INVENTING “CRIME” IN A LAWLESS LAND: LEGAL CONFLICT, RACIAL FORMATION, AND CONQUEST IN THE NORTH AMERICAN INTERIOR

BY

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DISSERTATION

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ABSTRACT

This dissertation analyzes the changing political relationships between European agents of empire, who were usually associated in some way with the fur trade, and indigenous peoples of the continental interior north and west of Lake Superior. It examines the period between the fall of New France in 1763 and the invasion of the Canadian and American settler states in this area around 1850. It argues that British and American administrators transformed the fur trade from a system by which they managed political alliances with indigenous peoples to an instrument by which they claimed absolute territorial sovereignty over spaces delineated by international boundaries. By the 1810s, the British fur-trading companies were learning that they could no longer mobilize indigenous allies to use against their rivals, who were now British subjects. Diplomatic and political strategies deployed during the era of imperial rivalries were considered criminal and perhaps treasonous. When the Hudson’s Bay Company ascended to power in 1821, it developed a legal infrastructure that included a colonial jurisdiction, enforcement of the boundary line with the United States, and a racial hierarchy in which the “Natives” were considered dependents on the company and the Métis as “half breed” subjects who had no claim to land and independence as indigenous peoples.

In this project, I examine propaganda published by fur-trading companies, records from the Hudson’s Bay Company archives, and fur-trade narrative to analyze how this transformation played out in multiple arenas. Despite the loss of their French allies, indigenous peoples insisted that the fur-trade represented a political, social, and economic institution, despite traders’ new assertion that they simply owned debts against indigenous communities. In the metropolitan centers of Montreal and London, powerful British fur-trading companies attempted to legitimate their territorial claims by defining who could be defined as British subjects, “Natives,” “half
breeds,” and Métis. The Métis continued their assertions of sovereignty throughout the
nineteenth century, and in response, the HBC undermined the Métis as “half breeds” to eliminate
any competing claims to land in the interior. Finally, indigenous groups living along the
boundary line attempted to retain political sovereignty and autonomy despite the American and
British projects of dividing their lands. Not a precursor to or a separate world outside of the
developing settler states, this dissertation argues that the structure of the fur trade mirrored racial,
political, and legal hierarchies developing across North America and the world.
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INTRODUCTION: THE CHANGING SHAPE OF THE FUR TRADE

Between the fall of New France and mid-nineteenth century, the strategy by which the British claimed sovereignty to the North American interior northwest of the Great Lakes underwent a massive structural transformation. The Crown replaced the French system of claiming sovereignty by managing alliances with indigenous peoples with their own invention: a claim to sovereignty based on property rights and race. This transformation both extinguished the rights of indigenous peoples and laid the groundwork for claims to be mounted across the continent by both Canada and the United States.

This process was neither quick nor uncontested. When the French Empire fell, it left a vacuum of territorial claims in the interior over which British trading companies with headquarters in Montreal and London sought to stake ownership. Vestiges of the French alliance system remained as indigenous peoples insisted that British fur traders enter into political relationships prior to trade. British traders, however, sought increasingly to solidify claims to the northwest at the expense of their competitors. While they continued to form outwardly political relationships with indigenous communities, their motivations for doing so began to change after 1763.

This dissertation analyzes the political and legal complexities that white fur traders and indigenous peoples encountered during this period of transition. It explains factors that contributed to a change in British and later American administrators’ attitudes towards the trade. First, the imperial rivalry between two international powers, the British and French Empires, gave way to a rivalry between British fur companies whose ranks were filled with British subjects. British companies approached the interior with their own organizational frameworks. When the Montreal-based traders were coalescing into the North West Company (NWC) during
the 1770s and 1780s, the company reconstituted the French fur trade system that preceded it due to the prevalence of family connections within the company and the tendency of traders to overwinter in the interior, when they formed relationships with indigenous peoples.\textsuperscript{1} While NWC officers in the field more aggressively asserted rights to trade in the interior based on interactions with Native peoples, the Hudson’s Bay Company responded to the interference of the Montreal-based British traders by beginning a campaign of inland expansion during the 1770s, which contradicted their long tradition of only keeping posts open at the mouths of rivers that drained into Hudson Bay. They instituted this new approach by redefining the indigenous peoples of the northwest as the bottom strata of a vertical hierarchy. In this new vision, “civilized Europeans ruled and “developed” the land, while “savage” Indians provided specific kinds of labor.

Because of the contested nature of the commerce, fur-trading companies continually reinforced their legal rights to operate in the northwest. This reinforcement manifested itself at all levels of the fur trade: in relationships between fur traders and indigenous communities, interactions between fur traders, in company propaganda published in London and Montreal, in debates in legal arenas such as Parliament and courts, and in correspondence between company and imperial officials. Beginning in 1811, the HBC increasingly argued that it possessed the exclusive right to trade in the interior or, as they called it, Rupert’s Land. Company officials based this claim on the royal charter issued in 1670 that endowed the company with a monopoly to trade, colonize, pass laws, and explore all the lands that drained into Hudson Bay.\textsuperscript{2} The HBC asserted their property rights, thereby excluding the Montreal “interlopers” from their lands,

\textsuperscript{2} Frank Tough, “Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada’s Acquisition of the Hudson’s Bay Company Territory,” \textit{Prairie Forum} 17 2 (Fall 1992), 229-230.
despite the latter’s long-standing alliances with interior tribes. In effect, the HBC defined itself as the “sovereign” authority over its holdings.

Several different pillars formed the basis of NWC claims. Spokesmen maintained that they conducted their trade on territories that were open to all British subjects, even if they sought to control that trade entirely. Furthermore, the NWC possessed the knowledge to form alliances with indigenous groups who could protect the interests of the British Empire, a strength the HBC sorely lacked. Lastly, they argued that they were actually first in the country. The HBC’s charter went into disuse precisely because the company had failed to colonize the interior, while the NWC was carrying on a vigorous trade uncontested and under the HBC’s noses.

As these companies descended further into conflict, it was becoming clear that British subjects could no longer battle each other for control. From the British perspective, political legitimacy based on relationships had totally given way to this newer form of sovereignty based rights to territory. In 1821, the HBC absorbed the NWC and thus their view of chartered rights would define relations in the interior. George Simpson, the new governor of the HBC’s Northern Department, implemented a project to economize the fur trade often known as retrenchment in which he closed posts, laid off unnecessary employees, regulated prices, mandated standardized accounting books and post journals, and reduced the amount of gifts offered to indigenous groups who visited the posts to trade.³ The fur trade assumed a distinctly business-like appearance during the forty years of his rule. But the effects of these economies extended beyond the company balance sheet. These changes were politically significant for indigenous peoples as the fur trade was no longer based on alliances. They could no longer form connections with outside entities. Indigenous groups would now be defined as dependents, similar to subjects, who

relied on the posts for survival, and intimate relationships should be formed with them only to facilitate trade.\(^4\)

In spite of the HBC’s claims that they were forming a civil society at Red River and a legal order across the west, this project demonstrates indigenous peoples continuously asserted their sovereign status in the face of the territorial claims of British and later American trading companies. Indeed, indigenous people’s assertions as sovereign groups complicated company attempts to redefine traders’ relationships with them. It is impossible to understand the company’s claims to sovereignty without taking into consideration the general resentment that indigenous peoples expressed when these companies moved to subordinate them. Before and after 1821, indigenous communities approached the fur trade as an institution that was imbued with social, economic, sacred, and political significance. The reorganization of fur-trade companies in distant cities did little to change how indigenous peoples approached their relationship with fur traders. When the HBC sought to regulate indigenous movement across the boundary line with the United States, groups close enough to the border preserved their autonomy by maintaining connections and alliances with each other as they had in the past. These connections assumed added political meaning as British fur traders sought more and more to control the movements of hunting bands who maintained relationships with multiple traders. Indigenous groups saw little reason to forfeit their political independence in order to obey a set of fur traders whose interests shifted from forming relationships to controlling indigenous lands.

The HBC countered this resistance with the language of race. The HBC found that it needed to devise instruments of social control in order maintain its rule over indigenous peoples. A key element of the HBC’s rule was the development of a racial hierarchy that deployed

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notions of “savagery” and “civilization” to categorize all the peoples of their realm. In so doing, company officials defined who constituted “civilized” British subjects who were integrated into HBC jurisdiction and “Natives,” who were separate communities who were dependent on the Crown. The separation of “civilized” and “savage” was a matter of a question of culture. For those born in the country, if they took after their mother’s indigenous group, then they qualified as a “Native.” For those who did not conform to that basic idea, then they automatically forfeited their “Native” status. However, not all indigenous peoples accepted the identities assigned by the Hudson’s Bay Company. By 1816, the Métis emerged as a vocal opponent to the HBC’s regime of territorial sovereignty by claiming that they had rights to the soil around the Red River valley as a Native people. The HBC outright denied this claim, instead viewing them as the dependents of their rivals, the NWC, and later their own company. The HBC insisted that the Métis were in fact British subjects, who fell under company jurisdiction at Red River settlement. The HBC found a potent weapon in the language of subjecthood as this category automatically assumed that the Métis could no longer make a claim as an Aboriginal group. This point was debated throughout the company period to be resolved only by the resolution of both parties to accept their own definitions. By 1850, the HBC could no longer control the trading activities and movements of the Métis, but they still considered them subjects to the Crown, while the Métis refused to accept company’s pretense that they owned the interior.

As the fur trade world was integrated into the rule of a single colonial entity, the HBC developed notions of crime and criminality in relation to categories of race. These were also intended to legitimate the company’s authority. During the period of NWC dominance, it was more common for indigenous peoples and fur traders to resolve conflicts using negotiations and customs or by the unilateral use of force by the fur trader. After 1816, HBC actions worked in
concert with transformations to definitions of crime emerging globally. Historians of crime have observed how the categories of crime emerged with the rise of the accumulation of capital and the enclosure of lands. Douglas Hay identified criminal law in Early Modern England, not as a neutral set of rules intended to benefit all of society equally, but as a means by which the ruling and emerging merchant classes maintained control over the lower classes. Hay writes that “the law defined and maintained the bounds of power and wealth” through an elaborate set of court rituals that impressed upon poorer Britons the power of the state. Several kinds of activities of the lower orders became criminalized during this period, such as smuggling, poaching, and plundering. The HBC had hoped that the importation of laws to the Red River colony would imbue a sense of respect and reverence for the company’s authority, which was often openly flaunted in the faces of its agents at company installations.

Throughout the nineteenth century, the HBC attempted to strengthen its colonial jurisdiction at Red River by outlawing activities that defied the company’s chartered privileges. Within this context, Métis “criminal” activities became organized to the point that they represented a kind of “banditry” that was aimed to undermine company authority. In Primitive Rebels, Eric Hobsbawm claimed that the “social bandit” was a “pre-political phenomenon” in peasant societies in which the lack of cohesion allowed outlaws to thrive. Hobsbawm asserts that “the future lay with political organization” for those groups for whom the actions of individual bandits could no longer offer succor in oppressive condition. Donald Crummey’s edited volume examines the applicability of the social bandit concept to colonial contexts in Africa. Developing this concept further, Crummey argues that “judgments about ‘disorder’ and ‘uncontrol’ betray

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more about the class prejudices of those who make them than they do about the people themselves.”

In Allen Roberts’s examination of Tabwa resistance in the late nineteenth century, the boundaries between political and social protest become ambiguous as issues of “authority and power” constituted the root of conflict between indigenous peoples and the emerging colonial state. Taken together, the book argues that the social, political, and economic change introduced by global capitalism and imperial rule are only comprehensible when taking into consideration the resistance that it generates among colonized peoples. Uses of the law are necessary for understanding these changes as “criminality, property relations, and class rule are intimately interconnected.”

In Rupert’s Land, however, Métis resistance from its inception was consciously a political phenomenon and was interpreted as such by the HBC. Examining the context of nineteenth-century colonial India, Ranajit Guha criticizes Hobsbawn’s formulation of the social bandit as representing a pre-political figure. Guha argues that British rule in India as a “semi-feudal relationship which derived its material sustenance from pre-capitalist conditions of production” through a “composite apparatus” that dominated politics, the economy, and the law. Peasant insurgencies were conscious political decisions made by those subordinated to colonial authority. Guha contends that, while a peasant insurgency in India might be local in scope, “by trying to for a mutual substitution of the dominant and the dominated in the power structure it left nothing to doubt about its own identity as a project of power.” Like

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10 Ranajit Guha, Elementary Aspects of Peasant Insurgency in Colonial India (Durham: Duke University Press, 1999), 6, 8.
11 Guha, Elementary Aspects, 9.
insurgencies in India, Métis protests during the nineteenth century bore a similar political character as the Métis consistently protested the HBC’s “composite apparatus” of control. Métis nationalism might not have been fully formed until the late nineteenth century, but that did not make their actions earlier in the century any less political.

The Métis before 1850 sought to work outside and against the legal system imposed upon them by the HBC, and there were many instances of organized protests against the company along with probably innumerable ones not recorded in the archives. The fact that the Métis would only rebel against colonial authority with the imposition of the Canadian state later in the nineteenth century should not obscure the fact that the HBC attempted to suppress Métis autonomy by categorizing their economic and political activities as criminal. Vastly outnumbered, HBC eventually found that it lacked the military power to force the Métis to obey its laws. Douglas Hay writes that the “law was crucial in sustaining the hegemony of the English ruling class” because it “made it possible to govern eighteenth-century England without a police force and without a large army.” In this regard, the HBC project of establishing the “criminality” of actions like smuggling and robbery was an utter failure. Unlike many Britons probably did, the Métis rejected the legal legitimacy of the HBC altogether, thus also rejecting those laws that were intended to maintain the company’s advantages of property over its subjects.

Lastly, competition with the expanding settler community in the United States encouraged the HBC to emphasize its claims to property. The expansion of the United States generated concerns amongst both British trading companies that the republic might take control of the continental interior. Following the American Revolution and the subsequent frontier

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violence along the Ohio River, the American Government began to regulate the fur trade more closely in the form of the Trade and Intercourse Acts.¹³ This legislation formalized what was known as “Indian Country.” These were lands over which indigenous nations retained their title, but the federal government claimed ultimate sovereignty and regulated commerce and law between white traders and Native peoples. Increasingly after the War of 1812, British fur traders observed the boundary line with more rigor in order to avoid conflict with the Americans, which might provide the United States a reason to invade British-held territory over which the Empire possessed little coercive authority. At this point, American traders viewed the lands south of the boundary line as American territory over which they had yet to treat with indigenous groups. They were both interested in protecting American sovereign rights to land as well as destabilizing British claims to authority. The HBC found itself constantly responding to the duel threat of independently motivated indigenous groups on the one hand and American traders attempting to weaken its monopoly on the other.

**Discussion of Literature**

For generations, scholars have viewed the fur trade – or the manifestation of European and American empire in North America – as primarily a social and economic institution. While these emphases have undoubtedly enriched our understandings of the fur trade in directions not afforded by previous work that had viewed the fur trade through the lens of the historical ‘conquest’ of the continent and as the first successive waves to “civilization” that extended the

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western frontier. It has avoided a discussion of the the dynamic and changing political and legal facets of the fur trade as they came to include both indigenous and white actors.

Fur trade historians in the early twentieth centuries were mainly concerned with its economic dimensions that revealed how the actions of white men shaped the history of the North American continent. Harold Innis’s study, *The Fur Trade in Canada*, represented a systematic analysis of the British fur trade from the seventeenth century well into the industrial period.14 Innis contended that the fur trade united the western portions of North America influencing the development of the Canadian state. From this economic perspective, the fur trade expanded farther west – particularly during the period of intense company rivalry in the early nineteenth century – in order to exploit areas that were increasingly distant from imperial centers yet were home to the most valuable fur bearing animals. E. E. Rich continued this tradition by demonstrating that, throughout its history, the HBC could defeat its British rivals, subdue its American competition, and pacify indigenous communities including the Métis by influencing the actions of Native hunters by setting artificial prices.15 While Rich would later make contributions to understanding indigenous history, the bulk of history is concerned with the rivalries between white men, and how these conflicts shaped the fur trade and the historical development of the interior.

With the rise of new social history, historians of the fur-trade modified their questions and interpretations to study the vast multitudes of indigenous peoples who did not leave behind written records. These historians emphasized cooperation over conflict in relations between Indians and whites.16 Arthur Ray centered economic transformations in his work, although it

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marked a great departure as it focused exclusively on indigenous peoples.\textsuperscript{17} Ray studied the interplay between economic and ecological changes to understand their impact on political relations between indigenous peoples. Rather than the passive backdrop to fur-trade history, he placed indigenous peoples at the center stage by attempting an analysis of their actions and motivations in changing historical circumstances. Later, Ray and Donald Freemen revealed that indigenous economic power could shape the fur trade in unpredictable ways: as economic agents they behaved as discerning consumers yet did not necessarily participate in the fur trade as proto-capitalists who sought to amass surpluses.\textsuperscript{18} More recently, Ann Carlos and Frank Lewis have used HBC ledger sheets to suggest that the height of prosperity for indigenous peoples in the fur trade occurred during the eighteenth century.\textsuperscript{19}

Social historians also interrogated the roles of indigenous and white women in the fur trade. They now interrogated the social institutions of the fur trade, including the church and marriage. Sylvia Van Kirk and Jennifer analyzed Hudson’s Bay Company and NWC records to show that fur traders were largely motivated by family interests. However, they differed in their focus. Sylvia Van Kirk emphasized the changing roles of women and marriage in the fur trade, while Jennifer Brown was more interested in the structural composition of the competing companies.\textsuperscript{20} While marriage and sexual relations constituted the root of her analysis, she examined how these institutions were shaped by the different organization of the companies.\textsuperscript{21}

\begin{footnotes}
\footnotetext[17]{Arthur Ray, \textit{Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of Hudson Bay} (Toronto: University of Toronto Press, 1976).}
\footnotetext[18]{Arthur Ray and Donald Freeman, \textit{Give Us Good Measure: ' An Economic Analysis of Relations Between the Indians and the Hudson’s Bay Company before 1763} (Toronto: University of Toronto Press, 1978);}
\footnotetext[20]{Sylvia Van Kirk \textit{“Many Tender Ties:” Women in Fur-Trade Society, 1670-1870} (Winnipeg: Watson & Dwyer, 1980).}
\end{footnotes}
These studies proved hugely influential in both the ways future scholars would view the fur trade as a social formation bound together through kinship networks. For example, Susan Sleeper-Smith’s work elaborated on the model set out by Van Kirk and Brown. Sleeper-Smith reveals that the Catholic Church and networks of godparenting formed the basis for a regional fur-trade network in the Western Great Lakes in which indigenous women acted as gate-keepers to the trade. Anne Hyde recently suggests that a world of family relations tied together social relations in areas west of the Mississippi River prior to the emergence of the settler state.

Fur-trade histories have become more interdisciplinary in order to analyze the previously unexplored cultural elements of the fur trade. Carolyn Podruchny’s *Making the Voyageur World* explores the culture of French Canadian laborers within the trade, including their system of beliefs, their norms and values, and daily life at the posts and on the canoes. A recent collection of essays, *Gathering Places*, pays homage to Jennifer Brown’s influence on fur-trade historiography. The collection in particular interrogates expressions of identity in contexts consisting of actors from multiple cultural backgrounds and their relationship to power and representation. The essays focus on the negotiation of identity in the complex and heterogeneous world of the fur trade. Here, the personal is interwoven with broader historical movements.

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Of course, it is not accurate to say that historians and ethnohistorians working on the late eighteenth and early nineteenth century northwest have totally ignored the political aspects of the fur trade. In his classic article, E. E. Rich outlined the political transformations initiated by indigenous peoples upon the opening of the HBC trade in 1670. He analyzed the expansion and dominance of the Cree and Assiniboine as they came to monopolize the carrying trade, and the effects that this would have on political relations between indigenous groups. On a smaller scale, Bruce White has examined how political concerns shaped the interpersonal dynamics between indigenous and white traders in the late eighteenth and early nineteenth centuries. Yet, historians generally divide the history of the northwest into two camps: indigenous histories that were little affected by European intrusions, and European histories that had little to do with indigenous peoples. Perhaps this tendency in the scholarship is best articulated in Gerald Friesen’s classic overview of the Canadian Prairies. This book contains two chapters: “The natives’ fur trade 1640-1840” and “The Europeans fur trade 1640-1805.” Friesen writes that “To walk from the Indian encampment to the palisades at York Factory was to move from one way of life and one set of assumptions to another that was radically different.” While Friesen asserts the case that scholars have studied the interactions between indigenous and Europeans in depth, it does seem that the world of the fur trade as it existed on the ground had little effect on the wider world or even the upper levels of management within these companies.

While forming its own subset of scholarship, historiography on the fur trade has always been inextricably linked to the broader fields of Native North American history. With the rise of

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the “New Indian history” in the 1980s, scholars became more interested in the vital ways in which indigenous peoples shaped the course of American history. This work centered indigenous histories to explain how the process of empire in North America transformed indigenous societies. Most importantly, these scholars revealed that the colonization of North America was not a one-way street in which indigenous groups rapidly became dependent on European trade goods before they quickly and inevitably disappeared.

Historians such as Daniel Richter, Gregory Dowd, Daniel Usner, and James Merrell revealed that European colonizers were forced to grapple with the political demands of indigenous peoples at key points during the colonial period, and in turn, the colonialism generated spiritual, social, cultural, political, and economic transformations indigenous peoples. Far from being isolated and unsophisticated tribal societies, these historians all described a larger indigenous world in which indigenous peoples formed political relations—usually inflected as relations of kinship—across the North American continent to meet in order to respond to the vast disturbances produced by colonialism. In his foundational study, Richard White’s The Middle Ground examined the dynamics that formed the foundation of political relations between French and British colonizers at a period in Great Lakes history in which European colonizers could not force their agendas on indigenous societies. Instead, indigenous peoples and the French developed “creative misunderstandings” through which they negotiated the terms of their political alliances, their trade relationships, and their everyday intercultural interactions.

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Since White’s contribution, historians have “faced east from Indian country” in ways that contest the application of White’s ideas to other contexts.\textsuperscript{31} These works have tended to argue increasingly that North America was in fact an indigenous space for much of the colonial and early national period. On this “Native Ground,” European colonizers lacked the coercive power to force indigenous peoples to adapt to European political, social, and diplomatic conventions.\textsuperscript{32} Indeed, in the case of the colonial southwest, Spanish colonizers likely misinterpreted indigenous diplomatic protocols because they only understood the world through their own cultural frameworks structured by patriarchy, which blinded them to the critical role that women played in forming peaceful political relations.\textsuperscript{33}

Historians have emphasized recently how indigenous political power shaped colonial institutions in North America. This work has scrutinized the political and social structures of indigenous studies to demonstrate the shortcomings of European observations of Native peoples. By centering indigenous social and cultural understandings, the newest scholarship actively seeks to disrupt the colonial assumptions of historical observers. Pekka Hamalainen claims that a powerful Comanche Empire developed during the eighteenth and early nineteenth century in the southwestern borderlands and that this borderland came to dominate other indigenous peoples and agents of the Spanish Empire.\textsuperscript{34} Farther north, Michael Witgen and Heidi Bohaker show us that an immense social world connected Anishinaabeg peoples across the Great Lakes.\textsuperscript{35} Far

\begin{itemize}
\item Pekka Hamalainen, \textit{The Comanche Empire} (New Haven: Yale University Press, 2008).
\item Heidi Bohaker, “‘Nindoodemag’: The Significance of Algonquian Kinship Networks in the eastern Great Lakes Region, 1600-1701,” \textit{William and Mary Quarterly} 63 1 (Jan. 2006), 23-52; Michael Witgen, \textit{An Infinity of Nations: How the Native New World Shaped Early North America} (Philadelphia: University of Pennsylvania Press, 2013);
\end{itemize}
from losing a sense of their ethnic or tribal identity as Richard White believed, this scholarship pushes us to understand that indigenous political and social practices probably assumed forms that were unfamiliar to the French and British colonizers. The very strength of these systems rested in their ability to reconstitute themselves according to historical exigencies and crises.

While this dissertation structures many of its ideas around the interpretations of these scholars, it also takes into consideration recent work that has emphasizes the role of violence and destruction that inhered in European colonialism. Writing about the colonialism in the Great Basin, Ned Blackhawk asserts that this “history becomes accessible only through analyses of the shifting relations of violence that remade the Intermountain West during the Spanish colonial era.” 36 Blackhawk asserts that the introduction of colonial markets reshaped the daily lives of indigenous peoples who needed to adapt to the Spanish trade in goods and slaves. Indian-Spanish alliances frequently upset political relationships between indigenous groups as the Spanish introduced new conditions for survival for indigenous groups. Suffusing the expansion of the settler state in the nineteenth century, “violence enabled the rapid accumulation of new resources, territories and subject peoples.” 37

Similarly, Robbie Ethridge applies the idea of the “shatter zone” to the colonial southeast to explain the broad historical processes that remade indigenous societies in that region. 38 The concept of the shatter zone offers a helpful framework to understanding the forms of violence

37 Blackhawk, Violence over the Land, 9.
brought about by European colonialism. Depopulation owing to disease and the rise of the trade in European goods and slaves encouraged violence and warfare between indigenous groups. This integration into a world system of capitalism through the fur and slave trade “was one of the fundamental causes for the collapse and transformation of the Mississippian world” and by extension other indigenous contexts throughout North America. While slave raiding did not occur on the order of the southeast, the indigenous peoples of the northwest found themselves captives to a similar dynamic as the fur trade radically transformed relationships between groups. It was this shifting political landscape that agents of the AFC, NWC, and HBC attempted to master.

The devastating effects of colonialism also played a determining role in shaping the identities of indigenous peoples across the continent. James Sidbury and Jorge Canizares-Esguerra argue that new ethnic groups emerged in the borderland spaces throughout the period of colonial expansion. They note that pan-Indian identities began to form with greater consistency following the defeat of the French in 1760, when indigenous peoples now faced a single source of colonial authority. James Sweet elaborates on this hemispheric view of ethnogenesis by asserting that “violence and power nevertheless loom large” within the process of reforming ethnic identities. In regards to the creation of new ethnicities in the Atlantic World, Sweet argues that “social and cultural histories of the Atlantic too easily obscure the politics of power and violence that spawned Hybridge, creole, cosmopolitan(choose your own feel-good term) new peoples.” This dissertation uses these frameworks for understanding the violent struggles for

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42 James Sweet, “The Quiet Violence of Ethnogenesis,” *William and Mary Quarterly* 68.2 (April 2011), 209, 212.
power unleashed by capitalism to suggest that Métis ethnogenesis and political maturation was a response to the colonial project of the HBC to legitimize its own brand of colonial rule.

This dissertation uses insights from both fur-trade and Native American histories in order to recast the history of the interior as a process of empire. In so doing, it makes several key interventions. Most importantly, it links the legal and political transformations introduced by fur-trade companies to illuminate their impact on indigenous communities. It uses insights from legal studies of the Hudson’s Bay Company, which are usually written without reference to indigenous peoples, to argue that legal developments in the interior cannot be fully appreciated without taking Native agency into consideration. By taking insights from Ethridge and Blackhawk, this dissertation uncovers a fur-trade world characterized more by violence than by cooperation. Each successive company sought to control the continental interior and did so by violently rearranging its relationships with indigenous peoples.

This dissertation also recasts conventional narratives of Native American history by demonstrating the lingering persistence of indigenous peoples as sovereign entities in the northwest. In so doing it reveals the peculiar form that empire assumed at the turn of the nineteenth century. No longer archetypically colonial or settler colonial, colonial administrators borrowed ideologies associated with both political and economic constellations to legitimate state and company authority. Indigenous peoples in the late nineteenth century had considerable experience with colonial agents from Canada and the United States who echoed many of the same demands as their fur-trading forebears in the decades prior. However, most borderland studies recognize the entry of American citizens as the beginning of their loss of sovereignty. The period between the fall of New France and Jacksonian America is usually associated with the dispossession and forced removal of indigenous communities, and in most cases, this
assessment is totally accurate. However, this study illustrates how the American republic was a relatively unimportant, perhaps even insignificant, player for much of the early nineteenth century. While Indians in the northwest were assigned reservations in the 1850s and 1860s, they by that time had considerable experience with colonial authorities and had skillfully avoided subordination fur traders who were becoming more interested in enforcing the rights of the republic and Empire.

This work draws heavily on scholars who have illuminated the superstructure of legal discourse that operated to suppress the historical reality that indigenous communities functioned as sovereign polities. Europeans imported and adapted racialized discourses that posited the “savage,” apolitical Natives against the “civilized” Europeans who had progressed to the commercial societies developing in Early Modern Europe. Robert Williams emphasizes the power that discourses wield in the colonizing project in the way that they legitimate the expansion of colonial domination over indigenous groups. “Law,” argues Williams, “regarded by the West as its most respected and cherished instrument of civilization, was also the West’s most vital and effective instrument of empire during its genocidal conquest and colonization of the non-Western peoples of the New World, the American Indians.” These discourses “all sought power over the vision of truth that would be imposed in the New World” that “served to redeem the West’s genocidal imposition of its superior civilization in the New World” by casting “Natives as stateless, inferior, and irrational.” This history reveals that these discourses operated on local and administrative levels as fur traders crafted them to meet the exigencies of the commerce in which the British and Americans were seeking increasingly to delegitimize Indians as political actors.43

This dissertation uses insights from indigenous studies, then, to respond to dominant trends in the scholarship of Early America and scholarship of the fur trade. While historians have mainly seen the late eighteenth and nineteenth century fur trade as an economic or social phenomenon, this dissertation instead presents a history of the British fur trade that involved political and legal conflict, not with other European and American actors, but instead also with indigenous communities. A central question of indigenous studies is how to conceptualize indigenous sovereignty and governance within settler states that have historically sought the assimilation and elimination of indigenous communities and identities. Indeed, this dissertation argues that the line between the fur trade empires and the settler states became increasingly blurred in the early nineteenth century. The strengthening of colonial power translated into a loss of options and opportunities for Native peoples to make sovereign assertions against settler state expansion. However, indigenous peoples persisted in making sovereign assertions. Borrowing from Audra Simpson’s study on the Kahnawa:ke Mohawk, this project understands indigenous political activities in the framework of “recognition” and “refusal.”

Simpson writes that “recognition” in the United States and Canada “moves Indigenous peoples and their polities in the settler imaginary from nations, to people, to populations – categories that have shifted through time and in relation to land and its dispossession.” Regimes of recognition allow the settler state to applying various technologies to eliminate indigenous peoples, including the

“occupying, treating, forceful elimination containment, assimilation, the coterminous logics and practices and languages of race and civilization, the practice of immigration (called such in the United States and Canada, rather than ‘settlement’), the legal notion of natal right, and presumptions of just occupancy – all from the fulcrum of settlement’s labor (and its imaginary) as well as a whole host of other self-authorizing techniques and frameworks that sustain dispossession and occupation.”
While settler states recognize indigenous peoples as only populations, Simpson draws from Hegel’s concept of the master-slave relationship to illuminate that indigenous nations remain politically “unrecognized” so that “mutuality cannot be achieved” on political terms. Political recognition itself is “to appear politically in formal and official forms, to have rights that protect you from harm, that provide you access to resources, or that protect certain resources.” The settler state strips indigenous peoples from political livelihood by imbricating them within settler regimes that make it “impossible to be from an authorizing context,” which is tantamount to a form of political and racialized slavery. This dissertation contends that indigenous peoples continually “refused” to be defined by colonial actors, and in cases where claims to the land were of central importance, indigenous peoples asserted their right to define their political autonomy and territorial sovereignty – or refusal to be defined as nonpolitical entities – against colonial actors who believed that they had the privilege to possess both.44

As illuminating as Robert Williams’s and Audra Simpson’s models can be for scholars interested in legal concepts in settler colonial contexts, however, it mainly investigates the line of reasoning that Europeans imposed on indigenous peoples without interrogating how indigenous peoples responded to European legal regimes. Indeed, indigenous groups west and north of Lake Superior actively resisted the pretentiousness of Europeans who claimed ultimate authority and vast territories without reference to any indigenous community. While shifts in legal policy may have emanated from the distant centers of Montreal, London, or Washington DC, it is apparent that indigenous peoples throughout the northwest were immediately aware of changes in colonial policy and practice. Further, indigenous agency in this period actually shaped colonial policy: as fur traders were becoming more desperate to stake monopolistic claims to land, they found that

they needed to adapt to exigencies on the ground in order to make such claims legitimate in the eyes of Europeans and Americans.

Indigenous theorist Joanne Barker has recently intervened in this body of legal scholarship by centering the ways in which indigenous people understood, responded to, and struggled with colonial legal regimes. Barker asserts that “The law cannot govern from on high or in the abstract, and it is not politically disinterested.” Instead, the law is viewed as “the constitution and character of the relations of power” between colonial powers and indigenous communities. Barker explains that, when we view the “law as a discourse,” then “the law is understood within the context of how it is articulated to other discourses and to what (un)intended ends.” In this sense, the legal discourse becomes important for the way it is “related to other discourses,” such as politics, race, gender, religion, etc. To combat the inequality generated by legal discourse, Barker illustrates moments in the twentieth century when indigenous nations “rearticulate themselves” as indigenous groups with sovereignty and self-determination in a discourse developed precisely for their dispossession. This dissertation will unpack the legal discourses that develop at key moments following the American Revolution, and it will pinpoint within these moments efforts by indigenous communities to “rearticulate themselves” as sovereign communities within legal discourses that operated to under the political and legal autonomy of these groups.45

These insights have informed the method of reading the archival and published materials that serve as the evidentiary basis of the dissertation. The majority of ethnohistorians understandably attempt to work past the obvious racist biases of the fur trade’s archival materials

to study indigenous cultures, societies, politics, economies, and migration patterns, for example. In so doing, they totally dismiss those writings as biased and do not attempt to uncover how their thinking changes over time. While ethnohistorians’ insights are crucial here, this project also engages with those obvious biases to understand the changing political dynamics of the fur trade. As Simpson points out, these biases illuminate how European actors conceptualize indigenous groups and justify their occupation and, in some cases, the dispossession of indigenous lands. Further, it was in this transition – of the fur trade morphing to a system of territorial sovereignty replacing sovereignty based on relations – that indigenous groups increasingly sought to “rearticulate themselves” in order to defy the rhetoric deployed by company officers that they were now relegated to their posts as economic dependents.

Chapter Outline

This dissertation analyzes the process of empire as it unfolded in the areas north and west of the Great Lakes in the century following the French conquest. The first chapter traces the transformations that occurred across the northwest as traders from Montreal-based companies and the HBC established permanent posts in areas where indigenous peoples had previously controlled both trade and politics. It argues that violence undergirded interactions between fur traders and indigenous peoples as all parties were pulled into a political struggle over access to land and property. In their relations with indigenous peoples on the ground, agents from all companies more forcefully asserted what they viewed as their rights to indigenous property based on the idea of debt. However, violence was a growing factor in the trade as indigenous groups resented the heavy-handedness of British traders, who were, after all, operating on
indigenous lands. While competition between subjects of a single empire began to change fur-trade relations on the ground, the NWC was busy constructing a legal fiction that justified their domination of the fur trade. They asserted that they had a right to exclusive access based on their prior usage of the lands, the strength of their relations with indigenous peoples, and the beneficial effects of the trade on Native communities. This tension between subordinating indigenous groups while proclaiming the company’s status as their political allies structured debates during the company rivalry in the 1810s.

Chapter two examines the HBC and NWC rivalry during the second decade of the nineteenth century, when competition was at its peak. Rather than examining events on the ground, this chapter takes an in depth look at the competing print discourses that emerged following the Battle of Seven Oaks, the violent culmination of the fur-trade competition. It analyzes how the contrasting structures of the two companies shaped the claims that they made to lands around Red River. The NWC continued their arguments of priority and their ability to marshal indigenous allies. The hierarchical HBC, however, argued that its charter had guaranteed them exclusive access to Rupert’s Land. Both companies attempted to convince the political and economic elite in Montreal and London that its rival had acted illegally. The companies were not the only ones developing territorial claims. Allies of the North West Company, the Métis claimed that the HBC had robbed them of their inheritance due to the company’s agricultural colony around Red River. The HBC argued that the NWC had acted criminally in opposing the HBC on lands that it owned by virtue of its charter. Company administrators also racialized the Métis as “half breeds” in order to cast them as a category of British subjects with no claims to Aboriginal identity. It was at this moment when the HBC “invented” crime in the interior. They
pressed imperial authorities to prosecute their rivals, who were no longer foreign nationals but rather British subjects.

Chapter three shows how the development of a colonial jurisdiction at Red River reinforced the company’s assertions that the Métis were not an indigenous people with rights to the land as an Aboriginal people. Between the company merge in 1821 and the Sayer trial in 1849, the Métis consistently asserted that the government at Red River intruded upon their sovereign space. The HBC improved and expanded its colonial jurisdiction at Red River out of fear that Red River might descend into ungovernable chaos due to Métis rejection of company authority. The company made these enhancements to its jurisdiction, many of which were masterminded by the company’s new legal recorder, Adam Thom, usually without reference to the French-speaking Métis, who constituted the largest segment of the settlement’s population. Before 1850, the Council of Assiniboia operationalized company dictates, passed laws, and oversaw the judiciary in English and with only minimal representation from the Métis. In addition, George Simpson, the HBC’s field governor, and Adam Thom continually asserted that the Métis represented a “half breed” population of British subjects, to whom company laws applied. This conflict came to a head as the Métis more aggressively asserted their rights to the land in 1840s during the free trader crisis in which Métis hunters traded buffalo hides with Americans without obtaining permission from the Company. Adam Thom attempted to prosecute one such free trader, Gabriel Sayer, in 1849 only to find a gathering of Métis protestors at the colony’s court house on the day of the trial. While the company relented to Métis demands, they would continue to view them as a racialized class subordinated to company authority.

Chapter four examines in depth Governor Simpson’s regime of economization and its meaning for indigenous peoples following the merge of 1821. However, for indigenous peoples,
this economization regime would amount to attempts to subordinate their communities to the company’s ultimate sovereignty. Chapter four analyzes the dynamic between the HBC’s regime of retrenchment and persisting assertions of sovereignty by the Lake Superior Anishinaabeg. By the 1820s, this region had become a borderland between the American republic and British Empire. Fur traders from both nations attempted to control the lands and labor of the Indians. After 1821, Indian peoples approached fur traders as they always had: as potential political allies who controlled access to useful and sacred items. However, fur traders imagined themselves more and more as owners of debt against indigenous peoples. Now viewing the Indians as economic dependents, British and American traders became more concerned with protecting the territorial sovereignty of their nations and empires. The fur trade of the borderland, then, lacked the cooperation between indigenous peoples and fur traders that historians often assign to it. Indians protested traders’ attempt to impose exclusive loyalties based on the giving of debt, shoddy merchandise, and trader demands that they stay away from the frontier zone. The Anishinaabeg, as they had during the decades prior, imagined the territories around the boundary line as an uninterrupted indigenous social space over which the agents of empire exercised undue authority.

Together, these chapters reveal how relations in the interior changed during the critical period between the demise of imperial struggle in North America to the emergence of the settler states in the west during the nineteenth century. It shows how the diplomacy that characterized the age of empires was transformed to the hierarchy that defined the nation-states that followed. It also demonstrates the many different forms assumed by the colonization of North America, as the strategies deployed by the HBC, NWC, and the Americans betrayed an uneasy mix of colonial and settler colonial logic. The British and Americans lacked the power of military
coercion in the northwest until late in the nineteenth century. Whereas the settler governments in other areas perpetrated wars and forced removal against indigenous peoples in the eighteenth and early nineteenth century, the fur-trade companies learned that they needed to adapt their policies to account for indigenous autonomy. However, these fur-trade companies did seek to transform the wilderness into a bounded space over which they exercised the power to define the limits of their rule, the power to define crime, and supreme authority over its indigenous peoples.

On the Eve of War

In the spring of 1755, a Cree man named Woudbee and his family arrived at Fort Albany, an HBC post at the mouth of the Albany River in modern-day northern Ontario, with the horrific news that the crew of Henley House, the company’s first inland post, had been murdered, including the post’s master William Lamb. Woudbee – a Homeguard Cree at Albany – arrived at Henley shocked to find “ye House robed & people all gone & only one french Indian there who he nor his son did know, who he said must have remained there after the place was taken & had lived upon the spoile.”46 Woudbee claimed that Indians allied to the French, with whom the British were on the cusp of war, were responsible for the violence. “Mr Lamb must have led in a body of Indians into the house,” Woudbee told Joseph Isbister, the Chief Factor of Fort Albany, “otherwise the place could not have been taken, And seased him & the ye people before they could take to their Arms, & does not doubt but that those who did this to the English was encouraged by the french to commit this Villainy.” This news set the fort ablaze with rumors that the French and their indigenous allies might seize the fort and imprison the British.

46 HBCA B.3/a/47 Folio 35.
The murders at Henley House illuminated the tension between HBC assertions of territorial sovereignty and indigenous people’s insistence that outsiders form personal relations with their communities. Henley House’s sole purpose was to direct indigenous trading traffic to Fort Albany, its parent post. Its establishment betrayed fears that the French were forming political relations with the inland Cree, who would eventually attack the posts along Hudson Bay and eject the HBC from its position.\(^47\) Previous historians have noted that the Henley House murders signaled the disintegration of reciprocal relationships between the Homeguard Cree at York Factory.\(^48\) While this might be true, the Henley House murders also reveal how its model of hierarchical rule would come to define relations in the interior. At the center of this conflict, Chief Factor at Joseph Isbister overreached his authority by executing those responsible for the murders. By killing those involved without consulting indigenous peoples, Isbister opened political fissures between the HBC and Cree, who did not view the Isbister’s punishment of the murderers as legitimate. As would be the case in subsequent years, HBC officers found themselves entangled in indigenous political disputes without fully recognizing the implications of their actions.

The post itself was something of an anomaly for the HBC up to that point. Situated on the Albany River, Henley House had something of a military aspect to it. William Isbister, the clerk in charge, described it as a “little castle.” Joseph Isbister, the Chief Factor at Fort Albany, instructed the clerks at Henley House that they should “get what Inteligance you can from the Indens conserning the motions of ye French, their standerd of trade with ye Indens to gether with


ye Lakes & Rivers they possess.” William Isbister and William Lamb, his successor at Henley House, were not to trade their furs at Henley House, but rather, the clerks “to send them down here [Fort Albany] to trade” when the river broke up.49

It did not take long for rumors to circulate that Woudbee, not the French, were responsible for the Henley murders. Woudbee denied claims made by other Homeguard Crees that the leader had invented the story to secure a favored position within the fort’s colonial hierarchy.50 The other Homeguard Cree accused Woudbee of lying, however, and Isbister began to put the pieces together. There were too many inconsistencies in Woudbee’s story. The attack had occurred during the winter, a time when the French would probably avoid that region due to frozen rivers. Also, George Rushforth, the surgeon at Albany, wrote to London that Woudbee had lived in Albany Fort for the past several years. George Spence, the chief factor prior to Joseph Isbister, evicted Woudbee in 1752 because he had “any time put his hand into our dish and take ye victuals out.” There were intimate entanglements as well as it came to light that HBC officers had taken the women in Woudbee’s band as wives. Woudbee’s band appeared to have integrated the British at Albany within his kinship structure, obligating the British to provide for the band in order to survive the winters. With this history in mind, Woudbee’s actions did not seem to simply reflect the brashness of an impetuous leader. It should be no surprise, then, that Woudbee’s band was aggrieved when Joseph Isbister demanded that the family leave the fort for taking from the fort’s stores.51

Despite the fact that he began to hear from Cree sources around the fort that there was no French collusion, Isbister wrote to London maintaining that the French had led an attack against

49 HBCA B.3/a/35 Folio 56; HBCA A.11/3 Folio 12
50 B.3/a/47 Folio 25; B.3/a/47 Folio 35.
51 B.3/a/47 Folio 37.
Henley. George Rushforth contradicted Isbister’s report stating that William Lamb had held two
women from Woudbee’s Cree band against their will at Albany Fort before he left for Henley.
One woman was named Nam-a-shis, and was a wife of Woudbee’s son, and the other was named
Won-a-Wogen, Woudbee’s daughter and a wife of a man named Anussot. William Lamb refused
to take Rushforth seriously when he warned Lamb to release the women. Rushforth related that
the two women and Anussot had killed the HBC personnel, including Lamb, who had “lade”
Won-a-Wogen that night. When Rushforth interrogated Woudbee about why the band killed the
HBC personnel and took goods from the fort, Woudbee answered him directly that Spence,
Lamb, and Isbister had all violated the bonds of kinship the band had thought they had formed
with the British. In a deposition given to Rushforth, Woudbee stated that “the victuals was for
them as well as for ye Englishmen, as they keeped there Woman; they had a right to these
victuals.” From the perspective of Woudbee’s band, the HBC had severed social and political
bonds with Woudbee’s band, thus making enemies of them. The interrogation of Woudbee and
his sons revealed how the HBC officers failed to grasp the rules of obligation and reciprocity that
undergirded relationships with indigenous groups. Snuff ye Blanket, Woudbee’s son, responded
that Woudbee had redistributed the goods to his sons and traded the goods to “other Indians that
was not concerned with us in Killing the English men.” These goods were used to cement
relations between the Cree that would solidify them in opposition to the HBC, who found that
their trade would dry up over the next year.

Joseph Isbister’s response to Woudbee’s confession revealed the extent to which Isbister
felt that he could impress the chartered rights of territorial sovereignty onto indigenous peoples.
Without the permission of his London superiors, Isbister executed Woudbee and his sons at Fort

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52 HBCA A.11/2 Folio 173
Albany. George Spence and Joseph Isbister prioritized company gain and profit in their relationship with Woudbee’s band. The Crees resented the British when they subordinated Woudbee’s band from one of kinship obligation and political alliance to one motivated solely by gains and profit. Woudbee made it clear that the band’s actions were taken to ensure their collective survival and to punish the British for attempting to politically subordinate them.

The damage done to the HBC’s alliances with the Cree was revealed in the year after the executions. The Cree punished the British by refusing to come to trade at Fort Albany that May, an act that demonstrated that the Cree did not recognize the power of the British to execute Woudbee and his sons. Isbister wrote that the execution of Woudbee “has put astop to Your Trade up this River, which to recover cannot be done without a Strong and your Honrd Directions.” The London Committee’s response illustrated the limits to the company’s ability to impose jurisdiction over indigenous peoples. The Committee recalled Joseph Isbister because it felt that he had acted egregiously by executing Woudbee and his sons. The Committee worried that Isbister’s actions might leave the fort vulnerable to attack. Therefore, at the outbreak of imperial conflict in North America, the HBC seemingly held a tenuous position. Autonomous indigenous communities shaped the legal operations of the company and defined the limits of acceptable forms of punishment.53

The Henley House murders serve as a useful point of departure because they reveal the tensions that would undergird the transformations of the fur trade over the next century. While the British companies would prefer to treat indigenous groups as economic dependents – including the NWC – indigenous communities routinely resisted against attempts to define them as dependents or as apolitical entities. While the fur trade most certainly continued, British fur-

trade companies modified their claims to land and trade based on the responses they received from the indigenous groups over whom they claimed authority. Approaching the fur trade not as a source by which they would lose autonomy but rather gain strength by forming outside alliances, indigenous groups dictated back to fur traders a Native meaning of autonomy that was starkly at odds with the colonial practice of dividing territory and drawing borders. It is this dynamic – which changed so greatly over the next century – that came to define relations between imperial powers and indigenous groups. By 1850, these relationships would be completely redefined, as the HBC would seek to prosecute indigenous peoples residing within the District of Assiniboia and Métis across the interior.

**Notes on Geography and Terms**

This project examines events and processes that unfolded a vast territorial swath that stretched from Lake Superior to the Rocky Mountains. The first chapter examines territories that include the prairies, parklands, and woodlands of what is now the Canadian West. (Figure 1) The geography of this area was vastly different in the eighteenth century. As this chapter explains, the different economies that developed in each ecological zone had a great impact on the shape of politics in the fur trade. This chapter also examines the “debatable zone” that slashes through present-day Minnesota. This zone divided the territories claimed by the Dakota to the west and the Ojibwe to the east.

Chapters two and three focus almost exclusively on the territories lands around Red River. The Red River colony was founded as part of Lord Selkirk’s colonization scheme in 1811 to relocate displaced Highland Scots to the prairies of the North American interior. (Figure 2)
The Red River colony serves as the historical root for the modern-day city of Winnipeg, Manitoba, Canada. As it developed through the mid-nineteenth century, settlements emerged along the north-south running Red River and the Assiniboine River, which flowed into the Red River from the West. There were several discrete communities at Red River that were defined by ethnicity and religion. For its time, the Red River settlement was fairly diverse. Western Ojibwa and Cree resided on areas on the outskirts of the settlement, as the company was loathe to allow them onto the colony’s grounds. Otherwise, there were neighborhoods of white Scottish settlers, company retirees, “half-breed” children born from relationships between indigenous groups and HBC servants, and the French Métis. The latter proved the most difficult for the company to govern as they often refused to accept company authority over the lands at Red River.
Chapter four examines the borderland that divided the United States and British Empire in the Great Lakes region. A number of important HBC and American settlements and posts dotted this area. Sault Ste. Marie sits at the southeast corner of Lake Superior, while Michipicoten is situated on the northern side of the lake. The American settlement Fond du Lac, “foot of the lake,” is located at the present-day location of Duluth, Minnesota. Fort William – the massive NWC field headquarters that became a dilapidated outpost during HBC rule – rests at the site of present day Thunder Bay. Meanwhile, Lac la Pluie – or Rainy Lake post – sat at the Boundary Waters to the west of Lake Superior, now comprising the border between Canada and the United States.
This dissertation attempts to be as cautious as possible when using terms that carried political significance in the period. However, some terminology were made according to modern interpretive choices. The first chapter favors the term “Ojibwa” to reflect the historiography up to this point regarding the Western Ojibwa and the Ojibwa who expanded into Minnesota. Chapter Four favors the term Anishinaabeg to reflect the enduring alliances between the peoples of the “Three Fires,” including the Odawa, Ojibwa, and Potawatomi. Meanwhile, this dissertation argues that the terms “half breed,” “mixed-blood,” and “Métis” are not interchangeable. While there was a community at Red River that did identify as “half-breed,” unless otherwise stated, this term is reserved for the company usage of it to denote its tendency to view the Métis as an apolitical group. The term Métis is used in this dissertation to denote the Métis community at Red River – which might include both Franco- and Anglo- phone peoples – who came to argue that they represented a sovereign, indigenous community throughout the nineteenth century.
Figure 2: Placement of the Red River Colony in the northwest. Peers, *The Ojibwa of Western Canada*, xx.
CHAPTER 1: A PATCHWORK OF SOVEREIGNTIES: THE NWC AND THE HBC IN INDIAN COUNTRY, 1763-1812

Introduction

In 1802, North West Company (NWC) clerk Daniel Harmon worried that he was working in an unsafe environment. Stationed on the Saskatchewan River, Harmon soon found himself living in a dangerous world. For one thing, his Cree neighbors followed legal customs unfamiliar and frightening to him. Harmon obsessed over the acts of “revenge” and “retaliation” that characterized Cree methods of resolving conflicts. “All the savages,” he claimed, “who have had their near relation killed, are never quiet until they have avenged the death, either by killing the murderer, or some person nearly related to him.” Indigenous methods seemed totally irrational to Harmon. He even took notice that supernatural forces structured indigenous notions of justice. “The custom,” asserted Harmon, “which extensively prevails among the Indians, of revenging the natural death of a relative, by some commission of murder, seems to arise from a superstitious notion entertained by them, that death, even when it takes place in this manner, has, in some mysterious way, been occasioned by a fellow creature.” These methods were deeply unsettling to a pious Christian.

