armed police, their property was seized, and in many instances their trunks were broken open and the contents confiscated. In the colony, constables armed with muskets and bayonets searched the houses of the settlers for furs. If the inhabitants resisted these invasions, their huts were forcibly entered. "Every cranny and crevice that could conceal anything was turned inside out. Even the tall chimney that formed an indispensable feature of these humble homes was made to yield up its secrets; a stout pole, which invariably formed part of the armament of a deputation of this sort, being used for the purpose." Out on the prairies Cuthbert Grant, the warden of the plains, and his emissaries, conducted similar peremptory seizures. All peltries and skins found were confiscated and the offending culprits were either arbitrarily arrested and placed in jail to await trial or "made to suffer the pains and penalties on the spot." It was not at all uncommon for the violators of the fur law to have their shanties burned to the ground.²⁶

Despite this spirited reaction the independent traders steadily increased in numbers. They had no intention, moreover, of submitting complacently to the company's will. They persistently fought for their objective. The Fort Garry authorities, realizing that their adroit measures of espionage were inadequate, in December, 1844, ushered in a more restrictive and coercive system to suppress the clandestine practices. In this year Kittson had become well established at Pembina. He had successfully made fur-trading arrangements with Andrew McDermott and James Sinclair,

²⁶ *Report from the Select Committee on the Hudson's Bay Company*, 438; Gunn and Tuttle, *Manitoba*, 254-256, 296; Gunn, in *Mississippi Valley Historical Association, Proceedings*, 4: 84.

unquestionably the main leaders in the settlement who opposed the Hudson's Bay Company's monopoly in furs.²⁷ Half-breeds and other free traders daringly smuggled furs across the boundary; and Pembina became more and more a depository for contraband merchandise. Kittson wrote Sibley that he was sparing "no trouble in giving them [*the Hudson's Bay Company*] the 'Devil.'"²⁸

On December 7, 1844, Governor Christie issued a proclamation which denied to all persons who interfered with the company's fur-trade the right of importing goods from England by way of the company's ship. The proclamation reads:

Whereas certain persons are known to be trafficking in furs, I hereby give notice that . . . the Hudson's Bay Company's ship will henceforward not receive at any port goods addressed to any person whatever, unless he shall, at least a week before the day appointed for the departure of the winter express, lodge at the office of Upper Fort Garry a declaration to the following effect: "I hereby declare that . . . I have neither directly or indirectly trafficked in furs . . . moreover, if before the middle of August next I shall 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 of next season at York Factory for a whole year, or to purchase them at original cost of the goods alone."

Again on December 20, 1844, the governor ordered that all letters be sent to Fort Garry for perusal. "Every letter must

²⁷ McDermott to Sibley, June 3, 1844; Kittson to Sibley, May 7, 1844, July 16, 1844, September 10, 1845, Sibley Papers. McDermott, the "greatest merchant on the banks of the Red River," settled there in 1812. He served as councilor of Assiniboia for a number of years. In 1845 he was accused of violating the fur law and in indignation resigned from the Council of Assiniboia. From this time on he actively traded furs with Kittson. Sinclair, also a Red River merchant, incurred the displeasure of the company for trading illicitly in furs. Company officials on several occasions refused to import and export goods or dispatch mail for him. Oliver, *Canadian North-west*, 1:62; Martin, in Mississippi Valley Historical Association, *Proceedings*, 7:262.

²⁸ August 24, 1848, Sibley Papers.

have the writer's name written by himself in the left hand corner below," so that if he were suspected of trading in furs it could be opened and examined. Letters not addressed in conformity with this regulation were not dispatched. In less than three years, however, the measure became ineffective, for the free traders simply sent their mail by the Kittson express to Fort Snelling.²⁹

In the furtherance of this coercive policy, Adam Thom, the recorder of Rupert's Land, at a council meeting of June 16, 1845, proposed a new set of resolutions for the control and regulation of the imports to the settlement. At the council meeting of June 19, 1845, they were unanimously carried. Accordingly every British subject in the settlement who was an actual resident and not an illicit fur-trader was allowed to import once a year goods from Great Britain or St. Paul to the amount of ten pounds local value. But he had to declare that such imports were intended only for his own use. Further it was enacted that in case the inhabitant "personally accompanied both his exports and imports" and declared that such goods were "to be consumed by himself or to be sold . . . to actual consumers, within the settlement," he could import to the amount of fifty pounds local value. In the next month the governor and council levied a twenty per cent *ad valorem* impost on all goods and supplies from Great Britain and the United States for those persons suspected of trading in furs or of aiding others to do so. Those importers exempted from the tariff had to be licensed.³⁰

In addition to these various enactments there was another attempt made by the company to protect its monopolized rights. A new land deed was devised which made it obligatory for all those who would hold land to accept the following conditions regulating the indenture: The purchaser was not to deal

²⁹ *Report from the Select Committee on the Hudson's Bay Company*, 265, 272; Sinclair to Sibley, January 30, 1848, Sibley Papers.