To make matters worse, it appeared that competition forced fur traders to ignore British laws. Harmon was writing in a context in which the NWC, a powerful fur trading company stationed in Montreal, was fighting for turf against a strong, but not as powerful, competitor, the XY Company (XYC). He seemed to think that neither company possessed exclusive claim to the northwest, even though he hinted at the NWC’s tendency towards monopoly control. “The

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NWC looks upon the XYC as encroachers on their territories,” Harmon wrote. He added, “I think, with some reason, since the former company first let the way into this savage country; while the latter people think, that the former have no more right to trade in this part of the world themselves.”¹ Rivalry between the companies led clerks and laborers to attack each other in a fashion similar to the “savage” retaliation had observed among the Cree. “The jarring of interests,” lamented Harmon, “keeps up continual misunderstandings, and frequent broils between the contending parties; and to such a height has their enmity risen, that is has, in several instances, occasioned bloodshed.” The interior had become a place where fur traders could murder each other with impunity. “But here the murderer escapes without punishment;” he concluded, “for the civil law does not extend its protection, so far into the wilderness.” He then asserted hope that Parliament would extend civil law to the west: “measures are in contemplation in England, which will remedy this evil,” or he fears that “many of us may lose our lives.”⁵ Harmon desired to live in a civil society where indigenous legal customs were abolished and English common law instituted. Simply put, fearing life and limb, Harmon yearned for an imperial ordering that would reduce crime and establish peace in the northwest.

Harmon referred to a law later known as the *Canada Jurisdiction Act* (CJA) when he mentioned “measures...in contemplation in England.” Responding to a series of murders in the Harmon’s vicinity, the Parliament passed the CJA in 1803, which represented the first attempt by the British to establish a civil society in territories distant from the British Empire’s colonial centers in North America. Neither the CJA nor the incipient civil society materialized in a vacuum, however. They were instead the product of vigorous campaigns initiated by fur traders stationed in Montreal to institutionalize a legal regime in the far west. This chapter explores how

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⁵ Harmon, *A Journal of Voyages*, 79
this civil society emerged, how fur traders in Montreal imagined it, and the shape that this newly forming legal infrastructure assumed on the ground. As the NWC emerged as the most powerful imperial entity, it was instantly apparent their model of social ordering would replicate the company’s structure and culture. Harmon believed that colonial jurisdiction would pacify the country, but it had the opposite effect of empowering the NWC to continue its violent campaign to monopolize the interior.

The Nor’Westers were not the only ones in the region. Montreal traders began to press for laws that would establish a civil society exclusively for whites, while indigenous communities would still be governed by their own customs. These traders also enlisted indigenous communities to serve as allies to prevent other fur traders from expanding into the region. However, while the NWC based its legal legitimacy in the northwest on the mutually beneficial relationships with indigenous communities, NWC traders on the ground began to treat the Indians as economic dependents by using violence and intimidation to ensure their loyalty. British meddling in indigenous legal customs also reflected this trend. While British agents stigmatized indigenous customs as “savage,” they also felt entitled to punish indigenous individuals and communities according to fur trader’s understanding of Native legal customs. However, Native groups recognized that they began to lose their legal and political autonomy when Montreal traders entered their communities believing that they could coopt their methods of conflict resolution. Native peoples resisted British attempts in the early nineteenth century to treat them more as economic dependents rather than political equals. Indeed, while the NWC claimed that its ability to form peaceful alliances with indigenous communities provided the basis for British rule in the Northwest, sources from on the ground show that the NWC’s model of sovereignty based on relationship was only sustained by indigenous groups who insisted that
they be treated as sovereign communities and not economic dependents. It is this dynamic –
between assertions of political independence and attempts at economic subordination – that
contributed to the violence and conflict that characterized the fur trade during this period.

The Shifting Politics of the Northwest

When British fur traders made their way to lands north and west of Lake Superior in the 1760s,
they entered an indigenous world already transformed by the fur trade. The establishment of
HBC posts on Hudson Bay in 1670 initiated a cycle of migrations, displacements, and economic
adaptations by indigenous peoples living between the Bay and the Rocky Mountains. Over the
span of the next century, Cree and Assiniboine bands expanded westward from their homes
around Lakes Superior and Winnipeg to take advantage of their access to British trade goods.
The Assiniboine, a Siouan speaking group who had split from the Dakota in the decades before,
may have recognized the growing military superiority of the Cree. By the late seventeenth
century, the two groups had formed a political alliance that would endure well into the nineteenth
century.\(^6\) Free from their position as fur suppliers to French fur traders based in Montreal, the
Cree and Assiniboine changed their economic practices to facilitate new opportunities in the
trade. As they moved north and west, they assumed the role of middlemen who monopolized the
flow in firearms and ammunition to western groups.\(^7\) The Cree and Assiniboine now wielded
enough military power to cut groups out of the alliance. The Dakota Sioux, who resided on the

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\(^6\) Arthur Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of

\(^7\) Ray, *Indians in the Fur Trade*, 13. Ray’s interpretation has not gone uncontested. Dale Morgan asserts that the
Cree had always lived in the west, and it was the traders who were the ones moving inland. See Dale Russell,
southern edge of Cree-Assiniboine territory would become their steadfast nemesis for the next two hundred years.\(^8\) War likely characterized Cree-Assiniboine expansion on many different fronts, as war with the Chipewyan was documented.\(^9\)

These westward migrations required the Cree and Assiniboine to adapt to new environmental and political conditions (Figure 3). Early in the eighteenth century, the Assiniboine had abandoned their most southeasterly homes, located around Rainy Lake, for territories around Lake Winnipeg and to the west.\(^10\) By 1720, this expansion had nearly come to an end. Arthur Ray shows that La Verendrye observed Cree and Assiniboine groups that were settling into seasonal patterns of resource exploitation that was adapted to the fur trade and took advantage of this area’s parklands, prairies, and woodlands.\(^11\) Throughout the mid-eighteenth century, both groups organized trading parties to travel to Hudson Bay in the spring. Upon returning, the Cree and a limited number of Assiniboines exploited woodland resources during the summer and autumn such as game, fish, and wild plants. During the winter months, many western Cree began to move into parkland areas in order to exploit the herds of buffalo that sought shelter in this transitional zone. Meanwhile, the Assiniboine adapted to a pattern of trading and resource exploitation in which they spent their summers on the plains and retreated to the parklands in the winter to hunt buffalo and convene with the Cree.\(^12\) In the summer, the plains Assiniboine dispatched war parties to the Sioux and Gros Ventres country. The summer also meant that Assiniboine trading parties traveled to the Mandan villages located on the Missouri River to trade buffalo meat for maize. Once these Assiniboine returned from the

Mandan villages, they traveled to the parklands for the winter, where the cycle would continue.\textsuperscript{13} It was at these winter meetings between the Cree and Assiniboine that they exchanged ideas of how to survive in their new environments.

As the Cree and Assiniboine expanded farther west, they formed alliances and rivalries with groups who either looked upon the Cree and Assiniboine as either hostile intruders or as their only access to valuable trade items. Beginning in the eighteenth century, the Dene or Chipewyans and the Crees engaged in a century long dispute in which the Chipewyan resisted

\textsuperscript{13} Ray, \textit{Indians in the Fur Trade}, 44-48
Cree encroachments onto their subarctic hunting grounds. Enjoying access to European weapons, the Cree dominated the Chipewyan along their southwestern and norther borders. Arthur Ray suggests that the Chipewyans suffered majority of the some 6000 who were reported to have died in these wars. To the south, the Cree and Assiniboine entered into an alliance with the Blackfoot, who sought access to HBC trade goods but did not possess the inclination to travel to the Bay from the front side of the Rocky Mountains. The Cree supplied the Blackfoot with guns that they used in their war against the mounted Snake Indians to the south. As a plains people, the Blackfoot were reluctant to travel to the Bay by canoe and willingly formed an alliance with the Cree and Assiniboine that lasted for the first three quarters of the eighteenth century.

By the mid-eighteenth century, the Cree and Assiniboine had settled into their roles as middlemen to the HBC trade that allowed them to control swaths of territory that spanned the woodlands and parklands of western Canada. These groups relied on their indigenous trading partners to acquire the furs that they traded to the British. When Anthony Henday made the first of the HBC’s annual expeditions to the interior with the goal of encouraging trade at the bay, he observed that the Cree refused to hunt beaver because they believed that this was a task suited for the groups with whom they traded. Their economies had become so specialized that they only worked as transporters and barterers of furs at the bayside. As a consequence, the expansion of Canadian and British traders in the 1770s and 1780s into the northwest would radically shift the political relations between groups in the interior. Gerhard Ens states that “violence was endemic” in this era of the fur trade at Edmonton House, which was situated between the Dene, Cree,

Assiniboine, and Blackfoot. The Blackfoot and Cree-Assiniboine alliance failed as the Blackfoot now obtained direct access to firearms, leaving the Cree and Assiniboine with little political leverage. By the 1780s, these latter groups had modified their economies to take advantage of the new provisioning trade that supported European and Canadian traders. As the Cree moved onto the plains, they and the Assiniboine began to raid their Blackfoot groups for horses to facilitate a new economy based on buffalo hunting. These transformations were neither quick nor easy, but rather took a couple generations to complete and involved new disputes over land and resources.

While political relations in the Far West were becoming more unstable, the Ojibwe began to migrate to areas farther east to avail themselves of the hunting grounds left undisturbed for several decades by westward migrating Cree and Assiniboine. The Ojibwe inhabited regions around Sault Ste. Marie in the seventeenth century only to expand to the north and west in the eighteenth century in response to changing economic opportunities. After the HBC opened its posts in the late seventeenth century, a number of Ojibwe bands traveled to the north in large numbers where they originally fought with the Cree in order to trade directly with the English company. The Ojibwa also migrated out of the Great Lakes area and into the Red, Assiniboine, and Saskatchewan Valleys and became known as the “Bungees,” or Western Ojibwa. These groups migrated westward in incremental steps as “commuters” who took advantage of the economic opportunities offered in the lands to the northwest, including floral, fur, and game


resources. The villages that expanded west along the “debatable zone” between the Sioux and Ojibwa served as the “stepping stones” for this migration. These groups moved as family units and retained a sense of their own identity by commuting from their homes around the Great Lakes to the woodland and parklands to the west. These groups moved from the east to the west in order to reconnect with their relations as well as to visit important sacred sites and gain access to their powers. The Western Ojibwa began to settle permanently into the areas around Red River and in the river valleys to the west in the 1790s, when they began to trade regularly at the posts in these region. Fur traders quickly recognized the Ojibwa as efficient trappers of furs and enjoyed a level of relative wealth compared with other groups in the fur trade. Taking advantage of these opportunities, these groups insisted that fur traders enter into political alliances with them that were predicated on intermarriage, which cemented the kinship ties necessary to conduct exchange. In addition, by 1795, the western Ojibwa had strengthened their position further by forming political alliances with their neighboring Cree and Assiniboine, with whom they traveled to the Mandan and Hidatsa trading fairs on the Missouri River.

The Ojibwas’ southern border was defined by their frontier with the Dakota, with whom they remained at war during the eighteenth and nineteenth centuries. As the Ojibwa expanded southwest into modern Minnesota to exploit the area resources such as wild rice, fish, furs, and deer, they came into conflict with the Sioux, who previously used this land. During the colonial period, the Sioux and Ojibwa maintained the Mississippi River as a boundary line between the

22 Laura Peers, *The Ojibwa of Western Canada*, 32.
23 Laura Peers, *The Ojibwa of Western Canada*, 34-35.
24 Laura Peers, *The Ojibwa of Western Canada*, 46.
two larger groups, even if this did not hold true in all local circumstances. Warfare disturbed the two peoples throughout the eighteenth and nineteenth centuries as the two fought for access to the resources in the “debatable zone,” that is the buffer region that divided them, and also to accrue prestige and status, factors of great importance in both societies. The threat of this warfare shaped interactions between the British, Canadians, American, and indigenous peoples who would enter this zone on missions for the state and commerce.

In his autobiography, John Tanner, a white captive adopted by the Odawa, illustrated the development of these alliance structures, migration patterns, and economies in Anishinaabeg societies around Red River. While preparing for a hunting journey, the Sioux attacked Tanner’s band of Anishinaabeg, a number of whom fell victim to the attack. Tanner reported that a Cree and Assiniboine scouting party had tracked the Sioux war party across the country but did not have enough warriors to engage a battle. The scouts told Tanner that they had warned a stubborn Ojibwe man that the Sioux were approaching. Mocked by his older wife for preferring his younger wife, the Ojibwe man decided to stay at his encampment and hunt, waiting for the Sioux attack. Tanner stated that the man did not seek shelter. Tanner stated, “By retreating immediately to the trader’s fort, he might have escaped the threatening danger.” Due to the intransigence of this Ojibwe leader, the rest of the hunting band – totaling about twenty in number – were killed in the attack. Only a man named Asi-ainse and his family were spared. It was within this world of shifting alliances, warfare, mobility, and opportunity into which the British entered.

While the European and American traders consistently observed warfare between the Ojibwe and Dakota along the debatable zone, it would be inaccurate to reduce Dakota and Lakota movements westward as simply the products of this conflict. Tim Holzkamm repudiated Hickerson’s assertion that the Ojibwe simply conquered the northeastern half of Minnesota from the Dakota. He argues, instead, that the Dakota had enjoyed relatively uninterrupted access to trade goods throughout the eighteenth and nineteenth centuries. The Eastern Dakota availed themselves of the “multi-ethnic trading rendezvous” on the Missouri by trading their European goods with plains groups for horses. The Eastern Dakota therefore adopted a plains economy based on the bison hunt by controlling the flow of European goods west and plains goods east.\(^{28}\)

Therefore, the fur traders did not encounter a zone that remained static for millennia, but rather, they became enmeshed in the political disputes that were emerging due to the changing shape of the market in the region. Each group approached the fur trades with their own motivations, cultural frameworks, and historical experiences. These political conflicts affected all who traveled through and resided in the Northwest. Gerhard Ens writes about this period that “historians have emphasized that the fur trade was a co-operative economic enterprise incorporating as many Aboriginal institutions as European. While this was certainly the case, this characterization has tended to over-emphasize co-operation and downplay conflict.”\(^{29}\) Fur traders attempted to impose order over this region by passing a legal framework, writing narratives of rivalry, cooperation, and amalgamation, economic manipulation, and brute force in their daily interactions. However, indigenous peoples, either consciously or unconsciously, continued to insist that they constituted sovereign communities that would not submit to the dominance of a


\(^{29}\) Ens, “Fatal Quarrels and Fur Trade Rivalries,” 7.
single company’s authority. As these groups sought opportunity in a world of shifting political relations, violence began to structure these relations as each group vied for power in an unpredictable world.

**British Empire after Pontiac’s War**

“Englishman, although you have conquered the French, you have not conquered us!” Ojibwe chief Minavavana announced to Alexander Henry, who was amongst the first British traders to reach Michilimackinac following the Seven Years’ War. “We are not your slaves,” continued Minavavana, “These lakes, these woods and mountains were left to us by our ancestors. They are our inheritance; and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread – and pork – and beef! But you ought to know that He, the Great Spirit and Master of Life, has provided food for us in these spacious lakes and on these wooded mountains.”

Minavavana’s speech articulated the swelling resentment of indigenous peoples against the newly installed British rule. The British entered the northwest, previously controlled by the French, claiming the land, reducing presents, and treating indigenous communities as conquered peoples rather than as independent political groups. Minavavana protested the English failure to treat them as sovereign equals by failing to abide by Native diplomatic rituals: “You have never sent us any presents, nor entered into any treaty with us, wherefore he and we are still at war; and until he does these things we must consider that we have no other father, nor friend among the white men than the King of France.”

While Minavavana promised not to harm Henry because he was a trader and not a soldier, he resented

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30 *Alexander Henry’s Travels and Adventures in the Years 1760-1776* (Chicago: R. R. Donnelley, 1921), 44.
31 *Alexander Henry’s Travels and Adventures*, 45.
the British tendency to view Native communities as the lackeys of the French Empire rather than as their allies with whom the British had never consulted.

Alexander Henry witnessed firsthand the attack by Ojibwe warriors on the British fort of Michilimackinac during Pontiac’s War of 1763. Inspired by nativist visions and prophets, indigenous communities formed alliances across ethnic lines to expel white influences from their lives and communities. Continental in scope, indigenous forces launched a coordinated assault that destabilized British rule in the west, including many key British installations throughout the Midwest such as Michilimackinac, Green Bay, and St. Joseph. The British imperial government sought to avoid costly Indian wars in the future and appeased the indigenous communities living west of the Appalachian Mountains by passing the Royal Proclamation of 1763. The Proclamation established a line running down the center of the Appalachian Mountains across which white civilians were not allowed to travel or settle. It stipulated that all officials business between Native nations must be conducted through the imperial government, and it divided Indian affairs into the Northern and Southern Departments. It officially installed the Crown as the ultimate sovereign over all the territories claims by the British Empire, but it also recognized that indigenous communities had title to their lands. Alexander Henry and other British traders in Montreal began to spread out across the Great Lakes and regions to the west and north to engage in the fur trade and capitalize on the new peace.

Minavavana referenced the passing French Empire and the political relations that the King of France and his subjects had formed with indigenous communities. In fact, indigenous

peoples of the Great Lakes and beyond had direct contact with Europeans long before the Treaty of Paris in 1763. Following the destruction of the Huron Confederacy at the hands of the Iroquois in 1650, French traders rapidly plied the Great Lakes, forming relations with indigenous communities across what is now the Midwest. To check the Hudson’s Bay Company trade, French traders expanded their trade to cover areas around Lake of the Woods, Lake Winnipeg, and the rivers that fed these lakes. La Verendrye established Fort la Reine along the Assiniboine River in 1738, which served as a major node for the trade extending farther into the interior.\(^{34}\) By 1763, indigenous peoples had become accustomed to establishing political relations with European traders, which often involved a set of rituals that included smoking the calumet of peace and exchanging presents. They articulated their political relations through a set of kinship terms that were unfamiliar to Europeans who preferred statist language. While the French partook in these ceremonies, it was clear that both the Indians and the French misunderstood each other across cultural boundaries. In his classic study, Richard White argued that the French and Indians formed alliances based on these “creative misunderstandings,” meeting each other on a cultural and political “middle ground” in order to facilitate trade and diplomacy.\(^{35}\) Native peoples after 1763 demanded that the British abide by these practices, even if the changing nature of the fur trade began to foreclose political opportunities for indigenous communities.

Initially unorganized, the British traders based in Montreal followed the French practice of forming political relations with indigenous nations in order to stake claim to a portion of a trade. Europeans found themselves enmeshed in indigenous political struggles as they opened the

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trade on lands controlled by indigenous groups who managed the fur trade. These conditions resulted in a range of different responses by indigenous groups. At points throughout Henry’s voyage, it also became clear that Native groups viewed him as a trespasser who deserved little respect. While traveling northwest of Lake Winnipeg in the 1775, a Cree chief named Chatique, or the Pelican, threatened Henry with his life if he dared to travel farther to the northwest to trade.\textsuperscript{36} Chatique demanded the Henry give him gunpowder, ammunition, tobacco, rum, and metal implements, because the chief knew that “he could take the whole of our property without our consent.” Chatique already mistrusted the white traders, and he did not want them to establish relations with other groups. To avoid bloodshed, “the pipe was handed round as usual and the omission of this ceremony on our entrance had sufficiently marked the intentions of Chatique.” Henry “obtained permission to depart, for the purpose of assorting the presents; and these bestowed, or rather yielded up, we hastened away from the plunderers.” Chatique then followed Henry’s canoe brigade until they surrendered another quantity of rum.\textsuperscript{37} Viewing Henry as an interloper, the Cree chief was attempting to retain control of movements through his territory in a period when European traders were becoming more common.

Other indigenous leaders viewed the increasing presence of white traders as opportunities to empower their communities by expanding their web of interdependence. During the winter of 1776, Henry met an Assiniboine chief named the Great Road, who helped Henry’s party survive the winter on the northwestern prairies.\textsuperscript{38} When he arrived at the Assiniboine camp, the Great Road performed a ceremony meant to engage Henry into a political relations. “When the pipe had gone it round the chief [Great Road], without rising from his seat, delivered a speech of

\textsuperscript{36} Alexander Henry’s Travels and Adventures, 250. Paul Thistle, Indian-European Trade Relations in the Lower Saskatchewan River Region to 1840 (Winnipeg: University of Manitoba Press, 1986), 52-53.
\textsuperscript{37} Alexander Henry’s Travels and Adventures, 251.
\textsuperscript{38} Alexander Henry’s Travels and Adventures, 271.
some length.”39 The Great Road elicited an emotional response from the audience over the loss of their ancestors, who ate a “feast” after the speech had ended. Following the feast, Great Road followed the British back to their tent where they once again smoked the pipe and the chief delivered a speech in which he stated that he had wanted to form relations with the traders earlier.40 Henry and the Great Road then exchanged beaver skins for European merchandise to cement reciprocal relations between the two parties.41 Henry therefore encountered two very different strategies that deployed by indigenous peoples in response to the early infiltration of British traders in the interior. Whereas Chatique sought to defend his group’s powerful position as middlemen in the fur trade, the Great Road sought instead to welcome the beleaguered Henry into the community with hopes of controlling his presence.

Montreal-based fur traders established footholds throughout the northwest – no matter how uneasy – on a combination of adaptation to indigenous political practices. Like the French before them, these Montreal traders formed expanded their trade by cementing political alliances through personal relationships with indigenous groups. Peter Pond, the trader who had opened the Athabasca Country for the NWC, learned his political lessons in 1775 when he attempted to negotiate a peace between the Sioux and Ojibwe. Immediately prior to his departure for the Ojibwe country, the British commander warned the traders that the government would not spend any additional expense in attempting to hold a peace council between the Sioux and Ojibwe. Rather, Pond wrote that the commander hoped that the traders would “fall on Wase and Means among Ourselves” by convincing their leaders to travel to the British post at Michilimackinac.42

39 Alexander Henry’s Travels and Adventures, 276.
40 Alexander Henry’s Travels and Adventures, 380.
41 Alexander Henry’s Travels and Adventures, 380.
The merchants thus decided to negotiate a political alliance without the official support of the Crown. Burdened with the responsibility of diplomacy, Pond’s group carried “Six Large Belts of Wampum,” three for the Ojibwe and three for the Sioux. Pond claimed to have “assembled Eleven Chefes” who went with him to a peace conference held at Mackinac. He described a meeting where leaders from the Sioux and Ojibwe nations assembled at Michilimackinac where “Artickels of Pece Ware Concluded and Grate Promises ware Md on Both Sides for Abideing and adhearing Closely to the articels to Prevent further Blodshed.”

Crucial for this peace, the Ojibwe agreed not to hunt west of the Mississippi River, while the Sioux agreed to leave the lands east of the river in peace. While this agreement did little to end the warfare between the Sioux and Ojibwa, it illustrated that the initial British traders were forced to reckon with the preexisting political alliance structures and antagonisms developing between indigenous peoples.

British traders began to ply the inland waters from Hudson Bay to counteract the increasing interference of Montreal traders after the fall of New France. Beginning with Anthony Henday’s expedition in 1755, the HBC began to send annual parties into the interior to convince hunting bands to trade their furs at the Bay. As part of this general plan, Mathew Cocking led an HBC expedition in 1772 to the western prairies with the aim of compelling the Blackfoot to travel to Hudson Bay to trade. Cocking observed that indigenous political changes generated by the fur trade militated against his efforts to convince these groups to make the arduous journey. Cocking learned that the Blackfoot were content with their present arrangement with the Cree, who transported their furs to the bay in exchange for trade goods that were marked up. Further, already preoccupied by warfare with the Snakes to west of them, the Blackfoot expressed no

desire to learn how to exchange their equestrian for canoe economies.\textsuperscript{45} Moreover, Cocking lacked the diplomatic skills and experience required to handle the ritualized protocols that were necessary when forming enduring political bonds with these groups. For example, at one point on his way to Black Foot country, Cocking was “Smoking the Grand Calimut” and listened to “several speeches made by the Leaders.” Cocking then offered the leaders “two looking-glasses with several other trifles” in order “to induce it to favour them with plenty of furs & provisions.”\textsuperscript{46} In this case, the gifts given to this groups would probably not have convinced them to abandon their economic habits in order to take the time necessary to travel to the Bay. In other instances, Cocking’s demands clashed with indigenous peoples who were autonomous enough to form relationships with traders they had accepted into their communities. For example, he recorded that “The Natives promise faithfully to go down to the Forts next year, & not to trade with the Pedlars: but they are such notorious liars there is no believe them.”\textsuperscript{47} This indigenous group – perhaps the Blackfoot or Assiniboine – probably had no intention of traveling to the seaside to trade their furs and gave Cocking’s group the brushoff rather than risking a disruption to the area’s political balance.

In fact, Cocking found evidence at every stage of his journey that Montreal-based traders – the “Canadian Pedlars” – had infiltrated the continental interior. The strength of the relationships between the Montreal traders and indigenous peoples undermined any assertions of HBC authority. In fact, it seemed like the Canadians were not at all interested in maintaining a structure of hierarchical authority that defined the HBC. On his return voyage, Cocking stopped at the “Francois settlement” where he found that the “Pedlars” had established a year round post

\textsuperscript{45} Milloy, \textit{The Plains Cree}, 10-12.
\textsuperscript{47} Lawrence Burpee, ed., \textit{Journal of Matthew Cocking, from York Fort to Blackfeet Country}, 103.
complete with sleeping quarters, a trading room, and warehouse space. Francois had also equipped the post with canoes there were “each 24 each long” and he employed a crew of “twenty men, all French Canadians.” Francois’s relationship to indigenous traders and his own employees alarmed him most because it appeared that they defied the hierarchical tendencies of the HBC. “He is an old ignorant Frenchman,” judged Cocking, continuing, “I do not think that he keeps a proper distance from his men.” Cocking wrote that his employees were “coming into his apartment & talking with him as one of themselves.” Cocking saved the most shocking bit of information for last. “But what I am most surprised at,” Cocking asserted, “they keep no watch in the night; even when the Natives are lying on their plantations.” The idea that Native people should be treated as political allies baffled Cocking, who was more accustomed to maintaining a degree of separation between indigenous groups and HBC personnel in the forts.

Meanwhile, on July 18th, 1771, Samuel Hearne stood on the coast and looked out upon the Arctic Ocean from the coast, where he “erected a mark, and took possession of the coast, on behalf of the Hudson’s Bay Company.” Hearne’s journal, published in 1796, addressed many common misperceptions about the company. Hearne argued that he had, in fact, traveled north of the Arctic Circle and reached the Arctic Ocean, directly contradicting the geographer Dalrymple’s assertions to the otherwise. Hearne also contended that other rights, such as Arthur Dobbs and Joseph Robson, were incorrect in stating that the HBC had no interest in scientific discovery and the economic development. In 1769, the HBC assigned Hearne the task of locating copper mines in the north and a northwest passage across the continent. Moses Norton,}

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49 Samuel Hearne, *A Journey from Prince of Wales’s Fort, in Hudson’s Bay, to the Northern Ocean, Undertaken by the Order of the Hudson’s Bay Company for the Discovery of Copper Mines, a North West Passage, &c. in the Years 1769, 1770, 1771, 1772* (Dublin: P. Byrne, 1796), 163.
50 Hearne, *A Journey from Prince of Wales’s Fort*, xxvii, xxviii, xxix.
51 Hearne, *A Journey from Prince of Wales’s Fort*, xiv, xliii, xlv.
the HBC governor at Prince of Wales Fort, also ordered Hearne to carry “a sample of light trading goods” to be given as presents “to such far-off Indians as you may meet with.” Norton wanted Hearne to “to smoke your Calimet of Peace with their leaders, in order to establish a friendship with them.” Finally, Hearne was to “persuade them as much as possible from going to war with each other, to encourage them to exert themselves in procuring furrs and other articles for trade, and to assure them of good payment for them at the Company’s Factory.” Much like Cocking, the HBC ordered Hearne to transform a ritual inherently political – smoking a calumet in council in order to persuade indigenous communities from engaging in war – into an economic contract by which indigenous people would devote their existence to capturing furs and trading them exclusively with the HBC.

The futility of Hearne’s errand became more apparent as time passed. Not so much “discovering” the Arctic Ocean, Hearne owed any of his success to his Dene guides. During his first voyage in 1769, Hearne’s Dene on the party felt that the trip offered them no benefit and felt no personal loyalty to Hearne. The guide, Captain Chawchinahaw, discouraged Hearne from undertaking the journey by insisting that they would all starve. Chawchinahaw believed that the Homeguard Cree assistants and two European underlings could not gather enough game to feed the entire party, which consisted of Dene women and children. Chawchinahaw responded such: he “influenced several of the best Northern Indians to desert in the night, who took with them several bags of ammunition, some pieces of iron work....as well as several other useful articles.” The next day, Chawchinahaw denied that he had any influence in convincing the Dene to behave in that manner. He then stated that “he and all the rest of his countrymen were going to strike off another way, in order to join the remainder of their wives and families.”

52 Hearne, A Journey from Prince of Wales’s Fort, xlii.
53 Hearne, A Journey from Prince of Wales’s Fort, 4-5.
Dene then “delivered me most of the things which they had in charge, packed up their hawls [?], and set out toward the South West, making the woods ring out with their laughter, and left us to consider of our unhappy situation, near two hundred miles from Prince of Wales’s Fort, all heavily laden, and our strength and spirits greatly reduced by hunger and fatigue.”

Forced to return to the fort, Hearne staved for most of the journey as it became apparent that neither the Dene nor the Homeguard Cree Indians respected him. The Dene and Cree ate very well on game and “English provisions, which they had embezzled out of my stock during the early part of the journey” while Hearne starved. When Hearne finally arrived at the Fort, he determined not to enlist the help of his two English compatriots, William Isbister and Thomas Merriman, because he felt they were worthless additions to the party. For the next attempts, Hearne would have to find guides who were equally inclined to make the voyage and who could suffer the presence of this hapless European.

The Dene leader Matonabbee served as the guide for Hearne’s third voyage, which departed in December 1770. It became obvious over the course of Hearne’s journey that the Dene occupied a middleman position in the fur trade much as the Cree and that they would cooperate with Hearne only to monopolize relations with the company. While Hearne traveled to the Arctic Ocean to assert company sovereignty, Matonabbee led his Dene countrymen on a trading and raiding party. Hearne’s role on this expedition was illustrated by the group’s composition, the ridicule his opinions received, and the lack of influence he exercised with his colleagues. On their trek northward, one woman gave birth to a child, suggesting that the Dene traveled part of the distance with their families. The HBC also hampered Hearne’s mission

54 Hearne, A Journey from Prince of Wales’s Fort, 6.
55 Hearne, A Journey from Prince of Wales’s Fort, 7.
56 Hearne, A Journey from Prince of Wales’s Fort, 13.
57 Hearne, A Journey from Prince of Wales’s Fort, 92
because he did not visit the northern region intending to trade, and consequently, he was not equipped with the materials to offer other communities gifts in order to cement good relations and trust. At Lake Clowey, Matonabbee explained to the other Denes who were assembling that Hearne offered no trade goods and couple only supply them “with a few pipes” of tobacco. Matonabbee, meanwhile, demonstrated that he controlled the trade in the region. He exchanged “gun-powder and shot” for martins and beaver furs to be traded at Fort Prince of Wales later.

The military objective of the Dene became vividly apparent at Clowey as other Indians joined the party with the express purpose of waging war. Hearne wrote that a “great number of Indians entered into a combination with those of my party to accompany us to the Copper-mine River; and with no other intent than to murder the Esquimaux.” Between the period in which Hearne left Clowey to travel to the Arctic Ocean and when he returned, the women and children stayed at this spot, thus revealing the changing objectives of the party. Hearne attempted to convince the group not to fight the Inuit but to no avail. “It was concluded that I was actuated by cowardice,” wrote Hearne, continuing, “and they told me, with great marks of derision that I was afraid of the Esquimaux.” Hearne kept silent on the matter out of fear of his own safety, which “depended in a great measure on the favourable opinion they entertained of me.” The party later reached the Coppermine River where its members killed over a dozen Inuit and raided their homes for copper implements before returning south.

On the back to Fort Prince of Wales, Hearne observed the inner workings of the trading practices that allowed the Dene to dominate the region politically. He learned that, along with the trade in HBC goods, the Dene also oversaw the exchange in copper objects, such as projectile

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60 Hearne, *A Journey from Prince of Wales’s Fort*, 116.
points, produced by indigenous peoples. In fact, the Dene had devised an exchange rate in European and indigenous produced items. The Dene traded their iron chisels for copper chisels with the Dog-Ribbed and Copper Indians on a one-to-one ratio or, sometimes, the latter included some copper arrowheads in the exchange. However, when the Dog-Ribbed and Copper Indians traded their beaver furs for other iron tools, such as used hatchets or kettles, Hearne reported that they suffered a markup of approximately one thousand percent.61 Hearne related that Dene control originated out of political necessity. “From those two tribes our Northern Indians used to purchase most of the furrs they brought to the Company’s Factory,” wrote Hearne, “for their own country produced very few of those articles, and being, at that time, at war with the Southern Indians [Cree], they were prevented from penetrating far enough backwards to meet with many animals of the furr kind.”62 It was imperative that the Dene prevented the Copper and Dog-Ribbed Indians from visiting the Hudson’s Bay Company on the coast. “It is a political scheme of our Northern traders to prevent such an intercourse,” wrote Hearne, “as it would greatly lessen their consequence and emolument.” The Dene further secured their position by impressing upon other groups that the change in climate and diet would threaten their lives.63 Through persuasion or through the use of naked force, the Dene controlled the movement of furs and peoples through their territories at a time when the fur-trading companies in distant Montreal and London had laid claim to their lands.64

The Dene, however, did not represent a single unified political community but rather an ethnic group comprised of bands with a shared language, culture, and cosmology. It seemed as

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61 Arthur Ray warns us to not approach such mark ups too cynically in the Cree-Assiniboine trade in the Far West, because these markups include the labor required to transport the goods, the breaking of some goods during Cree or Assiniboine use, and reciprocal gift giving with other indigenous groups. See Ray, Indians in the Fur Trade, 69.
62 Hearne, A Journey from Prince of Wales’s Fort, 176, 177.
63 Hearne, A Journey from Prince of Wales’s Fort, 179.
64 For violence, see Hearne, A Journey from Prince of Wales’s Fort, 181, For the actions of Keelshies, or their raiding on pages 275, 285.
though HBC attempts to alter the leadership structure among the Dene had had no practical effect. Hearne explained that Dene chiefs often exploited English misunderstanding of indigenous leadership structures in order to receive better terms. Hearne complained that the HBC factors had “conceived so high an opinion of those Leaders, and their authority, as to imagine that all who accompany them on those occasions are entirely devoted to their service and command all year.” Hearne explained further, “but this is so far from being the case, that the authority of those great men, when absent from the Company’s Factory, never extend beyond their own family” and that their performance as national leaders “proceeds only from motives of interest.” These leaders were rather the “mouth-piece” or “beggars” for their relations and friends and those “whom at other times they have reason to fear.” English treatment only served to “make them very troublesome” by raising “their demands to so exorbitant a pitch” that “they have received the amount of five times the value of all the furrs they themselves have brought.”

Hearne continued in the services of the HBC following the three voyages and kept informed about the actions of his former guide, Matonabbee. In 1776, the Dene leader used the escalating rivalry between the HBC and NWC trader to make similar demands against the HBC. Matonabbee had set the terms of trade at such an “extraordinary” rate that it caused Hearne to question why Matonabbee felt compelled to make act so brazenly towards the HBC. Matonabbee replied that he “did not expect to have been denied such a trifle as that was; and for the future he would carry his goods where he could get his own piece for them.” Hearne asked where he might receive such outlandish prices. Matonabbee replied that he would trade his goods “to the Canadian Traders.” Hearne concluded that “I was glad to comply with his demands; and I here insert this anecdote, as a specimen of an Indian’s conscience.” Facile judgment aside, Hearne

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revealed a world in which indigenous politics and economics were changing due to the fur trade. But he also observed a space in which Dene leaders attempted use recent political development in order to carve out the most advantageous position for themselves and their communities in a world constantly shifting.

The political conditions described by Pond, Henry, Hearne, and Cocking changed dramatically over the course of the next few decades. In 1774, the HBC opened its first inland post as a way to combat the incursions made by Canadians in the region. Opened by Samuel Hearne, Cumberland House sat on the Saskatchewan River to the west of Lake Winnipeg. With the opening of additional posts and the intensifying of the Canadian presence in the interior, the carefully constructed political world of middlemen and fur producers came to an end. These groups would have to find new ways to adapt to the fur trade in order to maintain control over their relations with Europeans and other indigenous groups. As Alexander Henry’s account shows, violence was not unheard of up until this point. However, it would become much more common in the fur trade following the amalgamation of Montreal fur traders into the NWC as groups fought for access to trade goods, furs, and most of all, land.

The Creation of NWC Legal and Political Fictions

After the Revolutionary War, the British relied on the alliances of its fur traders and indigenous groups in order to maintain political and economic hegemony in the Ohio Valley. Like the Paris negotiations between France and Britain in 1763 at Paris, the Treaty of 1783 excluded indigenous peoples from the proceedings and divided territories North America between the United States and the British Empire. Indigenous communities felt betrayed by the British
government for failing to include any provisions that would secure their political and economic independence. Refusing to retreat north of the Great Lakes, the British government still maintained hopes that their political influence could help establish a buffer state – a pan-Indian nation – between the Canadian colonies and the United States. Montreal-based traders continued to monopolize the fur trade south of the Great Lakes for at least ten years, using Michilimackinac as its base of operations.66

Infighting between British traders prevented intensive exploitation of furs and obstructed the “discovery” of resources and geography in the northwest. NWC representatives John and Benjamin Frobisher characterized relations between British traders as such: they were “consulting their own Interest only, without the least regard to the management of the Natives, and the general welfare of the Trade; soon occasioned such disorder, that those who had the most substantial prospects, lost no time to withdraw their property.”67 In 1782, the Montreal merchants, equipped with this experience of conflict, “entered upon and concluded articles of agreement, under the title of the North-West Company” in order to check competition and prevent the U.S. from claiming British territory.68 Indeed, their very first order of business was to find an alternate route from Lake Superior to Lake Winnipeg, one that avoided American claims. After all the “Grand Portage is the key to that part of British America,” and if the United States were to claim the newly-discovered route, “the valuable Branch of the Furr Trade must be forever lost.” At this point, the NWC investors did not foresee any conflict with the HBC

67 Brymner, Report on the Canada Archives, 1890, 50.
68 Brymner, Report on the Canada Archives, 1890, 51.
because both companies would extract furs from their own territories, and “they will carefully avoid” all conflict.69

From an early point, the Frobishers established a durable tradition of using the NWC’s history to advance their cause to the imperial government. The Frobishers included this history of the NWC in a 1784 memorial to Governor Haldimand, the Commander-in-Chief of Quebec and dependent Territories, in which they requested “an exclusive right to the passage they may discover from the North side of Lake Superior to the River Ouinipique [Winnipeg].”70 While the British still controlled the trade south of the Great Lakes, the NWC became immediately concerned that the United States might evict them from the area. The company wanted a guarantee that North American geopolitics would not deprive the organization of their trade. It was not at all clear as to the position of the boundary line west of Lake Superior. After all, the Americans might eject the NWC, who felt “entitled to an equal, if not an exclusive right to the Grand Portage on Lake Superior and the water communication to the extent of Lake du Bois.”71 NWC shareholders argued that the imperial government should grant the company exclusive access to the main portages into the interior in order to reduce harmful competition between Canadian traders and to unify British interests against the Russian Empire and the United States.72 The Memorial argued that the NWC deserved these monopoly rights because, following the Treaty, its personnel had set off for the north side of Lake Superior to find a passage to Lake Winnipeg. In addition, the NWC had taken it upon themselves to effect the “discovery” of all the lands “extending west of the Hudson’s Bay to the North Pacific” as well as the “Rivers which

69 Brymner, Report on the Canada Archives, 1890, 52.
70 Douglas Brymner, “North-Western Explorations,” in Report on the Canada Archives, 1890 (Ottawa: S. E. Dawson, 1891), 49.
71 Brymner, Report on the Canada Archives, 1890, 48.
72 Brymner, Report on the Canada Archives, 1890, 49. The Letter from George Dixon to Evan Nepean stated that there were Portuguese, American, Swedish, and Russian ships plying the Pacific Waters.
discharge their waters into that sea.”\textsuperscript{73} The NWC believed that their experience in the region offered the best option for the British in establishing a claim over these lands. They assured that a monopoly would not “prove injurious to Individuals, or hurtful to this Province in general,” but rather, they were “pursuing the most proper measures suggested by long experience to supply the natives abundantly with every necessary they require.” They believed that the fur trade would only flourish if the government installed “a well-regulated system in that long chain of connections.”

Peter Pond, an American active in the northwest, also submitted the memorial and included with it his justification for granting the NWC special privileges over the northwest. Pond more assertively framed his argument in terms of imperial advantage that NWC “discoveries” would yield for Britain. He submitted a map of the northwest to the British government that demonstrated “their genius & unwearied industry, in exploring those unknown regions.” He assured Haldimand that the NWC planned to explore – “at its own expense” – all the uncharted territories on his map west to the Pacific Ocean. These “discoveries” did not reflect just the self-interest of the NWC but rather demonstrated their interest in expanding the wealth and prestige of the British nation. Such traders were necessary to prevent other nations from staking their claims on British territories. The Russians had already established posts along the Pacific Coast, wrote Pond, and the Americans have fitted out ships, “under the command of Experienced sea-men,” to exploit the same area. If the Americans “have an easy access into the North West by way of the Grand Portage,” then it took little imagination that the entire interior would “fall a prey to the enterprizes of other Nations.” To that end, Haldimand should use his influence to transform the northwest into “an object of great importance to the British Nations.”

\textsuperscript{73} Brymner, \textit{Report on the Canada Archives}, 1890, 49.
by obtaining “for the [North West] Company an exclusive right to the trade to the North-West of Lake Superior for the Space of Ten Years” as just compensation for work already completed.⁷⁴

In 1790, Edward Umfreville refined these arguments for NWC monopoly in his pamphlet, The Present State of the Hudson’s Bay Company, in which he directed his criticism, not at an American threat, but at the HBC charter. His pamphlet reflected the fact that the HBC had launched an aggressive campaign of opening posts throughout the northwest to contest NWC domination. Umfreville defected from the Hudson’s Bay Company to the North West Company in the 1780s due to the constraints placed upon him due to company’s hierarchical structure, and his experience in the HBC imbued his claims with a feeling of authenticity. He asserted the HBC left their domain undeveloped through their “languid manner” in terms of commerce, industry, mining, and agriculture.⁷⁵ Umfreville asked “is it not somewhat extraordinary that no person has yet represented the benefits which would accrue to this country, from exploring and examining the countries around Hudson’s Bay?”⁷⁶ Uniquely situated to exploit the interior and the surrounding waters, the HBC fur trade could be a major source of national wealth for both industry and the marine.

Umfreville depicted the NWC’s commercial enterprise as one of humanitarian mission. He stated that the HBC’s trade suffered due to the “undeserved rigour” to which they subjected the Indians and that the HBC personnel frequently abused Native traders.⁷⁷ In addition, the HBC’s financial strategy of amassing furs to lower their prices, the overplus, impoverished indigenous peoples. Umfreville wrote that this tactic “presses the Indian, who lives a most

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⁷⁴ Brymner, Report on the Canada Archives, 1890, 53.
⁷⁷ Umfreville, The Present State of Hudson’s Bay, 68.
wretched life, and encounters a variety of difficulties, cold hunger, and fatigue.” Umfreville characterized the HBC as a company whose board of directors carried on a brutal, yet passive, trade that only enriches a few shareholders in London. Their approach contrasted with the NWC’s traders whose hands-on work had begun its work in “civilizing” the Indians and who could mobilize indigenous support against American intruders.

Umfreville contended that the HBC possessed no legal basis with which to sustain the charter, because they lacked “legal authority from the three estates of the realm.” He felt the HBC unjustly uses their exclusive rights to incriminate Canadian merchants as “pedlars, thieves, and interlopers.” First, they argued that an Act of Parliament would only apply for seven years, after which, if no improvements to the land were made, then the company would lose their rights. Secondly, the 1670 charter was not worth the paper it was written on: assuredly HBC failure to develop the interior and the maritime resources provided grounds upon which to dismiss the charter. As a result, the HBC failed to contribute to national wealth and to claim territories spanning Hudson Bay to California for the empire. Umfreville criticized the hierarchical structure of the company, suggesting that their practices converted youth to criminals who imbibe “fresh vices daily”. In addition, the company engaged in warfare in which Indian women are taken as slaves, a practice never adopted by Canadian. The pamphlet ultimately concluded that the NWC should be granted a privileged charter – one that would confer monopoly rights – in order to regulate the trade and to prevent further degeneration of indigenous peoples.

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82 Umfreville, *The Present State of Hudson’s Bay*, 120.
By the turn of the century, violence had escalated due to an increasing amount of direct competition between the NWC, HBC, and the newly formed XYC. In 1799, the explorer Alexander McKenzie felt that the NWC disrespected his explorations conducted in service of the company when its shareholders gave him only one share of the company’s stock. He formed his own fur trading company, the XY Company, to compete directly with the NWC by using an identical business model. As Daniel Harmon illustrated, a general feeling arose that the fur trade was becoming ungovernable due to the tactics of violence and intimidation deployed by the two Montreal companies. The murder of a fur trader by another fur trader finally precipitated calls for the expansion of British jurisdiction over the lands the Empire claimed in the west. In 1802, an XYC trader Joseph Maurice Lamothe murdered an NWC employee, James King, in self-defense when King attempted to seize furs in possession of Lamothe under the pretext that King owned the oldest debts on the hunters. Lamothe surrendered himself for trial in Montreal, but the “Courts of Justice” sent him back to Indian Country because Lamothe had committed the crime on lands over which no clear British judiciary reached.  

The event drew Parliament’s attention to the disturbing reality that there were competing fur traders who would use murderous violence against their rivals in a “legal vacuum.” The Lieutenant Governor of Lower Canada, Robert Milnes, wrote to Lord Hobart, the Secretary of State for War and the Colonies, about the need to install British authority in the northwest. Milnes described the situation as such: “the seat of the Trade lies many Hundreds of Miles beyond the Limits of either of the Provinces, where there are no military Posts, no officers of any Government, no Persons, in short (Indians excepted) but the Servants of the Two Companies,

who are already hostile to each other, exasperated by mutual acts of aggression, interested in the success of their respective Companies, freed from all immediate restraint, and fearless of future punishment.” The lack of an effective British jurisdiction represented a risk for maintaining legitimate claims to the region. Indeed, alliances with Indian peoples still played a decisive role in asserting British sovereignty. When crimes that ranged from “Trespasses to Murders” were committed without impunity, the British ran the risk that the “natural Character of the English will be debased among the Indians,” which might then translate to their being “more easily wrought upon by Foreign Emissaries employed by the Enemies of Great Britain.” Milnes recommended that Hobart take action to extend Canadian jurisdiction to cover the British northwest and that legal authorities in the colonies should be empowered to appoint magistrates, or Justices of the Peace (JPs), to “seize and apprehend in the Indian Territory all Persons whatsoever charged with Felonies” to send to Canada for trials. Parliament should model such an act on the Royal Proclamation of 1763.86

The Grand Jury of Lower Canada explained in its 1802 Presentment why they found themselves legally incompetent to try Lamothe. They found that there existed no tribunal for the interio outside of the Canadian colonies and that the HBC had not established a tribunal for Rupert’s Land. The Grand Jury worried that “such doubtful and such remote Jurisdiction may have been an incitement to the Commission of Crimes.” The fact that there was no legal mechanism in place to deal with these crimes led the Grand Jury to conclude that the British Empire “may totally defeat the end of Public Justice” and also “may be the means of depriving an innocent person who may be unjustly accused of...legally evincing to his Country and friends his innocence.”87 Without the promise of a speedy trial and swift punishment, the fur traders

87 Brynner, *Report on the Canadian Archives, 1892*, 139.
have instead resorted to a legal custom that, in their minds, resembled the practices of the Indians: one of “private retaliation and revenge.” “The death or absence of witnesses, or other causes, and the mind cannot contemplate without horror,” found the Grand Jury, “the possible abuses to which such circumstances might give rise.” Therefore, by establishing a “capital jurisdiction within His Majesty’s Territories,” the empire would begin to construct a “civilized” society that respected the laws and authority of the Crown.

John Sewell, Attorney General of Lower Canada, agreed that offenders could not stand trial in Canada for crimes committed in the northwest. While he asserted that special commissions to investigate murders could be granted under a law passed during the reign of Henry VIII, there were doubts as to the legality of this statute when prosecutors evoked in to bring two people to trial in 1788. He also believed that Parliament needed to pass an act that would expand Canadian jurisdiction as to leave no doubt as to the competency of their courts. Like other writers, Sewell believed that such an act was needed to constitute the empire against external threats, because it may occur that in “many part of the interior Country in which Crimes may be committed, may be supposed by the United States to lie within their limits.” The Americans, therefore, might have no reason to respect British claims if the empire failed to establish any legal or political systems in the interior.

The XYC defended the company’s reputation against attacks from the NWC following the Lamothe murders. In 1802 XYC shareholder John Richardson wrote to Herman Ryland, a clerk of the crown with political connection with Lieutenant Governor Milnes, to explain the condition in the northwest. After the break between the NWC and the XYC, the “old” and “new” companies, the XYC “was viewed by the other with a Jealousy and Rancour improper in the

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88 Brynmer, Report on the Canadian Archives, 1892, 140.
89 Brynmer, Report on the Canadian Archives, 1892, 141.
Subjects of the same Empire, pursuing a legal and open Trade. “Richardson protested the NWC violent tactics of intimidation that included encouraging the Indians “to commit actual pillage, and to fire upon Canoes of the new Company” and “to debauch and entice away their [the XYC’s] clerks and servants.” In addition, the XYC has suffered their property to be stolen or “pillaged.” The NWC’s tactic of pillaging, in fact, led to an act of “determined Resistance” that had “fatal effects,” referring to King’s death; Lamothe had only defended himself in an act of robbery. “Similar cases may lead to similar effects,” continued Richardson, “Retaliations may become more frequent.” Therefore, Richardson supported the expansion of Canadian jurisdiction in order to reign in the abuses dealt out by the NWC, in fact arguing that the government should establish a military post at Thunder Bay where the Canadian government could convene tribunals.

The recommendations of company men and public officials resulted in the 1803 Canada Jurisdiction Act that made crimes committed in the newly designated “Indian territories” cognizable in the Canadian tribunals. The petitions, and the law itself, was intended mainly to mitigate the escalating conflict between the XYC and the NWC with little reference to the HBC’s jurisdiction over Rupert’s Land. It became immediately apparent that the NWC would become the sole beneficiaries of this new act. The company would consolidate its control over the northwest in 1803 by establishing a new field headquarters at Fort William, or “Kamanitquia”, thus permanently abandoning the Grand Portage now south of the border, and

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90 Brynmer, Report on the Canadian Archives, 1892, 145.
by merging with the XYC.\textsuperscript{93} Immediately following the passage of the CJA, the government in Canada appointed officers in the NWC as JPs.\textsuperscript{94} Rather than establishing a judiciary for the “Public Justice,” then, the law allowed the Montreal company to use it as a legal tool with which to exercise force in establishing its monopolistic aspirations. The HBC formed the last major opposition against the NWC, but they were in a far weaker position and lacked a legal infrastructure with which to combat the NWC.

A Patchwork of Claims

NWC representations of themselves as “civilizers” and “humanitarians” improving the Native societies with whom they came into contact contrasted with the realities that unfolded on the ground. These lands were still controlled economically, militarily, and politically by indigenous groups. Indigenous peoples entangled British traders in political relations that were becoming increasingly disorderly and violent as company intrusions toppled the monopolies cultivated by indigenous middlemen. In reference to the Northwest fur trade in the 1800s, Gerhard Ens writes that “In those areas where Aboriginal groups contested control over resources, territory, and access to European goods....and in those regions where fur trade companies battled for access to furs and provisions...the fur trade was violent.”\textsuperscript{95} Ens description of the northwest political conditions conveys the dynamics that shaped relations between all participants involved. However, rather than viewing the conflict as playing out on two distinct registers, the “fur trade companies” and the “Aboriginal groups,” much of this violence arose because indigenous

\textsuperscript{93} For the merge, see, Stewart Wallace, ed., \textit{Documents relating to the North West Company} (Toronto: Champlain Society, 1934), 125-133; for the opening of Fort William, see199.
\textsuperscript{94} Brown, “Unpredictable and Uncertain,” 501.
\textsuperscript{95} Ens, “Fatal Quarrels and Fur Trade Rivalries,” 135.
peoples viewed the fur traders as involved in many of the same political disputes as they were with other indigenous groups. While white traders sought to treat Native groups as their economic dependents, the persisting autonomy of this indigenous defined political relations in the fur trade into the first two decades of the nineteenth century. Despite these changing conditions, indigenous peoples throughout the northwest would continue to insist that agents from both companies continue to engage them as political allies, much as the French had in a previous era.

By the 1780s and 1790s, the opening of more HBC and NWC posts throughout the northwest had begun to destabilize political relationships between indigenous peoples. Groups who previously dominated the carrying trade now found themselves dispossessed of their positions. To adapt to changing circumstances Cree and Assiniboine abandoned their middlemen position to become provisioners for these companies, which were now moving into regions father to the north and west. These social, cultural, and economic changes would have dramatic implications for political interactions. By 1781, in this region, the Cree were now moving out onto the prairie to hunt buffalo and a limited supply of beaver to supply the fur traders. This transformation in the Cree economy meant that they no longer controlled the trade in guns to their powerful allies to the west: the Blackfoot. Now engaged in a war over hunting territory, the alliance between the Cree and Blackfoot disintegrated as both groups began to raid each other over access to hunting territories.

NWC trader Duncan McGillivray, who was stationed at Fort George on the Saskatchewan River, became embroiled in these ongoing political transformations. McGillivray was struck that Fort George was situated between several different, competing indigenous

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nations. He wrote that “During 3 days past Indians are pouring in from all quarters. There are no less than 7 different nations at the Fort: - such an assemblage of Strangers, who are in general inveterate enemies and ignorant of every language except their own, must exhibit some curious scene.”

His observations spoke to the reality that the fur trade had engendered the migrations and adaptations of several different groups. Lynda Gullason informs us that these groups might have included the Cree, Assiniboine, Ojibwa and Iroquois who traveled west with the NWC, Blackfoot, Gros Ventres, and subgroupings within each ethnicity. They were brought together for the purposes of trade, conviviality, and political posturing.

McGillivray’s journal describes the indigenous political geography of the northern prairies that he attempted to influence as a trader. To trade with several nations in the neighborhood of the post, McGillivray understood that he had to follow a set of rituals in order to establish good relations upon which to build a lasting trade. It is clear that indigenous groups who visited Fort George believed that they were entering into relations that were political, economic, and spiritual. These rituals were so common, in fact, that McGillivray refrained from describing them in each individual instance. Rather, he established the basic pattern at the front of his journal. “When a Band of Indians approach near the Fort it is customary for the Chiefs to send a few young men before them to announce their arrival, and to procure a few articles which they are accustomed to receive on these occasions,” explained McGillivray.

The young men returned to their leaders with powder, tobacco, and a “little paint” that they used for their faces prior to the meeting. “At a few yards distance from the gate they salute us with several

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discharges of their guns,” he continued, “which is answered by hoisting a flag and firing a few guns.” Once the parties enter the fort, they relinquished their weapons, received gifts, smoked a pipe, and delivered speeches. Native peoples exercised the most agency over these relationships during times of competition by choosing the most generous and respectful traders.  

Yet, while McGillivray understood that he must follow certain political rules in order to trade successfully with Native groups – and survive in an unfamiliar country – he attempted to influence indigenous political structures in order to subordinate these groups to NWC authority. McGillivray feared that the neighboring indigenous groups, particularly those from the plains, might confiscate company property, damage the fort, and kill British traders. In fact, the Assiniboines – a group who was losing power as the companies opened posts on the upper reaches of the Saskatchewan River – raided the neighboring HBC fort and killed the company’s men prior to McGillivray’s arrival to Fort George in 1794. McGillivray also believed that the NWC should intervene in indigenous political disputes if they will influence the success of the trader. He characterized Indian Country as a space ruled by the laws of nature. “This kind of assistance is often necessary in an Indian Country,” wrote McGillivray, “where the weak become naturally a prey to the strong, and where force is universally supposed to confer right.” He noted that these circumstances often placed the companies at an advantage, for example when the Indians were “flocking in multitudes” to obtain “a Skinful of Rum.”

During the gathering of “no less than 7 different nations,” two hundred men from the Blackfoot nation arrived with their families. McGillivray applied his heavy handed interpretation of indigenous legal customs in his failed attempts to subordinate an influential Blackfoot leader,

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102 The Journal of Duncan M’Gillivray of the North West Company, 56, 57.
103 The Journal of Duncan M’Gillivray of the North West Company, 36.
Gros Blanc. In fact, the conspicuous absence of Gros Blanc revealed that the Blackfoot did not regard McGillivray as an influential political leader. It had become clear that McGillivray disrespected the Blackfoot chief, who refused to visit the fort until McGillivray accepted a political relationship on Gros Blanc’s terms. Gros Blanc remained “behind this spring” and sent a speech by way of an underling, Mr. Shaw, who suggested that McGillivray’s past behavior accounted for the chief’s actions. The speech related that even though McGillivray had “made him ashamed before strangers by offering him an insult which no mean breathing ever dared to do before,” Gros Blanc “forgets that circumstance, and as a mark of his entire forgiveness, he adopts me, for his little Brother to replace a real one who has been killed last Summer in War by the Snake Indians.”

McGillivray and all other British traders would have been familiar with the political meaning of kinship terms for indigenous peoples. As the French attempted to build its empire using indigenous peoples in the seventeenth century, the French King was commonly referred to as onontio, father, by Algonquian-speaking peoples. Such patterns persisted into the late eighteenth and early nineteenth century in the northwest. Gros Blanc sent McGillivray a message that he did not regard the fur trader as a political equal, certainly not as a father or even as an older brother. While the Gros Blanc may have claimed to have forgotten the earlier incident, it is clear that Gros Blanc adopted him as a younger brother to symbolize his acceptance of McGillivray as a political subordinate.

McGillivray remained sketchy about the incident that led to him receiving Gros Blanc’s disrespect, but it appears to have involved horse raiding. Gros Blanc and his retinue visited Fort George the previous fall, when McGillivray had “employed every method in my power to discover any of the miscreants who were personally concerned in my unlucky adventure last

104 The Journal of Duncan M’Gillivray of the North West Company, 73.
105 Richard White, The Middle Ground, 84.
year.” When McGillivray learned that none of those “miscreants” had traveled with Gros Blanc, he approached the Black Foot leaders assembled inside Fort George. “Being transported with rage at seeing no likelihood of receiving any atonement for the Injury I had Suffered,” wrote McGillivray, “I sprung upon their greatest chief the Gros Blanc & offered him an indignity which he will always remember with anger and resentment.” McGillivray described Gros Blanc as a “formidable chief” that was “universally feared by all the neighbouring nations” due both to his “immense size” and the “acts of personal courage which he has displayed on many occasions.” When Gros Blanc claimed to have forgotten the unnamed “injury” suffered from McGillivray, the Blackfoot chief instead permitted McGillivray – who before acted impetuously – to remain in his country as a source of trade goods, but at the same time only suffered McGillivray’s presence on terms that would not diminish Gros Blanc’s position amongst his own people and to other Native nations.

While the northwest was defined by recent political changes, longstanding enmities between indigenous groups also shaped traders’ abilities to form relationships with indigenous groups. As the Cree were expanding in the early eighteenth century, they became enemies with the Dene situated to the north. In the early eighteenth century, the Dene suffered mightily because they lacked access to the European goods and weapons that the Crees used to dominate them. The effects of this rivalry were felt into the end of the eighteenth century. Malcolm Ross similarly found that the relationships formed between the NWC and Dene at the Churchill River complicated HBC attempts at establishing a permanent presence in 1795. During periods of war, the Dene did not view their debts as an ironclad obligation if political events intervened.

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106 The Journal of Duncan M’Gillivray of the North West Company, 45.
Ross wrote that “Mr Fraser is been 7 years a trader amongst those Chipwayan Indians and is well acquainted with them and I have never seen any of them before that makes me to have difficulty in gaining some of them over.” In the spring, however, Ross indicated that the Dene had decided to take leave of the Churchill River following an attack on their relations by the Crees around Cumberland House. Ross indicated that he distributed about 200 Made Beavers’ worth of debt to the Dene, who in February decided to travel “northward for their own lands which will be the cause of many debt carrid off and never payed.” In this instance, the NWC tactic of offering large debts to ensure cement relations with their indigenous allies backfired. Ross wrote: “it is a custom with the Canadans to give those grate debts, and they will find it will not answer the end this year for my nighbour and the next house to the westward they will lose about 1500 Beaver in debts,” which paled in comparison to the HBC losses. Alliances between the NWC and their indigenous allies, therefore, ensnared the fur traders whose debts could do little to persuade the Dene into staying when their very lives were at stake. In this case, the Dene were not willing to endanger themselves to do the bidding of the fur traders.

While Gros Blanc made it clear that the NWC did not represent a neutral presence on indigenous lands, indigenous groups in the Athabasca country allowed traders to enter their territories only if the Europeans had gained their permission. The Dene at the Athabasca region continued in their attempts to exert control over the fur trade into the nineteenth century. As the trade moved inland, the Dene began to spend greater parts of the year in the northwest, placing them in direct conflict with other indigenous groups. This new proximity undermined

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108 HBCA B.66/a/1 Folio 10, Fairford House Post Journal, Malcolm Ross entry, Sept. 29th, 1795.
110 For the destruction of the Dene role as middlemen and the violence that proceeded, see W. A. Sloan, “The Native Response to the Extension of the European Traders in the Athabasca and Mackenzie Basin,” Canadian Historical Review 40.3 (1979), 283-286.
attempts to establish political relations for all involved, and it was not uncommon for the
Canadians to abuse indigenous peoples in order to impose control. In 1802, the HBC trader
Thomas Swain at Great Slave Lake House reported that the Beaver, or Danezaa, Indians refused
to allow the XYC from establishing a post around the lake. Swain wrote that an NWC trader
named Leith arrived “with 5 Canoes and 37 Men,” but the “Indians told them they would not
allow them to build in there Country and ordered them to return down the river again.”
Indigenous groups in the area were wary of allowing the Europeans to open houses in the region,
which in turn would have allowed the cycles of abuse to continue. Leith found that he needed
to demonstrate his goodwill towards the Danezaa by offering presents that symbolized his
intention of forming a political alliance. Leith gave a gift of “3 Big Kegs of Rum, Tobacco,
Cloth, Blankets, &c” the following day to receive permission to build “higher up in there
Country, wo which the Natives consent.” On the following day, however, the Danezaa had
changed their mind because they felt that the XYC traders introduced malevolent supernatural
forces to the community. Leith learned that, if his party were to proceed up the river, the
Danezaa “would kill them” because those traders had brought “some Disorder…which killed 10
of them” the previous year. The Danezaa asserted that the XYC “brought Bad Medicines
amongst them which was the occasion of the Deaths.” The XYC resorted to building a house
closer to the HBC, which the Danezaa allowed because “they NW Company are not arrived.”

The HBC post was by no means secure, either, as the Danezaa exercised indirect means
to prevent the HBC from maintaining a permanent presence on Great Slave Lake. Swain

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112 HBCA B.41/a/2, Folio 1, Chiswick House Post Journal, Thomas Swain Entry for Oct. 4th, 1802.
114 HBCA B.41/a/2, Folio 1, Chiswick House Post Journal, Thomas Swain entry for Oct. 5th, 1802.
115 HBCA B.41/a/2, Folio 1, Chiswick House Post Journal, Thomas Swain entry for Oct. 6th, 1802.
116 HBCA B.41/a/2, Folio 2, Chiswick House Post Journal, Thomas Swain entry for Oct. 16th, 1802.
recorded that it was “customary” for the traders to request a skilled hunter to provide fresh provisions for the winter. Swain admitted that “The Indians was all strangers to me, and I did not know a good hunter by a bad one.” When he requested a good hunter, he found that the NWC had convinced the Danezaa to reside near their fort. The NWC had “done all that laid in their power to stop us [the HBC] from building here and they do not scruple to tell us that we have no business in this part of the country.”

Danezaa rejection of the HBC, therefore, placed the HBC house on shaky footing owing to Swain’s inability to enter into relationships of mutual dependency and obligation with the Danezaa. With the NWC tenaciously holding on to the territory and exercising influence among the Danezaa, Swain abandoned the country to come back the following autumn.

However, the diplomatic relations between the NWC and Dene were far more tenuous than they were with the Danezaa. In the case with the Dene, the NWC threatened the Dene with violence and death when they refused to trade their furs and food to that house. In October of 1803, “28 Canoes of Chippewyans arrived at the old and New Company’s [XYC] with a little provisions, and three of the above Canoes was coming to trade with us.” At this point, the fur trade had become so violent that the Dene had decided to abandon the fur trade in favor of hunting for provisions, a move that incensed the NWC. Swain continued that “when the Old Company [NWC] saw they was approaching to our place, they called to them and told them they would kill them if they would come to this House to Trade.” One Dene chief then “stripped himself naked, and took his Gun in his hand, and went to them, and they had some high word together, and he came back to me with what Provisions he had to Trade, and he told me was determined to trade with us.” Backed by twenty-eight canoes of his countrymen, the Dene chief

117 HBCA B.41/a/2 Folio 6, Chiswick Post Journal, Thomas Swain entry, May 10th, 1803.
felt confident enough to challenge NWC threats and to provide a demonstration to the NWC that they still traded on Indian country.\textsuperscript{119} As Hearne’s encounter with the Dene earlier revealed, the Dene sought to maintain as many relationships of interdependency open as possible in order to control the region’s trade. The Dene leader at Great Slave Lake threatened the NWC trader after the Canadian attempted to disrupt the provisioning economy that the Dene had developed in tandem with the fur trade.

These economic realignments carried political significance for the relations that unfolded on the prairies that drained into the Saskatchewan River basins farther to the south. These groups were reorienting their economies around the buffalo hunt in order to dry the meat to trade to posts as pemmican. For the Assiniboine and other Plains people, horses became central to the trade.\textsuperscript{120} In 1793 and 1794, war over access to territories and trade goods raged between the Cree and Assiniboine on the one hand and the Gros Ventres on the other as the previous alliances between the Blackfoot, Cree, and Assiniboines began to crumble. This conflict involved traders as well as the Gros Ventres decided to attack British houses that supplied their enemies. In 1793, the Gros Ventres raided the HBC’s Manchester House and NWC’s Pine Island Fort, and in June 1794, they attacked the South Branch Fort.\textsuperscript{121} The traders themselves came to suspect that indigenous groups – regardless of their affiliation – might attack their forts.

The British traders were confronted with the problem of maintaining order over these indigenous hunting bands to remain productive during a period of warfare. In 1794 at Setting House, James Bird had little patience for this problem when he belittled the Assiniboine for their lack of fur production when he complained that the Assiniboines had “done nothing but running

\textsuperscript{119} HBCA B.41/a/1, Folio 8, Chiswick House Post Journal, Thomas Swain entry for Oct. 4\textsuperscript{th}, 1803.
\textsuperscript{120} Ray, Indians in the Fur Trade, 126-133.
\textsuperscript{121} Milloy, The Plains Cree, 32-34.
about from Horse to Horse there has been four of them in and brought no more than 4 MBr amongst the whole.”\textsuperscript{122} Furthermore, it appeared that the stresses of war had prevented the Assiniboine from hunting for the fort, which meant that the workers at the post “have just been able to keep from starving.” The NWC did not fare better in this neighborhood, and James Bird worried that their behavior might further destabilize the political relations in this neighborhood. Those traders suspected that they had “caught three Stone Indians [Assiniboines] who they suppose were come to steal Horses & brought them prisoners to the House.”\textsuperscript{123} The NWC decided to take justice into their own hands and by murdering the two Assiniboine Indians whom they believed stole the horses. Bird described the scene in which the NWC had detained three Assiniboine men: “In the course of last night one of the Stone Indians made his escape,” and the Nor’westers sought to make an example when they “immediately butchered the remaining two and left their bodies by the river.” Following this execution, the NWC personnel stationed at the fort left the country with other NWC employees from the “upper settlements” arrived.\textsuperscript{124} Bird feared that the punishment meted out by the NWC officers would have political ramifications for the HBC if they remained in the country, because it appeared that the NWC men sought to end all relations with the Assiniboine. Not interpreting it as a punishment for a crime (never committed), Bird feared that the NWC had incited further violence by the Assiniboine who may or may not attack the HBC installation. Bird likely worried that the NWC’s actions might further fracture the political relations on the prairies, distract indigenous hunters from the fur trade, and imperil their own lives.

\textsuperscript{122} HBCA B.197/a/1, Folio 19, Setting House Post Journal, James Bird entry for February 1\textsuperscript{st}, 1794.
\textsuperscript{123} HBCA B.197/a/1 Folio 24, Setting House Post Journal, James Bird entry for May 17\textsuperscript{th}, 1794.
\textsuperscript{124} HBCA B.197/a/1 Folio 24, Setting House Post Journal, James Bird entry for May 21\textsuperscript{st}, 1794.
Like the northwest, the fur trade north and west of Lake Superior conformed to the political relations that had developed over the preceding centuries. Traders here found themselves ensnared in a political world in which indigenous peoples were seeking new opportunities to exploit the fur trade. The war between the Ojibwe and Sioux continued unabated throughout this period despite the best efforts by the British and Americans to intervene. On the other hand, indigenous peoples were increasingly involved in the political struggles unfolding between the British companies. The cacophony of indigenous and colonial interests produced a space within the fur trade in which its participants experienced opportunities, risks, dangers, and violence. While relationships between indigenous relations arena played a role in shaping the British fur trade, a key dynamic emerged in this region in which traders would engage indigenous groups as political allies yet treat them as though they were economic dependents. Many indigenous groups, however, sought to retain their political autonomy and the potential for economic opportunities even if the nature of the fur seemed to be constantly in motion.

While violence was used to some degree by all participants in the fur trade, the NWC deployed it most systematically in order to gain an edge over its Montreal and London based competitors and to subordinate indigenous groups who defied them. William Corrigal, master of Bad Lake House in 1805-1806, reported that NWC officers had seized his furs in a violent altercation. In early 1806, Corrigal wrote that the “Canadians” had attacked the HBC house at Red Lake a month earlier, robbing the post “of furrs to the amount of 50 MB,” and that the NWC agents had “threatened to kill the men, burn the house, and destroy the Company’s goods if he [William Spence of the HBC] dared to go to an Indian tent during the winter.” The NWC also used violent techniques in its competition with Montreal-based rivals such as the XYC. In 1836,

125 HBCA B.244/a/1 Folio 6, Bad Lake Post Journal, William Corrigal entry, Mar. 21st, 1806.
XYC clerk George Nelson reflected on the competition, writing that “It was a state of almost Polite war.”

Stationed at Folle Avoine in present day Minnesota, Nelson explained the XYC’s philosophy for competing with the larger, more powerful NWC. “It was a ‘maxim’ carefully impressed upon all of us, indirectly indeed, but so as not to be misunderstood, to do all we could to get returns & oppose our neighbors, no means were to trivial, nor method too...base? Yes! I say base, so that we could succeed.”

These techniques were necessary considering that their opposition deployed a similar philosophy. Nelson wrote that in 1802 when Duncan McGillivray attempted to take a couple XYC men “by main force” with the ultimate goal of conscripting them in the NWC. A “quarrel ensued” but McGillivray slipped off in a boat with the XYC men. “We at last embarked fully determined to defend ourselves, fight, & kill, if driven too it; & armed for the purpose.” Violence against competitors, therefore, was but one technique that the Montreal-based fur traders deployed to suppress intrusions by rivals.

In addition to direct conflict, the NWC threatened HBC traders with the possibility that they might fall victim to violence at the hands of indigenous peoples. The NWC used this tactic on Thomas Miller at the Lac Bonnet House in 1807. He wrote that the Canadians had stolen the fishing nets at his house and another house operated by the HBC east of the Red River, leading him to conclude that “This is a bad beginning.”

Throughout the winter of 1807 and 1808, Alexander McKay, an NWC officer, used a combination of both veiled and real threats of violence in order to convince Miller to leave his post. First, McKay attempted to persuade Miller to visit his post for unspecified reasons by fanning rumors that the Ojibwe were planning to kill all of the British subjects in the area and to burn their posts to the ground. McKay wrote to Miller...

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127 *My First Years in the Fur Trade*, 45.
128 HBCA B.103/a/1, Folio 4, Lac Bonnet Post Journal, Thomas Miller entry for Oct. 23rd, 1807.
that the Ojibwe had killed a number of NWC employees at the Lake of the Woods and planned also to murder Thomas. McKay requested that Miller stop trading liquor to indigenous groups, likely because the advantage that it gave him, because “the murder was committed in a Remott party of the country and the Indians of this place Inocent and does not Deserve such treatment.”

After Miller refused to leave the country, NWC underlings under the direction of Alexander McKay visited the Lac Bonnett post to threaten Miller into giving them the furs that Miller acquired during the winter. Miller wrote that he followed the HBC policy of non-confrontation with the NWC during the incident and agreed to the NWC’s terms that he should not sell liquor to the Ojibwe. McKay wrote that, in twenty years service, the opposition produced more “Mischief” against the company’s property and his person than it ever had before.

Observing violence against their colleagues and indigenous groups, it did not escape HBC personnel that the NWC sought to impose monopoly control over the fur trade through direct confrontations. This strategy seemed to have no basis in law. Stationed at Sturgeon Lake house in 1780 to interrupt NWC regional dominance, George Sutherland commented on the Canadian “rascals” and “thives” who monopolized the trade, using the area north of Lake Superior as their own exclusive transportation route. “They ought to be severely censured by the company and prosecuted because in my opinion they are guilty of the highest violation of the law,” Sutherland complained, “and might have as well employed themselves in Stealing the goods out of the companys Warehouses.” In 1789, at Manchester House, Thomas Haynes suggested that the HBC should send more trade goods to the western country in order to “dispel thou Intruders of your privilages.” Haynes refers to Canadian traders as the “intruders” who had

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129 HBCA B.103/a/1, Folio 7, Lac Bonnet Post Journal, Thomas Miller entry for Jan. 28th, 1808.
130 HBCA B.103/a/1, Folio 8, Lac Bonnet Post Journal, Thomas Miller entry for Mar. 2nd, 1808.
131 HBCA B.103/a/1, Folio 9, 10, Lac Bonnet Post Journal, Thomas Miller entry for Mar. 8th, 1808.
132 HBCA B.211/a/1 Folio, Sturgeon Lake Post Journal, George Sutherland entry, 26
saturated the demand for European goods, thus defying the HBC chartered monopoly. In 1799, an NWC officer Mr. McJurvis openly mocked Tomison and the HBC by implying that the charter was devoid of any authority and that Parliament could revoke it at any time. Tomison wrote that another NWC employee, Mr. MacJurvis learned in London “that no monopoly could be broken without an act of Parliament.” While a number of HBC officers were equipped with knowledge of a charter that granted the company rights to the lands in the interior, they found that they were continually rebuffed by the counter assertions of NWC traders, their use of force in claiming exclusive rights to land and trading parts, and indigenous leaders whose response to the HBC varied across the period.

Indigenous peoples experienced the casual violence of NWC company personnel who were seeking increasingly to subordinate indigenous peoples to their authority rather than to build relationships with them. Whereas traders in previous centuries might have been more interested in maintaining relationships of obligation, trust, and respect, NWC traders were beginning to transform these political alliances into relationships of debt obligation. In 1795, George Sanderson, stationed at Fly Lake Post in modern western Ontario, observed NWC officer Duncan Cameron maintain control over Ojibwe communities. Cameron believed that he owned any fur gathered by a Native trader who had taken debt from him. Sanderson wrote in 1797 that Cameron “came here to my house and 4 of his men told me that I have robed the Indians of his [Cameron’s] furs and had no right to get a skin and or that he wold Sack out of my house what he chused me” because Cameron and his men were nothing but “thives and robers.” By 1798, Cameron sent his employees sent his employees *en derouine* to ensure that he would collect on

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133 HBCA B.121/a/5 Folio 34, Thomas Haynes entry.
134 HBCA B.121/a/7 Folio 9, Thomas Haynes entry.
135 HBCA B.71/a/1 Folio 16, Fly Lake Post Journal, David Sanderson entry, June 2nd, 1797.
his debts. Sanderson reported that several Indians had arrived at the post “but Cameron has sent a man almost with each of them,” which eventually meant that “there are so many Canadians gathering here from Cameron’s other settlement...that ye Inds is really offrighted of them which will make me lose a great many of my debts.”

The systematic use of violent coercion was accompanied by a growing feeling by British traders to view their relations with indigenous peoples as being primarily ones of property rather than ones of political alliance. Alexander Henry the Younger explained the procedure of dividing up indigenous people and their hunts when a rival from the HBC arrived at his Pembina post on the Red River. “We arrived at the Panbian River,” wrote Henry, “where we round that the H.B. people were building, and about 80 Indians anxiously awaiting my arrival.” Writing in the year following the XYC-NWC merge, Henry decided to make an agreement with the HBC postmaster. Henry wrote that “I immediately drew up an agreement with Mr. Miller; we divided our Indians, I taking good care to keep the best hunters for myself, and settled matters as to keep them from cheating us.”

Indigenous groups had no reason to be concerned over the bottom line of either company, and so, when an agreement could not be made, traders attempted to reduce their loss by trading en derouine in order to pay close attention to indigenous movements. In the fall of 1804, NWC trader Hugh Farries spent the winter observing the movements of his XYC competitors at his Rainy Lake post. In November of that year, he wrote that “I was inform’d by Laverdure [his underling] that the X. Y. were preparing to go a derouine. Accordingly I got Goods &c. ready to

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136 HBCA B.71/a/3 Folio 19 and 20, Fly Lake Post Journal, David Sanderson entry, Apr. 16th, 1798
follow them & kept three men all night about their fort watching them.” Thomas Connor, meanwhile, suggested that trade occurred between more than just the fur trader and the male members of the community. His comments reveal the extent to which the fur traders were expected to be integrated in those communities. Connor worried that the XYC at the St. Croix River might “poison the Minds of the Women by offering to sell Cheaper than I do.” From his post at Pembina, located on the Red River, Alexander the Henry the Younger monitored the movements of both the HBC and XYC during at the start of the nineteenth century. On one occasion, Henry briefly mentioned “fighting and quarreling” between XYC and NWC workers, and on another he reported that “Mr. Cameron off with a boat in pursuit of the X. Y.” Later, after struggling through a snowstorm, Henry returned to the NWC fort where he learned that the XYC officer J. Duford had visited the NWC fort where he “threatened to kill my servant [Pierre Bonga] in my absence, but did not escape without a sound beating.”

While the NWC viewed violence as an instrument of control, in some cases it became apparent that the HBC had intruded upon local political arrangements and economies that placed them at a disadvantage. Despite NWC tactics, indigenous peoples continued to insist that traders form equal relationships with them prior to conducting trade. In these cases, it became apparent that the HBC philosophy that opening a house will simply attract indigenous customers would not suffice in conditions of competition. When John Cobb established the Ash Fall post near Lake of the Woods in 1798, he learned his original post was poorly situated. The Ojibwe informed Cobb that “that Canadians intended to settle- the middle of their hunting ground” and

141 Alexander Henry, *New Light*, 231. Bonza or Bonga was an African servant in Henry’s employment.
that it would “be more advantageous to follow them then remain here at their place where No Indians were to be expected.”\textsuperscript{142} He relocated Ash Fall to a spot “about 300 yd from the Canadians.”\textsuperscript{143} Cobb expressed frustration that he was an outsider to the local economy that included, not only hunting furs, but also the construction of canoes and the hunting of game. Two of Cobb’s underlings, William Tulloch and John McDonald, returned from spending time at a Native encampment but had “brot only two moose skin parchments.” They explained to Cobb that “the Indians [have] done nothing the whole time they were them except hunting moose and deer.” Cobb concluded that “these Indians is very lazy in hunting Beaver in the middle of Winter as it is very hard work. They depend more on building canoes for the Canadians then hunting.”\textsuperscript{144}

After lamenting that the HBC acquired few furs, the Ojibwe taught Cobb about the protocols of trade in their region. Cobb wrote that “The Indians told me that we disappointed them greatly by coming one year and staying a way two or three which was the reason they traded the most part of the furs with the Canadians.”\textsuperscript{145} The Ojibwe saw no reason to imperil their relationships with the Canadians if the HBC traders exhibited no desire to enter into relationships of reciprocity and trust with them, even if the nature of those relationships was beginning to change.

The NWC clearly held the advantage over the HBC in its capacity to form relationships with indigenous groups. However, the NWC’s overbearing practices occasionally opened space for the HBC and Native hunting bands to form relationships. At Chatham House in northern Manitoba, William Cook described in 1791 and 1792 how indigenous risked angering the NWC traders by forming a relationship with the HBC. In January 1792, he wrote that “Myself & men arrived from the Indians – had the good fortune to reach them before the Canadians which

\textsuperscript{142} HBCA B.7/a/1 Folio 2, Ash Fall Post Journal, John Cobb entry, Sept. 24\textsuperscript{th}, 1798
\textsuperscript{143} HBCA B.7/a/1 Folio 3, Ash Fall Post Journal, John Cobb entry, Oct. 8\textsuperscript{th} and 16\textsuperscript{th}, 1798.
\textsuperscript{144} HBCA B.7/a/1 Folio 10, Ash Fall Post Journal, John Cobb entry, Feb. 24\textsuperscript{th}, 1799.
\textsuperscript{145} HBCA B.7/a/1, Folio 11, Ash Fall Post Journal, John Cobb entry, Mar. 21\textsuperscript{st}, 1799.
enabled me to get the whole of their furs amounting to a number of 100 MBs.” A month later, Cook reported again that he secured the hunts of indigenous groups before NWC traders had arrived, this time amounting to 200 MBs. The decision by these indigenous hunting bands to trade with the HBC led the NWC to intimidate both the English opposition and the indigenous traders, who decided to deal with the HBC over the Canadians. Cook wrote, “The Canadians began a building within 9 yards of the NWC Corner of this house. I arrived with Mr. Hackey on this impropriety of the proceeding and the inconvenience we should both labour under for the firewood & the ensuring.” Cook then revealed Hackey’s motivations in establishing this post. “He had suffered greatly by the duplicity of the Natives last winter,” wrote Cook, continuing “he was determined to prevent any private dealing between them and me.” Cook’s interaction reveals that indigenous bands continued to insist on forming relationships that they viewed were in their best interests, and the NWC’s alienating violence began to play a role in these decisions.

In situations where the trader felt they held the advantage, competition compelled them to travel to indigenous villages and take the furs by force to ensure they did not fall into the hands of their opponent. George Nelson recorded of one such instance in 1803 in which the clerk for the XYC at Folle Avoin, Simon Chaurette, the mixed-race son of a powerful Ojibwe chief at Fond du Lac, forcefully took furs if Ojibwe hunters were reluctant. “When he could not persuade the Indians to give their furst he would take them and often rummage in their bags; for it seldom happens we’ll find an indian willing to give all his furs for his debt.” In this case, Chaurette made a political decision to confiscate the Ojibwes’ furs as they likely stockpiled them in order to keep open relationships with more than one trader. The traders would “dare not make use of other expressions – than ‘will you’ ‘you out to’ & like – But we are often obliged to say (&do) give me

146 HBCA B.32/a/1, Folio 10, Chatham House Journal, William Cook entry, Jan. 8th, 1792.
147 HBCA B.32/a/1, Folio 12, Chatham House Journal, William Cook entry, Feb. 20th, 1792.
your skins if you don’t I’ll take them and perhaps bet you in the bargain.” He judged that “Our trade is often pillage.”\(^{148}\) In these cases, Chaurette was reorienting the relationships with the Ojibwe hunters to prioritize debt obligation over a political relationships.

While NWC officers might have maintained their alliances with Native communities, HBC writers noted that these alliances could stretch thin and even break if the NWC used excessive force. Writing from Beaver Lake in present day western Ontario, James Swain noted in 1809 that “My men inform me that they have been visited by many Natives since I left them but since the Canadians came here they have all left his quarter so much do they detest them.”\(^{149}\) Swain wrote this entry after the NWC trader attempted to rob the house of its furs. Located east of Lake Nipigon, John Davis reported that the NWC traders, Morrison and McBean threatened the HBC postmaster and his servants with death. The Nor’Westers’ violent tendencies influenced both the HBC but also the decisions that the Ojibwe made about forming trade relationships. Davis observed in 1811 that the NWC agents “threatened to cut them [the Ojibwe] to pieces if they came to me,” which caused the Ojibwe to arrive “by another road with 70 or 80 MB.”\(^{150}\) On another occasion, after an Ojibwe hunter had traded 35 MB with Davis’s servant, a man named Garney, “Mc. McBean quite unexpectedly and without any provocation caught hold of my hair and being a more powerful man brought me to the ground and held me down and kicked and beat me.”\(^{151}\) Compared with the events at Ash Falls, systematic violence could never totally succeed in acquiring all the hunts of these Ojibwe band. The NWC may have threatened indigenous hunters to maintain exclusive connections with them, but the traders relied on physical abuse

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\(^{148}\) *My First Years in the Fur Trade*, 104.
\(^{149}\) HBCA B. 250/a/1 Folio 14, Beaver Lake Post Journal, James Swain entry for Dec. 16\(^{th}\), 1809.
\(^{150}\) HBCA B.164/a/2, Folios 3 and 4, Pine Lake House Post Journal, John Davis entry for Sept. 28\(^{th}\), 1811.
\(^{151}\) HBCA B.164/a/2, Folio 7, Pine Lake House Post Journal, entry for Oct. 19\(^{th}\), 1811.
precisely because Native peoples continued to insist that they could wield power in deciding with whom they would form their relationships.

Of course, indigenous peoples availed themselves of the opportunities presented in context of intense competition, much to the annoyance of the traders. Historians often refer to the period prior to 1810 as a golden age of the fur trade in which furs received the highest prices due to the multiple companies and traders vying for control. As Cory Wilmott and Kevin Brownlee have noted, it was during this period in which authority structures in the Ojibwe groups began to disintegrate due to the access to fur trade items.\textsuperscript{152} When Alexander Henry learned about the coalition of the XYC and NWC on New Year’s Day, 1805, he described this situation in detail. The competition between the NWC, XYC, and HBC on the Red River had attracted Ojibwe traders from “red Lake and Fond du Lac Country” because “the X. Y. had been lavish of their property, selling very cheap; and we, to keep the trade in our own hands, had been obliged to follow their example.” Henry concluded that their treatment “had spoiled the Indians.” He continued: “Every man who killed a few skins was considered a chief and treated accordingly; there was scarcely a common buck to be seen; all wore scarlet coats, had large kegs and flasks, and nothing was purchased by them but silver works, strouds, and blankets.” Young Ojibwe hunters who sought influence and power within their own communities sought these items out during the early nineteenth century as the conditions of the fur trade allowed for the easy acquisition of objects that symbolized a leader’s ability to channel supernatural powers.\textsuperscript{153} Henry complained that all the other items that they traded were “let go on debt and never paid for, or given gratis on request.” Henry despised the competition because it opened space for Indians to


\textsuperscript{153} Willmott and Brownlee, “Dressing for the Homeward Journey,” 48-50.
exert agency over the trade. He thought that “this kind of commerce had ruined and corrupted the natives to such a degree that there was no bearing with their insolence if they misbehaved at our houses and were check for it.” Worse yet, it seemed to Henry that the XYC encouraged the Indians to behave in this way. “Our neighbors were ready to approve their scoundrelly behavior and encourage them to mischief, even offering them protection.” Not only that, but the NWC’s servants were becoming “Extravagant in their demands, insolent toward their employers, and lavish with their charge.” \(^ {154} \) Henry believed that the competition also encouraged the traders to distribute more alcohol than usual, and he believed that XYC “extravagance” had led to the murder of an Assiniboine by an Ojibwe. \(^ {155} \) Rather than submitting to Company authority, the circumstances of competition actually gave rise to many new, unconventional Ojibwe leaders who were placing new demands on traders not equipped to deal with them.

Operating within this context that was largely beyond their control, traders on occasion appropriated indigenous legal customs as a means of controlling both their relationships with indigenous traders and European competition. Alexander Henry the Younger believed that justice in indigenous communities was served by individuals taking revenge upon each other. In 1800, he described a fight between a couple, the husband named Crooked Legs and his unnamed wife, in which Crooked Legs stabbed his wife for potential infidelity. \(^ {156} \) After escaping to a tent owned by a man name Crow, Crooked Legs sought to punish his wife by stabbing her but was prevented from doing so due to the intervention of the women in the house. Henry concluded that, “When they conceive themselves to have been revenged, they are careless as to consequences, and in a manner have no sense of fear. Even when death seems certain, they scorn

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\(^ {154} \) Alexander Henry, *New Light*, 256.  
to avoid it; but should the assailant fail in his undertaking, he may rest assured the consequences will be fatal to him one day.” As Native legal customs involved nothing more than an indulgence of passion, Henry found easy justification to deploy revenge as a way to establish NWC dominance.

The Ojibwe resisted Henry when he attempted to use communal forms of justice for his own personal gain. In the first years of the nineteenth century, Henry pursued the Ojibwe groups who preferred to trade with the XYC over the NWC. He wrote in the spring of 1804, that he repossessed a mare from an “X. Y. Indian” in order to repay debt he had granted earlier. Due to the chief’s association with the XYC Henry characterized the chief as “a villain and a chief of the X. Y. making” because he owed debts to the NWC yet traded with the other company. To punish the chief for theft Henry accosted the indigenous man and injured him: “I some time ago gave him a cruel beating, and bunged up his eyes, so that he could not see for several days.” Since the altercation, the Native man had “ever since been bent on revenge.” He further reasoned that his “offender” “richly deserved” the beating as he had previously “attempted to stab me with my own knife.”

Henry approached the man and repossessed the horses in a manner that, in his view, reflected legal relationships between indigenous people.

Henry’s actions immediately invoked a response from the indigenous community to which the injured man belonged. Following the Henry’s initial attack, Henry returned to his post to work on the garden only to notice that more of his horses were missing. He again assumed that the same man was responsible for the theft and ordered two of his employees to come with him to apprehend the man for the “crime.” However, when Henry accosted him about the missing animals, the man’s relations expressed confusion regarding Henry’s actions and questioned him.

as to why he felt that violence was necessary to resolve the matter. He wrote that he “found him playing at the platter with 20 men, all his relations.” Henry demanded to know where his horses went, and the family replies in a manner that revealed that they “were astonished and could not account for my violent proceedings.”

Perhaps because Henry realized that the indigenous family outnumbered his small party of three men, he wrote that he “was convinced that he was innocent.” Henry related that his abusive, unilateral search for justice alienated both the man and his family and required an explanation that Henry probably failed to provide.

Later that evening, Henry and his two employees returned to the fort to find all of its inhabitants in disarray. He reported that they were packing up for the evening due to the disturbance caused earlier by Henry’s search for his lost horses. He wrote that “all the women and children had fled to the woods” before he returned. There were consequences to his previous actions. “They had been informed by an old women,” he wrote, “that the Indians were preparing to attack the fort; but, after a great bustle, everything quieted down.” It is not revealed the reason that the Indians left the fort alone that evening; perhaps they chose to avoid the risk and loss of life that would potentially go along with attacking a well-armed fort. Henry’s efforts to obtain redress on indigenous terms, in the end, proved dangerous for himself, the indigenous man he attacked and his family, the NWC servants, and the indigenous women and children who resided in the forts, likely married to the traders.

John Tanner lived contemporaneously with Henry in the Red River valley and contended daily with the rival companies who sought to secure his furs. Tanner was kidnapped by Shawnees as a child and was eventually adopted by an Ojibwe family north of Lake Superior. Not loyal to a single company, his narrative relates his constant conflicts with NWC and HBC

personnel who sought to secure Tanner’s loyalty, either through persuasion or coercion. His primary concern was the survival of his adoptive family and procuring food, not profit. While language similar to Henry’s account surfaces in Tanner’s autobiography, for example describing indigenous legal customs as revenge, it is clear that he also has a vastly different concept of how indigenous people sought justice after crimes were committed. Tanner recounted an instance in which a “Naudoway Indian” contested his exclusive claims over a stretch of hunting territory. When the matter “became public,” the family of the “Naudoway Indian” agreed that the trap lines belonged to Tanner since he claimed them before the other man’s arrival. Tanner took this opportunity to also reflect more generally about the customs that bound indigenous peoples together. He wrote, “In affairs of this kind, the customs of the tribe are as a law to the Indians.” He explained: “any one who ventures to depart from them, can expect neither support nor countenance. It is rare that oppression or injustice in affairs of private right between man and man, take place among the Indians.” This understanding starkly contrasted from Henry’s interpretation that justice was not achieved until the victim’s bloodlust is sated. Rather, informed by experiences living with indigenous people, Tanner offered an interpretation of indigenous custom that rested on the consensus of the community after deliberation. Instead of a system of infinite violence, Tanner suggested that communities resolve disputes and possess a clear protocol for regulating relationships between individuals and groups.

When he ascended the Mississippi River in 1806, American Lieutenant Zebulan Pike walked into a world where indigenous peoples continued to control their own territories and relationships with outsiders. As Pike ascended the Mississippi, the signs that he had entered a region wracked by war between the Sioux and Ojibwe appeared with greater frequency.

Above Dubuque’s mines in present-day Iowa, Pike’s party encountered two pirogues of Indians who asked the interpreter, Blondeau, “‘if we were for war, or if going to war?’”\(^{161}\) Pike chalked up their reaction to the American reputation as a “vindictive, ferocious, and warlike people,” but it was more likely that that flotilla was inquiring if Pike intended to participate in the war in the north. In this politically unstable climate, Pike found willing hosts at Sioux communities north of the Wisconsin River. He smoked a pipe symbolizing peace with a Sioux chief who seemed eager to solidify an alliance with the United States. The chief told Pike that “he had never been at war with their new father, and hoped always to preserve the same understanding that now existed.”\(^{162}\) Pike left the village with promises that the United States would install a post nearby staffed by traders and government officials.

A young man of twenty-six when he began his expedition, Pike believed he led the vanguard of American sovereignty into the woods surrounding the headwaters of the Mississippi River. While the Thomas Jefferson administration sent the Corps of Discovery under Lewis and Clark to investigate the headwaters of the Missouri, Zebulon Pike was chosen to lead a survey to locate the Mississippi headwaters and to conduct an “investigation into the views of the British traders” and “an inquiry into the limits of the territories of the United States and Great Britain.” The U. S. government ordered Pike to convince the Sioux and Ojibwe to cease their warfare.\(^{163}\) He often acted brazenly. For instance, during his stay at the NWC post at Leech Lake, Pike ordered his men to shoot down the “English yacht” because it was “still flying at the top of the flagstaff.”\(^{164}\) Pike ordered all the indigenous nations to relinquish their British medals and flags.

\(^{161}\) Pike, *The Expeditions of Zebulon Montgomery Pike*, 34.
\(^{162}\) Pike, *The Expeditions of Zebulon Montgomery Pike*, 46.
\(^{163}\) Pike, *The Expeditions of Zebulon Montgomery Pike*, i.
\(^{164}\) Coues, ed., *The Expeditions of Zebulon Montgomery Pike*, 156.
to symbolize the passing of British sovereignty into American hands. Some complied, while others simply ignored him.

Farther up, the Sioux treated the Pike expedition as a potential ally who would assist them in their war against the Ojibwe, not as agents of a new empire. Around St. Peter’s, Pike made an agreement with Sioux chief Le Petit Corbeau for 100,000 acres of land to construct a government post and to bring Ojibwe ambassadors with the goal of forging a peace. However, it was clear that Le Petit Corbeau’s reluctance to sign papers for the land revealed that he approached the agreement from an indigenous perspective in which diplomatic alliances were solemnized by exchanging words imbued with sacred meaning. “It was somewhat difficult to get them to sign the grant,” wrote Pike, “as they conceived their word of honor should be taken for the grant without any mark.” 165 After observing the remains of a battlefield and abandoned Sioux fortifications north of Lake Pepin, the party met up with a Killeur Rouge, a son of a Menominee warrior, who had followed the expedition north of St. Peters. Killeur Rouge heard from another trader that the Pike expedition was to mediate peace with the Ojibwe, enabling him to hunt in the area without fear, and to distribute merchandise as gifts to the Sioux with whom Pike had allied. The trader, Robert Dickson, probably encouraged Killeur Rouge to hunt in the borderland between the Sioux and Ojibwe out of his “self-interest and envy,” as any experienced trader would know that a young soldier like Pike would meet with great difficulty in convincing representatives from the many villages of both groups to come to an agreement. 166 Killeur Rouge and the others, however, hoped that their new allies could help stop the war. When Pike

165 Pike, The Expeditions of Zebulon Montgomery Pike, 82, 83. Pike did in fact convince Le Petit Corbeau to sign the agreement.
166 Pike, The Expeditions of Zebulon Montgomery Pike, 118. Dickson was exacting revenge against Pike for preventing him from trading liquor. Dickson told the Sioux that it was his own whim, rather than the law of the United States, that Pike insisted that he not sell liquor. Later in the voyage, Pike sought to prosecute Dickson for illegally selling alcohol to the Sioux.
returned down the river to St. Peter’s, he found the Sioux waiting for him with the expectation that he would bring Ojibwe representatives with whom to conclude a peace.

Unlike the Sioux, the Ojibwe superficially abided by Pike’s demands probably with the intention of pushing him as quickly as possible out of their territory. The expedition’s interpreter had warned Pike that the “Chippeways...would take us for Sioux traders, and fire on us before we could come to an explanation.” During the official council held on February 16th at Leech Lake, it became clear that the Ojibwe harbored no desire of forming anything that resembled an enduring political relationship. Pike ordered the Ojibwe to “make peace with the Sioux, deliver up their British medals and flags; and that some of their chiefs should follow me to St. Louis.” After smoking a pipe that solemnized peaceful relations between the sovereign communities, “They generally delivered up their flags with good grace.” Leech Lake chief Flat Mouth evaded the demand by claiming that he had left his British paraphernalia at his home, a “three days’ march,” but “promised to deliver them up to Mr. McGillis to be forwarded,” a promise that went unfulfilled. Pike appealed to the assembly’s sense of masculinity and honor to convince them to send two warriors to St. Louis to formalize a peace with the Sioux and the United States. These two men, “Bucks and Beaux,” were related to important political figures within the web of relations that held the Ojibwe together, Beaux being Flat Mouth’s brother. The assembly concluded that night, leaving Pike with the overall impression that he had taken a great stride in concluding the warfare. Hugh McGillis, the NWC trader at hand, offered Pike a spaniel and cariole the next day to help him on his return voyage back to the States.

While it is impossible to recover the exact motivations that guided the Ojibwe who attended council, it is clear that they had formed alliances with the NWC traders who infiltrated

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the region north of Lake Pepin. McGillis and other NWC personnel received the Americans politely and treated them with, more or less, hospitality.\textsuperscript{169} It also became clear that Buck and Beaux were not accompanying Pike on a diplomatic mission but were rather serving as Pike’s escorts to see that he left Ojibwa lands. On their way back, the two Ojibwe men departed under the pretense that they would wait for an Ojibwe leader, De Breche, to return with his British flags and medals.\textsuperscript{170} However, Buck and Beau had decided that the American government would not oversee the political relationships between Ojibwe and Sioux villages. They did not appear on the appointed day leading Pike to conclude that the Ojibwe were “susicious, consequently treacherous and of course cowards” when compared with the Sioux. With the strong NWC presence in the north and no reason to believe American promises, the Ojibwe around Sandy Lake felt no obligation or reason to form a political alliance, one that might jeopardize their relationship with the British, with a weak band of American diplomats.\textsuperscript{171}

**Inventing a Company Mythology**

External factors threatened NWC dominance during the second decade of the nineteenth century. The prospect of war between United States and the British Empire generated intense concern amongst NWC shareholders. In addition, Lord Selkirk, a minor noble from the Scottish Lowlands, purchased a large share of the HBC. In early 1811, he began to speak of placing a settler colony along the Red River, located in the heart of NWC territory. To shape opinion in its favor, the NWC launched a public relations campaign in which the spokesmen trumpeted the

\textsuperscript{169} Pike, *The Expeditions of Zebulon Montgomery Pike*, 150-171.
\textsuperscript{170} Pike, *The Expeditions of Zebulon Montgomery Pike*, 177.
\textsuperscript{171} Pike, *The Expeditions of Zebulon Montgomery Pike*, 184.
company’s achievement in bringing about peaceful British rule. NWC financier William McGillivray published a brief pamphlet entitled *On the Origin and Progress of the North-West company of Canada* in which he touted the company’s success in the interior.172 Throughout the pamphlet, McGillivray described the NWC’s strategic importance, as it was sandwiched by the HBC to the north and the Americans to the south. In bringing the British fur trade to the Athabasca country and the Pacific Coast, the NWC had united the entire continent under the British flag.

McGillivray sought to persuade British officials to grant the company monopoly privileges to the NWC, a move that would solidify both company and imperial control. He justified NWC territorial rights by narrating a history of progress in which the western fur trade had passed through the stages of “savagery” to “civilization.”173 Prior to the CJA, fur traders exacted punishment by “revenge” and “retaliation,” a sign that the region lacked civil structure. With no regulation, “every person had an equal right to sell goods at the same place.” McGillivray explained that “the first discoverer of an eligible situation soon saw himself followed by other traders who were ready to undersell him.” The consequences were dire: the trader, “in his turn, resorted to every means for securing to himself the preference of the Indians, and for injuring his competitor. This conduct provoked retaliation.”174 Responding to these conditions, Montreal traders combined their resources to form the NWC with peace mind, forming “a common concern, subject to general rules.” Once the NWC absorbed its competitors,
the good fellowship of its traders had ushered in a period of unparalleled calm in the northwest. ¹⁷⁵

McGillivray explained that the CJA and subsequent merger of the NWC and XYC represented a pivotal moment when peace was established. The NWC had taken the lead in establishing a civil society by pressuring Parliament “to pass an act” that extended Upper and Lower Canada’s jurisdiction over the west. Fur traders now “should be restrained by the terror of a contiguous tribunal” rather than engage in their reckless habits of revenge and retaliation.¹⁷⁶ Law was maintained between traders who were now loyal to a single company rather than to their petty outfits. Pax Britannica produced unintended benefits, too. Unburdened by distraction, the NWC maintained order with indigenous communities by promoting sobriety and industriousness. McGillivray even claimed that the company had introduced notions of individual property ownership that accounted “for the preservation of order and good conduct among the Indians.” He explained that “the good character they maintain in their dealings, and the ascendancy resulting from these causes, are the chief defence of their property, and of the lives of the person entrusted with it.”¹⁷⁷ Not only had amalgamation ensured that the factious fur trader would come together to obey the restraints of civil society, but also, the NWC had a “civilizing” effect on Indians who lived in desperate need of moral improvement.

However dependent on the company the Indians appeared, McGillivray argued that the NWC’s owed its strength to alliances with indigenous communities. British infighting had, in fact, weakened the company’s ties to their indigenous allies, thus undermining the British Empire’s hold on the continent. Prior to 1804, relationships with indigenous peoples were so

¹⁷⁷ *On Origins*, 12.
frayed that they were “plunging of Indian territory” into violence, injuries, and “idleness and quarrels among the Indians.” After its merge with the XYC, the NWC enjoyed uncontested access to the west. It reestablished those critical links with indigenous nations that were so autonomous that “no system merely political could maintain” their loyalties.¹⁷⁸ NWC skill in indigenous diplomacy – framed as mutual dependence – was necessary in maintaining peaceful relations with indigenous communities and British territorial sovereignty. “There results that state of reciprocal dependence,” he wrote, “between the Company and the Indians, which is the natural guarantee of mutual forbearance and good behavior.”¹⁷⁹ Calm relationships between the fur traders translated into a suppression of the more dangerous, “savage” tendencies of the Indians.