³⁰ Oliver, *Canadian North-west*, 1: 317-319; *Report from the Select Committee on the Hudson's Bay Company*, 373.

in furs. He promised that he would not "without the license or consent of the said Governor and Company . . . carry on or establish, or attempt to carry on or establish in any parts of North America, any trade or traffic in or relating to any hind [*kind*] of skins, furs, peltry, or dressed leather, nor in any manner directly or indirectly aid or abet any person or persons in carrying on such trade or traffic." The purchaser was not to violate the company's exclusive privileges. He promised that he would not "infringe or violate the exclusive rights, powers, privileges, and immunities of commerce, trade and traffic, . . . of or belonging . . . to . . . the said Governor and Company." And lastly the purchaser promised that he would not "at any time during the said term [*one thousand years*], underlet, or assign, or otherwise alienate, or dispose, or part with, the actual possession of the said land hereby demised or any part thereof, for all or any part of the said term, or any interest derived under the same, without the consent in writing of the said Governor and Company." In case any of these provisions were violated, the deed was rendered invalid and the land was forfeited. The main purpose of the indenture is plain. It was just another attempt of the company to guard and restrict its fur privileges. Curiously enough, it did not have the desired effect. People simply squatted on the land without a deed.³¹

It is true that the colonists of Red River had no means of redress for their grievances. The only tribunal of justice was under the control of Recorder Thom. It need be no matter of surprise that Judge Thom should uphold the company's pretension to exclusive trade at the cost of the personal liberties of the inhabitants. As an employee of the company he naturally did not always take an impartial stand on such matters. Ultimately this coercion created a spirit of discontent and bad feeling among all the peoples of the settlement. Here-

³¹ *Report from the Select Committee on the Hudson's Bay Company*, 96, 361.

tofore the French and English half-breeds had held apart. Now they joined forces and made common cause of their grievance. They resolved that the Hudson's Bay Company should no longer destroy their personal liberty. They determined that every person who so desired should have free and full right in the pursuance of trade; in short, they decided that the great monopoly should end.³²

In the course of the strife occasional appeals were made to the Canadian and British governments as well as to the provincial authorities. In 1845 a number of half-breeds petitioned Governor Christie, urging him to answer definitely a number of questions pertaining to their rights and status. They urged that they, as half-breeds, were entitled to the same privileges as the aborigines. But the governor, in reply, stated that they, as half-breeds, did not "possess certain privileges over their fellow citizens, who have not been born in the country," and they could only hope to exercise the rights of British subjects. In answer to another query he stated that any purchaser of lands would have the right to trade in furs if he had not "willed" it away by assenting to any "restrictive condition." This "restrictive condition" referred to the new land indenture previously mentioned. But he went on to qualify the statement by saying that "such an assumption, of course, although admissible of itself, is inconsistent with your general views; the conditions of tenure . . . have always been well understood to prohibit any infraction of the company's privileges."³³

Of course the governor's reply did not satisfy the half-breeds and consequently the spirit of antipathy was not mitigated but embittered. Soon after, two petitions complaining of the onerous nature of the company's rule were framed

³² George Bryce, *The Remarkable History of the Hudson's Bay Company*, 443 (London, 1910).

³³ Alexander Begg, *History of the North-west*, 1:261-264 (Toronto, 1894).

respectively by the French and English inhabitants of the colony. They were presented to the imperial authorities on February 17, 1847, by Alexander K. Isbister, a London lawyer and an educator. Isbister was a half-breed who was born in Rupert's Land and educated in England. He naturally sympathized with the Red River settlers and actively aided them in winning freedom from the company.

The colonial office, in response to the memorials, proposed to get a more definite and accurate statement of the charges made by the complainants. Isbister interpreted the letter from Earl Grey, secretary of state for the colonies, of February 2, 1848, to mean that the imperial government intended to send an investigating commission to the Red River colony. He complained that such a commission would be unsatisfactory as it was likely to be influenced and prejudiced by the Fort Garry officials, in so far as it would be dependent upon the company "for conveyance and support." Earl Grey, on February 17, 1848, informed him that the colonial office did not "contemplate the appointment of a 'Commission of Inquiry' into the allegations against the Hudson's Bay Company." But in the meantime, letters of inquiry were dispatched to Lord Elgin, governor-general of Canada, Governor W. B. Caldwell of Assiniboia, and Sir John H. Pelly, London governor of the Hudson's Bay Company. Pelly denied the various accusations. The reports of Lord Elgin and Governor Caldwell were favorable to the company. After these returns, fierce arguments ensued for some time. Both parties secured testimonies from various interested friends. Isbister, the principal spokesman for the colonists, went so far as to question the validity of the company's charter. Finally, Earl Grey informed Isbister that the validity of the company's charter, recognized by the Acts of Parliament, was beyond question. He considered that there "were no grounds for making an application to Parliament on the subject of oppression alleged . . . to have been suffered by the inhabitants of the territory over which

the powers of the Hudson's Bay Company extend." Earl Grey concluded by saying that he felt sure that the company would willingly "consider any representations which might be made of substantial grievances." ³⁴