McGillivray argued that the civil society emerging from an NWC monopoly also furthered the larger aims of empire. The Americans threatened British interests along the boundary line and on the Pacific Coast.¹⁸⁰ Native communities served as important allies in the coming war with the United States as long as they remained tempered by the “good behavior” of NWC traders.¹⁸¹ Chaos in the interior jeopardized British interests. “Dissolve, therefore, the North West Company,” the pamphlet warned, “and the Indian Territory becomes the theatre of contention, not only between British subjects, but between them and foreigners; a contention in which national rivalry, not to say national hatred, will mingle itself with commerce.”¹⁸² Government support was necessary to safeguard against American traders who were not loyal to

¹⁷⁸ By 1811, John Jacob Astor had already approached the NWC regarding a potential partnership to expand both their trades to the Pacific Ocean, which the NWC eventually rejected. See James Rhonda, Astoria and Empire (Lincoln: University of Nebraska Press, 1990), 61-66.

¹⁷⁹ On Origins, 3, 8.

¹⁸⁰ On Origins, 15. Between 1811-1813, the NWC were more concerned over Astor’s intentions out west than the HBC.

¹⁸¹ On Origins, 16-17.

¹⁸² On Origins, 22.
British laws and British subjects who were contemptuous of them. McGillivray posited a hypothetical situation as a rhetorical question: “Nor is the question, simply whether British subjects shall with impunity be deprived of their just rights, by a Foreign Power; or whether the British Nation will tamely part with a valuable territory to which its title is indisputable; but whether the commercial and political importance of the Fur Trade, does not deserve, on the part of His Majesty’s Government, as much anxiety to retain it, as it actually does excite, on the part of that of the United States, to take it away?” To McGillivray, the answer was obviously yes, and in his view, the company’s history spoke for itself.

**Conclusion**

Immediately following the Seven Years’ War, British traders relied on alliances with indigenous polities in order to trade. As the decades wore on, traders still deployed vestiges of this older system to place themselves at advantage against their opponents. They also declared in public circles in Montreal and London that these alliances were critical for imperial expansion. British sovereignty depended upon these alliances. By 1812, the NWC enjoyed supremacy in the British fur trade by subordinating both its competitors and indigenous allies with intimidation and violence. They accomplished this goal through several means: entering into political alliances with indigenous communities, brutalizing defiant indigenous hunters, intimidating their British rivals, and constructing flattering history that emphasized the Company’s role as bringer of civilization and morality to the northwest. Conditions on the ground began to change, however. Whereas fur traders had previously partook in the diplomatic and political rituals of indigenous

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183 *On Origins*, 34-36.
communities, by the turn of the century they began to treat indigenous groups as economic dependents and to meddle in indigenous legal matters. Meanwhile, the fur trade continued to represent both a political and economic reality for indigenous peoples. Indigenous groups continued to assert political autonomy and sovereignty despite the changing strategies of the fur-trade companies, resulting in tensions, disagreements, and even violence. The tension between the older and newer models of the fur trade erupted between 1811 and 1821 as the HBC and NWC competed for what shape the fur trade would take in the future.

Introduction

In July of 1817, an Ojibwa leader named Peguis and others signed a treaty with Thomas Douglas, the Fifth Earl of Selkirk, which guaranteed the Hudson’s Bay Company the right to maintain a settlement along the banks of the Red River.¹ The treaty reflected the reality that Selkirk situated this new colony in an indigenous world. The Premier or Les Grande Oreillies, the most influential leader in the Rainy Lake region, signed the treaty along with Peguis, a testament both to the expansiveness indigenous networks and the recent arrival of the Ojibwa in the area.² The agreement stated that each indigenous group who signed, which included the Cree, Ojibwa, and Assiniboine, would each receive one hundred pounds of tobacco each. In return, the three broadly defined indigenous groups would recognized the right of this new colony to remain on indigenous lands.

The Selkirk Treaty (Figure 4) was an anomaly in the annals of the fur trade. Generally, fur-trading companies were disinterested in establishing agricultural colonies. Indeed, it seems improbable that Peguis, the Premier, and others fully understood the extent of the treaty’s implications. Peguis and the other indigenous leaders likely interpreted the Selkirk Treaty as an affirmation of their political alliances, as was typical for relations in the fur trade up to this point. However, there were a few other stipulations. The treaty recognized that indigenous peoples had rights to land outside the settlement and protected their claims to resources on those lands. However, it also stated that indigenous claims to land would be totally excluded from the Red

² Laura Peers, *The Ojibwa of Western Canada*, 238-239
River colony. As will be seen, this distinction was key in the company’s project of legitimated its claims to land around Red River. The Treaty of Selkirk represented a larger campaign by the HBC during this period to define “Natives,” Peguis and his followers, and everyone else as British subjects.

Figure 4: The Selkirk Treat. The original is found at HBCA E.8/1 Folio 11; reproduced from Ens and Sawchuk, *From New Peoples to New Nations*, 86

Peguis and Selkirk signed their treaty during a period of intense rivalry between the HBC and the NWC. The signing of this treaty was but one method by which Lord Selkirk and the HBC sought to reaffirm its ownership over both the Red River Valley and its monopoly rights to Rupert’s Land more broadly. The roots of the conflict can be traced back to 1811 when the
company granted Lord Selkirk the Colony of Assiniboia (Figure 5). This marked the origins of the Red River colony, which Selkirk settled with one hundred displaced Highland Scots traveling in family units. The colony suffered from lack of preparation, harsh weather, and starvation in its early years. To secure provisions, the colony’s previous governor, Miles MacDonell, issued the Pemmican Proclamation in 1814 ordering a halt to the export of pemmican from the District of Assiniboia, the grant of land in which the colony was situated, to procure enough provisions for the struggling colony. The NWC sought to limit HBC activities on lands west of the colony, because the Métis used them to hunt buffalo, process their meat, and trade the pemmican to the NWC, which used these provisions to feed its agents trading in the lucrative Athabasca country. MacDonell inflamed relations further with the NWC and Métis when he forcibly seized pemmican from Métis hunters who were resisting his commands. Believing that the HBC intended to disrupt their trade, the NWC temporarily dispersed the colony once prior to the Seven Oaks battle. The NWC’s resolve to reclaim control of the territory strengthened after the HBC reestablished the colony with new settlers. In 1815, the HBC retaliated by burning Fort Gibraltar, the NWC’s post on Red River, and in 1816, the NWC and Métis regrouped with the intent of driving off the colonists.

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4 Ens, “The Battle of Seven Oaks,” 95.


6 Ens, “The Battle of Seven Oaks,” 94.

7 Ens, “The Battle of Seven Oaks,” 98.

This struggle for exclusive access to fur bearing territories culminated on June 19th, 1816, when a coalition of Métis and NWC forces attacked a party of Scottish settlers and HBC personnel at the Red River colony near present-day Winnipeg, Manitoba. The conflict, later known as the Battle of Seven Oaks, resulted in the deaths of twenty-one people including the colony’s governor, George Semple.⁹ The event drew the attention of presses in both Montreal and London as well as that of the Imperial Parliament. Previously unresponsive to the fur trade rivalry, Governor General Sherbrooke dispatched William Coltman to the “Indian territories” to assess culpability for the crimes that occurred. In both government circles and in the press, the two companies argued over how they would define both the outsider and aboriginal peoples in this indigenous world.

In the five years following Seven Oaks, the NWC and HBC engaged in a paper war to impress upon British and Canadian publics their version of events. Gerhard Ens has recently argued that each company developed competing discourses to blame its rival for the attack. Each claimed legitimacy while accusing their opponents of advocating crime and disorder. However, there was a deeper agenda. The two companies’ campaigns reveal two visions of imperial rule rooted in competing views of land, race, and family. Company discourses are

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10 Bumsted, *Fur Trade Wars: The Founding of Western Canada* (Winnipeg: Great Plains Publications, 1999), 245. He refers to these competing discourses as a “war of words.”
crucial to understanding the competing legal orders in the northwest. The discourses of both companies justified their actions and condemned their competition in ways that reflected each company’s institutional structure. In so doing, both companies sought to define which company would control British jurisdiction and who would be categorized as subjects.

Both Companies’ rhetoric changed throughout the 1810s in response to major events, such as Seven Oaks, court proceedings in Canada, and Parliamentary debate in London.\textsuperscript{12} During these years, company partisans published more than thirty pamphlets and books in the Canadas, Great Britain, and the United States.\textsuperscript{13} Prior to Seven Oaks, Selkirk and his supporters, writing under the name Archibald McDonald, publicized their plan of transforming the interior into an agricultural hinterland.\textsuperscript{14} NWC supporters, such as influential clergyman and statesman John Strachan and Adam McAdam, criticized Selkirk’s plan as impractical.\textsuperscript{15} Following the Battle at Seven Oaks, the attacks became more incendiary as both companies articulated their versions of the events to discredit the claims of their competitors. NWC shareholder Edward Ellice, writing as Mercator, defended the legal claims to the interior in letters to the \textit{Montreal Herald}, while London-based journalist Samuel Wilcocke published a collection of documents that condemned Selkirk’s actions.\textsuperscript{16} Lord Selkirk’s brother-in-law published a defense of the HBC’s actions that

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\textsuperscript{13} For an outline of this publication history, see Bumsted, \textit{Fur Trade Wars}, 245-257.
\textsuperscript{14} Bumsted, \textit{Fur Trade Wars}, 248; Thomas Douglas, Earl of Selkirk, \textit{A Sketch of the British Fur-trade in North America, with Observations relative to the North-West Company of Montreal} (London: James Ridgeway, 1816).
\textsuperscript{15} Adam McAdam, \textit{Communications from Adam McAdam; Originally Published in the Montreal Herald, in Reply to Letters Inserted Therein under the Signature of Archibald MacDonell, Respecting Lord Selkirk’s Red River Colony} (Montreal: William Gray, 1816), 19; John Strachan, \textit{A Letter to the Right Honourable the Earl of Selkirk, and his Settlement at the Red River near Hudson’s Bay} (London: Longman, Hurst, Rees, Orme & Brown, 1816).
\textsuperscript{16} [Edward Ellice], \textit{The Communications of Mercator upon the Contest between the Earl of Selkirk, and the Hudson’s Bay Company, On One Side, and The North West Company on the Other, Republished from the Montreal Herald} (Montreal: W. Gray, 1817); Samuel Wilcocke, \textit{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; with a Detailed Account of his Lordship’s Military Expedition to, and Subsequent Proceedings at Fort William in Upper Canada} (London: B McMillan, 1817).
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circulated in New York, Washington D. C., and London.\(^\text{17}\) By 1818, the companies sought to convince the political elite in London that they had acted within the law in defending their rights to the land. Halkett once again published letters between Earl Bathurst and himself to reveal the unresponsiveness of the imperial government to restrain the NWC.\(^\text{18}\) The published narratives by NWC defector John Pritchard, Pierre Pambrun, and Frederick Heurter in 1817, condemned the actions taken by the NWC as criminal. In 1818, Alexander Greenfield MacDonell published his narrative in London that defended the NWC against HBC attacks, but by this time, the HBC had gained ground in British political circles.\(^\text{19}\)

The central issue for each party was controlling lands around Red River. Basing its claims on its vast experience trading in “Indian country,” the NWC argued that it was the sole legitimate authority in the region. The NWC rested its legal assertions on the provisions included in the *Canada Jurisdiction Act* (CJA), passed by Parliament in 1803, which extended the jurisdiction of Upper and Lower Canada over British territories outside the colony’s borders.\(^\text{20}\) Based on the Royal Proclamation of 1763, the CJA established a new legal and geographical entity, “Indian territories,” which resembled the Indian country designated in 1763.\(^\text{21}\) The CJA

\(^{17}\) John Halkett, *Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, upon the Red River, in North America; Its Destruction in the Years 1815 and 1816; and the Massacre of Governor Semple and his Party* (London: J. Brettell, 1817); Bumsted, *Fur Trade Wars*, 249.


\(^{19}\) Narratives of John Pritchard, Pierre Chrysologue Pambrun, and Frederick Damien Heurter, Respecting the Aggressions of the North-West Company, against the Earl of Selkirk’s Settlement upon Red River (London: John Murray, 1819); Alexander Greenfield MacDonell, *A Narrative of Transactions in the Red River Country; from the Commencement of the Operations of The Earl of Selkirk Till the Summer of the Year 1816* (London: McMillan, 1819).


\(^{21}\) Foster, “Long Distance Jurisdiction,” 9.
was Parliament’s response to a series of murders resulting from competition between Montreal firms that exposed the lack of a legal infrastructure in the region, and it proved a boon for the NWC.\(^{22}\) When the NWC merged with its Montreal-based competitor, the XY Company, in 1804, the Governor of Lower Canada immediately appointed several high-ranking NWC employees Justice of the Peace (JP) for the newly created “Indian territories” pursuant to the CJA.\(^{23}\) JPs in “Indian territories” could expel their competitors from the country by charging them with theft or other crimes and forcing them to face legal proceedings in Canada. The company’s usage of the CJA was evident throughout the NWC’s conflict with the HBC, during which William McGillivray and Archibald McLeod presided as JP to prosecute crimes in “Indian territories.”\(^{24}\) Asserting that the areas around Red River qualified as “Indian territories,” the NWC believed their alliance with the Métis strengthened their claims against the HBC.

The NWC argued that their agents had formed stable relationships with indigenous peoples and that these alliances constituted a form of legitimacy based on prior usage. Following the conquest of New France, Scottish capitalists reinvigorated the fur trade based on the French system that connected the interior with Montreal. These merchants now formed the management class of the fur trade, while French Canadians generally comprised the laboring ranks.\(^{25}\) The British trade based in Montreal resembled the French system also in that it was owned and managed by Scottish clansmen who structured opportunities for advancement in the company on kinship and personal relationships. This horizontally constructed company contrasted with the hierarchical HBC by granted shares to all of its officers, including clerks, and by utilizing the

\(^{22}\) Foster, “Long Distance Jurisdiction,” 6-8.
\(^{23}\) Foster, “Long Distance Jurisdiction,” 19.
direct intelligence of its officers in its annual strategy meetings. In addition, the wintering partners formed alliances with indigenous hunting bands that resembled the French alliance structure. The Montreal traders – coalescing as the NWC in the 1780s – used these alliances as evidence that they were the only ones who could successfully conduct the fur trade and prevent the disaffection of Native peoples to the British crown.

On the other hand, the HBC sought to expand colonial rule through the implementation of a racialized division of labor and an expansion of a legal system that the company administered within the boundaries of “Rupert’s Land.” This drive to order the peoples of the interior was intimately connected to the company’s territorial claims over these Rupert’s Land by right of discovery, enshrined in their 1670 charter that granted the company monopoly access to a territory which encompassed all the lands that drained into Hudson’s Bay. While the NWC believed the HBC’s century-old charter was invalid because it had never been implemented, Selkirk disagreed. In the HBC’s view, the NWC was a band of criminal trespassers who had invaded the HBC’s realm and fomented murderous violence. The HBC contended that its charter allowed the company to exercise jurisdiction over NWC, so long as its rule was “not contrary or repugnant” to the laws of Great Britain. The charter, therefore, formed the central pillar to the HBC’s rhetorical campaign, although Selkirk was not entirely consistent in implementing company jurisdiction. When Selkirk dispatched Miles MacDonell in 1812, he hedged his bets by gaining MacDonell and others appointments as JPs pursuant to the CJA, an action that

26 Brown, Strangers in Blood, 3-7.
undermined the NWC’s legal monopoly.\textsuperscript{30} Even so, Selkirk instructed MacDonell to rely mainly on the charter and to establish a judiciary at the colony. \textsuperscript{31}

Meanwhile, the charter claims of the company were tied to the command hierarchy that defined social organization at HBC posts. When the “City financiers” assumed control of the HBC in 1680, life at the trading posts would follow a very clear ordering that was based on the basic unit of production in seventeenth-century England: the household.\textsuperscript{32} From top to bottom, the HBC was governed as a paternalistic and patriarchal household in which the masters were obligated to guarantee their servants wages, shelter, and their wellbeing, while the servants provided the company with their labor. There were several levels to this system: the London Committee made executive decision based on the recommendations of high ranking field officers; governors and chief factors were seen as the patriarchs of their posts, where they oversaw trade and managed their laborers; apprentices learned accounts and negotiations; and the large body of servants performed the menial tasks necessary for a post’s survival.\textsuperscript{33} The HBC originally forbade its officers and servants from taking indigenous wives because they feared the social disorder that the permanent presence of indigenous bands would introduce to the forts.

The ideal model of the English patriarchal household was impossible to replicate at the Bay. In the beginning, the HBC experimented with allowing officers to bring their wives to Hudson Bay but found that traders’ families were too expensive to maintain. Because the company found it difficult to engage men with families in England for multiple seasons, the London Committee began to recruit bachelors who felt no particular attachment to their homes.\textsuperscript{34}

\textsuperscript{30} Gibson, “Company Justice,” 257-258.
\textsuperscript{31} Brown, “Unpredictable and Uncertain,” 501.
\textsuperscript{34} Brown, \textit{Strangers in Blood}, 11-12.
The company constructed a rigid system of social control at the forts. Jennifer Brown characterizes the resulting command hierarchy of the HBC as “military monasticism” in which the company’s officers were to maintain celibacy, discipline, and diligence. This ideal model of order and discipline was nearly impossible to achieve at the posts owing to distance from London, the ignorance of the London committee regarding the daily transactions at the posts, and local social conditions. Over the course of the eighteenth century, the HBC came to begrudgingly accept the fact that the officers – but not its servants – took indigenous wives at their posts for their own personal pleasure and to expand the trade.

The marriages of HBC men and indigenous women produced a sizeable population of mixed-race children. These children never developed a distinct cultural or political identity prior to 1821 because they were integrated into the life of a trading post or were enculturated into their mother’s community. For the children integrated into life at the posts, they often served as a source of labor or as potential apprentices for the company. They became increasingly valuable to the HBC in the late eighteenth century as the company began to establish posts in the interior and needed workers to man the brigades to these posts and to work them over the winter. These children did not pose the same conceptual problem that the French-speaking Métis, because they did not make claims against the company as a cohesive ethnic or national group before 1821. Rather, company children were either rather identified as Indians or as dependents who worked for the company and who were subject to its laws.

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35 Brown, Strangers in Blood, 11.
36 Brown, Strangers in Blood, 76-77.
37 Brown, Strangers in Blood, 70-80.
38 Gerhard Ens and Joe Sawchuk, From New Peoples to New Nations: Aspects of Métis History and Identity from the Eighteenth to Twenty First Centuries (Toronto: University of Toronto Press, 2015), 56-58.
Despite its inconsistencies in practice, the HBC launched a program to assimilate the interior’s peoples into the patriarchal hierarchy that had defined its existence since the seventeenth century. HBC management refused to accept that the Métis could constitute an indigenous group with claims to land. Within the print discourses, company spokesmen often made parallels between this emerging group of French “half breeds” and their French Canadian fathers based on similarities they thought they saw in their religion, language, culture, and general behavior. As Jennifer Brown has noted, by 1810, HBC officers began to characterize the NWC’s French Canadian servants as unmanageable and lazy. However, the major difference between the two groups – the French Canadians and the Métis – was that their Aboriginal heritage complicated their legal status under British law. There was no question that French Canadians were British subjects, but throughout the fur trade rivalry, there was considerable debate over whether the Métis could be counted as such. By focusing on those social and cultural attributes that likened them to their French fathers, the HBC sought to integrate the Métis into a vertically constructed legal hierarchy in which they constituted a class of dependent laborers who were also criminally culpable for their violence. The HBC began to racialize all peoples of mixed background as “half breeds” in their intention to disqualify the Métis from claiming either land or an indigenous identity.

The HBC encountered a conceptual problem when attempting to categorize the mixed-race descendants. In a dialogic process with the NWC, the HBC attempted to accomplish this by categorizing all peoples of mixed descent, including the Red River Métis, as “half-breeds.” Not all scholars agree on the meaning, usage, and timing of this term. Jacqueline Peterson explains that the emergence of the term “half breed” reflected “the growing British and American

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obsession with classification systems that placed ‘races’ on a continuum of humanity, stretching from savage to civilized.” Such racial terminology “confused and conflated biology with social and cultural behavior” and by the second half of the nineteenth century were “given legitimacy in the racist ideology of social Darwinism.” However, Sherry Racette states that the terms Métis, Gens Libres, half-breeds, and Bois Brulés were used without differentiation in the first half of the nineteenth century. Michel Hogue has argued that the expansion of the United States’ and Canadian settler states in the 1870s imposed racialized identities that undermined Metis sovereignty. By analyzing company usage of the category “half-breed” in the context of the rivalry, the HBC pamphleteers represented an early attempt to imbue the category “half-breed” with political meaning. Rather than representing Métis as an independent indigenous nation with claims to the soil, the HBC argued that the “half-breeds” were British subjects who both enjoyed the protection and faced the penalties of British law. HBC officers also referred to the Métis as the “Bois Brulés” and “Metiss,” but their racialized understanding of the “half breed” as an apolitical group informed their usage of the other categories.

HBC writers argued that the patrilineal descent of the Métis trumped any connection that they may have maintained with their indigenous mothers and families. The legitimacy of these “country marriages,” or marriages a la façon du pays, was the source of legal ambiguity and doubt. HBC officers, including Governor George Simpson who took control of the company

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following its merge with the NWC, refused to recognize his own country marriages as legitimate.\footnote{Brown, \textit{Strangers in Blood}, 125-126. Brown notes that attitudes changed with the introduction of the clergy and Christian marriage signaled attempts at social ordering and a move towards racial hierarchy while offering institutional recognition of these marriages.} HBC partisans maintained that only legally recognized marriages were legitimate. Despite the prevalence of country marriages, the HBC dismissed and even stigmatized any role indigenous women played in Métis families. The HBC view of “half breed” family structure was so deviant in its gendered composition that it characterized the Métis as an entirely male group, the “bastard sons of Indian concubines.”\footnote{Halkett, \textit{Statement Respecting the Earl of Selkirk’s Settlement at Kildonan}, Appendix, xlvii.} The HBC, therefore, made a direct link between family structure, legitimacy, and title to land. By racializing the Métis as “half breeds,” they manufactured the idea that the Métis were totally severed from their kinship connections with their indigenous relations.

North West Company sought to become the dominant and perhaps sole company trading in the “Indian territories.” Its agents countered the HBC insistence that their 1670 charter granted them exclusive rights to land and territories that encompassed a landmass running from Quebec to the Rocky Mountains. Company representatives saw the HBC as criminal aggressors who violently and illegally sought to destroy NWC trade. The categories “half breed” and “Indian” assumed vastly different meaning in NWC publications. Whereas the HBC sought to prove to readers that the “native Indians” approved of its settlement project, the NWC argued that they opposed Selkirk’s plan. The NWC contended that the “Indians” and “half breeds” represented independent political and military forces with whom only its agents could negotiate, because HBC agents were ignorant in Native diplomacy. The NWC disavowed any responsibility for Seven Oaks, which was rather the product of the actions of an “independent” Indian nation.
The conflict reveals a major legal transformation in the British fur trade. French and later British traders had long relied on alliances with autonomous indigenous communities. Indigenous peoples could exercise enough power within these diplomatic relationships to force the colonizers onto a “middle ground” upon which all parties were required to recognize one another and to negotiate and adapt to each other.\textsuperscript{47} European powers would negotiate with their indigenous allies to wage war or make peace, and likewise, indigenous peoples would participate or withdraw as they saw fit. The second decade of the nineteenth century signaled the legal decline of that older system. NWC rhetoric defended this older model of the fur trade by arguing that it had conducted the trade and formed alliances with Natives decades before the HBC asserted its territorial claims. However, unlike before, as British Parliament turned its attention to the violence committed between its own countrymen, it was becoming clear that the imperial government would no longer accept this model of the fur trade. In 1821, the HBC model of proprietary control had triumphed when Governor Simpson reformed company operations to eliminate the excessive spending generated by the conflict.\textsuperscript{48} The system that had previously relied on alliances with indigenous peoples and their autonomy within the trade gave way to a one bounded by civil regulations. This conflict reveals the shape that the HBC civil society took, and the strategy deployed by the HBC to expand British jurisdiction to govern as many as possible and to eliminate any future doubts about its legitimacy to rule.


\textsuperscript{48} Friesen, \textit{The Canadian Prairies}, 85-86.
A “New People”

It was by no means a natural occurrence that a Métis political identity would emerge on the prairies of the northwest. In other contexts of the colonial history of the Americas, mixed-race peoples were enculturated either into their mother’s indigenous community or into their father’s European society. In others cases, these people developed a distinct métis ethnic and cultural identity without a political consciousness. The expansion of the fur trade as both an economic and political institution provided the integral process by which mixed-race individuals were born and in which Métis emerged as a distinct people. Broadly speaking, fur traders “married” indigenous women in order to cement alliances with the Native communities that supply the Europeans with furs. As kinship provided the basis for political alliances among indigenous groups, this relationship engaged the fur trader into a bond of obligation and reciprocity with his wife’s community. Indigenous women sustained these relationships by providing Europeans with labor, political influence, knowledge of indigenous cultures and languages, and crafts that made life in the interior bearable. However, neither the wife nor the husband was guaranteed to consider this relationship permanent but rather temporary alliances for the expediency of trade. Many traders found it difficult if not impossible to maintain relationships in the interior over a consecutive number of seasons. Furthermore, many indigenous peoples practiced polygyny and would not have taken particular notice if a European trader was previously married or if he married another indigenous woman as long as that particular marriage did not set the first group at a disadvantage.49

49 Gerhard Ens and Joe Sawchuk, From New Peoples to New Nations, 44-45.
The French introduced métissage – or the intermarriage of indigenous peoples and French colonists – as an “instrument of empire” in order to expand the number of subjects within its imperial realms.50 By the end of the seventeenth century, intermarriage became less common in the St. Lawrence Valley and eastward as the peace with the Iroquois in 1695 stabilized the colony. However, intermarriage continued apace throughout the Great Lakes borderlands into the eighteenth century due to its central role in cementing alliances with these groups.51 Jacqueline Peterson argues that these mixed-race peoples began to coalesce by forming trading villages and hamlets that dotted the shores of the Great Lakes.52 She contends that these Great Lakes Metis formed a “people-in-between” who blended the practices of their mothers and fathers to create a new cultural identity that was oriented to the fur trade.53 For example, the Metis practiced a “folk-Catholicism” while retaining the kinship ties that bound them together with their indigenous relations.54 In the late eighteenth and early nineteenth century, the Metis were key middling players in the fur trade who oversaw operations in fur trading communities and the transportation of goods in and out of the interior.55 This sense of a Metis identity was reinforced by the structuring of marital habits that over time favored endogamy. While Metis men might have formed alliances through marriage with other indigenous groups, they usually married a European or Metis woman in their marriage, which was seen as a more permanent relationship. Meanwhile, Metis women tended to marry Metis or European men.56 These communities thrived

54 Jacqueline Peterson, “Prelude to Red River,” 43.
55 Ens and Sawchuk, From New Peoples to New Nations, 46.
as conduits for the fur trade as the Metis could negotiate with both indigenous and European parties owing to their education in both European and indigenous cultures. Peterson originally argues that the Great Lakes Metis were the direct ancestors to the Plains Métis, but this is an interpretation that she now refutes.\textsuperscript{57} In the nineteenth century, the American fur trade based in St. Louis expanded this process to include areas as far flung as New Mexico, the Great Plains, and the Upper Missouri River.\textsuperscript{58}

The fur trade provided the conditions for the emergence of the Plains Métis, who would begin to appear on the northwestern prairies in the late eighteenth and early nineteenth centuries as the Montreal-based companies began to expand into the Saskatchewan River Valley and the Athabasca Country. John Foster argues that the outside wintering servant played a significant role in a two-step process. During the winter, the Montreal-based companies would dispense with a number of their servants, who were usually French Canadian, to reduce the burden on the trading post.\textsuperscript{59} The French Canadians traded \textit{en derouine} in which they would visit and perhaps winter in an Indian camp.\textsuperscript{60} These servants traveled to Native \textit{hivernants}, or wintering camps, where they established a connection by both marrying a woman and forming a social connection with her male relations. For their children to be socialized into the fur trade, multiple outsider men needed to reside at a single wintering camp. In the second stage, these wintering servants needed to declare that their intentions not to renew their contracts with their fur trade

\textsuperscript{57} For the old view, see “Prelude to Red River,” 59; for the new view, see Jacqueline Peterson, “Red River Redux,” 33-43.
\textsuperscript{58} For the Upper Missouri River and the Council Bluffs settlement, see Tanis Thorne, \textit{The Many Hands of My Relations: French and Indians on the Lower Missouri} (Columbia: University of Missouri Press, 1996); Heather Devine’s genealogical work on the Desjarlais family illuminates the fur trade as a centrifugal force, see Heather Devine, \textit{The People Who Own Themselves: Aboriginal Ethnogenesis in a Canadian Family, 1660-1900} (Calgary: University of Calgary Press, 2004); For a recent overview, see Ens and Sawchuck, \textit{From New Peoples to New Nations}, 49-51.
\textsuperscript{60} Foster, “Wintering, the Outsider Adult Male,” 4.
Companies often allowed their servants to free themselves because they tended to remain loyal to their former employees and to cost a great deal to transport back to Montreal. These *gens de terre*, or “freemen,” were relatively rare because it required that a servant to possess the ability to know how to hunt, trap, and negotiate with indigenous peoples. After spending several seasons in the country, these freemen returned to the wintering camps where they “claimed his family from the band or possibly the fort and began his assiduous pursuit of provisions and furs in surplus amounts.” Now having formed separate villages, the freemen and their families trapped furs but also hunt buffalo to sell to the companies as provisions. By the turn of the nineteenth century, the Plains Métis were coalescing as a people who were identified both by their adaptation of indigenous and French cultures, particularly their practice of a “folk-Catholicism,” and by their hunting economies that centered on the buffalo.

Scholars disagree over the effects of the 1816 Battle of Seven Oaks on the emergence of Métis identity formation. In the 1930s, Marcel Giraud and Arthur Morton argued that the Battle of Seven Oaks triggered the rise of a new Métis nationalism. Gerald Friesen asserts that Seven Oaks represented the Métis “ordeal by fire” that “gave them a sense of nationhood that was to be reinforced by Riel and Dumont later in the century.” With the rise of social history later in the twentieth century, scholars such as Jacqueline Peterson, Jennifer Brown, and John Foster emphasized the long institutional, religious, and occupational histories that contributed to the emergence of the Métis as a social formation prior to their political claims in the 1810s.

61 Foster, “Wintering, the Outsider Adult Male, 5-7
62 Foster, “Wintering, the Outsider Adult Male, 8-9.
63 Foster, “Wintering, the Outsider Adult Male,” 10.
64 Ens and Sawchuck, *From New Peoples to New Nations*, 52-54.
Dickason also reflected this trend when she called Seven Oaks the moment when the Métis national consciousness was brought from a “mild awareness into conviction.”

Recent work by Ens, however, has disagreed with the interpretation that Métis nationalism formed instantaneously. He writes that the Métis recalled Seven Oaks in their national traditions, but that formation of national identity was a slower and more complicated process. Whether their sense of nationalism was fully formed or not, there is no doubt that following Seven Oaks the Métis began to make forceful political assertions that they should be recognized as indigenous peoples with rights to land around Red River.

The Battle of Seven Oaks represented a moment of coalescence around a shared, distinct Métis ethnic and perhaps national identity. The Selkirk colony posed new threats to Métis social and economic life due to its central location along the Forks of the Assiniboine and Red Rivers. The Métis had a stake in the fur-trade conflict. They were defending their access to resources along the river, including hunting grounds and fisheries. For the Métis, the battle represented a “collective defensive reaction to the activities of the competing fur trade companies that coveted trade routes and favored wintering sites” at the Forks. While any claims to land and national identity are complicated by the utterly self-serving rhetoric of the NWC, it appears that the Métis were acutely aware that the HBC incursion represented a blow to their livelihood. Métis and NWC arguments that the HBC had dispossessed the Métis of land around Red River concerned the HBC enough to racialize the Métis to legitimize company rule.


Ens, “The Battle of Seven Oaks,” 112.

Carolyn Podruchny and Nicole St-Onge, “Scuttling along a Spider’s Web,” 61.
While the NWC may have played a key role in the first articulation of a Métis “nation,” Métis resistance to HBC settlement meant that the HBC would need to fashion legal arguments that removed any doubt that any legitimate opponents existed. Therefore, indigenous agency – embodied by Métis actions, articulated in NWC propaganda, and imagined by the HBC as a threat – shaped the rhetorical strategies of the HBC in their attempts to claim the northwest.

Reports from the “Indian Territories”

Company officials articulated these strategies in 1817 when the Colonial Office sent William Coltman to investigate Seven Oaks. John Sherbrooke, governor-in-chief of British North America, dispatched Coltman to serve as JP in “Indian territories” and equipped him with the power to recommend charges against subjects who had committed crimes. During his investigations, Coltman was in constant communication with, and took depositions from, the companies and Métis participants. Consisting of 314 folio pages, the report was read by administrators from both companies, legal officials in Canada, and eventually, the political elite in London and was put to seemingly contradictory uses. The NWC attorney Samuel Sherwood used the report’s finding of a private war in his defense of NWC actions in the courts of Lower Canada in 1818. In 1819, the Coltman report was appended to the Blue Book, *Papers Relating to the Red River Settlement*, presented to Parliament. The Blue Book bolstered Selkirk’s insistence that the Colonial Office acted lethargically to his requests and that Selkirk had sought to protect the colonists. In 1820, the Earl Bathurst ordered the two companies to stop

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committing violence. By 1821, evidence in the Blue Book convinced Parliament to grant the HBC legal rights Rupert’s Land and the western Indian territories, support the combination of the two companies, and clarify Canadian jurisdiction over western lands.\textsuperscript{74}

The NWC argued that their actions were sanctioned by natural and even English law due to the “plainest and most undeniable principles of self preservation.”\textsuperscript{75} The remoteness of the interior permitted the company to use any means at their disposal to preserve their lives and property. The NWC based its legitimacy on the fact that it abided by the laws of the country. Referring to Blackstone, the NWC contended that the Indian territories are unlike the “civilized and populous countries of England, and if ever there, where of East every ten miles the authority and power of public justice can be resorted to, it is admitted that there such cases as will allow” for self-defense to be deployed in those remote regions.\textsuperscript{76} The NWC bolstered this argument by contending that the HBC constituted a “criminal conspiracy” that was “forcibly and illegally driving them out of the Indian territories.”\textsuperscript{77}

The NWC never recognized the HBC charter as a valid legal document, but rather an artifact that dated from the reign of Charles the Second. William McGillivray pled to Coltman that the HBC had been guided by Selkirk who sought “to produce the utter destruction of a Trading-Concern and the ruin of our fortunes and character” by use of the “perverted powers of Exalted rank, great wealth, and specious appearances.”\textsuperscript{78} NWC proponents extended their claims as far as they could, suggesting that there was no premeditation on their part to organize an attack against HBC posts or the colony. They contended that HBC depositions offer “irrefragable

\textsuperscript{74} Friesen, \textit{The Canadian Prairies}, 83; Rich, \textit{The Fur Trade and the Northwest}, 238.
\textsuperscript{75} CO 42/181 Folio 43.
\textsuperscript{76} CO 42/181 Folio 43.
\textsuperscript{77} CO 42/181 Folio 9.
\textsuperscript{78} CO 42/181 Folio 22.
poofs of the Systematic plan of mere defence which the North West Company’s people have all along pursued.” The NWC asserted that the Red River Colony and territory delineated as Ossiniboia amounted to an illegal enclosure of land and a thinly veiled attempt to destroy their company. They viewed it as common sense that the voyageurs and free hunters would attack an enclosure that “would destroy, or remove to a most inconvenient distance, the hunting grounds on which we chiefly depended for the means of subsisting our numerous voyageurs.” The NWC claimed to have foreseen that the colony would have come into conflict with the “native inhabitants,” as the colony’s objective was “so diametrically opposed” that the “habits & prejudices of the natives of the Soil.” The NWC had, in fact, acted benevolently towards the Red River Settlers by facilitating their removal from the interior to Canada.

The Métis complained that the HBC had encroached on their rights to Red River. After the Pemmican Proclamation and subsequent 1815 dispersal of the Scottish colony, Coltman reported that Cuthbert Grant, the Métis leader, had temporarily struck a deal with the HBC to allow HBC trader John McLeod to visit the colony once a year equipped with three canoes to trade. Coltman wrote that “this was the first year the Half Breeds began to talk of a recompence for their lands.” In 1816, after HBC officer Colin Robertson established the colony a second time, Alexander Fraser, an influential Métis leader, was “ready to come down and chastize the colonists.” In his description of Seven Oaks, Coltman added that Cuthbert Grant openly admitted that the his people sought to destroy the Scottish colony because “their pretensions were inconsistent with the rights of natural justice, both in respect of themselves, and of the north west company, and had been the cause of continued disputes from nearly the first establishment.

79 CO 42/181 Folio 26.
80 CO 42/181 Folios 107 and 108.
81 CO 42/181 Folio 119.
of the Colony.” Lord Selkirk and HBC lawyer Samuel Gale were present during the Coltman investigation at Red River. With Coltman not offering a flat statement denying Métis legitimacy, HBC officers later expended considerable energy attacking the connection between the Métis and NWC in order to convince the imperial government and British public that its view of legal jurisdiction was correct.

HBC claims were weakened by Coltman’s conclusion that Parliament passed the CJA precisely because the HBC neglected its chartered mandate to establish a legal system over its holdings. Coltman wrote that HBC negligence “has evidently been one cause of the disorders which have so long prevailed in the Indian Territories.” He added that the legal basis for the HBC claims were indeed questionable: “a case of nonuser and misuser which I am disposed to think must leave their Charter entirely at the mercy of government whether the question be brought before the ordinary courts or laws.” He concurred that NWC trespassing on lands claimed by the HBC should be considered civil disputes rather than criminal offenses. In fact, HBC aggressions were not defensive at all, but rather “part of a system for giving effect to the intended exercise of the exclusive territorial rights of the Hudson’s Bay company.”

NWC personnel capitalized on Coltman’s ambivalence by arguing that the Canadian government dispatched Archibald McLeod to the Indian territories as magistrate simply because the area lacked any other qualified candidates. And it was not altogether clear that governor of Assiniboia could behave as he did based on the charter rights alone. Coltman wondered if “an interested party claiming rights long previously possessed by another, can be entitled to become the Judge in his own cause, and in the first instance at least, to place himself in forcible possession of the

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82 CO 42/181 Folio 140.  
83 CO 42/181 Folio 7.  
84 CO 42/181 Folio 121.
object of contest.”85 Had the HBC acted properly, the company would have established a tribunal with the sanction of Parliament before “attempting to right themselves by their private force.” While Coltman viewed the NWC as perpetrators of systematic violence, he also viewed the 1670 Charter as a source of dubious legal authority.

However much he condemned the HBC for neglecting its charter and seizing food, Coltman reserved his greatest censure for the NWC “as their violations of law have evidently been much greater and attended with results shocking to the common feelings of humanity.”86 HBC use of their charter was tenuous, claimed Coltman, but that company had some semblance of legal rights to behave as they did. The NWC, on the other hand, had “no pretext to legal right” nor “any pretension they might have made as a body, for the entrance and vigor with which they pursued and extended a trade beneficial to themselves and the empire.” Coltman wrote that the NWC maintained its control over the “Indian territories” through blunt force. He believed that “the foundation of the whole evil is nurtured by the species of monopoly that the North West Company has established and continues to maintain the Indian Territories still more by physical force than by fair means or advantage derived from Capital or Connections.” The NWC used its system of profit-sharing between Montreal and winter partners as a motivator for its agents to drive out their Montreal-based competitors. The NWC’s systematic use of violence was facilitated by the remoteness of the “Indian territories.” Coltman found it impossible for the British Empire to establish sovereignty over this territory outside the interest of the NWC. Coltman wrote that NWC activities were facilitated “by the local circumstances of the parties, far

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85 CO 42/181 Folio 97.
86 CO 42/181 Folio 7.
removed from the protection and control of civilized society and where every man must to a
certain degree feel his life to be in his own keeping” and protected by “self-defence.” 87

Coltman elaborated further on what he viewed as the deficiencies of the NWC’s
argument that they were acting legally in their participation at Seven Oaks and elsewhere.
Coltman viewed the NWC as an organization that was “founded not on any legal right, but
arising from a junction of capital and connections which has hitherto enabled them to overwhelm
all competition.” 88 To maintain the illusion of legal rights and monopoly force, Coltman added
that the NWC must be ever vigilant and consistently resist any attempts made by their
competitors to dismantle their trade. He criticized the esprit de corps due to its tendency to have
made the servants “little attentive to the claims and rights of others, and much more disposed to
inflict than submit to acts of insult or violence.” 89 Coltman concluded that the NWC obscured
justice and legal resolution because their partisan spirit drove them “to seek redress from their
private force.” 90

Coltman also found that the NWC had acted improperly by gathering the “half breeds” as
a defensive measure prior to the incident at Seven Oaks. The commissioner believed that the
NWC had acted well outside their legal rights in assembling a group with questionable legal
status to act as defendants of their property against other British subjects. He wrote that the
NWC ‘possessed no shadow of right, could not deem an attempt to retaliate by driving off their
opponents, a legitimate mode of self defense.’ 91 A major source of Coltman’s anxieties rested in
the ambiguous racial identity of the Métis. He noted that the case of NWC self-defense was

87 CO 42/181 Folio 8.
88 CO 42/181 Folio 92.
89 CO 42/181 Folio 93.
90 CO 42/181 Folio 94.
91 CO 42/181 Folio 129.
troubling because the company had sought their defensive posture by “employing against their fellow subjects an ungovernable, and nearly savage force; a measure which nothing could justify, nor any thing, as appears to me, dictate, but that lawless spirit of violence and oppression by which the North West Company has so long maintained its monopoly.”92 William McGillivray reprised the argument about the isolation of the interior to justify the company’s actions. In a place where no “civilized” jurisdiction exercised any power, revenge for the purpose of “self preservation” was the guiding principle in the NWC’s interactions with indigenous peoples and its competitors. McGillivray knew “not in what other way a man is to act in a country that is in the state of the North West or interior Country.”93

In Coltman’s report, the “half breeds” became inextricably linked to the violence that occurred at Seven Oaks, but Coltman found it difficult to place them along the spectrum of “savagery” and “civilization.” Much of Coltman’s uncertainty sprung from the fact that their fathers were French and Scottish, who had introduced them to some of the trappings of civilization. Coltman speculated as to the level of civilization attained by the “half breeds.” While a few received a “civilized” education and worked as clerks, the majority served as common laborers for the company or lived in hivernants. Expressing his confusion, he wrote, “A few others on the contrary were scarcely removed from their Savage state and the greater bulk fill the various gradations between these two.” This uncertainty complicated Coltman’s overall project of assigning guilt for the conflict at Seven Oaks. He wrote that those that should be chosen for punishment should be the “Half Breeds” who “had the advantage of a civilized education and religious instructions” or those who participated in the “maltreatement of the dead

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92 CO 42/181 Folio 129.
93 CO 42/181 Folio 152.
bodies.” Regarding the other “half breeds,” he conceded that “a further palliation of their crime is to be found, in their half savage state, and in the general system of revenge recognized amongst the Indians and so natured to all uncivilized nation…that any injuries inflicted on them will be revenged by the body of the tribe a large.” Coltman expressed doubts that at least of some groups of “half breeds” would qualify as British subjects, because there was little cultural distance between them and their indigenous relation.

Due to this mixing of “savage” and “civilized” socialization, Coltman further believed the “half breeds” were naturally given to violent behavior. “Persons could however make up their mind to the employment of Indians in any shape against their fellow subjects,” wrote Coltman, “were not to be expected to hesitate about that of the less savage force of half breeds.” Therefore, the NWC should have foreseen that their gathering together of the Métis would end in violence. In his view, the NWC’s greatest folly rested in their “employing so ungovernable and almost savage a force” and “with circumstances of ferocity scarcely human,” which had rightfully incited public reaction against the company. Given the “half breed” tendency towards violence, Coltman claimed that the NWC should bear responsibility for their actions. He continued: “in whatever degree this consideration may however be conceived to palliate the fault of this portion of the Half Breeds, in an equal degree must it attack the moral criminality to those who collected for hostile purposes so savage a force.” Therefore, the “half breeds” lacked the moral restraints that the NWC partners should have exercised when entering into private conflict with the HBC, yet they possessed enough familiarity with “civilization” for their relations and allies in the NWC to corrupt them.

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94 CO 42/181 Folio 13.
95 CO 42/181 Folio 143.
Coltman suspected that the “half breeds” acted out of their sense of natural rights and their desire to protect their homelands against colonial encroachment by the HBC. In so doing, he did not totally dismiss the idea that the Métis might in fact represent a political community with rights to defend, a position that put him at odds with Selkirk. He asserted that “They [the Métis] evidently acted in the first instance under a mistaken sense of right, and an impression that the Settlers were invaders of the natural rights of themselves and of the North West company.”96 He continued that “their claims to the soil jointly with the Indians (in favor of which the evidence before me shows that plausible grounds might be assigned) as evidently strongly impressed on them” by the NWC partners. The “half breeds” had long lived along Red River with their Indian relations and were “Established as chief” by the time the first traders arrived from Montreal after the Seven Years’ War. From this position of local authority, they “levied heavy contributions on those who came into the country to trade” and were jealous of HBC colonialism.97 This was a far cry away from the HBC’s representations of the Métis. HBC managers insisted that the “half breeds” were nothing more than a scattering of mixed-race children with no Aboriginal attachment to the country. Coltman left open the possibility that that the Métis might indeed make a claim to land “jointly” with their indigenous relations.

It was well within the NWC’s interests for Coltman to define the Métis as an indigenous nation, because representatives from that company staked its legitimacy on the alliances that its officers formed with indigenous communities. The NWC contended that the “half breeds” constituted an Indian tribe who were “entitled property in the Soil, to a flag of their own, and to protection from the British Government.”98 It was this point that the HBC opposed most

96 CO 42/181 Folio 15.
97 CO 42/181 Folio 100.
98 CO 42/181 Folio, 37; HBCA E.8/3 Folio 36.
vigorously. If Coltman were to decide that the Métis were eligible to be considered an indigenous nation with the rights listed above, then it might also be decided that the HBC had no legal basis for its colonization scheme. It was crucial, then, for the HBC to convince the Coltman and Parliament that the Métis was nothing more than the invention of the NWC.

Indeed, the HBC rejected the NWC opinion that the “half breeds” constituted an independent Indian nation and instead argued that they were merely conjured up by NWC management in order to wreak havoc against their competitors and the colony. HBC writers pinpointed specifically the year 1812 as the “signal for a train of nefarious proceedings, ending in the first distraction of the colony.”99 At this point, the “half breeds” were in the company’s employ as military auxiliaries and as simple laborers. “The Half-breds,” wrote Coltman, “who before the summer had always been classed along the Canadian Engages of the NWCo & had never been heard of as a separate body of men, were now brought forward & started to call themselves a nation of Indians.”100 While HBC proponents speculated that the “half breeds” were used against Peter Fidler in Athabasca prior to the colony, their forces were “now organized in a systematic Manner, & with the distinct avowal of the illegal purpose of driving the Settlers from their lands.” The HBC contended that the NWC constructed elaborate alliances with indigenous nations by arguing that they do not “have to cowtow over that ‘numerous & warlike race’; tho these independent Indians were all the time receiving their pay & serving under regular contracts like the other Engages of the NWCo.” Then, in 1815, the “Half breeds” essentially became the “Troops of the NWCo” by receiving their pay as servants. The “half breeds” do nothing but “echo” the thoughts and directions of their fathers and foster “implacable hostility” towards the

99 CO 42/181 Folio 58.
100 CO 42/181 Folio 57.
Red River Colony.\textsuperscript{101} The HBC essentially applied the logic it had used to understand the mixed-race children born by the traders in their ranks. In these situations, they were either employed by the HBC or they returned with their mothers to her band so that there was no opportunity for a separate consciousness to arise among children born out of the HBC’s country marriages. Similarly, HBC spokesmen argued that the Métis represented nothing more than a laboring class duped by the NWC management.

Coltman decided not to bring any of the participants, either from the NWC, HBC, or the “half breeds,” to Montreal to stand trial for the violence at Seven Oaks and other places. He found that the affair was the product of “disturbed state of the country” born out of a rivalry that resembled “private hostility or war.”\textsuperscript{102} He wrote that, if the violence continued, it would “expose themselves to the severest censure” and that offending parties would face punishment for their crimes in “any conception by skewing an original felonious intention will render the parties liable to conviction and legal punishment for those offences.” Because he viewed the Métis might represent a potential independent Indian nation who were not subject to the laws of Great Britain, he refuted the HBC hardline position that the “half breeds” should stand trial for the crimes of which they had accused them.\textsuperscript{103} The report may have resolved little between the HBC, NWC, and the Métis in the immediate aftermath of Seven Oaks, but it was now clear that British fur-trade companies could no longer summon indigenous allies in order to protect their rights to land and trade in the eyes of British law.

\textsuperscript{101} CO 42/181 Folio 59.  
\textsuperscript{102} CO 42/181 Folio 310.  
\textsuperscript{103} HBCA E.10/1, Folios 382-383; Similar anxieties are expressed in HBCA B.22/a/9, Folio 20
NWC Arguments

Both companies then took to print to defend their legal claims to operate and own or access territory in the interior. NWC partisans denied that the HBC’s “obsolete charter” continued to grant the company legal sovereignty over the interior.\(^{104}\) The NWC viewed HBCs assertions that stated it possessed rights to establish its own courts of law as an illegitimate, arbitrary power. The NWC ridiculed HBC pretense that King Charles II could grant “a domain exceeding in extent the kingdom of England” stating that the HBC “had equal power to assign him a similar kingdom on the moon” a century and a half ago.\(^{105}\) The NWC attacked the HBC for making claims to territory and jurisdiction that the authors viewed as outside the intent of the original charter. Adam McAdam, an NWC supporter, the legality of the 1670 was similar to other charters from the seventeenth century that were no longer recognized as legally binding documents, such as with the Massachusetts Bay Charter.\(^{106}\)

The NWC extended their criticisms of the charter to claim that the HBC lacked the legal authority to establish the Red River Colony without receiving permission from Parliament. Alexander Greenfield Macdonell wrote that, if Selkirk were “Really actuated with a desire to respect property, and uphold the dominion of the Law,” he would have never “thought about moving a single step, in his claims to territorial sovereignty, until he had, first, as a sine qua non, established his title beyond the reach of object or cavil.”\(^{107}\) John Strachan, an NWC solicitor, criticized the company for relying on an ancient charter that had passed through the pass century

\(^{104}\) Wilcocke, A Narrative of Occurrences in the Indian Countries of North America, 14.
\(^{105}\) Wilcocke, A Narrative of Occurrences in the Indian Countries of North America, 5.
\(^{106}\) McAdam, Communications from Adam McAdam, 19.
\(^{107}\) Alexander McDonell, A Narrative of Transactions in the Red River Country, vii-viii.
without undergoing legal scrutiny.\textsuperscript{108} In published court transcripts, Vanfelson, another NWC solicitor, railed against Selkirk’s presumptions as a landlord: “It could scarcely be expected that the Canadian traders would submit without opposition, to be treated like so many poachers, on the grounds and upon the waters where for upwards of a century they had been accustomed to traffic, to hunt, or to fish.”\textsuperscript{109} NWC actions against the HBC did not originate, then, from unbridled aggression but rather from the idea that the HBC attempted to establish a lordly manner that excluded both indigenous peoples and the fur traders who had a natural right to trade on those lands.

NWC spokesmen argued that the HBC had taken illegal actions, epitomized by the Pemmican Proclamation, to deprive the NWC and its allies of their property. Because these laws were passed under by a dubious authority, they represented crimes that were intended to destroy the NWC and harm its allies. The fact that the HBC’s officers claimed authority under both the charter and the CJA inflamed the NWC’s suspicions further because it seemed that the HBC’s charter claims denied the existence of “Indian territories.” Alexander Macdonell contended that Miles Macdonell’s governorship was “marked with much inconsistency” when making arrests under both jurisdictions.\textsuperscript{110} He wrote: “We were stigmatized as rebels, men in open rebellion, a set of petty adventurers, intruders on the lands, with many other appellations not worth mentioning.” Other HBC agents, such as Colin Robertson, Selkirk, and Robert Semple were greeted with similar opprobrium in NWC publications. Their chartered authority derived not from Parliament or even a recent royal prerogative but rather from a dubious source that had not undergone public scrutiny. Adam McAdam wrote that “Having irrefragably established the

\textsuperscript{108} Strachan, A Letter to the Right Honourable the Earl of Selkirk, 16.
\textsuperscript{109} Report of Proceedings at a Court of Oyer and Terminer, 49
\textsuperscript{110} Macdonell, A Narrative of Transactions in the Red River Country, 30.
complete Incompetency of the mock governor, Miles McDonell, I have to add that the like attached to the mock governor of chief Robert Semple, in respect to his having no legal territory to govern, and to his never having been allowed or approved of by his Majesty.”

Selkirk was a “fell tyrant, presuming upon impunity” whose actions were not “mere venal trespasses.” It was not the NWC who committed crimes but rather Selkirk who committed “real acts of pillage and robbery, in justification of which, he has not one inch of legal ground to stand upon.”

NWC spokesmen argued that the HBC’s history is marked by events that undermined and even invalidated any claims to chartered authority. These publications frequently argued that the 1713 Treaty of Utrecht failed to establish clear boundaries between the HBC claims and New France. These histories also referred to a vaguely defined corporation called the Beaver Company formed in 1630 by British traders in Montreal, whose commercial expansion predated the HBC’s establishment. Because the charter stated that the King granted land not already claimed by another Christian state or monarch, some authors maintained that Charles II lacked the legal right to grant the entire interior to the HBC against French claims. NWC publications insisted that the HBC required parliamentary approval to sustain monopoly rights to resources and territories, while other pamphlet suggested that the NWC inherited French territorial claims after 1763.

NWC spokesmen criticized the HBC’s plan of “land-jobbing” at Red River on the basis that the HBC lacked Crown authority to undertake land transactions and that the indigenous

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111 The Communications of Mercator, 47-48.
113 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 of the Red River; with a Detailed Account of His Lordships Military Expedition to, and Subsequent Proceedings at Fort William, in Upper Canada (London: McMillan, 1817, vi-vii, 10, 13; The Communications of Mercator 7, 9, 16; Communications from Adam McAdam, 54.
communities around Red River disapproved of the settlement. In addition, they contended that Selkirk’s “visionary speculations” were intended to destroy the NWC by obstructing movements across the interior and disrupting their supply of provisions.\textsuperscript{114} Selkirk introduced violence and disorder to the interior by behaving like an American land speculator who was more interested in committing fraud than supporting the public good. One writer characterized Selkirk as a “land jobber,” who was “a class of persons well known in America” who “from the magnitude of his operations, may be styled the Chief.”\textsuperscript{115} The colony was not only the product of one man’s unrestrained self-interest, but the idea was also totally impractical. The weakness of the colony actually made the British Empire vulnerable to United States expansion. John Strachan admonished Selkirk for failing to seriously consider the distance between the colony and a seaport, the great expense of travel, the lack of markets, and the enormous risk that the United States might annex Ossiniboia, as it was a “nation of land speculators.”\textsuperscript{116} He further excoriated Selkirk for betraying British national interest by leading British subjects to Red River, where, rather than serving as a buffer between the empire and the United States, they will come into contact with American ideologies and eventually choose to become American citizens.\textsuperscript{117}

Selkirk’s lawless expansion into the interior was the true cause for the violence at Seven Oaks. At its root, Selkirk and the HBC sought only to eliminate the NWC. One pamphlet accused Selkirk for using Seven Oaks to “excite the popular feeling of this country in his own favour.”\textsuperscript{118} It condemned him for acting in a way that was beneath his station. Selkirk was “qualified to be a useful and honourable member of society” but he “fell a sacrifice to the

\textsuperscript{114} Ellice, \textit{The Communications of Mercator}, 49-53
\textsuperscript{115} Wilcocke, \textit{A Narrative of Occurrences in the Indian Countries of North America}, 39.
\textsuperscript{116} John Strachan, \textit{A Letter to the Right Honourable the Earl of Selkirk}, [FIND PAGE].
\textsuperscript{117} Strachan, \textit{A Letter to the Right Honourable the Earl of Selkirk}, [FIND PAGE].
\textsuperscript{118} Wilcocke, \textit{A Narrative of Occurrences in the Indian Countries of North America}, xiii.
implicit fidelity with which he seems to have executed the commission with which he was entrusted.” NWC solicitor Vanfelson contended that company partners recognized “that every measure of Lord Selkirk tended to one sole end, their ruin,” and that the lengthy trial proceedings following Seven Oaks only reinforced this view owing to the time and expense required to meet summons.119 Alexander Mcdonell considered the self-interest of the Pemmican Proclamation a disgrace when he wrote that the colony was “originated in avarice” and “has been prosecuted in deception and fraud.”120 NWC partisans complained that his appointment as Justice of the Peace for Upper Canada and the Indian Territories, granted by the Governor of Canada, further demonstrated that Selkirk had sought the company’s demise. After all, Selkirk used his legal authority to gain access and occupy the NWC’s field headquarters, Fort William, for an entire season, practically crippling movement to the interior.

The NWC argued that the HBC had angered the interior’s indigenous peoples, including the Métis, by confiscating their lands and property. Alexander McDonell placed full responsibility for Seven Oaks on Miles Macdonell, who violently confronted the Métis after passing the Pemmican Proclamation. The NWC argued that the Métis took action against the HBC in order to protect their lives and property. Macdonell wrote that Miles Macdonell exacerbated the problem because he “was determined, however, to persevere in his attempts to maintain it by force, and the resistance occasioned by his interference with the rights and properties of the Half-Breeds and Natives, occasioned in this instance the first dispersion of the Colony.”

Even though the NWC might have had a hand in the violence that occurred, the HBC

119 Report of Proceedings at a Court of Oyer and Terminer, 47.
120 Alexander MacDonell, A Narrative of Transactions in the Red River Country, 29.
121 MacDonell, A Narrative of Transactions in the Red River Country, 38.
ultimately bore the responsibility because its officers chose to illegally seize the property of indigenous peoples without the express approval of the Crown.

Not only did the HBC illegally confiscate indigenous property, NWC partisans contended that Miles MacDonnell and John Spencer alienated indigenous peoples and the Métis due to their brutal enforcement of the Pemmican Proclamation. One publication argued that the Indians could not “brook the treatment they experienced from the Governor” and that the “consequence was innumerable scuffles and frays between the parties.”122 Due to its arbitrary nature, Native peoples would never respect the HBC’s claims that it possessed sovereignty over them. Adam McAdam wrote that “the Indians; none of these will ever acknowledge the authority of Lord paramount Selkirk.”123 Furthermore, given the HBC’s enforcement of laws with no legitimate foundation, McAdam ridiculed HBC claims that the company had somehow protected the interests of the Indians. In fact, HBC seizure of land ran prevented peace with indigenous groups. He wrote that the HBC could not “be otherwise than in a state of hostility with the Indians” due to Selkirk’s agents “who came to seize these lands from their ancient proprietors” and to confiscate the food and resources gathered there.124 Alexander McDonell wrote that the HBC had prevented the Métis and other indigenous groups from acquiring the means of their own survival. He stated that “The common high road was also obstructed, and the free Canadian hunters and Half-Breeds in their usual and peaceable occupations were closed, and taken prisoners by men with fixed bayonets, for no other cause than being suspected by Miles of being favourably inclined towards the North-West company.”125 The HBC had acted unwisely when it established

122 Wilcocke, A Narrative of Occurrences in the Indian Countries of North America, 37.
123 McAdam, Communications from Adam McAdam, 11.
124 McAdam, Communications from Adam McAdam, 43.
the Red River colony at a site surrounded by potential enemies, and its agents behaved recklessly by forcing indigenous peoples to take action due to the militant enforcement of their laws.

The NWC claimed that they should have the right to access the interior based on their prior usage and the company’s historic ability to form alliances with indigenous peoples. HBC incompetence in indigenous diplomacy had placed the lives of the settlers at great risk. NWC publications outlined the dangers to the colony in great detail. One publication wrote that “les Pilleurs” posed a unique threat to the settlement because they “lead a wandering and predatory life, and being well supplied with food and clothing from the herds of buffaloe in the plains, are independent of assistance from, and connexion with the Traders.”

In a letter from the NWC to Henry Goulburn, undersecretary to the Earl of Bathurst, Wilcocke argued that the NWC provided an essential service to the empire by keeping the favor of western indigenous nations, an alliance structure that the HBC was imperiling. The letter stated that “The Indian hatchet once raised, will not discriminate between Settler and Trader,” continuing that “we only trust they may be enabled by their united endeavours to conciliate the Natives, and to ward off the danger with which his Lordship’s indiscretion has threatened them.”

Adam McAdam added that the Americans were nearing the Red River Valley, and between them and the colonists there were “numerous bands of martial Indians” who “constantly rove,” adding that “no Arab is fonder of plunder.” He posed a rhetorical question that exposed the deficiencies in the HBC’s new project of imposing territorial sovereignty over the interior. “How can rival traders with a few servants, whose whole profits, and very personal security depend on the good will of the natives,

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126 Wilcocke, A Narrative of Occurrences in the Indian Countries of North America, 7
127 Wilcocke, A Narrative of Occurrences in the Indian Countries of North America, Appendix, 60.
128 McAdam, Communications from Adam McAdam, 21; at this time, the word “Arab” was commonly used to describe petty thieves in London. See, Saree Makdisi, Making England Western: Occidentalism, Race, and Imperial Culture (Chicago: University of Chicago Press, 2013), 76-79.
exercise a despotism over a hundred times their number of roving Indians, whom they only see occasionally?" The HBC would fail in its attempts to manage the interior’s indigenous groups by using brute force or making demands. Rather, the NWC’s method of diplomacy was better suited for maintaining the safety of British subjects and protecting the empire’s interests.

The NWC characterized themselves as defenders of indigenous peoples’ interests against the HBC’s scheme to colonize the interior, a plan that would have unlawfully dispossessed the Indians and Métis of their lands. After all, the NWC could sustain alliances with indigenous peoples because they had always respected indigenous title to land. Alexander MacDonell wrote that “the Canadians…had always considered the natives as the lawful owners of the soil; and we were determined never to admit the claims of the Hudson’s Bay Company.” The NWC ensured the public that the indigenous peoples were aware of the HBC’s plans. One publication included a speech given by Grand Oreilles or the Premier, an influential leader from Rainy Lake, who lamented that they had become sandwiched between the Sioux west of them and the “landworkers” from Red River. Grand Oreilles stated: “I would love you all, was it possible,…if you cannot live in peace, and that these Landworkers will into allow you to trade with us as usual, they shall be destroyed, or driven out of the Assiniboine River.” Furthermore, it seemed unlawful that the HBC could even purchase land from the Indians without permission from the Crown. In one pamphlet, Edward Ellice noted that the CJA derived from the Royal Proclamation of 1763, which prohibited British subjects from purchasing land “within Indian territory.” It concluded that the Royal Proclamation of 1763, much like the CJA, had intended to support the interests of fur traders, rather than settlers. He imagined a speech that an Indian chief would

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129 McAdam, *Communications from Adam McAdam*, 34.
deliver to his people. In it, the chief warned them that the HBC had intended to displace the Indians and establish a settler colony. “Look at what has happened amongst other nations of Indians, by a similar proceeding of the Americans. They drive the nations from place to place after signing their lands in succession…” The NWC was the only organization that could resist the HBC, who seemed bent on taking illegal measures to displace indigenous peoples and destroy their means of subsistence.\footnote{Ellice, \textit{The Communications of Mercator}, 53.}

Unlike the HBC that had political and legal motivations to distinguish the “half breed” as a fake indigenous person in distinction from the “native Indian,” the NWC argued that the “half breeds” were indeed the Métis, an independent nation of Indians. A footnote in one publication argued that:

an impression is attempted to be made, that these latter people are a race only known since the establishment of the North-West Company; but the fact is, that when the Traders first penetrated into that country, after the conquest of Canada, they found it overrun by persons of this description, some of whom were the chief Leaders of the different Tribes of Indians in the Plains, and inherited the names of their Fathers, who had been the principal French Commandants, and Traders of the District.\footnote{Wilcocke, \textit{A Narrative of Occurrences in the Indian Countries of North America}, 148-150.}

The publication then suggested that the “Half breeds” had established themselves at Red River in the eighteenth century and had claimed the provision trade for themselves. Adam McAdam stated that “the bastards, the savage half breed, are frequently spoken of. – That is to say, in polite English, some of the white men from Canada and Hudson’s Bay, have sometimes left a child behind them in those countries; they are very few in proportion to the other natives, and are much beloved by them.”\footnote{McAdam, \textit{Communications from Adam McAdam}, 42.} Therefore, the HBC narrative was pure fiction. Not the lawful
holders of a royal charter, they rather represented a lawless organization who sought to defraud both a company of honest British subjects and their independent, indigenous allies.

**HBC Arguments**

HBC arguments were based on the assumption the company should eventually control the interior’s lawless populations by establishing a government at Red River that was organized hierarchically. In their view, the social, legal, and political conditions in the interior had degenerated to the point that only a strong, central authority could bring law to the wilderness. In his propaganda piece, *A Sketch of the British Fur Trade*, Selkirk wrote that NWC dominance had evolved to the point that they “might well calculate on the permanent maintenance of their lawless power.” He viewed the fur trade as a hindrance to the true development of “Indian territories” as an agrarian colony that would benefit the empire far more than a string of fur trade posts commanded by Canadians with doubtful loyalty to British laws. He continued:

> the progress of a fixed population would be accompanied by municipal institutions for the administration of law, and the maintenance of a regular police, -and that every step towards civilized order would have a tendency to overturn that system, by which they were enabled to direct the combined force of their servants to illegal purposes. It was natural, that the North-West Company should look upon colonization as undermining the very foundation of their monopoly.137

Selkirk believed that legal reaffirmation of the charter would ensure that such recognition “would have great effect in checking violence and outrage for the future.” After all, the notorious NWC *esprit de corps* failed to instill into company servants a sense of “propriety and justice.”138

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The NWC encouraged its servants to “violate the rules of justice” because they were “not likely to be judged with extreme rigour by the only persons for whose approbation he is solicitous.” To resolve this situation of lawlessness, the HBC maintained that the “interests of justice and humanity” demand the “introduction of law, order, and religion” that a “regular and proper system of colonization” would introduce to a country where “oppression, violence, and tyranny had been continually exercised.” Far from being a company that upheld the public good in the west, the NWC was rather a “monopoly” that exercised its authority by directing violence towards its competitors.139

While the HBC charter rights were shaken during this conflict, HBC spokesmen contended that the NWC had never even obtained privileges from either Parliament or the Crown. HBC representatives asserted that the treaties following the imperial wars with France never voided the HBC charter due to claims by a foreign nation.140 They regarded the occasional claim that the French sponsored a British “Beaver Club” in the sixteenth century as totally unconnected to contemporary disputes over territory.141 Selkirk also questioned the NWC’s dedication to the British Empire by implying that the company did next to nothing to support the British during the War of 1812. He argued that indigenous peoples performed most of the military labor and that the NWC only assisted if it suited their interests and did not interrupt their trade.142 The HBC sought to undermine any historical presumption the NWC had constructed against either Crown or country in order to garner any sort of legal recognition for the operations.

139 Notices of the Claims of the Hudson’s Bay Company, 66.
140 Notices of the Claims of the Hudson’s Bay Company, 11-12.
141 Notices of the Claims of the Hudson’s Bay Company, 14.
142 Selkirk, A Sketch of the British Fur Trade, 30-33.
The HBC argued that the NWC constituted a criminal organization that encouraged its employees to trespass on HBC lands, murder its employees, and steal its property. Selkirk believed the first Montreal traders were so enticed by enormous profits that they engaged in commerce that “was very different from that which would have taken in a civilized country.” Damien Heurter defected to the HBC because his former employers had forced him into “associating with persons who boasted of having murdered their fellow-subjects, and pillaged and burnt their property.” Other materials incriminated the NWC by narrating the events in the 1810s that led to both the multiple expulsions of the settlers and the event at Seven Oaks. Furthermore, far from being the allies of indigenous peoples, the NWC maintained their alliances by force and intimidation. Red River settler John Pritchard asserted that he had observed NWC servants abuse indigenous peoples with lethal force for “very slight offences,” such as avoiding debt or hunting for competing companies. Rather than furthering the interests of the British Empire, the NWC, then, severely undermined its integrity by attacking the only presence of white settlers in the region and disaffecting indigenous peoples through violence.

These publications demanded that Parliament intervene to bolster the HBC’s authority so that they could more effectively introduce law to the interior. Otherwise, the conflict would persist as a source of shame for the British Empire. The government would have tacitly approved of the crimes committed against its own subjects. After all, Seven Oaks signaled an atrocity “committed by British subjects upon British emigrants, who, with the knowledge and sanction of Government, were peaceably establishing themselves as cultivators of the soil in British territory.” Another asserted that the NWC systematically used violence against its competitors in

143 A Letter from the Earl of Selkirk to the Earl of Bathurst, 85.
144 Narratives of John Pritchard, 91.
145 Narratives of John Pritchard, 3.
order to protect the monopoly it had illegally seized from the HBC. Violence was not just limited to a few isolated incidents. Rather, the NWC instituted an entire “system of violence and terror” intended to exclude “subjects from any participation in trade of extensive countries.”

Even worse, NWC officers cultivated a company culture that valorized violence by giving its servants “a new education in the North West” that encouraged them to evict their competition forcefully. They were “trained for some time to debauchery, before they can be fit for the commerce in which they are engaged.”

This “military subordination” allowed these servants to be the “fittest tool to the commission of any crime that may promote the interests of the company.” The HBC viewed these activities as trespassing and theft, contending that the NWC opposed the Red River colony and were by extension oppressors of British subjects and enemies to the public.

In HBC publications, the “half breeds” assumed a central role in this arena of competitive violence. HBC writers contended that the “half breeds” represented a social group so dependent on the NWC that its officers could convince them to commit serious crimes. HBC propaganda stated that the NWC commanded their “half breed dependents” to “harass the settlers by every means in their power” and to become “the principal instruments which were made use of in its [the colony’s] destruction.”

NWC agent Alexander McDonell reportedly gathered “half-breed” accomplices from all branches of the trade to commit violence. Halkett wrote that Simon McGillivray led a party of “half-breeds in their expedition against the Red River” prior to Seven Oaks. John Pritchard stated that the “Half Breeds” were mobilized prior to Seven Oaks in 1816 as evidenced by Peter Pangman’s attacks against the settlers in 1815. Rather than

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146 Notices of the Claims of the Hudson’s Bay Company, 39.
147 Notices of the Claims of the Hudson’s Bay Company, 42.
148 Notices of the Claims of the Hudson’s Bay Company, 43.
149 Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, 21.
150 A Letter from the Earl of Selkirk to the Earl of Bathurst, 65.
151 Narratives of John Pritchard..., 23.
representing the acts of an “independent” nation, then, the “half breeds” instead engaged in a premeditated attack against the colonists, and they should be held criminally responsible for their actions.

The HBC defined the “half breeds” as misguided British subjects, and not an indigenous nation with claims to lands around Red River. In so doing, they pointed out that British law considered the “half breeds” bastards with no rights to inherit their parents’ property. HBC publications regarded the “miserable race termed Metiss, Half-breeds, or Bois Brules” as “neither in the slightest degree formidable from their numbers, nor their courage.”\(^\text{152}\) Pritchard argued that Peter Pangman, identified as a “half-breed,” was “a leading man in these outrages, and was one of the pretended chiefs of the half-breeds or new nation.”\(^\text{153}\) The “half breeds’” questionable legal status served a source by which the HBC could further undermine their legitimacy as an independent people. These publications dwelled on the fact that fur-trade marriages were technically illegitimate in the eyes of British law. One publication stated that “these are the illegitimate progeny of the partners, agents, traders, clerks, voyageurs, and servants, of the North West Company, by Indian Women. They have always been much under the control of that company.”\(^\text{154}\) Meanwhile, Peter Pambrun remarked that “a great number of the men, commonly called Brules, Metiss, or half-breeds, viz. the bastard sons of Indian concubines, kept by the partners or servants of the North-West Company.”\(^\text{155}\) By attacking the legitimacy of their parentage, the HBC also attacked Métis claims to legitimacy as a distinct people and to land. By privileging the “half breed’s” relation their fathers, company representatives erased the kinship connections that bound the Métis both to their Native kin. HBC propaganda, therefore,

\(^{152}\) Letter from the Earl of Selkirk to the Earl of Bathurst, 81.
\(^{153}\) Narratives of John Pritchard…18.
\(^{154}\) Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, 19-20.
\(^{155}\) Halkett, Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, Appendix, xlvi.
advanced a distorted view of indigenous kinship that eliminated any argument that the company had acted unlawfully when it colonized Red River.

HBC publications emphasized paternal influence of Métis ethnogenesis to suggest that the “half breeds” resembled a deviant form of their fathers’ French Canadian culture rather than an indigenous group. This conceptualization of the Métis distinguished between the “metiss” or “Bois Brules” and the “native Indians,” invalidating any connections between the two groups. Regarding the “bois brules,” Samuel Gale stated:

appellations which are given to the spurious offspring of the partners, clerks, and servants of the company. These last are designation calculated for disguise, by which persons unacquainted with the demi-christian origin of the ‘bois brules,’ might be induce to suppose that they were some powerful Indian nation. The fact is, however, that many of the have received from the lamentable care of the of their parents the rudiments of education.156

The pseudonymous writer for the HBC, Archibald MacDonald, added that the colony was attacked by the “half-breed Indians (Spurious descendants of the Canadian servants of the North-West Company, by Indian women,) together with those of the settlers who had previously joined them.”157 As discussed above, John Foster has shown Canadian fathers did likely play a large role in the formation of a distinct Métis cultural and political identity on the Canadian prairies. However, the HBC exploited this fact in order to claim that the Métis lacked any rights as an indigenous people. Rather, they viewed that Métis adaptations of their fathers’ French Canadian culture and Catholic religion as evidence that they had forfeited any claims to indigenous status.

The publications also viewed the use of Indian symbols as further evidence that outside forces had played a determining role in the emergence of the Métis. During one confrontation

156 Samuel Gale, Notices of the Claims of the Hudson’s Bay Company and the Conduct of its Adversaries (Montreal: William Gray, 1817), 45-46.
157 Archibald MacDonald, Narrative Respecting the Destruction of the Earl of Selkirk’s Settlement upon Red River, in...1815 (London: John Brettell, 1816), 10.
during the Pemmican Wars, the “bois brules were in the dresses of Indian Warriors, with their faces hideously painted.” Pritchard noted that, during the early days of the Pemmican Wars, the “half-breeds on horseback, with their faces painted in a most hideous manner, and in the dresses of Indian warriors, came forward and surrounded using the form of a half-moon.” As the NWC introduced this particular idea to the Métis, the HBC took it as evidence that the Métis lack the power to define themselves. The HBC argued consistently – during the conflict and well after – that the emergence of a separate Métis identity resulted totally from external stimuli and influence and that their claims against the company were nothing more than performance.

HBC writers used this characterization of the Métis as the deviant products of paternal impropriety and as the puppets of their NWC masters to suggest that actual “Natives” approved of the settlement. Publicists contested the NWC claim that the “native Indians” were hostile towards the colonists because the company had illegally stolen indigenous land without compensation. In the process, the HBC made a crucial distinction in how they identified the “half-breeds.” They viewed that social category as totally distinct from the “native Indians” and in the process divested anyone labeled “half breed” from having claims to a distinct indigenous identity, land, or resources in Rupert’s Land. One publication stated that the “native Indians” were always friendly towards the colonists, and if not, the change in relations was owing to NWC interference. Selkirk reinforced this view that most Native families traded with the HBC before the NWC began to interfere. The NWC viewed trading with their rivals “crime” deserving the “severest vengeance.” HBC publications argued that, at Seven Oaks, only three “Indians” participated, firing no shots, and that their primary role was as “spectators.” These statements

158 Narratives of John Pritchard...27.
159 Notices of the Claims of the Hudson’s Bay Company, 70-71.
160 Selkirk, Sketches of the British Fur Trade, 44.
161 Halkett, Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, 118.
legitimized the HBC colonization scheme, undermined the NWC position that the Red River colony of Scottish settlers disrupted political relations, and separated “native Indians” as distinct from the “half breeds.”

The HBC argued that the lack of proper structures of legal authority had produced a “half breed” population that took pleasure in violence and crime. Panbrum wrote that “During their stay at Qu’Appelle their whole amusement was in shooting at the mark, singing war songs, practicing with their lances, and telling each other how they would kill the English….and they also often told me they were going to kill them like rabbits.”¹⁶² This problem was amplified by the fact that the 1803 *Canada Jurisdiction Act*, the only major piece of legislation that provided guidelines for the governing of the “Indian territories,” became an oppressive force in the hands of the NWC rather than a law that supported the public good. HBC commentators asserted that the NWC had corrupted the *CJA* by “rendering the Government inadvertently subservient to their policy” and appointing justices of the peace partisan to the political and legal regime the NWC.¹⁶³ One pamphlet contended the *CJA* produced “a horrible mixture of mock judicial solemnity, and real cruelty; -such a medley of folly, and atrocity; -of the semblance of law, and the substance of injustice.”¹⁶⁴ These pamphlets used the vast distance between the interior and Montreal to argue that justice was easily corrupted by the cost and time required for travel. Selkirk believed that the *CJA* “by its operation, that statue only tends to confirm and argument the despotism of a trading company, the partners of which, till recently, have been exclusively nominated Magistrates for these countries which have been so vaguely described in the Act.”¹⁶⁵ It handed a “dangerous weapon” to the NWC because it allowed that company to restrain the

¹⁶³ Notices of the Claims of the Hudson’s Bay Company, 132.
¹⁶⁴ Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, 110.
HBC’s legal officers and to allow the crimes that the company’s “half breed” servants committed to go unpunished.

The HBC was astutely aware that NWC control over the law in the “Indian territories” meant that no one would face punishment for their participation at Seven Oaks. One author argued that the CJA could totally undermine the authority of the HBC’s legal officers, rendering the company vulnerable to the NWC’s assaults. “According to the code of laws enforced by the military Sovereigns of the North West Country,” the author wrote, “a Governor of a territory might be deposed and torn from the seat of his authority by an interested party acting as justice of the Peace, and sent any distance to take his trial for any offence the interested Magistrate might find.”

The HBC competed with the NWC from a disadvantage because their crimes were committed in areas of no public oversight. These offenses were “effected by private individuals having no claim to authority; whose conduct, however lawless or violent, did not form a fit subject for the cognizance of the privy council or of any tribunal in England.” Selkirk criticized the act because it permitted Archibald McLeod, who was “not only a leading partner of the Company, but also a Justice of the Peace for the Indian Territory,” to take any action against the aggressors responsible for Seven Oaks.

An effective colonial government and jurisdiction were the only instruments by which to impose social order over lands that legally belonged to the HBC. In a letter to Bathurst, Selkirk promoted the interior’s potential as an agricultural colony far more profitable than the temporary fur trade. Selkirk belittled the wealth that the NWC exploits for the empire, and further stated that, “when considered in the scale of national objects, it cannot justly be said that even this

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166 Notices of the Claims of the Hudson’s Bay Company, 83.
167 Notices of the Claims of the Hudson’s Bay Company, 85.
168 Selkirk, Sketches of the British Fur Trade, 61.
pittance is wholly owing to the exertions of the North-West Company” as the “native Indians” were first introduced to European goods by the HBC.\(^\text{169}\) For this profitable area of the British Empire to grow and prosper, however, the HBC would need to be reaffirmed in their power to govern this remote hinterland, control the empire’s “half breed” subjects, and to maintain peaceful relations with the area’s indigenous inhabitants.

**Conclusion**

In 1821, the HBC view of territorial sovereignty would triumph when the company merged with the NWC, thus concluding the battle over what shape imperial rule will assume in the northwest. The NWC strategy of basing its territorial claims on its alliance with the indigenous communities, including the Métis, ended when the company was absorbed by the HBC. During that same year, Parliament passed a second act that solidified the authority the Company’s rights as guaranteed by the charter over Rupert’s Land. This act also clearly stated that the Canadian government could only issue trade licenses for territories not owned by the HBC.\(^\text{170}\) Now in total control of the fur trade, the HBC ruled by a hierarchy of dependence, an inchoate legal infrastructure and civil society based at Red River, and more emphasis on international borders. The shape of that colonial order emerged during the company rivalry. Arguing in dialog with the Métis and their NWC allies, the HBC invented the category of “half breed” to undermine Métis claims to cultural and political distinctiveness, as well as to deny their kinship with their immediate indigenous relations. In their view, “half breeds” were a depoliticized and

\(^{170}\) “An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America.” The Regulation of the Fur Trade Act of 1821, 1 & 2 Geo. 4, ch. 66; see Foster, “Long Distance Jurisdiction,” 34-36.
homogenous group of marginalized dependents who were subject to colonial rule; they were, by definition, ineligible for nationhood or the status of an independent people. Once their NWC allies amalgamated with the HBC, the only advocates for indigenous sovereignty in Rupert’s Land would be the Métis themselves. Their resistance to absorption into the empire as British subjects and their claims to land in the HBC holding would persist throughout the company era.
CHAPTER 3: “LORDS AND MASTERS OF THE SOIL:” LAW, RACE, AND LAND AT RED RIVER, 1821-1850

Introduction

When the company rivalry officially ended in 1821, HBC administrators turned their attention to organizing the Red River colony. With a basic legal infrastructure established in 1822, it became a central site at which the company sought to solidify its sovereignty over Rupert’s Land. The HBC sought to transform Red River into a “civilized” colony in the heart of the wilderness. Company officials separated the colony from the fur-trade world around it by outlawing colonist activity in the fur trade. In order to categorize all who had connections to the colony, including the significant Métis population, company officials developed categories of race developed during the crisis of the previous decade. Company personnel identified the Métis as non-indigenous settler “half breeds”, who were integrated into the company’s jurisdiction and were punishable by its laws. Preferring not to consider the Métis as a political group, white settlers and company officials regarded them as the ungrateful children of fur traders who disrupted the company’s plan for the colony and who failed to adopt a sedentary, agrarian way of life.

Once the colony was equipped with a stronger legal structure in 1835, the HBC launched a more concerted effort to classify the Métis as British subjects. They denied that the Métis could constitute an independent nation by arguing that such ideas were probably introduced by outsiders who were plotting against the company. This idea formed the basis for HBC understandings of the free trader crisis that erupted in the late 1840s. At that point, company officials attempted to enforce the international boundary with the United States to stop the Métis from trading illegally with the American instigators. The HBC failed in their attempts to stop the
trade, but they never abandoned their belief that the Métis constituted a race of dependent subjects.

The Red River Colony complicated the British fur trade by very obviously blurring the boundaries between colonialism and settler colonialism. Lorenzo Veracini places the three elements of settler colonial rule, the metropole, the settlers, and indigenous agents, in a triangular relationship to each other. He distinguishes between colonial rule as “driven by an expanding metropole that remains permanently distinct from it” and settler colonialism as a colonial situation in which power is “exercised from within the bounds of a settler colonizing entity.”¹

Because of its placement at the center of the fur-trading world, however, the lines between settler colonialism and colonialism were not altogether clear.² Throughout the first half of the nineteenth century, HBC officials attempted to define two separate spaces, the fur trade and the agricultural colony, in order to control the legal, political, cultural, and social dimensions of both. Roughly speaking, metropolitan administrators attempted to engineer the social, political, and legal structures of the colony to systematically erase the presence of indigenous peoples within the District of Assiniboia. In so doing, they hoped to restrict colonist activity in the fur trade to only activities sanctioned by the company. Meanwhile, attitudes on the ground were mixed. White settler usually favored measures that fortified English law at the colony, and they often supported gestures towards home government so that they could oversee the implementation of the laws that impacted their lives. The Métis and their allies, however,

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² Veracini also theorizes that the two forms are related to each other. Bethel Saler, The Settlers’ Empire: Colonialism and State Formation in America’s Old Northwest (Philadelphia: University of Pennsylvania Press, 2015), 9. Saler contends that the line between the older extractive imperialism of the fur-trade and lead mining complicated settler state formation in the nineteenth century. Because of the prevalence of fur-trade families, government officials, and missionaries, Saler argues for an expanded definition of “settler.”
consistently rejected the HBC’s attempts to establish a settler government, because they had observed the dispossession inherent in those processes in other parts of North America.

The HBC project ultimately failed as the Métis and other groups had no reason to abandon their own economies based on “illegal” trading and hunting. However, the social, cultural, and legal components of colonial state formation reveal that the HBC worked in lockstep with other settler colonial regimes in the Anglophone world. In so doing, they left an ideological legacy to be adopted by the expanding settler states later in the century. The Métis were already becoming familiar with a colonial state that attempted to use the law to dispossess them of their identity and land. Patrick Wolfe argues that settler colonial states follow the “logic of elimination” in which colonists develop the “organizing grammar of race” that “reproduce the unequal relationships into which Europeans coerced the populations concerned.” Lacking coercive controls, the HBC turned to legal discourse in order to “eliminate the native” through the “selective inclusion” of the Métis into their colonial jurisdiction. The HBC reasoned that, if the Métis could successfully be considered British subjects, then the company would no longer face any indigenous challenges to their claims to Red River.

Throughout the early years of the fledgling colony, the Métis asserted that they constituted an independent, indigenous community with claims to land at Red River. In the years

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3 For an analysis of how HBC and British administrators sought to force gender and household norms to conform to Victorian standards in British Columbia, and the complications that arise when this project is developed in Indian Country, see Adele Perry, On the Edge of Empire: Gender, Race, and the Making of the British Columbia, 1849-1871 (Toronto: University of Toronto Press, 2001); Saler, Settler’s Empire, and for a comparative study of Australia and the southeast United States of how the integration of indigenous peoples into colonial jurisdiction operates, see Lisa Ford, Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836 (Cambridge: Harvard University Press, 2011).


5 In her analysis of nineteenth-century Hawai‘i, J. Kehaulani Kauanui argues that the settler state can both exclude and “selectively include” indigenous peoples into the state in order to perpetuate structures of racial domination by confiscating indigenous property. J. Kehaulani Kauanui, Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity (Durham: Duke University Press, 2008), 22.
immediately following the merge, the Métis outright ignored – and ridiculed – the Company’s pretension that it possessed sovereignty over the colony. The Métis maintained relationships with their indigenous families that allowed for free movement in and out of the colony.¹⁶ As the legal infrastructure at Red River grew in the 1830s, the Métis reasserted their position that their community possessed the means by which to punish criminals, and they consistently denied that HBC laws could possibly ensure the community’s well-being. They defied the Company both at Red River and in print in London, culminating in the 1849 Sayer trial that revealed Métis rejection of Company sovereignty.

The Growth of a Colony

The demographics of the Red River Colony changed dramatically during the final years of the company conflict and the several years following the merger. Beginning in 1814, the French Métis settled along the banks of the Assiniboine west of its forks with the Red River, a place known as White Horse Plain. A larger Métis community had also formed at Pembina, located upriver to the south. Learning in 1818 that the boundary line placed the community south of the boundary line, the HBC closed its post at Pembina to encourage the Métis to move north and to prevent them from challenging the company’s monopoly. In the 1820s, HBC officers persuaded the Métis to move from Pembina to the Red River colony, where they formed a couple separate neighborhoods. Among this group, Bishop Provencher, stationed at Pembina, led a group of

¹⁶ Nicole St. Onge argues that the conventional view of Métis endogamy might to be as rigidly accurate as scholars have thought, see Nicole St-Onge, “Uncertain Margins: Métis and Saulteux Identities in St-Paul des Saulteaux, Red River 1821-1870,” Manitoba History 53 (October 2006), 2-10; For a conceptualization of how these webs connected the Métis in mobile networks that spanned the northwest, see Nicole St-Onge and Carolyn Podruchny, “Scuttling along a Spider’s Web: Mobility and Kinship in Metis Ethnogenesis,” in Contours of a People: Metis Family, Mobility, and History (Norman: University of Oklahoma Press, 2012), 59-92.
Métis to establish roots on the east side of the River across from the forks with the Assiniboine. Many more from Pembina, however, joined the Métis who settled west of the forks on the Assiniboine River. This neighborhood formed the Parish of St. Francois Xavier. The HBC appointed Cuthbert Grant, the most influential Métis leader, as Warden of the Plains, an office that came with a tract of land and special trading privileges in exchange for his supervision of the Parish. Once settled the Métis practiced a combination of subsistence farming and buffalo hunting, the latter already an economic mainstay.7

The Métis were not the only ones to establish permanent homes at the Red River settlement. The “principal settlers” were comprised of the original white Scottish settlers and the British and Canadian officers who worked for the HBC and the NWC. The HBC planned to use these settlers to establish a hierarchical social order that closely resembled a “European rural parish.”8 Gerhard Ens writes that “the Anglican and Catholic clergy shared with the Hudson’s Bay Company a common vision of the structure of Red River society in which the clergy, as well as the retired and active commissioned gentlemen of the company, formed the ruling elite in the colony.” The “principal settlers” were considered the “social equals” of the HBC officers, and many participated in the governance of the colony, frequently serving on the Council of Assiniboia. Company employees-turned-settlers arrived at Red River primarily due to the implementation of new policies. Following the merge, Simpson’s program of retrenchment standardized the business practices HBC with the aim of reducing unnecessary expenditures. While the HBC sought to economize the trade by 1814, Simpson found the opportunity to implement the policy following the rivalry. He eliminated unnecessary posts and released

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8 Ens, From Homeland to Hinterland, 50. See 50-53 for general context.
unneeded servants. As a result of the influx of Métis and white residents, by the 1840s, the colony’s population swelled from a few hundred to over five thousand inhabitants.

The colony was divided by parish with Protestants and Catholics living apart from each other. Company employees frequently settled at these locations with their Native wives and mixed-race children. In 1823, many retired company servants established farms around of the HBC post, Fort Garry, and from there, they stretched north along the river until those settlements reached the region called the Frog Plains. In 1821, John West established an Anglican mission at Point Douglass, located just south of the forks, which was later called St. John’s Parish. David Jones established another Anglican church north of the forks, which was referred to as the “Middle Church.” Former servants spread farther north down the river, and eventually the priest William Cockran established the Parish of St. Andrew’s, the third Anglican mission, to serve that community. Meanwhile, the Highland Scottish settlers remained farther north at the Frog Plains in an area known as Kildonan. While the colony was comprised of several different ethnic neighborhoods, all had settled in separate locations and had formed smaller communities within the settlement known as the Red River Settlement.

Land ownership at Red River was determined through two primary models: grants from the company and squatting. The latter played the largest role in influencing company policy and attitudes about the role of the colony and its residents. The HBC’s land policy remained static until the 1850s despite the dramatic demographic changes of this period. The company granted lands to settlers, the validity of which was based on treaties signed with local Ojibwe Indians during the 1820s, and in return, demanded that the settlers establish permanent farms. For those

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10 Ens, *From Homeland to Hinterland*, 23.
grants, residents were to contribute six days of labor for public works and were required to pay a tax of five bushels of wheat for every one hundred acres they owned. The company largely accepted the squatter presence, particularly in areas west of Red River and on White Horse Plains. However, this segment of the population posed a problem of how the company governed peoples who possessed, in their view, undefined claims to land.\textsuperscript{11}

While the white and British communities generally practiced agriculture, by 1835, the Métis had settled into economies that followed seasonal patterns. Their autonomous settlements became the base for a wide range of activities, including the buffalo hunt, trapping, and farming. The Métis were also hired by the HBC as laborers or interpreters. While the Métis interacted with the commercial capitalism in the form of the Hudson’s Bay Company and American traders, a “peasant society” emerged, oriented both towards household consumption and limited production for the market.\textsuperscript{12} Farming activities – especially the buffalo hunt – opened the market to a limited extent. However, Gerhard Ens observes that most Métis practiced household economies in which the “primary aim was meeting subsistence needs of the family rather than making a profit.” Between 1830 and 1850, the acreage that mixed-race peoples put under the plow increased by the thousands, and farms began to be enclosed with fences and equipped with storage facilities. While it was common belief that the French Métis supported themselves primarily through the buffalo hunt, it has been shown that through the 1830s, that portion of the settlement practiced agriculture on pace with the rest of Red River. Rather than two models that depressed prices for agricultural produce and buffalo meat, both activities likely contributed to household subsistence.\textsuperscript{13}

\textsuperscript{11} Ens, \textit{From Homeland to Hinterland}, 32, 33.
\textsuperscript{12} Ens, \textit{From Homeland to Hinterland}, 28
\textsuperscript{13} Ens, \textit{From Homeland to Hinterland}, 28-38.
Buffalo hunts involved the entire Métis community. Over the course of the early 1800s, these expeditions became more organized. The hunt occurred in early June and then again in late July or early August. The Métis processed the meat from these hunts to produce pemmican, which was dried meat they supplied to the HBC for consumption by their traders. There were a couple reasons for organizing buffalo hunts. The buffalo herds around the Red River settlement began to dwindle in the nineteenth century, requiring expeditions farther west. The hunt frequently took the Métis into Sioux territory, where they were often viewed as intruders and attacked. In addition, as Adam Gaudry shows, the buffalo hunt required a specific set of rules and regulations to ensure that the animals were hunted with maximum efficiency and to guarantee the safety of the entire community. The buffalo hunt, which matured during the 1830s and 1840s, comprised a “constitutional gathering of self-owning Métis families” who performed the activity outside both the surveillance and oversight of the HBC.¹⁴

Three major groups comprised the communal buffalo hunt. One originated from the Upper Red River valley, one from Pembina, and one from the White Horse Plains. The hunters appointed a council of ten or twelve captains, who ensured that the individual camps abided by the laws of the hunt. They also directed the hunters towards the buffalo herds and decided where the hunters should camp. In addition, the captains led the Métis into the hunt once they spotted a buffalo herd. The two-wheeled carts of the Métis formed circles to protect their draft animals. The hunters then took their fastest horses and awaited the command from the hunt leaders, who ordered them to form lines and to follow their lead. If a hunter disregarded the pace set by the captain, that hunter faced a fine. The hunters approached the buffalo, frequently coming within a few yards, where they shot the animals dead. The families hauled the carcasses back to the camp

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¹⁴ Adam Gaudry, “Kaa-tipeyimishooyaahk – ‘We are those who own ourselves’: A Political History of Métis Self-Determination in the North-West, 1830-1870,” PhD Dissertation at University of Victoria (2014), 95.
for processing. The communal aspect of this activity contributed to a growing sense of
distinctness and shared identity that had been developing amongst the Métis since the 1810s. It
also meant that the organized Métis constituency at Red River posed particular legal problems to
the HBC for which the company lacked the proper administrative infrastructure. The Métis
easily defied the boundary between “savagery” and “civilization” in the eyes of the
administrators, who sought tirelessly to define the Red River colony as a bastion of “civilization”
surrounded by wilderness.

“Civilizing” the Wilderness

Immediately after the 1821 merge, Red River represented an “uncivilized” space that required
the implementation of British law to set apart from the fur trade. Company administrators
bemoaned the fact that the colony’s inhabitants were reluctant to abandon their economies of
hunting, trapping, and trading for an agrarian existence. To separate the colony as a white
“civilized” space, the HBC administrators asserted that the colony’s residents – particularly the
Métis – had chosen a life of “civilization” over a life of “savagery,” which the company reserved
for tribal peoples. However, the HBC lacked any means to coerce the colony’s inhabitants into
following its prescriptions. During the 1820s and 1830s, the Métis openly defied the HBC’s
pretensions to territorial sovereignty, instead viewing the Red River Valley as their homeland.
The Métis traveled in and out of the colony with ease, disregarding the Company’s demands that
they abandon the fur trade south of the border and cease interacting with Native peoples.

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Law and Social Control among the Métis” in *The Struggle for Recognition: Canadian Justice and the Metis Nation*
(Winnipeg: Pemmcan Publications, 1991), 7-39 offers an analysis of Métis legal codes in the early nineteenth
century.
After the merge, Company administrators began to impose a basic legal infrastructure – and even a militarized presence – to impose “civilization” at Red River. The HBC charter vested the HBC with the ability to form a “Governor and Council” with the ability to “to judge all persons belonging to the Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly.”16 In 1822, the Council of Assiniboia, the descendent of the Governor and Council, convened its first meeting on record.17 Along with the meeting of the first legal body, Simpson and Andrew Bulger, the colony’s first governor following the merge, openly advocated for militarization of the colony as portions of the colony proved too difficult to control. In an 1822 letter, Bulger asked the London Committee for permission to raise an army at Red River and to establish a court system. Such a force could detect and suppress plots formed against the political stability of the colony and to prevent the Métis from trading furs with the Americans. Bulger acted under the charter’s authority to arrest and detain members of the community who were caught committing crimes.

With its limited structures of government, the HBC struggled to delineate the Red River Colony as a “civilized” refuge set apart from the fur trade. For one thing, the colonists resented the company intruding upon their daily lives. In 1822, the colonists vocalized their complaints about indigenous peoples who loitered around the settlement. These settlers asked the company to remove its trading post in order to deter tribal peoples from visiting the colony. Not taking the request at face value, Simpson suspected that the settlers ultimately sought the removal of one of

the only vestiges of company authority in order to socialize with indigenous peoples and transport their furs south of the boundary with impunity. Without HBC surveillance, colonists would be free. In a letter to a white colonist named Thomas Thomas, Simpson wrote “in establishing this Settlement I do not understand that the Company had it in view to Colonize it with Natives, on the contrary I imagine their object was to have a white population in this part of their territory distinct from the aborigines altogether and that the latter should not be diverted from their hunting occupations.” Simpson suggested that Thomas should “be the last person to deviate from them [the original intentions] as the example of a Gentleman so well informed and of such high standing in the Country must have great influence and give something like a legal sanction to this practice.” The mixing of peoples and economies represented “a serious evil” as the colonists generally lacked any sense of how to negotiate with indigenous peoples.

Apart from the suspicious settlers, Simpson’s plan to create a “civilized” society failed to change circumstances at Red River because his officers lacked enough coercive power to govern the Métis, who continued to echo the claims to land first articulated during the company rivalry. Complaints by administrators at Red River reveal that the colony’s Métis inhabitants resisted and ridiculed company pretenses to legal authority. Andrew Bulger, Assiniboia’s governor from 1822 to 1823, admitted that he lacked any knowledge about legal administration and possessed no authority in company operations. In 1822, Bulger wrote to Andrew Colville that “I gave up a comfortable situation, for a wretched subsistence, a life of slavery and of exposure to the insults and threats of some of the most worthless of God’s creatures, in one of the most miserable countries on the face of the earth – for such, at present, is the Red River.” He wrote that

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18 HBCA D.4/1, Folios 37-38 Simpson to Thomas, dated May 13th, 1822.
disloyalty to the company should be considered an “evil” that officers needed to “ward off.” Bulger complained further that “By far the greater part of our population, I am assure, are sunk in vice and depravity, and daring enough to despise our laws, and openly to defy our magistrates.” He echoed the concerns that George Simpson articulated, mainly that the colony was inhabited by ungovernable peoples. Bulger recommended that “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… for what can be expected of dishonest paupers, such as the great majority of the settlers are, when there is no jail, no magistrate and no power to restrain their evil propensities.”

In addition, there was no guarantee that the Métis residing at Red River felt compelled to restrict their movements in and out of the colony upon the company’s demands. Many used engagements in the Athabasca brigades as an excuse to abandon their service and participate in the fur trade illegally. George Keith reported from Ile-a-la-Crosse that desertions by the Métis engaged as laborers on these brigades. “They will not be easily intercepted,” Keith wrote in 1825, referring to two such deserters, “as it is probable they will make haste to return to that depraved school, Red River Colony, from whence two of them entered the Service.” The brigades conveyed the Métis to areas where they might visit their relations, conduct the trade, and then smuggle their goods from the country.

If the question of legal infrastructure was not sorted out, neither was the question of the extent of the governor’s jurisdiction. Determining clear jurisdiction between the colony and fur trade was key in the HBC’s project to separate the colony from the indigenous world that surrounded it. In 1823, Bulger and HBC Chief Trader John Clarke argued over the boundaries

23 HBCA B.89/a/9 Folio 1, George Keith entry Sept. 13th.
between colony and company jurisdictions. Clarke undermined Bulger’s authority repeatedly by issuing an edict that forbade settlers from buying furs and meat from the Indians. In addition, Clarke promised retired employees larger plots of land than Bulger was capable of granting.\textsuperscript{24} A larger conflict between Bulger and Clarke pushed this question about jurisdiction to the fore. To enforce the Company’s monopoly, Clarke unilaterally decided to confiscate buffalo robes and beaver furs from a storehouse owned by a colonist named Larante and to inspect boats traveling to the small settlement at Pembina. The Governor and Committee in London disapproved of Clarke’s methods. In a letter to George Simpson, they wrote that “his breaking into the house of Larante with an armed force and seizing the skins...as well as furs and pelties...was improper and illegal, and might have led to a dangerous breach of the peace.”\textsuperscript{25} Consistent with Simpson’s view, the London Committee stated that Clarke should have reported any illegal trading to Bulger, as such infractions fell under his jurisdiction. Simpson wrote that “Mr. Clarke seems to have totally misconceived his rights and powers as a Chief Factor, and to have considered himself not only independent of Governor Bulger in matters relating to the trade, but superior to him in authority. - there was never such a mistake.” The Governor and Committee sent Clarke to Red River due to his “influence with the Canadians and halfbreed people” but recognized that he violated jurisdictional limits that were understood to separate the two institutions. The committee reminded Simpson that they had a procedure for dealing with illegal traders, who were to purchase their goods from York factory at 33 1/3% the “prime cost.” Thus, the company had mechanisms in place to control the trade and to divide power within the colonial hierarchy. Clarke and Bulger left the service due to their disagreements in 1823 to be replaced by Robert

\textsuperscript{24} Gibson, \textit{Law, Life, and Government at Red River}, 27.  
\textsuperscript{25} Oliver, \textit{The Canadian North West}, 240-244.
Parker Pelly and Donald Mackenzie, respectively.\textsuperscript{26} The HBC did little to resolve this tension over competing jurisdictions in 1825 when it appointed an HBC Chief Factor the governor of the colony, a pattern that would persist for the life of the colony.\textsuperscript{27}

Robert Pelly, Bulger’s successor, again attempted to formalize a police force in the hopes that law enforcement might assist in the project of social ordering. Accounting for the disagreements among factions at Red River, Governor Simpson worried that the colony could never successfully sustain a militia corps. He believed that the colony was far too fractured for a police force to establish order. He thought a militia was a bad idea, because it would produce more problems than solve. He wrote that “It would be in my opinion be impossible to select this military corps from any particular body of settlers as it would give that body too much influence over their neighbours of other nations.”\textsuperscript{28} He also believed that it would be unwise to allow volunteers from across the colony to join the militia. “If selected from among the whole,” he wrote, “it would be quite impossible to reconcile their national prejudices, continual jealousies would exist among them and with arms in their hands the most serious consequences might be apprehended.” Lastly, he believed that the “expense of such a corps I conceive would be more than your Honors contemplated” because the members would require “extravagant daily wages” for “drill, review, or actual service.” For the time being, Simpson established “police of all the principal persons in the settlement as special constables.” If the HBC sought martial law at Red River, Simpson recommended that they request a “regular military force not composed of the inhabitants of the Settlement… but by his Majesty’s Government,” which would never materialize in the early 1820s. Such a display of British military power might “convince the

\textsuperscript{27} Gibson, \textit{Law, Life, and Government at Red River}, 29.
\textsuperscript{28} D.4/8 Folio 6, George Simpson to London Committee, dated June 5\textsuperscript{th}, 1824
people that they are subject to the Laws of England and would restore confidence in the principal authorities, and Loyalty to the Government of the Mother Country.” With the Métis in mind, Simpson recognized that it would imperil the company’s interests to endow policing powers to the groups in the colony who regularly violated the Company’s own laws and its chartered monopoly.