With this disposition of the matter Isbister was not satisfied. He continued to keep in touch with the Red River people and to advocate their cause. At last, on July 5, 1849, the British House of Commons addressed the Crown for an inquiry "to ascertain the legality of the powers in respect to territory, trade, taxation, and government . . . claimed or exercised by the Company . . . in North America." The Crown assented to the investigation. Earl Grey accordingly asked the Hudson's Bay Company for an *ex parte* statement of those claims. Its report was laid before the imperial juriconsults, Sir John Jervis and Sir John Romilly, on October 30, 1849, for examination. They were of the opinion "that the rights claimed by the Company properly belonged to them." They suggested, however, that if it were thought desirable the question might be referred to the judicial committee of the Privy Council by means of a petition to the Crown embodying the charges against the company. Earl Grey then asked Isbister if he would appear as a party to the prosecution. This he declined. The chief reason for the refusal probably was that the party who prosecuted had to defray all the expenses of the investigation. ³⁵ Isbister and other interested friends did not see their way clear to do this and so the inquiry ended abruptly in 1850.

During the interval between the preparation of the petitions and their submittal to Earl Grey the home government sent out to the colony a regiment of soldiers under the command of Colonel J. F. Crofton. In the autumn of 1846 military government was proclaimed and the dissidents were quieted

³⁴ *British Parliamentary Papers*, Commons, 1849, 1 session, 35: 6-9, 18, 20-47, 97-100, 101, 113.

³⁵ *British Parliamentary Papers*, Commons, 1850, 38: 3, 6-10, 13.

for the time being.³⁶ But just as soon as the troops were withdrawn in 1848, the excitement began again. True enough, some fifty-six pensioners under Caldwell replaced the British regulars, but the pensioners "were neither respected nor feared," and the illegal fur-traders became more open in their clandestine operations.³⁷

The American Fur and Hudson's Bay companies' fur-trade fight lent itself advantageously to the success of the Red River traders. This competition was the most important single factor in the gaining of freedom of trade. In the spring of 1849 there was considerable commotion in the settlement. Guillaume Sayer and three other half-breeds were arraigned before the court of Assiniboia charged with illicit trafficking in furs. The half-breeds and other free traders determined that in case of conviction no punishment should be inflicted and that if they could not prevent punishment by quiet means they would resort to violence. On the day set for the trial the excitement was intense. Under the leadership of Louis Riel, father of the Red River rebellion leader of 1869, some five or six hundred half-breeds armed with guns "assembled in a mob around the court house, and fired several volleys of musketry." The court was intimidated. In the *Minnesota Pioneer* a contemporary describes humorously the fright of one Judge Hugh Poleson. "Poleson . . . was seized with a panic in his body and limbs, besides feeling rather uneasy *himself*. His Honor felt like taking an airing — fatigued probably with the confinement of the court house, concluded to get away from the 'noise and confusion;' or perhaps he

³⁶ Kittson wrote to Sibley on February 11, 1847, that "the arrival of troops has created a great change in the settlement, and one of the greatest is the reducing the inhabitants to a state of starvation." Without doubt this statement is extreme. Sibley Papers.

³⁷ John McLaughlin, a Red River free trader, wrote to Sibley on June 10, 1848: "We are to have a lot of old pensioners and their families amounting to nearly 500 souls in all saddled upon us in lieu of the troops at present stationed here." Sibley Papers.

felt disgusted with the drudgery of business — or — well, no matter why; his Honor was taken with a sudden leaving. With most uncharacteristic liberality, he paid a by-stander \$5 to take his seat on the bench (a bass-wood man might have answered the same purpose), and sneaked out through the crowd; mounted his horse and fled at full speed." The jury found Sayer guilty but he escaped punishment and was set free. At this the half-breeds considered that they had gained their objective — free trade — although the court had made no mention of free trade in the future. Like wildfire the cry, "Le commerce est libre — vive la liberté," spread throughout the land, and the outcome was freedom of trade.³⁸ From henceforth the company's fur monopoly in the Red River settlement was a thing of the past, and the creaking Red River carts continued to make their way over the level plains and down the valley of the Mississippi to St. Paul.

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³⁸ *Minnesota Pioneer* (St. Paul), July 26 and August 2, 1849; Martin, in Mississippi Valley Historical Association, *Proceedings*, 7: 264.



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