From an early date, the HBC believed that the Red River colony was a moral project that would elevate the Métis from being “savage” hunters into “civilized” farmers. From the company view, this “civilizing” influence provided one of the only viable options for promoting the growth of an agricultural colony populated by peoples who refused to adopt farming. HBC officials assigned moral deficiency to “half-breed” peoples whose economies represented an unmanageable mix of “savagery” and “civilization.” This moral project served as the bedrock when the Company requested that the Colonial Office grant it expanded legal privileges. In an 1825 letter to Earl Bathurst, John Pelly wrote that the company had begun its “civilizing” campaign at Red River and had opened its first school for “half breed” children residing at the colony. Several more schools and many missions would open during this period. HBC administrators claimed to have promoted the religious and educational institutions that would instill “civilized” habits and values into mixed-race children at the settlement. Of crucial importance, the company had done all in its power to reduce the traffic of liquor to Native peoples. The HBC touted that that the reduction in the alcohol trade had contributed to a further severing of the fur trade world and the settlement.

29 D.4/8 Folios 7, George Simpson to London Committee, dated June 5th, 1824.
30 HBCA A.8/1 Folios 102, 103, and 104 for London views on establishing early law at the colony.
31 HBCA A.8/1 Folio 127, John Pelly to Earl Bathurst, dated July 7th, 1825.
A major obstacle that the HBC faced in creating this “civilized” space was convincing the Métis to abandon their homes at Pembina to move to the Red River Colony. To reduce illegal trade, HBC officers attempted to convince the “free half breeds” living at Pembina and other locations to relocate to the settlement to monitor their movements. Thomas Williams recognized the vital importance for encouraging this migration. “Any small expense,” he wrote, “may be at is not to be put in comparison with the benefit which will accrue to us, by having this dangerous body of independent half-breeds withdrawn from the influence of the Americans upon the line.” He planned to move them south of the forks with the Assiniboine River, where he hoped that they would enjoy good fishing. Thomas reported that a few families had decided to move from Pembina to settle at Red River.32 The HBC later succeeded at attracting most of the settlers by appointing Cuthbert Grant the Warden of the Plains.

Even while settled at the colony, the Métis were no more compelled to follow HBC mandates than they had been at Pembina. The company felt this problem most acutely during the rainy summers of the 1820s when the Red River flooded to the point that it destroyed farms and deterred the buffalo hunt. At these points, it seemed the most evident that the company needed to promote the “civilizing” project. For example the devastating 1825 and 1826 flood created significant political instability as many elements of the colony, Métis included, dealt with starvation. Several settlers at Pembina and “half breeds” allegedly planned to steal the grain stored at the colony. “Some of the conspirators,” wrote Chief Factor Francis Heron, “design to seize upon the Wind Mill, where some of the Company’s and scotch settlers grain remains to be ground of which they mean to possess themselves.” While rumors swirled that many Métis had left for the United States, Heron prepared the HBC’s fort for a siege. Describing the disturbed

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state of colony, Heron wrote, “No man knows his friend from his foe, and though no acts of open violence have as yet been committed, yet it is obvious that the present state of affairs cannot continue.” By the spring of 1826, the company’s store had sold the last of the surplus grain. Heron complained that, “all that now remains in our hands in the way of food, is a little of the grain raised by Contribution from amongst the wealthier part of the community, for the relief of the suffering poor.”

When fowl and game birds appeared later in the Spring, Heron was relieved that the new source of food might “tranquilize the minds of the turbulent conspirators” and prevent a general revolt at the colony. Heron placed the blame of the famine on the colonists who were too imprudent to plan for the future. Heron wrote that the “half breeds” appeared at the fort like “spoiled children, who from the too great indulgence of the parent [referring to the company], are rendered incapable of providing for themselves.” He concluded that the impoverished segments of Red River’s population were nothing more than “pampered people,” who took offense if the Company refused to assist them in times of need.

From the administrators’ perspective, illegal trading activities between American and Canadian traders south of the line and the Métis posed a significant threat to the company’s “civilizing” project. Francis Heron believed that this activity disturbed the white people at the colony. He wrote that “The Scotch and other regular settlers are quite hostile to this system of smuggling which they are aware must eventually be attended with all consequences to the settlement.” He recommended that the company use coercive means to prevent the trade, lest “many of them will give up their farms to follow a more profitable and at the same more indolent profession.”

33 HBCA B.235/a/7 Folio 27, Francis Heron entry for April 4th, 1826.
34 HBCA B.235/a/7 Folio 30, Francis Heron entry for April 13th, 1826.
35 HBCA B.235/a/7 Folio 21, Francis Heron entry for Feb. 13th, 1826.
36 HBCA B.235/a/7 Folio 20, Francis Heron entry for Jan. 30th, 1826.
37 HBCA B.235/a/8 Folio 21, Francis Heron entry for Mar. 27th, 1827.
course of life; of which there are already but too many instances.”38 At various points, American traders were reported to have established outposts along the Red River at Grand Forks and Pembina, and they were also rumored to have traded with Indians on British soil. As the HBC attempted to implement its regime of economic and political control over Rupert’s Land, Métis opposition rose accordingly. In February 1823, Thomas Williams reported that a man named Cadotte, “formerly a Half breed Clerk in the N. W. service…is now engaged with the Americans.”39 He signed a warrant for Cadotte’s arrest “as an intruder on the Co exclusive right to trade in these parts,” but Cadotte escaped from the settlement during the night. In March of 1826, Francis Heron heard rumors that the Americans had “established a strong fort at the Mandan villages” from which they sent trade envoys “amongst our Pembina, Brandon House, and Beaver Creek Indians.”40 Heron wrote that the Indians of Upper Red River “will readily turn to the American traders” after the HBC closed posts in the region in order to cut expenses. As owners of a monopoly that granted the HBC exclusive privileges to trade furs with indigenous peoples, the HBC classification of the Métis as non-indigenous introduced the new problem that their trading with indigenous peoples was considered an illegal activity. Such trading activity was condemned by company administrators who viewed Métis smuggling as an affront to company authority and territorial sovereignty.

When the HBC officers attempted to enforce its monopoly privileges and vision of an agricultural colony, their demands had the opposite effect of stimulating resistance from the Métis, who did not view themselves as subject to HBC laws. In August of 1822, a Council at York Factory ordered Clarke “to exert himself to the utmost in putting an immediate and

38 HBCA B.235/a/8 Folio 20, Francis Heron entry for Mar. 16th, 1827.
39 HBCA B.235/a/5 Folio 35, Thomas Williams entry for February 1st, 1823.
40 HBCA B.235/a/7 Folio 25, Francis Heron entry for Mar. 23rd, 1826.
complete stop to those petty Traders form Canada or form the United States who had for some
time past been carrying on an unauthorized traffic in furs upon the Red River." 41 Later in
September, a gathering of free traders, led by a Mr. McDonell openly threatened the Company’s
authority at Fort Garry, and fire was exchanged by both sides. Thomas Williams reported that the
party was “with a Flag flying” and that at the crew were shouting the “Indian war whoop.” 42 By
mid-October, Williams became frustrated further with the continued lack of HBC authority,
writing that, “As the greater part of them are evidently persons of loose and immoral habits,
addicts to liquor, and idleness, and, as they are unrestrained by any judicial regulations, are
always ready tools for the turbulent and designing.” 43 Laboring under the demands of the HBC to
protect its monopoly privileges but supplied with no means to support them, the colony’s officers
during the years directly after the merge could only sustain the vituperation of a Métis population
with no respect or attachment to company law and authority.

This conflict over the free trade led Thomas Williams to believe that the deviant behavior
of the Métis was the result of racial mixing rather than a lack of formal institutions. In November
of 1822, Thomas Williams suspected that a small group of “half-breeds” had been involved with
a smuggler named Cotineau, who had served as a conduit for transporting the furs across the
border. Williams believed that the illegal trade demonstrated that

The free Half-breed in general are a band of lawless vagabonds who acknowledge
no other rule than their own will, and seek no other redress of injuries than their
gun or scalping knife. They are procured of all the vices of the white man joined to
the cunning and unrelenting cruelty peculiar to the Indian; without a single trait of
those virtues which ennoble the character of the one, or which serve as a veil to the
barbarian of the other. Nothing but firmness and the most unbending resolution, is
capable of keeping those villains in awe. 44

41 HBCA B.235/a/4 Folio 4, Thomas Williams, Sept. 20th, 1822.
42 HBCA B.235/a/5 Folio 7, Thomas Williams entry for Oct. 2nd, 1822.
43 HBCA B.235/a/5 Folio 11, Thomas Williams entry for Oct. 15th, 1822.
44 HBCA B.235/a/5 Folios 19 and 20, Thomas Williams entry for Nov. 13th, 1822.
This characterization of Métis lawlessness echoed HBC sentiments in the years leading up to the Battle of Seven Oaks. In this description, the Métis lawlessness was not rooted in a resentment to the Company or a desire to articulate sovereignty or independence, but rather, because they had inherited the worst qualities of their parents. Instead of constituting an independent indigenous people, the “half breeds” instead represented a group that required the Company’s policing so that Red River could develop as an orderly “civilized” agrarian colony.

Unlike Williams, Francis Heron explained that “half breed” disrespect towards company authority emanated from their – in his view illegitimate – claims to land and indigenous identity. He stated that the “English Half breed, have taken much umbrage at the late search for furs, which they consider an infringement upon their liberty and independence as natives – They affirm that by birth they are sovereign lords and masters of the soil, and consequently not subordinate to the laws and regulations of the place, like the whites.” Heron explained that there were times when the “English half breeds” claimed certain protections under the colony’s laws. “This is a strange inconsistency – surely when they incorporated as citizens of the Colony they became subject to its laws, and from that moment forfeited their pretentions, one would think, to birthright privileges if such had even ever been admitted to belong to them as natives of the company’s territories.” For this idea to work, Heron assumed that the Métis had settled upon HBC lands rather than the opposite, which was the precise complaint that the Métis had lodged against the company. However, Heron legitimated the Company’s claims to land by relying on a

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45 HBCA B.235/a/8 Folio 22-23, Francis Heron entry for April 7th, 1827.
46 While it has been proposed that the English and French speaking segments of the Red River Colony colony were hostile, Irene Spry suggests that it was not uncommon for the English “half breeds” and the Métis to form alliances based on shared interests. Irene Spry, “The métis and mixed-bloods of Rupert’s Land before 1870,” in The New Peoples: Being and Becoming Métis in North America, eds. Jennifer Brown and Jacqueline Peterson (Winnipeg: University of Manitoba Press, 1985), 96-118.
trope inherited from the previous decade. The Métis lacked the ability to define themselves, but rather, their claims were a hoax. The “half-breed” resistance due to their fathers who acted as “counselors” to their sons, effectively stripping the Métis of any agency in the matter and thus trivializing their complaints.

The HBC attempted to enforce its monopoly privileges against “smugglers” into the late 1820s, and in so doing, revealed that the “civilizing” mission of Red River was still in shambles. In June 1827, Frances Heron reported that Ferdinand Scaller, “the smuggler,” had been sent to York Fort to “answer before the Governor & Council” for his crimes.⁴⁷ Even though the Company allowed retail merchandise to cross the boundary line, administrators remained suspicious of American activity. In November of the same year, Heron reported that an American trader Mr. Moor from Lake Traverses arrived to “enter into a contract for supplying the Company with tobacco.”⁴⁸ Heron added that “his real errand is no doubt to get information and make acquaintances in this quarter, as preliminaries to extending his trade to Pambina, which it is said he means to do next season.” Concerns prevailed until the end of the year, when several individuals from Red River returned from Pembina to report that a healthy trade was being conducted by the Americans. For most of the 1820s, Pembina was a plague to the company’s existence. HBC officials attempted to limit the movements across the border to prevent the trafficking of furs but usually found that they could accomplish little.

While general unrest characterized much of this period, it was not until 1834 that major resentment against the company’s legal regime to spread among the Métis. Whereas the HBC represented vague and empty threats, the beating of Antoine Larocque by Thomas Simpson signaled a moment when the energies of the Métis were directed at company injustice. Simpson

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⁴⁷ HBCA B.235/a/9 Folio 2, Francis Heron entry for Jun. 2nd, 1827.
⁴⁸ HBCA B.235/a/9 Folio 9, Francis Heron entry for Nov. 5th, 1827.
assaulted Larocque when the Métis tripman demanded that the HBC pay his back wages. Simpson was known to have disliked the “half breeds” at Red River, and a heated argument ensued. At this point, the Métis began to make assertions that they constituted a sovereign authority with the power to punish people for their crimes. The Métis claimed legal jurisdiction at Red River by ordering the HBC to remand Simpson to their custody for punishment. The Company instead recruited a Catholic priest named Belcourt to mediate the dispute. He appeased the Métis by convincing the HBC to pay Larocque his wages and offering the community a gift of tobacco and rum. As such, the Company maintained the status quo: Métis jurisdiction had not trumped HBC prerogatives and they were not treated as a distinct political community. In fact, Thomas Simpson wrote about the event in terms of paternalism and ingratitude. In “half breeds” “feel no gratitude to their benefactors, or spiritual teachers.” Thomas Simpson then marginalized the “half breeds” by asserting that they require governance and oversight in order to “lost the haughty independence of savage life.”

Despite Simpson’s smug claims regarding Métis inferiority, the event paradoxically demonstrated to the company that the legal infrastructure at Red River was so weak that the Métis could threaten and make demands of the colonial government.

In response to the beating of the Larocque, the Métis recognized that Thomas Simpson’s actions were intended to subordinate the Métis to company rule, causing them to organize in protest against both the physical aggression and the lost wages. The conflict between Larocque and Simpson quickly became an arena in which the identities of the “half breeds” were defined

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50 Gaudry, “Kaa-tipeyimishoyaahk,” 175-180. Gaudry considers this event the first major political action by the Métis since the 1816 Battle of Seven Oaks. This chapter has attempted to argue that political conflict characterized HBC rule at Red River throughout the 1820s. Ens, *From Homeland to Hinterland*, 54. Gibson, *Law, Life, and Government at Red River*, 34.
by both parties. Alexander Ross, a resident, sheriff, and historian of the Red River colony, explained that the “half breeds met in council” where they concluded that the company should allow them to punish Simpson as they saw fit, and if they could not, they threatened to level Fort Garry. Ross reported that the “whole half-breed race of French extraction” had commenced in “war-song and war-dance” when the colonial government attempted to meet with them. After a two hour council, “reason triumphed, and we got the knotty point settled by making a few trifling concessions.” Later in the year, however, “another physical demonstration” occurred in front of Fort Garry, demanding that the company purchase provisions at a higher price, access to an export trade, and the elimination of duties imposed on trade with Americans.

Other HBC officers corroborated Ross’s view that the colony was politically unstable due to fears that a “half breed” menace might take control of the settlement. For the company, it became clear that vague promises of a “civilizing” mission needed to be strengthened by the installation of a court of law and a police force if the company intended to make good on its claims that it was the sovereigns of Red River. In an 1834 letter to James Hargrave, master of York Fort, trader John Cameron wrote that, while they the colonists and “half breeds” agreed not to resort to a violent resolution, “their troublesome character amongst them would find no difficulty in raising up a Flame and upsetting the whole settlement.” He concluded that “every days occurrence points out the absolute necessity of having an Independent Court of Justice with all its ramifications established in red river – and unless such is established by Government it will never be respected.”

Writing from Norway House, Donald Ross went even further to suggest that the company should introduce a military presence at Red River to control the Métis. He wrote: “unless some speedy measures are adopted for introducing a few government Troops

51 Glazebrook, G. P. de T, The Hargrave Correspondence, 1821-1843, (Toronto: The Champlain Society, 2013), 171
into Red River – my firm belief is that both the Settlement and the Fur Trade will fall to pieces on our hands within a very brief term of years – and perhaps get our throats cut to the bargain.” 52

Ross discredited Métis protests when he asserted that they were the result of external instigators and not efforts by the Métis themselves. He wrote that there “were all feelers sent forth covertly by designing and disaffected demagogues, who made dupes of the silly half-breeds to answer their own vile purposes, by always pushing them forward in the front rank to screed themselves.” Rather than viewing these events as claims to Métis sovereignty, the company understood the disturbances as another of “half-breeds” disruption, naivety, and lawlessness.

The HBC failed to install its version of territorial sovereignty at the Red River colony throughout the 1820s due to the general disrespect that the Métis felt towards company authority and the indifference they expressed towards its “civilizing” project. Probably not viewed as acts of resistance by the Métis themselves, they maintained connections with non-British traders and indigenous peoples to participate in trading practices that they viewed as completely legitimate but that the company condemned as criminal. This trading activity became resistant when the HBC pressed the point, which is evident in 1827 when Francis Heron wrote that free traders “now sneer at all authority, and even think that there is none competent, in this place, to prevent their illicit practices.” 53 With no police force or militia to enforce the company’s laws, the company was left to issue public decrees that aroused derision from the Métis and others engaged in the trade. For the company to impose territorial sovereignty, it would need to develop a structured legal system and enforcement mechanisms.

52 Glazebrooke, The Hargrave Correspondence, 189
53 HBCA B.235/a/ Folio 19, Francis Heron entry for Mar. 8th, 1827.
Imposing Order, Defining Identities

A major shift in colonial government occurred in 1835 when the Hudson’s Bay Company assumed total authority over the Red River Colony’s civil government by buying out the Selkirk estate. When the Company commandeered control over the colony, it began to shift its strategy for incorporating the Métis as a domestic population within the colony from a project of just “civilizing” the Métis to more forcefully claiming that the Métis had become British subjects by virtue of their residence at Red River. Métis strategies also changed as they protested the company’s project of establishing a legal structure without their consent. They developed the familiar notion that they were not, in fact, British subjects but rather an indigenous nation illegally disinherited from their territorial rights. It was of vital importance for the HBC to maintain an appearance that they were the sovereign possessors of Rupert’s Land. In 1821, Parliament granted the reformed HBC a twenty-one year charter that granted them monopoly rights over Rupert’s Land. The governing council expressed concern in the years leading to 1842 and campaigned the colonial office to renew their chartered rights. As the legal structure expanded, so too the company wanted to impose its laws over the “half breeds.”

In February of 1835, Governor Simpson called a special meeting of the Council of Assiniboia to announce that the colony’s judiciary would undergo significant restructuring. The Council, which was comprised of company appointees who were usually important citizens of the colony or employees in the HBC, agreed with little debate to his suggestions. Simpson justified such modifications to the law enforcement structure as the colony was becoming ungovernable. The colony had nearly grown to five thousand settlers, chiefly comprised of Métis

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54 Gibson, Law, Life, and Government, 37-41.
who resided at the settlement seasonally. To impose social order, Simpson proposed the creation of a “Volunteer Corps,” a police force the ranks of which would be derived from the colony’s residents. Simpson claimed the colony needed such an institution because there was “little more than nominal Support afforded by the Police” and that the “good feeling” of the colonists “are no longer sufficient to maintain the tranquility and good government of the Settlement.” He wrote: “it must be evident to one and all of you that it is quite impossible society can be held together, that the time is at length arrived when it becomes necessary to put the administration of Justice on a more firm and regular footing than heretofore” in order “to guard against dangers from abroad or difficulties at home.” In this “Volunteer Corps,” the commander received £20 for his service, £12 for the Sergeant major, £10 for sergeants, and £6 for privates. The Council for the District of Assiniboia resolved in 1836 that the police force required standardization in service requirements. Unlike the pathetic attempt to form a volunteer militia in 1822, volunteers who failed to appear for duty were required to have a substitute ready for service, and failing that, they were to be discharged.

Raising the tariff on imports to the colony, Simpson proposed other improvements to the colony’s legal structure that the Council adopted immediately. To bolster the authority of the Council, the company established a jail and courthouse and provisions for the construction and maintenance of those buildings. Most significantly, Simpson recognized that one magistrate no longer possessed the ability to govern the entire colony. He instead integrated and systematized the judicial system by designating four districts in order to organize the police forces and courts,

55 Oliver, The Canadian North-west, 267. For the whole report, see 267-275.
57 Oliver, The Canadian North-west, 275
which included the White Horse Plain District, Upper District, Middle District, and the Lower District.\textsuperscript{59} Each district received a justice of the peace who would preside over the courts on a quarterly basis, however constables could govern over more than one district if the Quarterly court did not overlap. These were the petty courts. In this new schema, the Métis – who formed the vast majority of the colony’s population – found themselves disempowered as the only JP was Cuthbert Grant for the White Horse Plains district.\textsuperscript{60} Simpson also resolved to create a General Court of the Governor and Council that heard the more serious cases at the Governor’s House. In 1837, this structure was refined further when the four districts were integrated into three districts over which a group of three magistrates presided over trials instead of a single JP (Figure 6).\textsuperscript{61}

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\textsuperscript{59} Gibson, \textit{Law, Life, and government at Red River}, 38.
\textsuperscript{60} Gibson, \textit{Law, Life, and government at Red River}, 40.
\textsuperscript{61} Oliver, \textit{The Canadian North-West}, 279
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Alexander Ross, who also served as sheriff at Red River under the reformed government, considered it a “political miracle” that the colony had survived for twenty-four years without a formal legal system. With the Larocque episode lingering in his mind, he asserted that the company wanted to unify the three major “pursuits, interests, and feelings” in conflict at the settlement – the agricultural, hunting, and company – to impose stricter social control. The reasons for such control related to the fact that the colony was located in the middle of an indigenous world from which the company had failed to clearly delineate the colony. He stated that the Ojibwe who surrounded the colony and act as “vagrants and evildoers” who responded adversely to Company attempts to “civilize” them. Rather than learning civilization’s virtues

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they instead adopted its vices. Apart from the Ojibwe the fur-trading parents of the “half-caste children, or half-breeds” had spoiled their children and encouraged them to pursue the buffalo hunt rather than settle down to farm. They consequently “multiplied and became a numerous and formidable party.” The “half-breeds” flooded the market with pemmican, failed to secure food for themselves during the winter, and became a burden on company resources. In the latter, they took advantage of the HBC by demanding whatever palliation they could receive.

Moves to militarize a police force at Red River emerged simultaneously with two events that threatened to upset the HBC’s project of territorial sovereignty at Red River. Both events illuminated the competing meanings of the category “half breed,” “Native,” and Métis. The HBC continued to define the former as a troublesome, non-indigenous racial group, which sat in tension with the contention that the Métis possessed rights to land at Red River. First, the crisis of the Indian Liberating Army (ILA), a short-lived militant group protesting the expansion of the Canadian and American settler states and the territorial sovereignty of the HBC, threatened to destabilize political conditions at Red River. Seeking an “expressive of a sense of collective identity,” the ILA recruited several “half breeds” while in Montreal to accompany the expedition into the interior. The organizer of the expedition was a man named General Dickson or Montezuma II, who might have been the son of Col. Robert Dickson, a British trader and leader in the War of 1812. The ILA was also led by two mixed-raced “majors” who were educated in Europe through the largesse of their fathers, John McLoughlin’s son John and Martin McLeod, a white man from Lower Canada. Dickson recruited members for the ILA from Canada and the United States, and the army, which numbered sixty members at the outset, departed from

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64 Ross, The Red River Settlement, 160.
65 Ross, The Red River Settlement, 166.
Buffalo, New York on August 1st, 1836. By the time they had reached Sault Ste. Mary later that year, the army had dwindled to around twenty. While the ILA probably posed no serious military threat the HBC, it was alarming because Governors Pelly and Simpson believed that the radical ideas of the ILA would inflame feelings at Red River following the Larocque beating and the forming of the Volunteer Corps.

The major concern among company officials was that a widespread coalition force could overthrow company authority. Simpson wrote that they intended to “excite dissatisfaction” in British territory against HBC authority and to seek protection in territories claimed by the United States. The small band had attempted to carve out autonomous space against the “encroachments on their territory by the British and United States government” by recruiting their indigenous relations to join their organization. Pelly worried that they would “occasion excitement in the minds of the savage and ignorant people” around Red River and thus disrupt the tenuous peace at the colony. The army’s potential for disruption had worried the company to the point that Governor John Pelly wrote to Lord Palmerston on May 24th, 1837 regarding their progress. In a letter that illuminates a shared identity amongst the Métis around Red River, he thought that Dixon was traveling to the colony to enlist the assistance of Cuthbert Grant, the Warden of the Plains. By attempting to recruit the leader at Seven Oaks, Dickson’s actions revealed that the organization invested in a shared history with the struggle twenty years prior. Efforts to cast off the company’s yoke had not simply vanished but had rather been simmering.

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66 HBCA D.4/22 Folio 74, George Simpson to Alexander Christie, dated Sept. 4th, 1836.
67 Jennifer Brown, Strangers in Blood, 190-192. Brown offers detailed information about the social lives of the prominent members of the ILA; see also Grace Lee Nute, “James Dickson: A Filibuster in Minnesota in 1836,” The Mississippi Valley Historical Review 10.2 (Sept. 1923), 127-140.
68 HBCA A.8/2, Extract of letter from George Simpson to the Governor and Committee, dated Apr. 20th, 1837.
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70 HBCA A.8/2 Folios 32, 33
71 HBCA A.8/2 Folios 57, 64
Simpson viewed Indigenous and Métis inhabitants of the continental interior as a potential powder keg, and he thought of the ILA was the fuse to ignite it. He worried most that the ILA might encourage the Métis to assert their claims as indigenous peoples more aggressively. He stated that if the ILA reached the Red River Colony, “they will give much trouble & occasion great excitement exciting ignorant Canadian half breed people.”\textsuperscript{72} Simpson hoped that the party would dissolve before reaching Red River, because they would have preached of a radical reorganization of Rupert’s Land: one based on kinship relations than imperial sovereignty. ILA leaders criticized the expansion of the United States and Mexico, as well as British territorial claims. Their kinship relations also reportedly were as extensive as the colonial projects they sought to undermine. One ILA member had connections to the “Batosh family” and that his activities would be “most troublesome” considering that he has a “good deal of influence among the Saskatchewan Half Breeds.”\textsuperscript{73} If the ILA reached the Red River Settlement, Simpson ordered Governor Christie to mobilize several “half breeds” whom he felt loyal to the Company in order to dissuade the ILA from proceeding further into the interior. Simpson ordered Christie that, if “you learn the Party is broken up you will suppress endorsed open Letters on that subject”\textsuperscript{74} and that the other letters should be banished from the country. The HBC recognized that the ILA’s reimagining of North America as an indigenous state free from colonial exploitation might have found common cause at the Red River colony.

When Dickson arrived at Red River in 1837, the ILA had all but run its course, but the HBC took the opportunity to use it to argue for expanded legal privileges. Anxieties over the chaos produced by racial mixing informed HBC arguments for these rights. In the same year, the

\textsuperscript{72} HBCA D.4/22 Folio 80, George Simpson to Alexander Christie, dated Sept. 18\textsuperscript{th}, 1836.
\textsuperscript{73} HBCA D.4/22 Folio 80, George Simpson to Alexander Christie, dated Sept. 18\textsuperscript{th}, 1836.
\textsuperscript{74} HBCA D.4/22 Folio 84, George Simpson to Alexander Christie, dated Nov. 10\textsuperscript{th}, 1836.
HBC wrote to the Privy Council for Trade, stating that the colony was of such “mixed a character” and its inhabitants so “little used to the restraints of civilized life” that “mismanagement” of the colony would surely occur. The company needed permission from the imperial government to expand its legal infrastructure, explaining to London bureaucrats that the Dickson affair had revealed that the company, settlement, and its system of laws were “precarious.” To that end, in February 1837, the HBC office wrote to Lord Glenelg hoping to renew its chartered rights west of the Rocky Mountains and to receive public assistance in appointing a judicial officer for the colony. The HBC governing committee required these rights in their attempt in imposing law and prosecuting crimes inside and outside Red River. Such a measure was intended to suppress any seditious activities occurring in Rupert’s Land that threatened to overturn the legitimacy of HBC rule. While the company received its trading rights, it would not be granted public money to hire a specialist in British law.

The Company found another opportunity to clarify the question of racial identity and legal subjecthood following the murder of eleven Dogribs by a “half-breed” named Cadien. George Simpson, John Pelly, and the governing committee viewed the case as a way to lobby for the expansion of the company’s jurisdictional powers and policing ability. The murders technically occurred outside of Rupert’s Land in the far northwest, land legally designated “Indian territories” under the 1803 Canada Jurisdiction Act. In July of 1838 George Simpson wrote to John Pelly that Cadien must be brought to justice or other company employees would commit crimes against indigenous peoples with impunity. With the ILA fresh in his mind,
Simpson argued that company law should apply to all “half-breeds” thus effectively incorporating the Métis, whose legal status was under dispute, under British jurisdiction. Such a move would then integrate the Métis into the company’s jurisdiction.  

The case ultimately failed to solidify in law Simpson’s belief that the “half-breeds” should be considered non-indigenous British subjects. Pursuant to the 1803 Canada Jurisdiction Act, Cadien faced trial at the King’s Bench Court at Three Rivers in 1838. Once the trial proceedings had concluded in Three Rivers, outside interests petitioned the colonial government to dismiss the case and grant Cadien a reprieve. Written by petitioners and local Catholic clergy, they argued that the entire case hinged on only one piece of evidence, eye witness testimony from Baptiste Jourdain. Barnard argued that, as a non-Christian, Jourdain’s evidence should be disqualified because he gave his testimony after taking his oath on the Bible. Barnard questioned whether Lake Puant fell within a contested area between the United States and Great Britain. As it could have fell outside British claims, the criminal case fell outside Canadian jurisdiction and was not cognizant at Three Rivers.

In addition to the questionable testimony provided by Baptiste Jourdain, Stuart wrote that Cadien did not automatically become a British subject simply by engaging in the HBC’s service. On this point, he wrote that “A Chinese employed as interpreter or servant to the British merchants at Canton would still be a subject of the Celestial, not of the British Empire.” Cadien belonged to a separate nation and therefore could not be prosecuted in a British jurisdiction. The petitioners continued “that the case of the said the said Baptiste Cadien is not an ordinary one, arising in a state of civilized society, and that the crime of which he has been found guilty, if

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78 HBCA A.8/2 Folios 103-105, George Simpson to John Pelly, dated July 17th, 1838.
79 Case of Baptiste Cadien for Murder; Tried at Three Rivers, in the March Session 1838 (Three Rivers: G. Stobbs, 1838), 15 and 16.
80 Case of Baptiste Cadien for Murder, 16.
committed at all, was not committed by a person enjoying the protection of the laws and, therefore, bound to submit to them.”

Stuart argued that Cadien’s status as a “half breed” disqualified him to stand trial because he was bound to indigenous legal customs rather than British jurisdiction. Stuart wrote that “Cadien is the child of nature and…acted from the impulse of the laws of nature: The savage cannot appeal for protection to man and to Courts established by man: He is his own protection…”

Edward Barnard took up Cadien’s case to be the defender of the “Indians” and wrote to Stuart that “powerful men, thirsting for the blood of Cadien” had convinced the “head of administration” that Cadien should hang.

The petitioners and Barnard forced the courts at Three Rivers into a compromise. The Court decided not to hang Cadien under these unclear circumstances and instead commuted his sentence to transportation.

Using the Law to Define Land

As the Métis became a powerful force at Red River, they began to regulate matters within their own community, made strident claims to land, and asserted their identities as indigenous peoples. The HBC turned to the law in order to legitimate its occupation of territory around the Red River. To this end, the company fortified legal control over the colony when it engaged the services of Adam Thom as the colony’s legal recorder in 1839. Thom’s appointment came on the heels of a petition submitted by the white settlers who were complaining that the legal system and police force were ineffective in governing the colony. The petition stated the colony’s population was expanding to include “the Company’s Servants, with their numerous Families

81 Case of Baptiste Cadien for Murder, 10.  
82 Case of Baptiste Cadien for Murder, 12.  
83 Case of Baptiste Cadien for Murder, 23.
retiring to this place, added to which numbers of Half caste and Indian families preferring the comforts of civilized life to the precarious subsistence of the chase….” who accounted for the vast majority of its population. The petition stated that the white colonists “cannot reasonably be expected to submit to those laws so essential to the welfare of a civilized state.” While schools and missionaries succeeded in the past to instill “civilization” into hundreds of European and Indian children, the new arrivals introduced disorder and disrespect to the colony’s laws. The colonists claimed that they had submitted “every fair, honest, and favorable representation of this indispensable measure” to the population, but “such is their indisposition to respect the constituted authorities of the Country, that well-disposed Men are intimidated.” The colonists asserted that military authority is necessary in the establishment of settler colonial rule.\textsuperscript{84}

Born and educated in Scotland, Adam Thom settled in Montreal in 1832 where he opened a law office and edited of a small newspaper until he became the editor of the Montreal \textit{Herald} in 1835.\textsuperscript{85} He soon climbed the ranks of the English speaking community at Montreal, excelling both at his editorship and by being called to the bar in 1837. From an early date, Thom made his antipathy for French Canadians in Montreal publicly known, writing editorials that condemned that population’s growing political and cultural goals.\textsuperscript{86} In 1839, Thom was appointed as a recorder of Rupert’s Land after George Simpson made the lawyer an offer after assessing his ability to judge and govern by quizzing him on the \textit{Cadien} case. Thom accepted the offer as recorder by earning a salary of £700 per year with free transportation to and from Red River, where he was promised that he could practice law privately. For his salary, Thom’s duties were fairly light. Simpson ordered Thom to act as a local magistrate at Red River, attend the General

\textsuperscript{84} HBCA E.8/8 folios 97-99
\textsuperscript{85} Gibson, \textit{Law, Life, and Government at Red River}, 52.
\textsuperscript{86} Gibson, \textit{Law, Life, and Government at Red River}, 53.
Quarterly Court of Assiniboia, and act as a legal advisor for the HBC. He would issue warrants occasionally and offer counsel to HBC personnel. Thom’s major weakness, however, would be his total lack of knowledge of the French language and his unwillingness to learn. In 1839, the General Court at Assiniboia formally created the post of recorder, to which Adam Thom was sworn for a term of five years.\textsuperscript{87}

At the beginning of his term, Thom proved an industrious reviser and inventor of laws for Red River. Thom made minor modifications to the settlement’s laws that were intended to clarify the sitting dates of the General Court, restrictions on crimes to be heard at petty courts, and the systematization of jury duty.\textsuperscript{88} Thom also began a project of integrating the indigenous inhabitants around the Red River colony into the settlement’s legal jurisdiction. In 1839, a twelve-year-old boy named Henry Beardie shot and killed his friend William Bird with a bow.\textsuperscript{89} Thom organized the colony’s first grand jury that preferred the charge of murder for the boy. The subsequent trial was likely the first instance of an indigenous person, who was not Métis, to appear in the Red River’s court. The jury acquitted Beardie based on his age, which what Thom probably intended. The \textit{Beardie} case revealed Thom’s tendency to seek an expansion of the legal jurisdiction of the colony to include those peoples who were either previously excluded from such laws or whose legal status was ambiguous.

Following the \textit{Beardie} case, Adam Thom began work almost immediately at revising laws for the colony and drafting a legal code that applied English law in Rupert’s Land. In June of 1841, Thom presented to the Council of Assiniboia a draft for a “comprehensive revision and consolidation of the entire Laws of Assiniboia.”\textsuperscript{90} He refined laws regarding many different

\textsuperscript{87} Gibson, \textit{Law, Life, and Government at Red River}, 54.
\textsuperscript{88} Gibson, \textit{Law, Life, and Government at Red River}, 59.
\textsuperscript{89} Gibson, \textit{Law, Life, and Government at Red River}, 60.
\textsuperscript{90} Gibson, \textit{Law, Life, and Government at Red River}, 63.
facets of life at Red River, including how law applies to regulate the handling of fires, fences, animals, horse theft, public works, alcohol production, the sale of alcohol to Indians, customs, and the maintenance of a legal infrastructure including courts, prisoners, and police. Thom had devised two codes, one civil and one criminal, during the winter of 1840. In these codes, Thom insisted that the company could only legally apply the laws of England as they were at the time of the 1670 charter. This insistence confused both his contemporaries and historians studying his work as no evidence exists suggesting that the company required him to operate within these constraints.\textsuperscript{91} In his civil code, he made a few key findings: that the courts possessed jurisdiction over Indians who resided inside the jurisdiction of Assiniboia, that the company could modify the laws of England for Rupert’s Land, and that the company could not appear as a litigant in its settlement courts.\textsuperscript{92} In his penal code, Thom modified the English code criminal for local circumstances by requiring more lenient punishments than existed in England, reducing the age at which children could be held criminally responsible from fourteen to seven, and clarifying laws on larceny and breaking and entering.\textsuperscript{93} Thom wrote that only crimes between “savage,” wandering “Natives,” who resided outside of Assiniboia, fell outside the jurisdiction of his new code. He only mentioned the “Metiss” in passing as a people distinct from “Natives.”\textsuperscript{94} Despite his efforts and the support of the Council of Assiniboia, HBC administrators decided that the HBC should just follow modern English codes, rendering Thom’s codes unnecessary. This rejection did not, however, mean that Thom abandoned his attempts to integrate indigenous peoples into the company’s jurisdiction.

\textsuperscript{91} Gibson, \textit{Law, Life, and Government at Red River}, 65.
\textsuperscript{92} Gibson, \textit{Law, Life, and Government at Red River}, 66.
\textsuperscript{93} Gibson, \textit{Law, Life, and Government at red River}, 67-68.
\textsuperscript{94} Baker, “Creating Order in the Wilderness,” 236. Baker argues that Thom’s legal code was nothing more than a “local code,” or rather, a confirmation of legal customs that had developed at the company prior to his appointment. This chapter is not a formal legal analysis, but rather a look at how multiple parties use legal discourse to legitimate authority.
In a letter to George Simpson, Thom made his view clear. He revised the legal status of “half breeds” in a way that reflected the HBC’s post-merge project of integrating all the inhabitants in Rupert’s Land into a hierarchy of dependency on the company. In a series of resolutions to update the company’s municipal government, civil and criminal code structures, and its territorial claims, Thom relied on his understanding of civilization as a spectrum that placed indigenous at the lowest end of societal development. Gender also structured Thom’s findings, echoing the propaganda after Seven Oaks. If “Half breeds” retained the “indolent” habits of their mother, they enjoyed Aboriginal status, but if they were “civilized” by their fathers, they lost this status and any legal connection with his or her mother. Neither case accorded the “half breeds” with political status on par with the HBC. “Aboriginal tribes” constituted “dependent communities” and not “individual subjects,” but they had also entered into an “unequal alliance” with the British Empire in which the Crown acted as protectorate. However, “a child of mixed blood…. May have adopted either the civilized nationality of his father or the savage nationality of his mother.” Thom did not allow much room for flexibility within this hierarchy as it was based on a binary framework that recognized peoples as only “savage” or as “civilized.” Thom wrote that “any half-breed members of an aboriginal community must be reckoned by us as Indians,” which explained why there existed mixed-race peoples throughout Rupert’s Land who received the same treatment as sovereign, yet dependent, status of Native peoples. However, there was no intermediate stage between “civilization” and “savagery,” denying the Métis the right to define themselves.95

Thom claimed that such categories were unnecessary because it was usually self-evident whether or not a “half breed” qualified as an indigenous dependent or a British subject. Thom

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95 HBCA D.5/13 Folio 270, Subfolios 21 and 22, Adam Thom to George Simpson, dated Mar. 10th, 1845.
accordingly believed that most of the Red River “half breeds” had assimilated enough to British “civilization” that they had lost any claim to indigeneity. Thom contrasted the status with the “half breeds” on British territories with those in the United States, noting that the American “half breeds” generally identified with their mother’s kin. He wrote that “the half-breeds generally prefer the savage equality of the wilderness to the self-like inferiority with which law and prejudice alike oppress them within the pale of civilization.” Thom contrasted their status on American soil with the rights and privileges afforded to the “half breeds” in Rupert’s Land, where they enjoyed their freedoms as British subjects. “On the other side of the same line,” he continued, “they have almost universally embraced the proffered privileges of British Subjects on the congenial spot, where neither prejudice nor law recognizes a distinction of color or original race.” Thom therefore espoused a forcefully inclusive view of British sovereignty, manifested in the HBC in Rupert’s Land, stating that “We are all members of the same little community…we are all subjects of the same sovereign, a sovereignty the mightiest and most illustrious on earth.” Within the territorial limits of the British Empire, the “half breeds” theoretically enjoyed equal status and were thus subject to same laws and ordinances promulgated by the Council of Assiniboia. 96 Thom applied these basic ideas in his future legal dealings with the Métis at the colony.

Adam Thom attempted once again to include the “half breeds” into the colony’s jurisdiction when he heard a case involving a Métis man named Atasawapah, who killed a French Canadian named Flammond in self-defense. 97 The court found Atasawapah guilty of manslaughter, sentencing him to one year in prison hard labor. The company unlawfully sent Atasawapah into exile at York Factory and later to Ungava. All observers agreed that

96 HBCA D.5/13 Folio 270, Subfolios 21 and 22, Adam Thom to George Simpson, dated Mar. 10th, 1845.
Atasawapah appeared a sympathetic, gentle person, and perhaps Simpson and Thom wanted to prevent a general uprising at Red River owing to his captivity. The colony’s governor, Duncan Finlayson, felt the heat from Métis demanding his return and recognized that the Company’s claims to territorial sovereignty, in practice, were feeble when confronted with Métis power on the ground. In a letter to George Simpson, Finlayson vented his frustration regarding the ceaseless claims by the Métis that they owned the land around Red River. Finlayson wrote that “The present system of living by sufferance will not last long....The Half Breed part of the population, have already had too much their own way.” While he noted that the Métis were indignant regarding the Atasawapah case, legal historian Dale Gibson fails to include the other facet of the Métis complaint: that the Atasawapah verdict was considered an assault on Métis sovereignty. The Métis connected the Atasawapah case to larger struggles over defining ownership of Red River. Finlayson continued that the Métis resented the HBC because it would “not pay them for their lands & take all the produce from them they can purchase, both in and out of the Settl.” In addition, the Métis continued their calls that they constituted an indigenous group whom the company never consulted to establish the colony. Finlayson indicated that the “half breeds” identified as Natives peoples, who “loudly call out that they have been robbed” by both British and American land agents and “laught at you [Simpson] and the Company” for their pretensions to sovereignty. Supported by Simpson and HBC, Thom was finding that his project of integrating the Métis into the company’s laws was strongly resisted.

Later in 1845, the Métis submitted fourteen queries to Alexander Christie, governor of Red River, requesting a detailed statement about their legal status and rights at Red River. These
requests demonstrated that the categories “Native” and “half breed” had become contested by the Métis and Company authorities. The queries addressed issues such as the rights possessed by “half breeds” to hunt for furs, to hire other “half breeds” or Indians to hunt for furs, to employ their Native relations to assist in hunt, and if they were allowed to trade furs in or out of the settlement. These questions over “half breed” status under company law were of vital importance as the Métis sought legal recognition that they maintained relations with the indigenous peoples living around the colony. As Alexander Ross observed, the Métis were “living constantly among the Indians.”

The queries requested that the HBC explain its special privileges and the legal rights that had given Company possession of Red River. Twenty-three “half breeds” signed the queries. While the “half breeds” attempted to indigenize the meaning of that term, Governor Christie summoned the rubric of equal rights, citizenship, and subjecthood to deny that the Company owed them “certain privileges” enjoyed by the Indians. Christie explained that their 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.”

He continued: “Now as British Subjects, the Half Breeds have already the same right in Scotland or in England as any person born in Great Britain.” The “half breed” settlers at Red River possessed no inherent sovereignty to trade furs with whomever they pleased but rather knew fully well that their residence within the colony was known “to prohibit any infraction of the Company’s privileges.” As pressures for the loosening of monopoly privileges increased in the 1840s, HBC officials articulated the connection between law, land, and identity. At Red River, where Company jurisdiction was in full force, “half breed” settlers were assumed by the HBC to have forfeited their status as indigenous peoples and thus their rights as Indians. They were thus integrated as British subjects,

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102 HBCA D.5/15 Folio 139, Simpson to Alexander Christie dated Aug. 29th, 1845.
who allegedly enjoyed the protection of British law but who also had to follow the dictates of a company that was seeking absolute control over trade.\textsuperscript{103}

In 1845, Métis assertions of sovereignty compelled George Simpson to militarize law enforcement at the colony beyond the previous “Volunteer Corps.” Simpson requested a regiment of troops from the colonial office in order to secure the boundary line against Métis movement across British and American territories and to check invasions. Simpson was also concerned that war might erupt between the two nations leaving the Red River colony vulnerable to invasion.\textsuperscript{104} Lieutenant Henry J. Warre and Lieutenant Mervin Vavaseur visited the colony during the summer of 1845, while Simpson was at Red River, in order to assess the vulnerability of the company’s frontier against an attack by the United States. Simpson had received a small group of soldiers and officers for Red River during their visit. However, it would not be until 1846 that Simpson could convince Gladstone and the Duke of Wellington that the colony required a regiment of British regulars. The Duke of Wellington in particular opposed the investment of troops at Red River because he felt that the border was too long to be defensible. In the end, the company agreed to share the cost of sending the regiment to Red River, and Simson planned that the commanding officer of the Sixth Regiment would then serve as governor of the colony. In August of 1846, the Six Regiment of Foot was sent to Red River via York Factory, causing a massive disturbance in the colony due to the resources required to feed and transport the soldiers.\textsuperscript{105}

The London Committee believed that a British military presence might secure HBC claims to land by dampening the claims to sovereignty that the Métis were continuing to

\textsuperscript{103} These queries are known as the “Fourteen Questions,” which Adam Gaudry has defined as a Métis” “Declarations of their Indigeneity.” See Gaudry, “kaa-tipeyimishoyaakh,” 188.
\textsuperscript{104} Gibson, \textit{Law, Life, and Government at Red River}, 94-95.
articulate. It also believed that the military might force a more rigorous observation and respect for the HBC’s laws. Company officials had worried that the “half-breeds” openly traded with both indigenous peoples and American traders across the line. Governor Simpson and John Pelly pushed for the military presence in hopes that it would “the presence of a detachment however small of her Majesty’s Troops would put a stop to such intrigues [like smuggling] by convincing the people in the Country that Her Majesty’s Government are determined to protect British interests and to maintain the inviolability of the British Territory.”

From the view at the top, a military presence prevented both rebellion inside the territory from the Métis and also the potential invasion by Americans that that segment of the population invited.

The Métis were now facing a potential military occupation of the colony, and in addition, Governor Christie and Adam Thom had begun to use the General Quarterly Quart to intimidate the free traders into obeying the monopoly. While in London, a native-born mixed-race man, Alexander Isbister, presented a petition drafted by Father Belcourt and transported to England by James Sinclair, two leading figures in the free trader crisis described below. Indeed, Sinclair must have informed Isbister about the events transpiring at Red River, including the legal arguments evolving between the Métis and the HBC. Isbister was the son of an HBC clerk and his Indian wife and had himself worked as a clerk for the company in the McKenzie River district. His father sent him to Britain for education, where he remained for a good portion of his life. Isbister worked as a lawyer and was vocally opposed to the HBC regime. While in Britain, Isbister petitioned Parliament to review the conditions under which the indigenous peoples, including the “half breeds,” suffered due to HBC economic exploitation and moral

106 HBCA A.8/3, Pelly Memorandum, 29.
negligence. Isbister’s writing clearly reflects his education in British schools, and his appeals to the British public emphasized the HBC failure to provide Christian instruction to the “heathens.” While he absorbed British ideas regarding the natural, linear progression of human societies, Isbister argued that the HBC stole lands belonging to indigenous peoples, including the “half breeds.”

In 1849, Alexander Isbister published a pamphlet in London to publicly condemn the company. In *A Few Words on the Hudson’s Bay Company*, Isbister asserted that the legality of the HBC charter was rooted more in government oversight than in any legitimate claim to Rupert’s Land. Neither Great Britain nor the indigenous peoples of Rupert’s Land accrued any benefit from the “despotic sway” of the HBC monopoly.\(^{109}\) HBC control of trade reduced most Native groups to “slaves of its laws and policy” causing “discontent and misery” for the indigenous peoples who had no other option than to trade at HBC posts.\(^{110}\) He viewed HBC policies of keeping indigenous peoples in debt and price setting with little consideration for market value as particularly damaging for Native health and prosperity. He wrote that most of the Indians are “half naked, owing to the exorbitant prices demanded for the clothes” while being “restricted from exchanging the produce of their toil with any other parties.”\(^{111}\) Isbister observed that the Company attempted to prevent, not only trade with the United States, but also the exchange of furs and other commodities between Native groups. As a result, indigenous peoples died from starvation and resorted to cannibalism. Not only had the Company allowed its Native charges to starve and die of exposure, but the Company itself had founded no missionary

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\(^{110}\) Isbister, *A Few Words on the Hudson’s Bay Company*, 4.

institutions to save the Indians from “their lives in the darkest heathenism.” Rather, they relied on the support from missionary societies based in London, rather than using its profits to fund institutions for the moral improvement of the Indians.

While Isbister criticized the HBC for its failure to offer support to Indians both morally and economically, he reserved his harshest censure for the Company’s legal conquest of Rupert’s Land. He linked the struggles of the Native groups with those of the “Half-Breeds,” whom he viewed as indigenous people with claims against, not only the HBC, but also the British Crown. Isbister wrote that “your Memorialists are natives of Rupert’s Land...entrusted with the duty of presenting the accompanying petition from their fellow-countrymen the Indians, and Half-Breeds residing in and near the Colony on the Red River.” The “Half-Breeds” were victims of both British and American policies. The HBC depended upon yet claimed the resources gathered on Métis buffalo hunts, which were used for sustenance at the colony and throughout the interior. He wrote that “The Hudson’s Bay Company...claims whatever is hunted on the British side of the line, detaining the goods and imprisoning the persons of those who refuse to accede to their prices.” However, Isbister wrote that the American government had, in recent years, attempted to prevent the Métis from hunting south of the boundary line by establishing a series of military posts that monitored their movements. More than that, national and imperial land policies dispossessed both “Natives” and “Half-Breeds.” He wrote that “owing to these conflicting claims the natives, who are the original owners of the soil, have their energies and hopes completely paralyzed, and are doomed to starvation in a land which is their own both by birth and by descent.” To Isbister, the “Half-Breeds” were neither a menace that threatened to

overthrow Company rule, nor were they a dependent class upon whom the Company relied for labor. While Company officers privileged kinship ties between the “Half-Breeds” and Company personnel in order to detach their children from any claims to land, Isbister instead argued that the “Half-Breeds” possessed the right to engage in the buffalo hunt undisturbed.

Nothing ever came of Isbister’s campaign as Parliament refused to act upon his grievances. To combat Isbister’s assertions, Simpson presented a series of counterarguments to Lord Elgin. Simpson insisted that the Company had done everything in its power to improve the lives of its Native dependents by introducing “more or less” the sixty missionaries and thirty-three missions that operated in Rupert’s Land. Simpson denied that the company had abused the Indians in any egregious manner and that it had dealt with crimes in its territories fairly and justly. The company chose to cultivate peaceful relations with the colony’s residents and indigenous communities in Rupert’s Land, because it was far cheaper than war and disturbance. As for the Métis, John Pelly wrote to Lord Elgin that the “the half breeds of the settlement, chiefly those of Canadian origin” posed the most significant challenge to the HBC because they engaged in a “clandestine trade in furs” that meant that they were “diverted from the cultivation of the soil.” The main problems faced by the “half breeds” did not, therefore, derive from HBC tyranny or restrictive trade policies but rather their refusal to practice agriculture. The HBC did not represent a tyrannical force but rather at the pillar of British sovereignty in the North American interior.

Isbister’s agitation in England revealed that HBC sovereignty relied upon its ability to define the relationship of itself and its dependents in regards to land, law, and identity. As much as Isbister argued that the “half breeds” were indigenous people, the HBC countered that Isbister had misappropriated the term out of his own self-interest. In his rebuttal to Isbister’s pamphlet,
John Pelly wrote that “It is proper to observe in the outset that there is an ambiguity calculated to mislead in the term ‘Natives’ as used in this [Isbister’s] memorial, which is sometimes employed to denote half breeds or persons of mixed race, and sometimes the Indians or Aboriginal inhabitants.” The HBC insisted that the term ‘Natives’ not apply to those “half breeds” who had identified themselves as Métis. While Isbister framed Métis complaints as a question of legal rights to Rupert’s Land, company administrators recognized that they needed to convey to imperial authorities that it possessed the knowledge and right to define who could and could not qualify as “Native” in the sense that they constituted an Aboriginal people. Not the claims of an oppressed “Native” people, Simpson and Pelly represented Métis grievances to be the unreasonable demands advanced by a race of people notorious for their ingratitude.\textsuperscript{115}

Simpson and Pelly reinforced the company’s interpretation that the Métis had forfeited their rights to claim a “Native” identity when they chose to move to the Red River colony. Contrary to Isbister’s assertion, the Company had not forced the “Natives” to abide by its chartered privileges at Red River. Rather, they “are settlers at Red River of mixed race and the Company who are their best customers.” Once again, Pelly relied on legal definitions of subjecthood to racialize the Métis, not as an independent indigenous nation, but rather as a deviant group of colonial settlers. Pelly wrote that the Métis argument was “quite untenable.” He continued:

\textquote{The circumstance of their being born in the Country, may entitle them to call themselves native, but it neither conveys to them any privileges belonging or supposed to belong to the aboriginal inhabitants, nor does it divest them of their character of British subjects, all of whom are precluded by the Company’s Charter from trafficking in furs within its limits.}

\textsuperscript{115} HBCA A.8/3, Folios 93, 94, 96; the entire report was entered on April 14\textsuperscript{th}, 1847;
In addition, Pelly claimed that the local laws at Red River also reinforced the HBC’s position that the “half breeds” were British subjects bound by a set of laws they had no role in making. The British government should reinforce the HBC’s authority or otherwise the “half breeds” would subvert the British Empire’s interests in the region. Pelly warned that the annual buffalo hunts usually brought the “half breeds” into contact with Americans as they followed the animals south of the border. Their trespassing on American soils might lead to an international incident owing to British refusal to check the movements of their subjects. Elgin would view the “half breeds” as a distinct group within the company’s hierarchy and within the jurisdiction of Red River. London, too, upheld a geopolitical view of the North American continent comprised of two emerging nation states and the British Empire.116

**Free Trade and the Border**

The issue of free trade structured the controversies over land and identity in the early 1830s and 1840s. As the HBC sought to expand its control over the colony, so too did it expend greater energy attempting to stem the tide of what it viewed as illegal trade between the Métis and Americans. This “illegal” trade emerged more forcefully in the 1840s as American traders began to open their posts south of the boundary line. These traders were no longer seeking beaver furs but rather buffalo skins.117 Therefore, the Métis economy was now more resembling that of entrepreneurial businessmen rather than subsistence hunters.118 The American Norman Kittson ran a post at Pembina during the late 1840s that enticed the Métis to disregard the Company’s

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116 HBCA A.8/3 Folios 96-124. For the tenth point, see folio 105.
118 Ens, *From Homeland to Hinterland*, 72-92.
monopoly. Kittson was outfitted by Pierre Chouteau under the newly reorganized American Fur Company in 1843, a firm that was largely revitalized by Kittson’s trading activities at Pembina. While the HBC viewed any unregulated trade as illegal, the Métis viewed Red River and the lands west to it as indigenous space. In 1849, debates over land, identity, and the boundary came to a head at the Guillaume Sayer trial.  

When it came to shipping goods, HBC officers were only concerned over the flow of furs in and out of Rupert’s Land. Otherwise, they contracted individuals to transport dry goods and animals to Red River from the United States and between provisioning points within Rupert’s Land. However, the line between the smuggler and freighter often blurred in the late 1840s as the HBC began to suspect that these freighters were engaging illegally in the fur trade. Restrictions imposed on two freighters, Andrew McDermot and James Sinclair, ignited a crisis that consumed the HBC. McDermot and Sinclair were prominent and wealthy residents at Red River who owned the freighting contracts from the company to ship goods back and forth from the colony to York Factory, and they transported goods into the colony from the American side. They also traded furs to the Americans in direct violation of company law. When the two traders refused to admit that they engaged illegally in the fur trade, Red River Governor Alexander Christie promulgated a tariff against foreign trading. From that point forward, McDermot, Sinclair, and the Métis would make the case that they could trade furs with whomever they pleased. For the Métis in particular, they repudiated the HBC’s claims to territorial sovereignty, imagining Red River as an indigenous space over which they exercised dominion.  

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Andrew McDermot and Métis spokesmen publicly challenged the Company’s authority in their 1844 efforts to stifle trade between the colony residents and the Americans. In March of 1845, Adam Thom described to George Simpson the deteriorating situation at Red River, where it appeared that the McDermot faction mocked Company pretensions after the HBC seized his furs. In recent years, Christie had put into motion a few of Thom’s innovations to stop the illegal trade, including the use of currency to be used for fur trading.\textsuperscript{121} When Christie sent a private letter to McDermot stating that the free traders must desist in their activities, Adam Thom learned that McDermot “must have regarded Mr Christie’ notice merely as an empty threat” by mocking it in public – “a masterly performance” – at Red River. In addition to McDermot, Thom feared that the Métis were beginning to view the company’s charter as nothing more than “waste paper” as Thom indicated that the Métis were well aware of the legal constitution of the company and openly questioned its validity.\textsuperscript{122}

Thom undermined Métis sovereignty by predictably claiming that they were nothing more than dependents on the HBC who were acting criminally. When the mixed-race freighter James Sinclair formed an alliance with McDermot, Thom asserted that the Métis were McDermot’s dupes who lacked the ability to make any decisions on their own. Thom learned that Sinclair and McDermot apparently planned to “lay at the Majesty’s feet a beautifully garnished representation of the grievances of the natives – rumours so ridiculous as to be incredible.”\textsuperscript{123} Not the actions of aggrieved “Natives,” Thom believed that McDermot and the “half breeds” acted criminally because they both traded across the border and lacked the appropriate amount of gratitude for the Company. These “half breeds” sought the assistance from

\textsuperscript{121} Gibson, \textit{Law, Life, and Government at Red River}, 90.  
\textsuperscript{122} HBCA D.5/13 Folios 253 and 254, Adam Thom to George Simpson, dated Mar. 10\textsuperscript{th}, 1845.  
\textsuperscript{123} HBCA D.5/13 Folios 254 and 255, Adam Thom to George Simpson, dated Mar. 10\textsuperscript{th}, 1845.
American traders who are engaged in this criminal ring, effectively reducing them to “reprobates” with the “unprincipled ingratitude of the criminals.” Thom insisted that the free-trading “half breeds” represented a criminal underclass within the Red River community by refusing their rightful inheritance as British subjects.

The HBC soon sought action to solidify their claims to territorial sovereignty, but these amounted to grandiose ideas that were never put into effect. By 1847, Kittson had aggressively expanded his trade in the region, and the government at Red River feared that Métis opposition might result in an American military operation to seize the settlement. A main obstacle to policing the “clandestine” trade was that it occurred on territories controlled by the United States. To monitor movements to the American post, the HBC sought to establish a checkpoint on Red River near Pembina on the British Side for the purposes of “checking of illicit traffic in furs in which some of the settlers had of late years been engaged in violation of the Company’s rights.”124 Later in the year he indicated that Major Caldwell, the commander of the regiment at Red River, was to be appointed Governor of Assiniboia, who will “in his double capacity…be answerable for the safety of the Colony against domestic and foreign foes.”125 Pelly then ordered Simpson to ask Caldwell about his thoughts on establishing a militia and cavalry force. Such efforts to further militarize law enforcement at Red River were not followed up on, as the pensioners left after a season. In addition, Caldwell proved to be a bumbling and ineffectual governor of the colony. Lastly, the HBC checkpoint envisioned at Pembina never materialized, leaving Kittson uncontested and HBC efforts in the region in shambles.

Debates over identity, law, and land came to a head at the Pierre Guillaume Sayer trial in 1849. Intimidation, tariffs, and the military presence had failed to stop the illicit trade. Adam

124 HBCA D.5/22 Folio 21, HB House to George Simpson, dated Apr. 5th, 1848.
125 HBCA D.5/22 Folios 237 and 238, HB House to George Simpson, dated May 26th, 1848.
Thom encouraged the HBC Chief Factor John Ballenden to arrest Pierre Guillaume Sayer, a Métis man, and three others for trading furs with indigenous peoples on Rupert’s Land in order to set an example for the other free traders. Ballenden proceeded with the arrest and confiscated their furs. It became clear the Thom’s and Ballenden’s actions had outraged the public as many feared that the arrests would end in riot. The sheriff Alexander Ross spent several hours convincing Sayer and the three others to enter the courtroom, at which point they presented a petition against the company. The trial was convened in the government building at Red River, where it was attended by all factions of the colony’s population. The Catholic missionary Belcourt, who was influential among the Métis, and a young Louis Riel also made appearances.¹²⁶

Scholars who study the development of legal institutions at Red River and in Rupert’s Land focus on the extent to which Adam Thom was or was not prejudiced towards the Métis or French-speaking community at Red River. However, this somewhat misses the point as the major contention between the Métis and Thom was not so much that he was prejudiced or specifically racist towards the Métis, although he was certainly that. The main conflict was that Adam Thom represented an institution that had, for the previous twenty to thirty years, attempted to integrate the Métis under company law without their consent. The Sayer trial assumed significant meaning because his arrest and prosecution marked a sudden and severe departure from HBC policy in the previous decades. Red River colonist Alexander Ross had claimed that “no half-breed or other…had been deprived of his liberty, or molested for meddling in the fur trade” aside from one other instance in the preceding twenty five years. On May 19th, the “half breeds”¹²⁷ along with the French Canadians had formed crowds just outside the courthouse,

¹²⁶ Gibson, Law, Life, and Government at Red River, 113-114.
which was situated along the banks of the Red River. The “mob” awaited the results of the trial outside while the authorities were reportedly not threatened by the “menace of an armed rabble.”

128 Sinclair and eleven others closed ranks around Sayer during the courtroom proceedings, while twenty others stood guard at the courtroom door. Sayer fully admitted that he had traded furs with Indians, for which the jury had found him guilty for the crime. He then produced evidence that he had obtained permission to traffic from a man named Harriott, “connected with the fur trade.”

129 While the jury found Sayer guilty, Thom submitted to the armed gathering outside the court side, discharging Sayer and three others from the court. Assuming victory due to the absence of punishment, the Métis began to chant “Le commerce est libre! Le commerce est libre! Vive la liberte!” as the court adjourned. Because the court had failed to deliver punishment, the Métis now claimed that HBC impotency a sign that the company possessed no legal power over them.

130 In his history of Red River, Alexander Ross offered his thoughts regarding the hostilities that developed between Adam Thom and the Métis. Critical of Thom, Ross felt that hostilities arose due to Thom’s status as both an outsider and as a professional who wanted to arbitrarily establish a code of laws. For example, a major reason for “half breed” disaffection was the fact that the Canadians and “half-breeds” comprised the majority of the inhabitants at Red River, yet they were not represented in the legislative bodies. The court neither appointed French-speaking jurists nor interpreters to facilitate communications with that portion of the community. In addition, the laws facilitated the private interests of the company along with colonists who pursued agriculture as their primary occupation, and not for the “half breeds or hunters.”

the outlawing of “half breed” trade with the Indians comprised the primary reason for Métis discontent. Feeling the Sayer trial was a mistake, Ross felt that the court should have allowed the fur trade to continue as it had for the previous two decades. Recognizing the limitations on the HBC’s power, he argued that it was imprudent to impose this regime of territorial sovereignty over peoples whom they could not control and who refused to recognize company authority.\textsuperscript{131}

With access to information circulating at Red River and in London, Simpson recognized that the Sayer trial was influenced by the recent campaign by Alexander Isbister in Parliament to receive Crown recognition of Métis sovereignty. Simpson arrived at Red River to find that the trial against Sayer had proven the “vindication of the alleged right of free trade” due to the large “mob” gathering outside the Red River courthouse. The “half breeds’” major complaint was that the Council of Assiniboia did not reflect their interests but was rather an arbitrary, foreign assembly that imposed restrictions upon their activities. Simpson agreed to allow the Bishop to select six members for the Council whom he felt appropriate to govern the colony. Simpson felt that the Thom was outmaneuvered because Sayer wanted the trial to show that “the chartered rights claimed by the Company could not be sustained in law.” He noted that Belcourt and the Americans had read Isbister’s speeches to Parliament in order to impress upon the Métis that “they were so grossly and unjustly oppressed, that to abstain from open resistance of authorities would amount to pusillanimity.” Therefore, while the company continued in its campaign to define the meaning of the categories Métis, “half breed”, and “Native,” it was apparent that the Métis at Red River contested this very project by taking their rights on a \textit{de facto} basis even if Parliament refused to budge.

\textsuperscript{131} Ross, \textit{The Red River Settlement}, 377-385. John Ballenden also felt that the court should not have intervened.
The Métis took their complaints to the fledging Minnesota territory to the south, to whom the residents of the Pembina “colony” addressed a memorial. Containing six points and written by Belcourt, the document requested that the Americans survey the boundary line in order to verify that it did not sit too far south. The memorial contended that the boundary line generated “violations of personal rights, as well as the laws of nations” because HBC agents were “making no scruple of seizing individual on this side the line” or on US territory for smuggling. The Métis also requested a bolstering of their colony at Pembina with a legal system, a fort, and the injection of settlers, all of which would have more firmly placed the area in American hands. They reserved their greatest censure for the pretense of HBC authority. Making it clear that they do not identify as such, they requested that “British subjects be excluded from hunting on our lands.” They continued: “The Hudson Bay Company is so arbitrary, that whatever person purchases furs on the other side of the line, is immediately seized and incarcerated.” There was a realization that the Métis were dealing with just another flavor of colonialism. The memorial was thus requesting the protection of the Métis colony against British aggressions, rather than totally submitting to US authority. It was thus between two political entities that refused to recognize the Métis as possessing equal political status that they were forced to negotiate for an autonomous and sovereign space.\footnote{E. C. Chatfield, ed. “Memorial from the Half-Breeds of Pembina.” in \textit{journal of the Council, during the first session of the Legislative assembly of the territory of Minnesota, begun and held at Saint Paul, on Monday, September third, on thousand eight hundred forty-nine}, (St. Paul: M’Lean and Owens, 1850), 197-199.}

By 1850, the Hudson’s Bay Company was forced to concede that it could not prevent trade from occurring across the border and that the Métis formed a formidable force at the colony. Simpson took seriously that the Métis might conjure up feelings at Red River against the British Crown and encourage a significant portion of the population to secede to the United...
States. Even after the series of claims to self-definition made by the Métis in the prior decades, Simpson still believed that “If the public mind were not distracted by the Jesuitical hostility of Belcourt, the intrigues of the Half-breed leaders and the designs of interested parties in England, the Red River settlers might be the most comfortable and happy population in the British Empire.”  

Simpson developed a few fanciful ideas about how to limit the amount of contact the “half breeds” would have with American traders, such as establishing a “cordon of posts” along the border. These would not come to pass. In 1850, the Governor and Committee failed to obtain military support from the British Government, and the Pensioners at the colony were not effective in reducing unlawful acts. The HBC therefore decided to institute a licensing system by which it would regulate private traders. However, while the formations of power on the ground changed, the company would maintain its overall position that the “half breeds” constituted a community of British subjects and not indigenous peoples.

Conclusion

The Hudson’s Bay Company sought to redefine its legal legitimacy to rule Rupert’s Land between 1820 and 1850 against both foreign and indigenous challenges. The Métis continually pressed the Hudson’s Bay Company to recognize their rights as indigenous peoples over whom the company could not exercise jurisdiction. To control the subjects of its realm, the HBC defined all mixed-race peoples as “half breeds” in an effort to homogenize that segment of the Red River population and to delegitimize and silence Métis claims to indigenous identity and

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133 HBCA A.4/12 The letter is Folios 518-546; the quotes are from Folios 517-521. The Governor and Committee would not abide by Simpson’s request, and it only appointed French priest Louis Lafleche. Rich, The Fur Trade and the Northwest, to 1857, 267.
territorial sovereignty. Ultimately, this period would have devastating effects for Métis pursuits for recognition later in the nineteenth and into the twentieth century. The struggle for indigeneity commenced during the company rivalry in the 1810s, but the meaning of the term “half breed” shifted to buttress the company’s territorial project. The geopolitics of the west, therefore, had been a struggle that began early in the nineteenth century and developed to deafening intensity through the first half of the century.
CHAPTER 4: THE POLITICS OF THE BOUNDARY LINE IN OJIBWE HOMELANDS

Introduction

In 1830, Little Deer decided to do something that could not have been meaningfully accomplished ten years earlier: he crossed an international boundary line. Little Deer was a young Ojibwe hunter who, up until that time, had faithfully paid his debts to John Dugald Cameron, the HBC master of the Lac la Pluie House on Rainy Lake, and to the American traders across the border. Cameron regarded Little Deer as a relatively inexperienced hunter with the potential of becoming an influential leader. Little Deer, however, had different ideas. He sought leadership amongst his people at an early age, and he also desired a trade medal and a captain’s coat, material objects that would have signified such status. Cameron, however, refused to gift these items to Little Deer because he had given his stock of these objects to leaders whom he felt were more deserving. He also felt that Little Deer was not accomplished enough to warrant the elevation in status. In his own words, Cameron wrote that Little Deer left in a “Huff” because he did not receive “a hat and a medal” because Cameron had distributed them to the “more valuable Indians.”

An old NWC trader, Cameron would have not worried too much about alienating Little Deer in the decades prior. But now, Americans, trading under the American Fur Company (AFC) led by William Aitkin, were pressuring Anishinaabeg hunters along the boundary line to trade their furs exclusively to them. When Little Deer finally crossed to the American side, abandoning the HBC, Cameron wrote that Little Deer “had crossed over to the other side [the American side of Rainy Lake] after leaving the British flag standing on the place where his lodge
The scene of Little Deer’s departure abounds with symbolism. Presumably, the British flag had been a gift to Little Deer signifying a relationship between the hunter and the company. Little Deer undoubtedly interpreted the flag as a symbol of a political alliance that the company had formed with his band. As Cary Miller argues, “Accepted gifts became physical reminders of the alliance itself, and recipients symbolically used them to show satisfaction or discontent with the results of current agreements.” The rejection of this gift, then spoke volumes as Little Deer made it clear that he no longer approved of his alliance with Cameron. It meant that Little Deer no longer respected the HBC as political allies, and thus, he was breaking any bonds of reciprocity and obligation assumed by displaying the flag.

Cameron soon regretted his decision not to recognize Little Deer’s authority, writing that he would become a “deer Indian to them,” because he hunted on lands claimed by both the Americans and the British. Cameron attempted to give a gift of clothing to Little Deer following his move, but after three days later Little Deer’s wife returned to Rainy Lake to return the clothes that Cameron had given him. Little Deer had sent Cameron the same message in a different form. He rejected Cameron’s gift, and in so doing, he again refused to become an ally to the HBC. Annoyed even further, Cameron had offered Little Deer’s wife a hat, for he had “lately received three from Bois Blanc.” Little Deer, however, rejected Cameron’s gift by throwing the hats into the water with the assistance of an African American servant engaged by AFC. Upon hearing of this recent slight, Cameron fumed that he was “not yet done with Little Deer – nor with Master Negro if I can get him within the length of Cudgel.”

1 HBCA B.105/a/15 Folio 32, John Cameron entry for May 20th, 1831.
3 HBCA B.105/a/15 Folio 34, John Cameron entry for May 23rd and 24th, 1831.
Little Deer’s actions, then, and John Cameron’s response to it reveals that the political relations that had defined the fur trade in earlier eras were being transformed in ways that generated new forms of opposition from indigenous peoples. The HBC now intended to install its model of territorial sovereignty along the boundary line to shore up claims against competing powers. Because Little Deer crossed the boundary line and forsook his alliance with the British, Cameron felt helpless in his efforts to retain him as a valuable hunter. Meanwhile, Little Deer aspired to become an influential leader in the Ojibwe by performing well on the hunt and amassing the material symbols that conveyed the HBC’s recognition of his status. A tension was emerging. While the HBC sought to treat indigenous peoples as economic dependents subject to their rule, indigenous peoples continued to view themselves as autonomous and independent peoples who had never ceded their authority to an external sovereign. West of Lake Superior, this tension played out in a specific political context: that of an emerging borderland defined by the boundary line that separated the United States and British North America. With the expansion of settler states in the east and the HBC more rigidly defining its territories, the Anishinaabeg suffered crises that were both external and internal. Little Deer’s quest for leadership status reveal that older structures of authority and power were beginning to disintegrate. At the same time, the British and Americans were demanding that these groups settle down and remain loyal to one specific trader. In the thirty years following the company merger, the Anishinaabeg would attempt to combat economic dependency by relying on older, familiar strategies that preserved their political autonomy in earlier eras. These strategies included mobility across space, adaptation to new circumstances, and the maintaining the centrality of webs of kinship in Anishinaabeg life.
Little Deer’s actions occurred in a world in which the dynamics between white fur traders and indigenous groups were dramatically changing. Following the merge of the Hudson’s Bay Company (HBC) and North West Company (NWC) in 1821, indigenous peoples who lived behind Rupert’s Lands borders found a company with more power and inclination to manipulate trade and control indigenous movements. However, as the case of Little Deer reveals, they were not always successful. This new regime of hierarchical control ran up against a couple barriers. First and foremost, the new boundary line between the British Empire and the United States sliced through the heart of Anishinaabeg lands. Social habits of mobility that defined the Anishinaabeg prior to 1821 continued unabated until the mid-century, much to the frustration of HBC administrators. The Anishinaabeg imagined their political world along a spectrum in which political action might be imagined across this entire indigenous space or enacted in everyday encounters with fur traders. Second, the HBC contended with competitors along the boundary line that included the American Fur Company (AFC) and other smaller American companies later in the century. The Anishinaabeg viewed these American companies as opportunities to maintain a diverse set of alliances that expanded their networks of interdependency and prevented the HBC from exercising unilateral authority over their actions.

The borderland dynamic was also informed by the fact that the AFC and the HBC were organizing imperial and republican space in different ways. HBC employees belonged to a larger company that operated on territory that Parliament had legally granted them. As the agents of the British Empire, they possessed the legal authority to enforce the boundary line in ways prescribed by the company. In addition, while keenly interested in controlling what occurred on their lands, HBC officers were not as interested in this period with dividing their lands into agricultural settlement for white farmers, excluding the colony of Red River and the Puget Sound
Agricultural Company. The HBC sought to integrate indigenous peoples into a colonial hierarchy into which they occupied the lowest rungs as producers of food. While their distinct legal status as “Natives” remained intact, they were treated more as British subjects who should be governed and controlled. The Americans traders, on the other hand, represented the expanding republic to the south. These traders harbored motivations of individualistic gain when they entered the fur trade. Not employed directly by an empire, they often served as the arm of settler colonialism by extracting as much wealth and facilitating the treaty process that dispossessed indigenous nations. The American republic was structured by white supremacy and would actively suppress attempts by indigenous peoples in which they attempted to retain corporate sovereignty and autonomy. American traders proved less concerned than even the HBC in maintaining long lasting alliances with the Anishinaabeg at the boundary line. Rather, they sought the border’s rigid enforcement and the total elimination of any vestige of British influence on American lands. It was within these dynamics that the Anishinaabeg sought to survive as a people.

**Centering Politics**

Since the publication of Richard White’s *The Middle Ground*, scholars have analyzed the ways in which European colonizers and indigenous communities adapted to one another in the dynamic region of the seventeenth and eighteenth centuries Great Lakes and beyond. White envisioned world in which indigenous peoples and French and British negotiators formed a cultural space through “creative misunderstanding” in order to form trading relationships and
The “middle ground” thrived during the seventeenth and early eighteenth centuries when neither the French nor indigenous polities could tip the balance of power to their favor. Cultural adaptation continued following the conquest of New France when the British were forced to accede to a number of indigenous demands following Pontiac’s War. The middle ground met its demise once American nation-state conquered the indigenous confederacies forming south of the Great Lakes, and he ends his history in 1812 after the fall of Prophetstown.5

Historians have since contested the White’s interpretation that privileges the relationships formed between Europeans and indigenous peoples over an analysis of Native social formations. Recent ethnohistorians have illustrated the subtle contours of indigenous social and political structures of both the “middle ground” and of Algonquian societies. In her critique of White, Heidi Bohaker writes that “though the middle ground remains a suitable metaphor for explicating narratives of intercultural accommodation, it does not sufficiently explain Anishinaabe cultural continuity and adaptation.”6 Bohaker analyzes the pictograph markings on the 1701 treaty signed at the Great Peace of Montreal to show that tribal and kinship identity remained the basis for social and political interaction for Anishinaabeg peoples. This was a world that depended on the formation of alliances and relationships based on the personal relationships and intermarriage.7 Meanwhile, Michael Witgen argues that the Anishinaabeg of the seventeenth century were constituted as Anishinaabewaki, or the “social formation of the Anishinaabeg people,” that spanned the Great Lakes. Political power was neither centralized nor coercive within this “social formation” but was instead fluid and capable of adapting to crisis and change. The Anishinaabeg

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4 Richard White, The Middle Ground.
5 Not all scholars accept this periodization. See Susan Sleeper-Smith, Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes (Amherst: University of Massachusetts Press, 2001).
“mobilized political power through a variety of social structures formed according to a season cycles linked to their political economy and ritual calendar.” This flexibility meant that the Anishinaabeg could “function as part of a transregional collective social formation” in which the larger indigenous policy could “mobilize political power and identity on a microlevel.”8 It was this decentralization of authority that allowed the leaders and communities to integrate outsiders to adapt to the fur trade.

This historiography is a shift away in focus from anthropologists’ debates on the influence of the fur trade on the development of family hunting territories in the subarctic. This scholarship analyzed how these hunting territories operated in the present and historical times and asked the question of whether they developed as a product of the fur trade. John Cooper and Frank Speck believed that the hunting territories represented a form of ownership that predated the arrival of the fur trade.9 They argued that the beaver was hunted for its fur and meat prior to the introduction of fur markets and found it unlikely that such a well-developed system of land tenure could appear within a few generations. Eleanor Leacock’s rigorously researched and historically minded study overturned the previous view by concluding that individualized land tenure were indeed a product of the fur trade.10 Anthropologists and ethnohistorians have since elaborated on Leacock’s findings. Harold Hickerson has argued that the Ojibwe southwest of Lake Superior developed as corporate communities in which the “village” was “emerging as the discrete political and territorial unit.”11 Hickerson’s student, Charles Bishop, studied the

“atomization” of hunting bands of the Northern Ojibwe, who lived northwest of Lake Superior. He argued that the Northern Ojibwe established family territories after they hunted out migrating game animals and valuable fur bearing animals in the 1810s. The distribution of family hunting territories became a way to cope with the crushing debt structure imposed by the HBC. The division of the land into hunting territories signaled increasing dependency on the company’s posts as Native hunters scrapped out an existence based on smaller fur bearing and game animals. The totemic clan structure than determined corporate membership in Northern Ojibwe communities disintegrated by the 1820s. As group size declined with the dwindling of trade competition and fur-bearing animals, Bishop argues that the clan lost its political functions and instead served primarily as a means to arrange marriages. Krystyna Sieciechowicz criticized these interpretations by analyzing two Northern Ojibwe communities in Ontario to show that kinship – rather than ecological factors – played the most critical role in determining how families determined ownership of hunting territories.

This chapter contends that the Ojibwe maintained political and social connections across vast distances, despite previous generations’ insistence that their societies were beginning to disintegrate. The idea that Ojibwe society along the Boundary Waters was “atomized” has been refuted by Joan Lovisek, Tim Holzkamm, and Leo Waisburg, who contend that the notion developed out of the “fatal errors” of Ruth Landes’s analysis. A product of colonial anthropology, Landes sought to explain Ojibwe behavior by applying contemporary psychological theory, allowing her to conclude that Ojibwe society was comprised of hostile,

deviant, and anxious individuals. According to Landes, Ojibwe groups lacked chiefs or leaders, and men treated women brutally in Ojibwe families. Lovisek, Holzkamm, and Waisburg then argue that later anthropologists, like Hickerson and Bishop, mapped this idea of an “atomization” broadly to interpret Ojibwe society as being in a state of decay following the 1821 merge. Landes’s critics argue that “Atomism oriented research toward a particular set of phenomena, notably the idea of small dispersed family bands, and ignored evidence of collective activity.”

They argue that the archives abounds in evidence that shows the persistence of Ojibwe collective life in the form of Grand Council, military activities, ceremonies, social activities, and economic endeavors, such as farming, wild rice gathering, and sugar production. Indeed, this emphasis on the “atomization” of subarctic Algonquian societies draws attention away from the persisting Anishinaabeg social world that connected communities across Lake Superior.

To suggest that Ojibwe society became individualized to such an extreme level lends the fur traders too much credit. Between 1820 and 1850, the HBC sought to enforce a boundary line that sliced through the heart of this social world, Anishinaabewaki, which remained a coherent political and social entity until at least 1850. The Anishinaabeg also conjured the idea of Anishinaabewaki at keys to signal the larger indigenous world that fur traders, miners, capitalists, and government officials were attempting to destroy. The HBC sources along the boundary line between 1820 and 1850 attest to the ongoing power that the Ojibwe exercised over their homelands.

Yet, while political power was decentralized over this vast territory, it does not mean that the Anishinaabeg lacked strong and powerful leaders. Political connections across this space will

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emerge repeatedly. As historian Cary Miller has demonstrated, anthropologists and other settler observers interpreted Anishinaabeg political structure as “acephalous” in order to justify indigenous dispossession by a centralized settler authority. She contends that Anishinaabeg governance was “highly organized and deliberate” and involved political practices that ensured group unity and survival. Anishinaabeg leaders received their status either through hereditary rights based on patrilineal descent or through “charismatic religious authority.” In a world inhabited by supernatural beings, Anishinaabeg leadership does not neatly divide into the secular and sacred realms. The Anishinaabeg viewed the two as connected and highly regarded leaders who could demonstrate that they could command the power of the supernatural world. Anishinaabeg communities decided upon their leaders based upon the individual’s ability to “address the issues and concerns of everyday life” by providing for the community’s sustenance and negotiating with outsiders. In the mid-nineteenth century, the HBC traders failed to fit the pattern of fur traders who entered into Anishinaabeg communities during the French and British Canadian regimes. As a result, many of the interactions between the HBC personnel and the Anishinaabeg became tense and mistrustful.18

This chapter analyzes a spectrum of Anishinaabeg political activity that operated independently of, engaged with, and openly resisted the machinations of white fur traders. The Anishinaabeg of the period following the company merger were acutely aware that the political dynamics of their world were changing. With fur bearing animals nearly hunted to extinction and competition reduced, these groups continued to adapt creatively to circumstances in which the balance of power was beginning to tip out of their favor.

18 Cary Miller, *Ogimaag: Anishinaabeg Leadership, 1760-1845* (Lincoln: University of Nebraska Press, 2010), 2-4, for leadership struggle, see especially 185-226.
After the Merge: From Allies to Dependents

The HBC actively cultivated a new “frontier” policy by which it sought to avoid open hostilities with its competitors south of the boundary line. This policy was established shortly after the 1821 merge of the NWC and HBC. The HBC ultimately sought to prevent the kind of hostilities that occurred over the previous forty years with Montreal-based traders. This new frontier policy was formed alongside Governor Simpson’s plan to economize the fur trade to prevent the financial waste that characterized rivalry. As this chapter will demonstrate, these changes were not a matter of economics for the Anishinaabeg, who usually interpreted them as threats to their political existence. Indeed, now that the Ojibwe lacked the NWC as an ally, the HBC attempted to manipulate the trade by encouraging indigenous families to stay in one location and to visit the same post each year. They encouraged the development of individual family hunting territories.19

While the HBC’s division of its territories into districts might have encouraged competition within the company itself, it was guaranteed never to reach the levels of extreme violence or cost as it had during periods of competition with the NWC. Simpson eliminated further waste along the boundary line by closing a number of posts that were opened in order to compete with the NWC. These posts included the houses at Cat Lake, Red Lake, Sturgeon Lake, and Trout Lake.20

The HBC sought to subordinate the Indians from politically independent communities to economic dependents with unfailing loyalty to their company. To accomplish this transformation, the company experimented a various points with the “ready barter system,” in which the traders eliminated the giving of debt. The Indians were instead to bring their hunts to

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the post where they traded directly to the posts where they purchased goods.\textsuperscript{21} The HBC sought to eliminate debts that had accrued on hunting families over the years. In both attempts, the HBC eliminated this system after one or two years due to complaints by indigenous peoples who needed advancements on goods in order to hunt during the following year.\textsuperscript{22} The HBC also attempted to install conservation programs in order to replenish the hunting grounds with fur bearing animals. Due to the extreme conditions of competition, the lands west of Lake Superior were virtually hunted out by 1810. At a few posts, such as Martin’s Falls and Osnaburgh, the HBC no longer accepted summer hunts, which were not as valuable.\textsuperscript{23} Lastly, the HBC sought to reduce if not eliminate gift giving and the giving of liquor on gratis, which had previously formed the foundation of the fur trade. More than anything else, this illustrated the company’s intent to replace the political elements with market-oriented trade.\textsuperscript{24}

American competition prevented this ideal regime of economization from taking root. Ojibwe historian William Warren wrote that, much as the North West Company built on the patterns established by the French, John Astor’s American Fur Company in the Great Lakes region mobilized the infrastructure left by the crumbling NWC. The competitive AFC trade was stationed in the Fond du Lac District, which comprised most of northern Minnesota. William Aitkin and William Morrison held the largest shares in this department throughout the 1820s and 1830s. Many of these traders, such as Morrison and Cotte, “had traded in connection” with the NWC. William Aitkin entered the Fond du Lac district as a servant and then married into an important Ojibwe family, which granted him power and prestige. He eventually became the

\textsuperscript{21} Charles Bishop, \textit{The Northern Ojibwe}, 118.
\textsuperscript{22} Charles Bishop, \textit{The Northern Ojibwe}, 122.
\textsuperscript{23} Charles Bishop, \textit{The Northern Ojibwe}, 124.
\textsuperscript{24} Charles Bishop, \textit{The Northern Ojibwe}, 129-130.
supervisor of Fond du Lac in 1831 and remained in that position until 1834. However, the AFC engaged in vaguely political projects as its agents were the only representatives of an expanding republic that now sought to exercise more control over the movements of foreign nationals inside its unorganized territories.

The American government’s eye turned to the fur trade due to the end of the War of 1812, a conflict in which the British mobilized its Native allies against the United States, and the Battle of Seven Oaks, which suggested the dangers of Canadian ambition and unregulated competition. Change occurred when the U.S. Congress passed an act in 1816 that prevented Canadians from owning and operating (but not engaging as servants) trading outfits within American borders. Despite Astor’s best efforts, the AFC never possessed a legal monopoly of the fur trade owing to Americans’ aversion towards them. However, in the 1820s and 1830s, the AFC undoubtedly exercised almost total control over the Fond du Lac district, and it was in the company’s waning days in the 1840s that other American competitors began to infiltrate the area. Unlike HBC personnel, AFC traders were supported by a legal and political institution that had sovereign claims to land. American traders viewed the United States government as the sovereign possessors of the territories on which they traded for furs. AFC traders additionally did not have the same stake in the corporate body as enjoyed by the HBC factors and clerks. Aside from its two top officials, AFC traders purchased goods from the company’s distributors to sell at “a standard markup,” assuming most of the risk. Therefore, periods of competition exposed the vulnerability of the American system as there was no salary for traders to reply upon.

The hotly debated placement of the boundary line west of Lake Superior served as the backdrop for the competition that unfolded between American and British fur traders in the 1820s and 1830s. Commissions from the United States and British Empire plotted the boundary line in the northwest about forty years after the Treaty of Paris in 1783. The British dispatched its boundary commission, whose surveyor was David Thompson, from Fort William and to the Grand Portage route in 1823. The British claimed that the “Long Lake” defined by the Treaty of Paris referred to Fond du Lac (present day Duluth, Minnesota), which cut significantly into U.S. territory. John Hale, the British commissioner, claimed that the St. Louis River, now situated in present day northeastern Minnesota, constituted the largest river draining into Lake Superior and that it was the best candidate for the boundary. In 1824, the Americans recognized that the British were seeking to expand their claims farther south and began to survey the old NWC route to the interior from Fort William to Rainy Lake. British fur traders were aware of that the boundary commissions were jockeying for position. In his 1825 annual report, John Cameron, stationed at Rainy Lake, wrote that the Americans had intended to push the boundary line farther north of the Pigeon River in an effort “to get possession of all our hunting grounds.”\(^{29}\) On the western side, both the British and Americans agreed that the source of the Winnipeg River at the northwest corner of Lake of the Woods, the point that formed the boundary between US and British territories. However, John Hale pressed for further investigation of the St. Louis River route to Rainy Lake, forcing the boundary commission to conduct more surveys in 1825. During this season, it was learned the northwest point of Lake of the Woods was now discovered to be

\(^{29}\) HBCA B.105/a/10, John Cameron, annual report for 1824-1825 at Rainy Lake, Folio 23.
Angle Inlet, rather than the Winnipeg River egress, while the British commission mapped the Fond du Lac area around the St. Louis River.  

It took until October of 1826 for the data to be processed, assembled, and presented to their governments. The boundary commissioners met in New York to negotiate a compromise from their original positions: the British with the Fond du Lac route and the Americans with the Fort William route. They agreed that the Pigeon River route would form the border. The British however argued that they should receive a portage eight-miles long on the south side of the river. This demand posed serious problems for the American commissioners who lacked the authority to enter into a new treaty that would have entailed the swapping of bits of territory along the border. The boundary question was put on hiatus after 1828 due to a reorganization in the British government and subsequent oversight. In 1842, a special meeting between Secretary of State Daniel Webster and Lord Ashburton resolved the northwest boundary question that included the St. Mary’s River boundary due to the development of the Aroostook War along the Maine-New Brunswick boundary. Assisted by the American and British agents from twenty years earlier, Webster and Ashburton came to an agreement that the Pigeon River should form the boundary between Lake of the Woods and Lake Superior and that the US would possess the eight-mile portage on the Pigeon River but allow British subjects to use it. After twenty years of uncertainty, the Webster-Ashburton treaty, signed August 9, 1842, settled the question of the boundary in the Great Lakes borderlands.  

As statesmen in official circles dragged their heels, it would be left to British and American fur traders to make meaning out of the nebulously defined boundary line. In 1823,  

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30 HBCA A.8/1 ; Francis Carroll, “The Search for the Canadian-American Boundary along the Michigan Frontier,” Michigan Historical Review 30.2 (Fall 2004), 98-101  
Simpson advised the Governor and Council of the Southern Department, who oversaw operations around Lakes Superior and Huron, that William Morrison and the Americans at Fond du Lac would mount “strong opposition.” Unlike previous rivalries, however, Simpson believed that the HBC and AFC seemed “equally inclined to avoid a sacrifice of property and desirous of observing their respective rights of Territory.” Simpson wrote to John McLaughlin, the clerk at Lac la Pluie, or Rainy Lake, that same year to advise him not to resort to violence in his attempts to subordinate the Americans. In both 1822 and 1823, Simpson instead ordered McLaughlin to exact a “seizure of furs” of Americans found trading on the HBC territories but to avoid arrests. This approach to trading opponents introduced new consequences for relationships between the company and indigenous communities. New efforts to define a clearly delineated boundary between British and American territories enforced the sanctity of company property and international law while undermining indigenous sovereignty. After 1821, Simpson ordered factors to see that the company retained both economic and political control over indigenous groups so that the Americans would recognize British claims to territorial sovereignty. The HBC policed more intensively the movements of Ojibwe groups across the border in order to secure the largest portion of the fur trade.

By the mid-1820s, the two companies intensified their projects to monitor all movements over the boundary line to prevent any attempts to alter its position. Despite his initial impression that the Americans would abandon the area, Simpson reported throughout the 1820s that the Americans patrolled the line, even if it seemed inconceivable that their returns would not “defray expenses in wages of the men employed and the yards they import.” Simpson wondered if AFC

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32 HBCA D.4/3 Folio 17, Letter to Governor and Council of the Southern Department, dated Dec. 1st, 1823.
33 HBCA D.4/3 Folios 24 and 25, Letter to John McLaughlin dated December 18th, 1823.
34 HBCA D.4/3 Folios 27 and 28, Letter to John McDonald dated Dec. 23rd, 1823.
traders were acting as agents of American colonialism as their trade licenses stipulated “that they establish the northern American Boundary line.” The competition remained intense throughout the early 1820s but instances of British or American traders crossing the border to trade were difficult to verify. Despite American incursions, Simpson instructed his personnel “to respect the Boundary line” by not trading with Native peoples on land under dispute with the United States. It seemed as though the HBC’s aims of preventing another war between companies had succeeded. Remembering the conflict with the NWC, Simpson indicated that he was “much pleased with the new...law of conduct.” Simpson reported that year that no trespassing occurred on either side: “The boundaries were so strictly respected that I have not been able to learn that a single trespass was committed, or an act of hostility practiced by either side.”

Despite the company’s newly formed interest in observing the boundary line, British traders were forced to reckon with the fact that it operated in the heart of Anishinaabeg country. While the company believed it needed to economize the fur trade, the Anishinaabeg viewed changes to trading practices, prices, and the goods available to trade as inherently political decisions. Anishinaabeg families practiced a few strategies to compel fur traders to continue older standards that respected the political autonomy of their communities. Mobility was essential for these groups to survive both economically and politically. Moving across this new boundary line allowed Native hunters to take out debt from rival houses and thus maintain a wide network of social and political relations. Responding to this autonomy, the HBC desperately sought to limit Anishinaabeg mobility and their ability to “play off” American and British traders because it had become familiar with the debilitating effects of competition. The HBC found that

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35 D.4/8 Folio 62, Letter from George Simpson to Governor and Council dated August 10th, 1824. D.4/14, Letter from George Simpson to Governor and Committee, dated July 15th, 1827. The lakes include, Lac la Pluie River, Lac de Bois, Lake Micken, and Lake Vermilion. It should be noted that Americans did visit the post at Rainy Lake to converse and socialize with the British attendants.
it had to resort to giving gifts to Native hunters to keep those relationships open. However, the Governor and Committee in London worried that the “extravagant gratuities” distributed to Indian hunters based on “discretionary” practices of the traders were creating “undefined expense.” Recalling the NWC and HBC rivalry, Simpson hoped to restrain the possibility of lavish gift giving and competitive pricing, writing that “Every inducement is of course held forth by each party to attract the Indians of the opposite side without however launching into the extravagance of former days.”

The emergence of this dynamic meant that traders now interpreted common assertions of indigenous autonomy as treasonous or duplicitous acts. Hunters who maintained loyalty to one trader were difficult to come by. In 1823, John McLaughlin wrote that the Premier requested that the HBC establish at the mouth of the Rainy River for the “principal men of war” in his band. McLaughlin doubted that this group would repay its debt because “these Indians pass the winter on the American Territory.” He concluded that “if we Equip them in the fall the American will be running in them all winter and induce them to cheat us of our Credits.” John Cameron, the HBC factor in charge of Rainy Lake after McLaughlin, also maintained a watch over hunters who crossed the boundary line. In October of 1825, Cameron reported on an individual who had taken debt on both sides of the line. He noted that this individual had posed serious difficulties for his predecessor. Considering his history, Cameron wrote that he “would not give him [the Ojibwe trader] the value of the skin – he [the Ojibwe trader] therefore went a cross and got some goods from [William] Morrison [the American].”

Company attempts to solidify control of the frontier had the potential to manifest in physical aggression as Cameron admitted that, in the

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37 HBCA D.4/3 Folio 50, George Simpson to John McLaughlin dated Mar. 26th, 1824
38 HBCA B.105/a/9 Folio 4, John McLaughlaine post journal entry for Sept. 18th, 1823.
39 HBCA B.105/a/11 Folio 12, John Cameron post journal entry for Oct. 12th, 1825.
spring prior, “we got his whole hunt partly by force.” More frequently, Cameron modified his practice of giving debt in attempts to mollify Ojibwe hunters and to prevent them trading with Americans. In another case in May 1826, Cameron complained that the leader “Cabaiwash & his son, Devils Son in law & two sons, white man, two hearts to sons, and Howne Lake Rate & family” arrived at Rainy Lake with their wives in desperate need of merchandise. His arrival meant that John Cameron was forced to once again abandon his aims of economizing the fur trade. He grumbled: “Had we no neighbours, not one should have once inch of goods in debt at this season because none of them have paid their debts.” Cameron recognized that his position within an Ojibwe homeland significantly weakened his bargaining power. In such instances, the reality of Anishinaabeg mobility forced Cameron to maintain relations that resembled the ones built on mutual obligation and reciprocity than debt and control.

Debt served as the primary instrument by which it would impose control over indigenous trading partners. While the HBC hoped to use debt as a means to instill loyalty into the Anishinaabeg, these communities usually felt no special attachment to the HBC. They instead often preferred to form temporary or strategic relationships with both the Americans and British. However, ethnohistorian Mary Black-Rogers contends that, while “Individual autonomy and self-sufficiency were revered,” “the facts of dependence and independence were not neglected.” Indeed Ojibwe leaders might accrue power by entangling themselves in webs of interdependency in which they sought support in times of need from multiple sources. In an 1823 to speech to the Premier, John McLaughlin noted that Ojibwe hunters attempted to convince him that they were starving and thus required additional credit to survive the winter.

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40 HBCA B.105/a/11 Folio 33, John Cameron post journal entry for May 23rd, 1826.
However, he also noticed that these requests represented a recurring pattern and suggested that
the bands are using his largesse and pity to trade with the Americans. McLaughlin viewed his
relationship as that of paternalistic master, writing “it is your Ingratitude that vexes us” in
response to their requests.\textsuperscript{42} He told the Premier that: “we do not wish you to be pitifull. Ask
them for your wants. They can go to your lodges in winter. We cannot.” McLaughlin seemed
aware that it was actually desirable for Anishinaabeg families to appear “pitiful” to British fur
traders. However, McLaughlin also interpreted the Premier’s words through a framework that
privileged paternalism and the boundary line. This boundary line was imperiling the Premier’s
ability to expand his community’s web of interdependence because the British traders were no
longer willing to tolerate playing off the British with the Americans. This was further
complicated by the fact that McLaughlin’s main concern was not to cultivate alliances that might
endure for multiple seasons but rather to collect on the debts he granted.\textsuperscript{43}

In the 1820s, British concerns that the Americans could seize the furs of hunters residing
south of the boundary line influenced their decisions to give debt.\textsuperscript{44} This anxiety reflected the
fact that the British often gave debt to communities hunting on lands claimed by the United
States and that Anishinaabeg communities sought to form relationships with traders whom they
believed would support them best. In 1825, John Cameron wrote that “I however gave them [a
group of Ojibwe hunters] to understand as they all hunt nigh the deers of the Americans I could
not venture to supply them.” While he thought that this family would probably repay him,
Cameron worried that “the Americans would be constantly in their Tents and take every skin
from them as fast they collect any knowing that I could not go and look for them…”\textsuperscript{45} In

\textsuperscript{42} HBCA B.105/a/9, Folio 10, John McLaughlin post journal entry, Sept. 18\textsuperscript{th}, 1823.
\textsuperscript{43} Black-Rogers, “Varieties of Starving,” 367-370.
\textsuperscript{44} HBCA D.4/12, Folios 18 and 19, George Simpson to the Governor and Committee, dated Aug. 20\textsuperscript{th}, 1826.
\textsuperscript{45} HBCA B.105/a/11 Folio 9, John Cameron entry for Sept. 27\textsuperscript{th}, 1825.
addition, Cameron authorized the use of force on Americans who were reported to have traveled north of the boundary line to confiscate furs. In 1826 he gave orders to intercept and seize goods from any of “Master Davenports smoaky smugglers” found around Rainy Lake.\textsuperscript{46} American force and intimidation was also recorded with some frequency. In 1829, Cameron reported that the Americans were “threatening to plunder” two hunters, Wooden Pipe and Rat Orphan.\textsuperscript{47} In 1831, a “Yanky” took the furs from an Ojibwe, Jagno, who traded at Rainy Lake.\textsuperscript{48} Both the American and British traders were increasingly viewing themselves as the owners of debt rather than allies in a political struggle.

Despite the changing dynamic of relationships along the borderland, the Anishinaabeg continued to approach fur traders a potential allies, moving through this borderland space as they had in previous eras. According to Bruce White, the Ojibwe aimed to maintain ties to traders like John Cameron to fortify feelings of mutual obligation and trust that in turn secured the best possible trading terms.\textsuperscript{49} In 1825, Cameron wrote about a visit from the Premier. He recognized the importance of maintaining good favor: “Last night the Premier arrived. He brought nothing, however, as he is considered by all the Indians as the first chief of the Land. I gave him a favourable reception.” As demonstrated in the last chapter, the Premier had ties to Anishinaabeg communities across throughout the northwest and was involved with signing the Selkirk Treaty in 1817.\textsuperscript{50} Cameron was savvy to realize that he needed to make a gesture in order to secure

\textsuperscript{46} HBCA B.105/a/11 Folio 25, John Cameron journal entry for April 11\textsuperscript{th}, 1826.
\textsuperscript{47} HBCA B.105/a/14 Folio 35, John Cameron journal entry for Feb. 27\textsuperscript{th}, 1829.
\textsuperscript{48} HBCA B.105/a/15 Folio, John Cameron journal entry for Feb. 1\textsuperscript{st}, 1831 21.
\textsuperscript{49} Bruce White, “A Skilled Game of Exchange: Ojibway Fur Trade Protocol,” \textit{Minnesota History}, 50 6 (Summer, 1987), 240. The Premier appeared frequently at Rainy Lake. Cameron made a good decision by forming a relationship with the Premier, because he was apparently related to the power Pillager community at Leech Lake. For that connection, see HBCA B.105/a/16, Folio 22, John Cameron journal entry, April 30\textsuperscript{th}, 1832.
future relations with the Premier’s band or otherwise lose their trade. “Although I would not
advance him goods last autumn,” wrote Cameron, “it is good policy to be on friendly terms with
him. He has not the power of doing me much good. But if evil inclined, cannot be at a loss to
find followers to do a great deal of harm.”

The mobility exercised by the Anishinaabeg complicated the companies’ general strategy
of owning the exclusive debt on hunting families who continued to form external relations with
whomever could provide their wants and needs. In 1829, competition intensified. John Cameron
encountered this problem when he learned that the HBC sold inferior goods, specifically cloth of
“very bad quality.” AFC trader William Morrison was securing a foothold in this territory
offering goods at a cheaper price and to establish two temporary posts at “Lac des Ageans” and
“Shore Lake.” Cameron wrote that “we shall run a risk of losing some of our best hunters since
they will get goods cheaper at their lodges than at our forts.” Movement across the boundary
line was registered when the postmaster at the Dalles house, which was located to the north of
Lake of the Woods, wrote that the “American may come and Pay a visit to our Indians in that
quarter.” While the American threat never materialized, the postmaster punished the Indian
family for withholding their furs from the clerk. The trader at that house gave “the Vagabond a
little supply to enable them to hunt a few skins in the course of the winter.” Even at the Dalles,
it appeared that the practice of giving debt failed to prevent Anishinaabeg families from moving
across the borderland space.

British and American efforts to control the movements of indigenous groups at a time
when the United States sought to expand its sovereignty into the northwest. In 1826, Lewis Cass,

51 HBCA B.105/a/10, Folio 18, John Cameron journal entry dated May 25th, 1825.
52 HBCA D.5/3 Folios 353 and 354 John Cameron to George Simpson dated May 26th, 1829.
53 HBCA B.50/a/1 Folio 11.
54 HBCA B.50/a/2 Folios 4 and 5.
the Territorial Governor of Michigan, led a party of government officials to Fond du Lac where they sought to negotiate a treaty that would introduce American sovereignty in the region. His expedition reflected a growing desire by the American government to delineate clearly the boundary between the United States and British North America west of Lake Superior. As part of this project, they sought to identify “American” and “British” Indians. The transcript of the treaty negotiations, however, reveals that the Ojibwe viewed the Americans as foreign interlopers who intended to impose an alien authority regime on an indigenous world. Treaties in the 1820s signaled an emerging American settler colonial regime that sought to interfere in the political relations between indigenous peoples in the northwest. Signed in 1826, the Fond du Lac treaty echoed the provisions set forth at the 1825 treaty signed at Prairie du Chien. In the 1825 treaty, the American government delineated territories for the Dakota, Ojibwe, and Menominee with the purpose of terminating warfare between those groups.55 The 1826 treaty stipulated that the American government could search for minerals on Ojibwe lands, that the US government would appropriate one thousand dollars for Ojibwe education, and that the boundary lines between indigenous groups of the Midwest would now be obeyed.

The United States was attempting to impose its sovereignty over the Lake Superior Anishinaabeg in a few other ways. The treaty ordered the attending parties to remand a group from Lac du Flambeau who murdered a fur trader and his three servants. The Anishinaabeg spokesmen responded, however, that “It is very difficult for us to make an answer to you.” They continued, “We have first consult our friends, and we then make answer to any question to propose to us.” The Anishinaabeg eventually relented under pressure to send the groups

responsible to either Sault Ste. Marie or Green Bay.\textsuperscript{56} Secondly, the American commissioners sought to eliminate any vestige of British influence among the Anishinaabeg. Many leaders visibly displayed British trade medals and flags that they had received from traders at Rainy Lake, Fort William, or Manitoulin Island. These items showcased the “symbols of treaty and alliance between sovereign nations” that were constructed through gift exchange and obligation – not as submission to a sovereign authority.\textsuperscript{57} The American commission was more interested in giving orders rather than forming political alliances. They refused to smoke with Anishinaabeg donning British symbols, telling them that he could only wear it “as an ornament” and not “as a token of authority.” Cass ordered that the confiscation of British flags and the replacement of British medals with American ones.

Third, the treaty commission labored under the assumption that the British Empire would mobilize their Anishinaabeg alliances to attack American settlers. The commission wanted to limit the Anishinaabeg contact with the British in order to prevent their “influence over these people,” which posed a “chief difficulty.” With no permanent American military garrison in the region, the Anishinaabeg departed the treaty meeting no more convinced to relinquish their autonomous ability to treat with foreigners than when they arrived. Thomas McKenney, a subordinate officer at the council, recognized the limits of American power. He wrote that “Our demand extended then no further than to their neutrality – and this is the only situation in which it is hoped we may ever see them in the future, on either side, should war ever again break out between us and the mother country.” Nevertheless, the commissioners were seeking obedience from the Anishinaabeg and peace with the Dakota. They deployed metaphorical language to

\textsuperscript{56} Thomas McKenny, \textit{Sketches of a tour to the Lakes: of the character and customs of the Chippeway Indians, and of incidents connected with the treaty of Fond du Lac} (Baltimore: Fielding Lucas, Jr., 1827): For the treaty, see 480-484; For the speech referenced at council, see 471.

\textsuperscript{57} Miller, “Gifts as Treaties,” 230.
convey their meaning. “Your great father has told us to come up here, and put it in the breast of
his great Chippeway children. No bad blood belongs to this heart. It is an American heart, and is
full of good blood; and if you will open your ears and listen well, and never forget your great
father’s message, it will make you all happy.” They continued: “When you take this great medal
remember you are no more to disobey your great father; no more to advise your warriors to shed
blood; no more to do bad actions. But you are ever after to listen to his counsels, and follow
them...”

Even if the Anishinaabeg participants left the council accepting this alliance, government agents from the United States would learn six years later that these communities generally did not respect their authority. The U.S. commissions here and at Prairie du Chien promised to prevent warfare between the Dakota and the Anishinaabeg. U.S. government agents demanded obedience while failing in their obligations. For the time being, the Anishinaabeg would not take seriously American attempts to contain them within American national space and from visiting British traders across the boundary line.

As the United States government was showing interest in the Northwest, American fur traders were expressing a desire to enforce the boundary line. It was also within this context that John Cameron rued the loss of Little Deer, the young hunter who frequented his house. The HBC were more successful at maintaining relationships with Anishinaabeg communities than did the Americans, despite Little Deer’s denunciation of the British. After the Little Deer incident, a powerful family of Ojibwe from Lake Vermillion appeared at Rainy Lake for the first time to trade with the British. Cameron wrote that it was Kammoose’s son—apparently the “finest hunter in the Indian Country”—along with Shawbondiashkaw and “another Indian.”

58 McKenny, Sketches of a tour to the Lakes, 313, 314, 537; For the expectation that Ojibwe leaders will consult the community at village councils, see Miller, Ogimaag, 74 and 75. For the ogimaag responsibilities as arbiters of internal disputes and arbiters of external influence, see Miller, Ogimaag, 77 and 78.
59 HBCA B.105/a/15 Folio 34, John Cameron entry for May 25th, 1831.
significance of this visit, Cameron gave Kammoose’s son a “large keg” and the “First Chiefs Cloathing” to show that Cameron recognized the influence wielded by this family. Cameron was apparently still stung by Little Deer’s departure, however, and concluded that Kammoose’s son “is a fine honest Indian... worth three Little Deers.” The mobility practiced by the Anishinaabeg continued unabated as a way to adapt to the changing conditions of the borderland. The fur traders, meanwhile, made meaning out of the boundary line in different ways. As the 1826 Treaty negotiations, Kammoose’s son, and Little Deer all make clear, John Cameron interpreted the boundary line as an opportunity to enhance British influence south of the line at a point when the Americans were showing interest and a reason to chastise those hunting families who broke their debt obligations.\(^6\)

It was also within this context of American expansion into the interior in which an argument between William Aitkins and John Cameron unfolded at Rainy Lake. The American trader was campaigning to have the British agents observe the line more strictly. In December of 1830, Aitkins approached both governor Simpson at Red River and John Cameron at Rainy Lake to see about partitioning the Anishinaabeg on the frontier to divide territory and trade. Aitkins then broached the subject with Cameron, who thought the idea was too ridiculous to consider. While Aitkins was pushing to make an arrangement with the British to divide the region’s trade, Cameron asked this leading question: “what did he understand by American Indians?” When Aitkins replied that he meant “all them who hunt within the American territories,” Cameron rebutted that nearly “two thirds” of the Anishinaabeg families trading at his house hunted on American lands and that they represented the “best hunters” trading with the British.

\(^{6}\) Even still, the Lake Vermillion Ojibwe appeared elusive to Cameron’s control. They arrived at the American post the following fall and took debt from the bourgeois La Rose, although Cameron believed it to be temporary owing to the American’s resources. HBCA B.105/a/16, Folio 8, John Cameron entry for Oct. 12th.
Aitkins then threatened Cameron with the potential of American state power. These threats were nothing but hot air as there was no U.S. military presence in the area. He told Cameron that the United States government would subsidize the fur trade just to keep the British at bay. Aitkins declared that “we are supported by the American government, and even should we lose ten thousand dollars a year, our government will make it good to us you think to ruin us by taking three lynxes for a fathom of strouds – your efforts that was will injure yourselves more than us’ and losing himself entirely he exclaimed ‘you may thank your stars, sir, that I have not been your neighbour.” Cameron rightfully dismissed Aitkin’s bloated claim as unsubstantiated rumors that regularly circulated among the Americans along the border. The dispute was telling. It occurred at a major trading hub for the Anishinaabeg and was the direct product of unregulated movements across the border by indigenous peoples. It also demonstrated the different imperial dynamics at play. Both the Americans and the British imagined that indigenous communities were subordinate to the republic and empire. On the one hand, however, the Hudson’s Bay Company sought mainly to control indigenous movements through a hierarchy that was structured by relationships of debt and dependency. The Americans, however, were working from a position of weakness but were more influenced by the logic of the market. Whereas the British maintained the pretense of maintaining relationships with these groups, even if the British sought to evacuate the political meaning from them, the Americans were more prone just to take what they wanted.62

61 HBCA B.105/a/15 Folio 18 and 19, John Cameron journal entry, Dec. 12th, 1830.
62 HBCA D.5/3 Folio 369, “Remarks made by Mr. Aitkin... to Angus Bethune.” Despite Cameron’s disingenuousness towards Aitkins, he frequently referred to the Ojibwe as either British or American hunters. HBCA B.105/a/15 Folio 19, John Cameron Entry for Dec. 12th, 1830.
The Spaniard and Anishinaabeg Webs

The disputes at Rainy Lake resounded across Lake Superior throughout the following decade. As at Rainy Lake, the Fort William Anishinaabeg continued to view their relationships with HBC personnel as political alliances. This regime of economization proved volatile at Fort William, where the Anishinaabeg resented company attempts to limit their political and economic options. Whereas personnel at Fort William attempted to enforce the new geopolitical reality of the boundary line, the Anishinaabeg families continued to practice mobility in search of political alliances most beneficial to the group. Mobility continued to be used a key strategy for Anishinaabeg families seeking to escape from the ever tightening grasp of the HBC.

These conflicting interests came to a head when a “half breed” leader named the Spaniard threatened the Fort William factor with a violent takeover and eventually evacuated British-claimed soil for the Fond du Lac Department. The Spaniard consistently defied company attempts to control his movements and his band’s ability to form political and trade relationships with outsiders. The Spaniard recognized that two competing external powers vied for control over the fur trade, and he attempted to carve out a space in which his group could exercise as much political autonomy as possible. The Spaniard’s complaints also reveal that he probably sought to cement his own position as a leader to his hunting band. As a young hunter with no hereditary claim to authority, the Spaniard’s criticisms regarding the quantity and kind of merchandise in stock at Fort William illuminate that the Anishinaabeg continued to demand that the company negotiate on indigenous terms.

When it came to regulating indigenous movement across the boundary line, the HBC found itself in a quandary. The company eschewed entering into formal treaties or political
relationships with these groups, but at the same time, it lacked the military power necessary to coerce them into abandoning the hunting grounds near American territory. Company administrators in the late 1820s experimented with encouraging the migration of hunters into interior lands. In 1827 and 1828 George Keith wrote to John McIntosh at Fort William instructing him to “endure them to bring their Furs hither [to Michipicoten] and request as much as possible giving them first Debts, and buy to any great amount.” McIntosh should encourage as many Indians as possible to follow him to his post “with a view to remove them out of the way of opposition as well as to enable them to kill more Furs.” Keith revealed that Anishinaabeg mobility threatened HBC claims to sovereignty as he instructed McIntosh to guard against any illegal movement over the boundary lines, reminding him that “you are sent thither more with a view to protect the Companys frontier than to collect Furs.” The Spaniard figured heavily into Keith’s anxieties about an ungovernable frontier. He confided to his journal that Fort William returns will fall short that year due to the activities of an “industrious” Ojibwe family led by the “notorious Spaniard” who regularly traded at Fort William but who had lately moved farther afield.

The Spaniard repeatedly complained that the HBC stocked inferior quality merchandise and not the items that his band wanted or needed. This dynamic interplay between indigenous demands and the company’s stock of merchandise reveal how relations between British traders and indigenous hunters shifted in the decade after amalgamation. Because the HBC wanted to deal with individual leaders rather than communities, its traders routinely appointed company chiefs through the distribution of captain jackets to those whom they deemed important hunters. These “made chiefs” became more common as the HBC encouraged Anishinaabeg bands to stay

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63 HBCA B.129/b/1 Folio 17, Letter to John McIntosh dated Sept. 1827.
64 HBCA B.129/a/13 Folio 2, George Keith entry for June 18th, 1828.
on their family hunting territories. The Spaniard may have been one such chief. As a “half breed”, it would have been impossible for him to stake a claim as a leader based on patrilineal descent. Rather, his status as a leader more likely relied on his ability to negotiate favorable terms for his band with outsiders, to redistribute goods to the community, and to hunt. When the Spaniard complained about the quality of cloth, he was therefore also making a political claim in which he fortified his own leadership role by holding the HBC responsible for being poor allies.

British trader John McLaughlin – stationed at Rainy Lake – had observed the Spaniard in the years before the disturbances at Fort William. When the Americans were severely contesting British hegemony in 1823, John McLaughlin described the threats along the boundary line to John Haldane. McLaughlin wrote that the Spaniard had been hunting well south of Pigeon River – at a period when the boundary line was still under dispute – but that he did not feel that the Spaniard would not “give them [the Americans] any quantity of his furs.” However, McLaughlin suspected that “his young men will give some [furs] after all [to the Americans].” Harold Hickerson interpreted the decision of the Spaniard’s “young men” to signify a decline in the authority of Anishinaabeg leaders, who, in his view, were becoming a “kind of spokesman for the rest, but without any coercive power.” While the precise nature of his authority is impossible to determine, Hickerson reduced the actions of the Spaniard and the young hunters in his band to purely economic motives: the Spaniard did not wield enough authority for his band to maintain an exclusive alliance with the British. Hickerson erred in his interpretation by not considering the political motivations of the Spaniard or his band. In later years, the Spaniard would reveal himself to be a skilled leader capable of manipulating circumstances along the

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66 HBCA B.105/a/9, Folio 43, John McLaughlin post entry, Mar. 18th.
borderland to the best of his ability. In the case of McLaughlin’s observations, the Spaniard and his “young men” sought to maintain as many avenues of interdependency and opportunity in a space of shifting new imposed boundaries and weakening alliances.

In the late 1820s, The Spaniard’s complaints centered on the company’s inability to supply its hunters with cloth that was both the right color and of good quality. The traders in the Lake Superior District conveyed the complaints of both indigenous peoples and servants to their superiors. In 1828 George Keith wrote to Alexander Christie at Red River to complain that the quality of HBC cloth was far inferior to the Americans. He wrote that “both Servants and even Indians of this District are heartily and universally disgusted with such kind of trash to use a vulgar expression and indeed I do not wonder at it.” However, Keith suggested that the color of cloth imported to his district also played a role in disafffecting the Anishinaabeg. He advised his superiors that they should be “very much reducing, if not discontinuing altogether, the future importation for this District,” the article of ‘blue cloth common shrouds.’” Aside from its inferior quality, the blue cloth probably also possessed political significance for the Spaniard. As Cory Wilmott and Kevin Brownlee have noted, it was red cloth – not blue – that the Ojibwe came to associate most closely with the authority of young war chiefs. They argue that “red was associated with willful direct action” while “the colour’s symbolism would tend to link red chief’s coats to status acquired through individual achievement.” Meanwhile, the blue represented “a passive and potential spiritual power that relied on the principle of reciprocity to receive power from spirits who took pity on one’s poor and humble state.” Blue garments were, therefore, more closely associated with hereditary chiefs because the color represented their ability to balance both the spiritual and the human worlds. Due to his designation as a “half

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breed,” the Spaniard relied on exploits in war and the hunt to maintain his influence. The Spaniard probably perceived the HBC’s failure to stock red cloth as a sign that the British traders disrespected his status as leader.

Company agents were acutely aware that stocking the proper merchandise was both a political and economic matter. Agents in the field repeatedly warned their superiors that the company would lose control of the trade if they failed to listen to Native demands. In one case, the texture of HBC cloth displeased the Anishinaabeg enough to compel them to migrate to the south to open relations with American traders. Keith warned that the HBC should not replace dyed cloth with “corded Cloths” because those materials were now “universally out of vogue.”

When the problem was not resolved immediately, Keith demanded a second time that the company import better cloth. “I need not remind you that to support our footing in the country and by that means protect the Interior from the enterprises of Opposition Traders and Adventurers,” wrote Keith, “all along a much extended and exposed frontier sound policy requires that care should be taken, not only to gratify the taste but to contribute to the comfort of those under our care.” Keith’s remarks articulated the tensions growing between the Anishinaabeg and HBC traders. While the HBC sought to subordinate the Anishinaabeg as economic dependents on the company, the traders were forced to cope with the fact that these groups could travel across the boundary line in search of better prices and goods. In their dealings with indigenous peoples, the traders were not operating in a world in which a boundary line had divided the land politically. Rather, they were forced to deal with a persisting Anishinaabeg social world that connected indigenous families around Lake Superior.

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69 HBCA B.129/b/2 Folio 8 Letter from George Keith to Alexander Christie dated July 17th, 1828.
70 HBCA B.129/b/2 Folio 14, Letter from George Keith to Alexander Christie dated August 18th, 1828.
George Keith fueled discontent at Fort William even further when he ordered John McIntosh to advance on credit only the wherewithal that these families needed to hunt. In 1828, Keith warned that extravagance might spoil the Anishinaabeg by raising their expectations too high. Specifically, Keith recommended that McIntosh suspend the trading of the more expensive goods that the Anishinaabeg associated with spiritual and political power. He wrote that “With respect to silver works I conceive it rather impolitick to accustom Indians of an Interior post, such as Long Lake [located north of Lake Superior], to such superfluous expensive and precarious articles.” While the opposition along the frontier might make “such goods...necessary,” he advised that “we ought to study to accustom the natives of interior situations to essentials only.” It is unknown to what degree that McIntosh eliminated the trade in silver, but it is recorded in later years that the Anishinaabeg trading south of the boundary line were able to acquire that material. In any case, by reducing the amount of silver traded to these groups, the HBC sent these communities another stark reminder that the company no longer respected them. Young Anishinaabeg hunters accrued power by displaying the valuable trade goods that they had in their possession, which included metal works. A reduction in the distribution of these goods likely caused resentment against the many young hunters who were now seeking influence in their communities.

The HBC failed to quell the fire heading into 1829 when the Spaniard reemerged to criticize the company’s merchandise. However, his complaints were now being echoed by his Anishinaabeg relations and allies who protested the inferior quality and selection of goods. As before, George Keith wrote to Alexander Christie at Red River to inform him that the northern sections of the Lake Superior district “experienced considerable difficulty and annoyance” due to

the “inferior assortment of Cloths at Ft. William.” Keith continued that “The notorious Spaniard and Party absolutely ridiculed our Cloths...and that the example soon spread to the other Indians who did not hesitate to declare, that notwithstanding their natural attachment...they would certainly resort to other traders.” The Spaniard sent a message to the John McIntosh at Fort William that summer when he traded only for a few items that conveyed his status as a war chief. John McIntosh described the “famous Spaniard” as having been “dressed up with fathoms of ...cloths, and men cloth capots” that he had obtained from the Americans. Rather than barter for the necessities required to hunt, the Spaniard’s band traded for “blankets & two cloth capots” while refusing to look at any other material the HBC had to offer. The capot was an item that accompanied the captain’s jacket and would have been sought by Anishinaabeg individuals seeking a leadership role. This refusal to examine the other items was a political gesture intended to convey the disdain that the Spaniard and his band felt for the company. As Bruce White has noted, the entire system of exchange collapsed when the traders failed to distribute both gifts and respect. Feeling disrespected by the HBC who failed to uphold their obligations within these political relations, the Spaniard reasserted political control over this relationship by denying the HBC the ability to barter for furs with his band.

As the conflict progressed, the Spaniard was beginning to orchestrate a widespread migration away from HBC posts. The HBC responded by attempting to control indigenous movements across the frontier, and in so doing, revealed the larger connections that bound Anishinaabeg families across space. For example, George Keith reported on disturbances at the

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72 HBCA B.129/b/2 Folio 32, Letter from George Keith to Alexander Christie dated Mar. 4th, 1829.
73 HBCA B.129/b/3 Folio 3 Letter from George Keith to George Simpson dated May 15th, 1829.
74 Wilmott and Brownlee, “Dressing for the Homeward Journey,” 63-64.
Lake Nipigon Post, where the Anishinaabeg apparently “put us to some trouble and expense.”

In response HBC clerk Roderick McKenzie hoped that recent efforts by John McIntosh would prevent the Anishinaabeg at Nipigon from eluding company control and freely crossing the boundary line. HBC personal wanted to contain local Ojibwe “from frequenting the frontiers,” because the Anishinaabeg around Fort William had been “associating with Fond du Lac Indians, dressed up with fine cloth and silver.” It was reported that the Fort William Anishinaabeg had been tempted to move south of the boundary line, where “they would join the Americans” if the HBC failed to stock the appropriate merchandise. The potential to migrate south of the boundary line signaled a threat to company management on this frontier. McKenzie warned that the Indians “will be impossible to manage” unless the suppliers at Red River abided by Anishinaabeg demands.

With HBC influence on the wane, George Simpson reorganized the company’s districts in order to control indigenous traffic. In so doing, he revealed the interconnectedness of Anishinaabeg communities across the borderland. Simpson wrote to George Keith that the post of New Brunswick, located north of Lake Superior, should send its returns and reports to Moose Fort, located on James Bay, rather than to Lake Superior. Because Brunswick Post was attached to the Lake Superior District, “it draws the Natives more or less towards the shores of the Lake and brings them into communication with Indians accustomed to and outfitted by opposition.”

In essence, Simpson wanted to control social mixing between Anishinaabeg communities north and south of the lake. If the transfer occurred, Simpson hoped that the Anishinaabeg might begin to identify more by their geographical placement than by kinship or ethnicity. He wrote that these families “would consider themselves as Bay side Indians….and not be so accessible to

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76 HBCA B.129/b/3 Folio 3, Letter from George Keith to George Simpson, dated May 15th, 1829.
77 HBCA D.4/17 Folio 37, George Simpson to George Keith, dated July 29th, 1830.
opposition.” It was certainly keeping with HBC interests to prevent these hunting families from coming in contact with the Fort William Anishinaabeg, who were fast becoming disaffected to HBC rule.

In the following year, HBC administrators began to fear that the Ojibwe would migrate across the border and settle at Fond du Lac if no resolution could be found. A stronger American presence along the boundary line exacerbated the situation. In 1830, American traders intercepted indigenous traffic on its way to Fond du Lac and encouraged Anishinaabeg traders to trade exclusively with the Americans. George Keith wrote to Simpson that this small American outpost at Grand Marais had “annoyed Fort William” by trading better quality cloth.78 It was from this position that the Spaniard had the brashness to ask if the HBC might send his trade goods to the Grand Marais.79 The British learned that the Americans were stocking the Anishinaabeg with items that band leaders would have desired, and the American presence attracted Anishinaabeg living around Fort William. John McIntosh wrote that the Fort William Anishinaabeg traveled south for trade owing to “the circumstances of their being (the Amrs) much stronger this year than hitherto and well supplied with good Cloths and silver works.” The migrations, which were stimulated by the American traders and their stock of high status goods, fueled further upheaval at posts around Fort William. Rumors circulated among HBC agents that the Anishinaabeg planned to attack Fort William and the post at Lake Nipigon. McIntosh had reported to Keith that the “Natives of Lake Nipigon were very disorderly last [1829] summer” and that “A formidable party had even formed a plot of pillaging the Establishment.” While the plot was foiled by a loyal leader named the “Old Chief,” “loud complaints” continued about the HBC’s failure to supply their Anishinaabeg allies with good cloth of the appropriate color.

78 HBCA B.129/b/3 Folio 3 and 4, Letter from George Keith to George Simpson dated May 15th, 1829.
The disturbances around Fort William caused the HBC to modify its trade practices at other posts surrounding Lake Superior. The relaxing of gift giving policies marked a temporary shift towards the practices that defined the fur trade prior to company amalgamation. The HBC hoped to send the message that it was willing to negotiate with indigenous communities on their terms and sought to enter into a set of reciprocal obligations with them. In 1830, George Simpson ordered George Keith to accede to indigenous wishes that ammunition be offered to them as a gift rather than sold as merchandise. “I consider it good policy,” wrote Simpson, “to be liberal to all the Indians of your District, as it is exposed to opposition, and therefore recommend your indulging them even to bordering on extravagance.” In August of that year, Keith wrote to his subordinates that “In consequence of this District being so much exposed to opposition, the Governor has been pleased to recommend that the Indians be allowed one half of their usual annual consumption of ammunition, gratis.” Traders were, however, to ensure that the HBC accrued profit from the trade as Keith added that “some abatement of existing prices must benefit the natives without materially injuring the trade.” In addition, traders were to exercise extreme caution by giving gifts only to the more loyal hunters. Keith instructed Thomas Taylor, stationed at Bois Blanc, a post located on the boundary line, to watch for Ojibwe traders for “an Indian is a fickle being at best and it has been found to be the best policy in that quarter to give out but small advances.” Keith recommended that Taylor offer ammunition and provisions in order for the Ojibwe to hunt furs but nothing else. Keith acknowledged, also, that indigenous agency prohibited any “regular Tariff” from being established owing to the “opposition” that regularly

80 HBCA D.4/17, Folio 11 George Simpson to George Keith, dated May 25th, 1830.
82 HBCA B.129/b/4 Folio 7, Letter from George Keith to Alexander McTavish.
83 HBCA B.129/b/4 Folios 9 and 10, Letter from George Keith to Thomas Taylor dated Sept. 15th, 1830;
visited the area. The HBC was willing, therefore, to resort to older trading practices in order to convince Anishinaabeg hunting bands to remain on British claimed lands.

The Spaniard’s disruptions threatened the company to the point that it attracted the attention of George Simpson. Simpson met with the Spaniard in late May of 1830 in an attempt to quell political instability along the border. The symbolism of the gesture probably did not escape the Spaniard: the highest official among the Hudson’s Bay Company was attempting to establish a personal connection with a disobedient and dangerous leader. Not ignorant of the significance and meaning of gift exchange, Simpson “made him [the Spaniard] a present,” to which the Spaniard replied that he promised “to be faithful to the establishment in the future.”

If gifts were material reminders of political allegiances, then it appeared that the Spaniard must neither have respected the gift nor the gift-giver. In 1831, the Fort Williams Anishinaabeg west of Lake Superior disrupted company operations once again and frustrated the administration’s attempts to police indigenous movements. Even though Keith was optimistic about profits in the spring of 1831, he reported that there had been a massive disaffection of indigenous peoples over prices and company treatment. Writing to Jonathan McIntosh, Keith bemoaned that the “extremely valuable hunts will be much missed in our general Returns” and that “the profit to the Company will be much diminished by the comparative high rates at which Furs are paid in that District.”

Keith remained optimistic about the returns from the Great Lakes borderlands, however, despite “the injurious tendency of the lamentable disturbances amongst the Lake Nipigon Indians and the numerous defects there and at Fort William.”

84 HBCA D.4/17 Folio 11, George Simpson to George Keith, dated May 25th, 1830.
85 HBCA B.129/b/4, Folio 25, Letter from George Keith to Donald McIntosh, dated Mar. 10th, 1831.
86 Simpson ordered the traders to be liberal in their gifts again in 1831 See HBCA D.4/18, Folio 26 George Simpson to Donald McIntosh, dated Jan. 5th, 1831 and HBCA D.4/18 Folio 28, George Simpson to George Keith, dated Jan. 5th, 1831; HBCA B.129/b/4 Folio 25, George Keith to Donald McIntosh, Mar. 10th, 1831; HBCA B.129/b/4 Folio 31 George Keith to George Simpson, May 10th, 1831; HBCA B.129/b/6 Folio 2 and 3, dated Jun. 12th, 1831; HBCA B.129/b/6
George Simpson in 1839 revealed that the Spaniard was a part of this migration away from Fort William.\(^8\)

The Spaniard and the Anishinaabeg adjacent to the boundary line were aware of the HBC’s changing practices. Rather than seeking out solely an economic advantage, they also sought to retain their political autonomy. For the Anishinaabeg, the failure to stock desirable trade goods transcended simple economics. They took it as an affront to the tradition of alliances with fur traders that they had built over the preceding centuries. When the company failed to meet their demands, then, a portion of the Anishinaabeg population large enough to attract the notice of the superior officers of the district and Governor Simpson disturbed the order the HBC sought to impose until they simply left the lands that the British now claimed. Now attempting to divide the Anishinaabeg by imposing an abstract political concept like the boundary line, the company found that it lacked the means to coerce the Anishinaabeg to lay aside their time tested strategy of mobility and adaptation.

**Attempting to Create an Orderly Frontier**

By the mid-1830s and early 1840s, both the Hudson’s Bay Company and the United States made more concerted efforts to impose order over the frontier. However, like in previous years, the mobility practiced by the Anishinaabeg and their insistence that they constituted autonomous groups complicated attempts by both powers to imbue the boundary line with political meaning.

In 1832, the lands west of Fond du Lac were still firmly within Anishinaabeg control. The United States government dispatched Henry Schoolcraft, then the Indian Agent at Sault Ste.

\(^8\) HBCA D.4/25 Folio 53, George Simpson to Ramsay Crooks, dated Oct. 1\(^{st}\), 1839.
Marie, to sign another treaty with the Anishinaabeg. Schoolcraft’s trip represented the first official American deputation into the interior since Pike’s voyage. These negotiations occurred at Leech Lake, where the Pillager community of Anishinaabeg maintained a strong influence over indigenous politics. Schoolcraft was ordered to use the session to end the warfare between the Ojibwe and Anishinaabeg, which the United States viewed as a violation of the 1826 treaty. Once he arrived, Schoolcraft found that Flat Mouth resented the United States for failing to uphold the promises of the 1826 treaty by not preventing the Dakota attacks. When he met with Flat Mouth, Schoolcraft observed that the Ojibwe leader displayed a range of English trade goods, including flags and medals, symbols that indicated that he continued to maintain a political relationship with the HBC. In addition, Flat Mouth possessed “teacups, teaspoons, plates, knives and forks, all of plain English manufacture.” He remained skeptical throughout the treaty council. When Schoolcraft agreed to end intertribal warfare, Flat Mouth responded, “‘You have come...to remind us that the American flag is now flying over the country, and to offer us counsels of peace...I have heard that voice before, but it was like a rushing wind. It was strong, but soon went.’” He continued: “‘At Prairie-du-Chien, it has been promised that whoever crossed the lines, the long arms of the President should pull them back; but, that very year, the Sioux attacked us, and they have killed my people almost every year since.’” Flat Mouth informed Schoolcraft that the Dakota had killed forty-three Ojibwe from his community. The United States failed in its political obligations with the Anishinaabeg, and consequently, there was no U.S. flag on display at Flat Mouth’s village.


89 Henry Schoolcraft, *Summary Narrative of an Exploratory Expedition to the Sources of the Mississippi River*, 256.

90 Henry Schoolcraft, *Summary Narrative of an Exploratory Expedition to the Sources of the Mississippi River*, 256-257.
Like the 1826 council, Schoolcraft found that the Leech Lake Ojibwe maintained connections with other Anishinaabeg groups that ranged as far as Rainy Lake and Red River. A “special deputation from the American borders of Rainy Lake” – along with one thousand other Anishinaabeg – attended the treaty council. In fact, Flat Mouth had visited John Cameron at Rainy Lake prior to Schoolcraft’s visit. In addition, the war chief Majegabowi, “who had led the revolt in the Red River settlement of Lord Selkirk, and who had tomahawked Gov. Semple” was also in attendance. William Johnston, who was a son of Schoolcraft’s father-in-law, met Majegabowi during his trading expedition to Leech Lake in 1833 and explained how he came to live there. Johnston met Majegabowi when the war leader spoke at the funeral of a young warrior. Johnston wrote that Majegabowi was the “third acting Chief of the band [the Pillagers]; and acted as a speaker for the Head Chief, on occasions of importance.” After relating his involvement at Seven Oaks, Johnson wrote that Majegabowi maintained status in the Pillager village for “his fluency of speech” and for the raids he led against the Sioux. Majebagowi actively communicated with the spirit world, as well, by “acting as juggler, Doctor, and Prophet and by his charms, in cases of scarcity, he turns leaves into tobacco.” Johnston does not reveal how Majebagowi came to live at Leech Lake other than stating that “he has married several wives, by which means he finds himself connected to several families of influence.” It is possible that these bonds of kinship were the channels through which Majebagowi migrated southward sometime after 1817. Laura Peers explains that, in the late eighteenth century, the “most

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91 Henry Schoolcraft, *Summary Narrative of an Exploratory Expedition to the Sources of the Mississippi River*, 251-257. Schoolcraft observes that Flat Mouth possessed an “imperial sway” over other villages around Leech Lake. See Schoolcraft, *Summary Narrative*, 253; HBCA B.105/a/14, Folio 2, John Cameron entry May 24th, 1829; B.105/a/15, Folio 12, John Cameron entry for Oct. 12th, 1830


important social and economic unit was the extended family” for the Western Ojibwe.⁹⁴ During this period, the Ojibwa began “commuting” westward by seasonally exploiting fur and food resources available around the vicinity of Red River. Such arrangements might not be just economical. Laura Peers writes that “Ojibwa who spent time in the West returned home to reaffirm personal relationships and visit villages and sacred spaces that were the touchstones of their identity.”⁹⁵ While it is impossible to tell, political reasons might also have compelled Majebagowi to migrate to the southeast in order to avoid the wrath of the HBC following Seven Oaks.

A party from south of the boundary line visited Rainy Lake immediately following 1832 treaty council at Leech Lake to inform John Cameron that they planned to wage war against the Dakota. This delegation sought to ensure that their connection with the British had remained open despite any rumors about an agreement being reached with the United States. It was also a strong vote of no confidence in the ability of the Americans to prevent warfare between the two groups. One man, Kaipiaway, spoke in council: “were it possible when an Indian trades with an opposition to receive a stain on his body. For every stain he gives, mine would remain without a spot, which is perhaps more than most other Indians of the River [Pigeon River] are able to say and if there is any one present who thinks he can contradict me let him speak.”⁹⁶ Meanwhile, Bean Chatuer was “surprised” Cameron by speaking like a “true Indian orator” by condemning all the Indians who “draft in an underhand way with the Americans.” He turned to the council and said, “I do not only thank you in my own name and that of my wife, but also in the name of my children who are yet unable to articulate that word.” Another chief “hinted” that he had

⁹⁴ Laura Peers, *The Ojibwa of Western Canada: 1780 to 1870*, 22.
⁹⁶ HBCA B.105/a/16 Folio 8, Cameron journal entry for Oct. 13th, 1832.
planned to wage war against the Dakota to revenge his sister’s death. This party reaffirmed the relationship that they had cultivated with Cameron by impugning those who displayed no special attachment to the British. It is possible that the Ojibwe speakers intended to use these speeches to further elevate their status with Cameron and also influence within their communities. Cameron possessed the power to bestow favors on Ojibwe leaders through gifts and trade goods, including flags, medals, and uniforms. Cameron’s remarks also reveal the changing face of the fur trade from one that relied on diplomatic protocols to a market driven form of economic exploitation. It is telling that he viewed those speeches as an artifact from the distant past. He noted that “today’s speeches….were the first that have been made to me in the...oratorical style since I came to this place.” Despite Cameron’s wonder, the Anishinaabeg persisted in viewing the British as their political allies in their wars with neighboring political communities, like the Dakota.

At a moment when the American government seemed more interested in lands in the northwest, the HBC took actions to prevent competition with the AFC from spiraling out of control. Their actions were informed by the persisting problem of regulating Anishinaabeg across the boundary line. In 1834, the HBC negotiated a deal with the AFC to secure the closing of unprofitable American posts along the border. The HBC paid the AFC a sum of three hundred pounds per year. In return the AFC abandoned all of the posts “from Pembina to Lake Superior” as long as “that frontier remained uncontested by the AFC.” ⁹⁷ From this point forward, the HBC and AFC formally cooperated in an effort to reduce cost and avoid confrontations. This agreement meant that indigenous communities now had fewer options to avoid HBC economic and political dominance. By the late 1830s, interlopers entered the scene to contest HBC dominance over the area.

⁹⁷ HBCA D.4/20, Folio 10, George Simpson to A. Aitkin, dated July 2nd 1834.
At a moment when the American government and HBC attempted to order the borderland, the Ojibwe continued to travel significant distances to visit sacred sites at Rainy Lake. William Sinclair, who was stationed at the new Fort Frances by Rainy Lake, noted in 1834 that “six of the Leech Lake Indians” had visited the fort where they “came empty handed and of course had to go from this [fort] the same way.”

The group then traveled to the free trader Vincent Roy’s house where they slaughtered his cattle while threatening Roy with death. Their actions were not, however, simply the responses by irrational individuals to changing economic conditions. Sinclair explained that “The small forks of L. L. Pluie River is certainly the last place that a person ought to choose for settling on. It is the principal rendezvous of the Soteux and the distant tribes” where they would exchange goods exchanged at the British and American forts. Indeed, Sinclair noted that the Anishinaabeg referred to those forks as the “Grand Medicine.”

Sinclair wrote that one of his subordinates, Mr. Taylor, described the “frightful and warlike appearance of 30 or 40 Indians or rather painted and naked ragamuffins dancing inside the fort.” The “feasting, dancing, cross-playing, and preparations” were for the “approaching celebration of the mysterious Grand Medicine or Devilry.” On this occasion, “Indian principally from Leech Lake and Red Lake” and performed the “Grand War Dance.”

The ceremonies took over a week to complete. Sinclair reported that the Anishinaabeg committed no “mischief,” which was a “fortunate circumstance from such a large of assemblage of Indians.” The Anishinaabeg were continuing to convene in large numbers in order to perform sacred rituals. The events at Vincent Roy’s house must be understood within an Ojibwe context in which political and religious life are indivisible. In addition, Roy had built his trading post on a spot of spiritual and political significance for the Ojibwe. Rainy Lake remained a vibrant hub for Ojibwe political, cultural,

98 HBCA B.105/a/18 Folio 3, William Sinclair post journal entry for July 19th, 1833.
99 HBCA B.105/a/20 Folio 2, William Sinclair post journal entry for June 26th, 1837.
and social life well into the 1840s, and the Ojibwe were not afraid to convey that fact to colonial intruders. For the Ojibwe, these lands never represented a “frontier” of imperial domination but were rather the center of spiritual and political life within these indigenous homelands.  

The agreement struck between the AFC and HBC failed to totally eliminate the mobility practiced by the Anishinaabeg as these hunting communities continued to travel from as far as Fond du Lac and Leech Lake to trade at Rainy Lake and Fort William. In 1839, Ramsay Crooks, the president of the AFC, complained to George Simpson that the British maintained trading ties with indigenous communities who spent a majority of their time south of the boundary line. In this case, Simpson used Anishinaabeg mobility to the HBC’s advantage to argue that the boundary line did not apply to them. Simpson responded that he did not believe that continuing HBC influence did not break “the spirit of our arrangement” as it had not “restricted themselves to dealing with Indians belonging to the territory of their respective nations.” He believed that the only stipulations of the agreement were the annual payment to the AFC and that “certain districts of country were to be unoccupied by the American Fur Company.” Otherwise, “each party was at liberty to trade with Indians, wheresoever they might come from.” The Spaniard reappeared as a key example. The Spaniard’s band had moved from Fort William to Fond du Lac but recently moved back to Fort William. Even still, Simpson indicated he would be willing to observe the boundary line more rigorously. He wrote, “I am never the less willing that we should come to an understanding that we shall in future have dealings with each others Indians, if so they may be called.” While Simpson supported the idea of Native autonomy in his letter to

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Ramsay Crooks, he wrote to his agents in the field with different instructions. Simpson sought to limit as much as possible the Anishinaabeg’s contact with groups and traders south of the boundary line. Simpson instructed Keith that HBC agents reestablish border posts and “send runners among the American Indians wherever they may be found within the boundary line” if the AFC appeared to have broken the agreement.102

Christian missionaries made their way to Fort William by the 1840s. Far from ordering the frontier, these missionaries more often disturbed HBC operations by encouraging the Anishinaabeg to settle in communities adjacent to the border for the purposes of agricultural and religious instruction. These missionaries were ultimately most concerned with saving the souls of the Indians than reinforcing the political meaning of the boundary line. In 1842 a Baptist missionary from New England, John Cameron, encouraged several Anishinaabeg hunters to establish an agricultural settlement on lands cultivated by the North West Company adjacent to Fort William. The HBC viewed this settlement as an interference to the fur trade as Cameron neglected to obtain the company’s permission. Company personnel took a dim view of Cameron, who requested that the HBC maintain him at Fort William at the HBC’s expense. George Keith was concerned that John Swanston, master of Fort William, disobeyed company policy by offering Cameron a place to live. Keith ultimately supported Swanston’s decision given Cameron’s “deplorable circumstances” after his failed attempt to establish a settlement. However, Keith interpreted Cameron’s presence along the boundary line as nothing more than political interference. Keith reported that Cameron, a “depraved disloyal character,” encouraged the Anishinaabeg, freemen, and “half breeds” from establishing a permanent settlement away from Fort William. Cameron further irritated the HBC by encouraging the Anishinaabeg at the

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boundary line to collect annuities from the United States government based on the Treaty of 1842. Keith was pleased to announce that Cameron convinced “only three” to travel south of the boundary line. 103

In 1841, John Swanston reported that the “Revd Mon Priez” had arrived from L’arbre Croche to establish an “agricultural establishment” just south of the Pigeon River. 104 The HBC’s response further illustrates that the company would use the few means at their disposal to control movements across the frontier. The HBC attempted to influence the movement of Anishinaabeg in and out of the mission as well as negotiating with Priez to allow the mission Indians to bring their hunts to Fort William. The HBC moved Anishinaabeg hunters away from the border by monitoring the site, which was a “settlement on the Pigeon River (on claimed United States Territories),” by establishing an outpost under the direction of Laronde at Lac d’Original, “control station for the 26 Grand Portage Hunters.” John Swanston believed that the outposts would “withdraw the majority of the Inds from the frontier” and will amount to “a considerable increase in Returns of this Post next spring.” In addition, Swanston managed to convince Priez to “hunt and bring their furs to” the HBC establishment at Fort William. It was important for the HBC to enforce the boundary line as rigorously as possible because they faced competition from the Cleveland Company, a new outfit, with whom they had made no agreement. To the relief of the company, the Priez mission performed poorly, offering little relief to the Native peoples who arrived there. When the mission failed in 1842, the Anishinaabeg once again dispersed to their hunting grounds on both sides of the boundary line. These new HBC activities were not an accident, however. With the establishment of missions along the border, the growth of Fond du

103 HBCA D.5/7 Folios 106 and 107 George Keith to George Simpson dated July 20th, 1842; for one particular defense see, for example, Simpson’s reply to Alexander Isbister in Chapter 3

104 HBCA D.5/7 Folios 106 and 107 George Keith to George Simpson dated July 20th, 1842
Lac in the 1830s, and treaties between the United States and Ojibwe groups in the 1830s, the HBC felt compelled to limit the mobility of the Anishinaabeg hunting bands.105

The search for economic activities in an ever confining world moved Anishinaabeg bands across the Great Lakes, much to the anxiety of the HBC. With the signing of the Webster-Ashburton Treaty in 1842, the HBC found themselves even more restricted in their ability to check the movements of the Anishinaabeg. In 1842, the Cleveland Company appeared on the scene in the western portion of Lake Superior to fill the vacuum north of Fond du Lac left by the AFC. John Swanston complained that the Clevelanders had established business on Ile Royale and was “much assisted by Ft William Indians & Freemen” to the extent that “matters” were “in a critical state.” With rumors circulating that the Clevelanders might establish a trade on the Pigeon River, Keith recommended that personnel at Fort William establish an outpost to guard the border – or a “well organized and appointed frontier” – against Native movements.

Anishinaabeg families seemed receptive to potential outside trading firms that broke the HBC monopoly. The HBC was concerned that the Cleveland Company established two outposts adjacent to Leech and Vermillion Lakes. George Simpson wanted Nicol Finlayson, master of Fort Frances, to prevent the indigenous peoples from congregating in large groups in the winter of 1843 and 1844. In addition, Simpson instructed Hector McKenzie, stationed at Fort William, to “watch them very closely” while bearing in mind “that the boundary must be respected and that you will not send any of your people after the Indians within the American territory.” However, Simpson was not averse to using loyal indigenous groups as proxies to conduct the British trade south of border in attempts to eliminate the Clevelanders. “If you have any

105 HBCA D.5/7 Folio 308, George Keith to George Simpson, dated Oct. 24th, 1842; HBCA D.5/7 Folio 229, John Swanston to George Simpson, dated 2nd, 1842; HBCA D.5/7 Folio 371, Letter from John Swanston to George Simpson dated Dec. 20th, 1842
confidential Indians about you,” wrote Simpson, “there may be no harm in giving them small gifts with the understanding that they shall follow up and trade with the Indians that are likely to fall into the hands of the Cleveland Co.” Simpson explained to McKenzie that the Anishinaabeg were “free of the soil they are of course at liberty to go wherever they please” while the “Companys servants must in no consideration be sent across the frontier.” Anishinaabeg mobility, then, was permissible only when it strengthened the HBC’s position along the boundary line.\textsuperscript{106}

Competition from the Cleveland Company was short lived, however. By 1844, William Sinclair at Fort Frances wrote that “no appearance of any new adventurer coming here as reported last Fall.” With a shortage of fur bearing animals and prices for furs rising, the Clevelanders struggled make a profit. Furthermore, recent treaty negotiations with the United States discouraged the Anishinaabeg from hunting as per usual. Sinclair wrote that there is “no scarcity of goods” because “the payments for their lands furnishes all their necessaries” and had temporarily eliminated the need to hunt furs. Other companies and interests would attempt to infiltrate the boundary line in the coming years just as Anishinaabeg political autonomy and mobility would continue to bedevil attempts by these companies to imbue the boundary line with political meaning.\textsuperscript{107}

\textsuperscript{106} HBCA D.4/30, Folio 30; George Simpson to Nicol Finlayson, dated Dec. 20th, 1843, and George Simpson to Hector McKenzie, dated Dec. 21st, 1843.

\textsuperscript{107} HBCA D.5/11 Folio 565, William Sinclair to George Simpsons dated Dec. 16th, 1844; HBCA D.5/15 Folio 201 dated Oct. 19th, 1845 from [Find name] to George Simpson.
The Defense of Ojibwe Homelands

Anishinaabeg communities around Lake Superior faced new challenges as the American and Canadian settler states launched a more concerted effort to acquire title to indigenous lands. The presence of the British Empire and the United States increased greatly when speculators learned of the copper mines surrounding Lake Superior. When news of the potential of wealth attracted the attention of investors, the governments dispatched commissions to negotiate with indigenous peoples in order to gain clear title to mineral resources. The 1849 Vidal-Anderson commission, which visited Anishinaabeg communities on the north shore of Lake Superior, and the subsequent 1850 Robinson Superior treaty, which dispossessed the Anishinaabeg of their lands in northern Ontario aside from small reserves, sought first and foremost to gain access to the copper mines at Mica Bay and Batchewana Bay, among others.\(^{108}\) During the 1840s and 1850s, the United States signed treaties with a number of Anishinaabeg communities in order to secure access to lands for mineral extraction and agriculture in Michigan, Wisconsin, and Minnesota.

Shingwaukonse, or Little Pine, emerged as an influential voice of indigenous opposition against Canadian settler colonial expansion at Sault Ste. Marie. Born in 1773, Shingwaukonse came of age in a period when government agents and fur traders treated indigenous communities as political allies. He gained prominence as a political leader and negotiator in 1836 when he played a decisive role in establishing the Ojibwe Garden River community, which was situated six miles east of Sault Ste. Marie. During the 1830s and 1840s, Little Pine traveled throughout Michigan and the Canadian colonies to learn of strategies that might assist the Anishinaabeg in

retaining rights to their lands and independence. Janet Chute argues that “Ojibwa head chiefs in the north-eastern sector of the Upper Great Lakes region actively sought creative policies which might enable bands to preserve the reciprocity of interest and intention that traditionally characterized relations between leader and group.” Shingwaukonse formed reciprocal relationships with useful missionaries, government officials, and private individuals in a lifelong effort to preserve the sovereignty of his community.¹⁰⁹

Shingwaukonse spent the first half of the nineteenth century attempting to unify the Anishinaabeg against settler colonial intrusions. His desires were not mere delusions. On each occasion, it was apparent that social networks connected the Anishinaabeg at Sault Ste. Marie with communities in the Upper Peninsula of Michigan, north of Lake Superior, and as far west as Leech Lake and Red River. However, Shingwaukonse found it difficult to form a cohesive confederacy owing to the lack of a strong, central authority amongst the Anishinaabeg, the vast distances between the communities, and the strengthening of the settler regimes on both sides of the border. However, there were moments when it appeared that these large networks might coalesce. Each instance is crucial for understanding how the Anishinaabeg were coping with new colonial regimes of organizing space.

As American and Canadian intrusions increased in force and frequency, Shingwaukonse imaged an Anishinaabeg world that unified communities residing on all side of Lake Superior.¹¹⁰ This concept was evident when Henry Schoolcraft sought land cessions from the Anishinaabeg at the Sault during the Treaty of 1836 negotiations.¹¹¹ At this meeting, Shingwaukonse invited the Anishinaabeg residing on the American side to his community on the Sault’s north side.

Shingwaukonse became frustrated at American attempts to impose its sovereignty, declaring that the Garden River Ojibwe were independent from both the American and British governments. Schoolcraft sought to undermine the political status of the Crane clan – the Anishinaabeg with whom he was negotiating – by reducing that band’s leader, Kaygayosh, to a subordinate status. The Anishinaabeg south of the Sault eventually agreed to move to Shingwaukonse’s community on the British side. Observing what had happened to Cranes on American-claimed territory, Anishinaabeg leaders at Mackinac and St. Ignace kept open their American claims to receive annuities from the United States but also opened negotiations with Shingwaukonse in case they too wanted to move north. In addition, Shingwaukonse invited the Sault Ste. Marie Métis, who were related to the Anishinaabeg and who were no longer attached the HBC, to join the Garden River community as indigenous peoples. Many did so and assisted Shingwaukonse in his negotiations with the Canadian government.112

Little Pine continued to communicate with Anishinaabeg living along the Upper Peninsula and west of Fond du Lac to persuade them to migrate to Sault Ste. Marie. A large population would have buttressed his demands against the Crown. Even while he sought the support of these other communities, it was becoming apparent that the social, cultural, and political pressures applied by the settler states were fracturing Shingwaukonse’s plan for unification. While he may have exercised influence over the Ojibwa, he found that the Potawatomi and Odawa were not as accepting of his strategy. At the gift distribution on Manitoulin Island in 1837, Shingwaukonse overestimated the influence he wielded over Anishinaabeg, claiming that he could convince those groups living as far as Red River to remain

loyal to the British. The Odawa present at the gift distribution refused to recognize Shingwaukonse as their spokesman; these Odawa practiced a different economy based on horticulture and fishing. For the moment, the Odawa refused to form an alliance with Shingwaukonse or the western Ojibwa.

In 1838, Shingwaukonse visited Ojibwe communities at Vermillion Lake, Rainy Lake, and other areas farther west in order to persuade these groups to take presents from the British. He spoke to a group of more than three thousand at Manitowaning – located on Manitoulin Island – once again with the message that they should expand Ojibwe political power to include those residing at Red River. In 1839, however, Shingwaukonse received only a tepid response from the prominent leaders Flat Mouth of Leech Lake and Keche Besheke of La Pointe, who refused to visit Manintowaning to take presents from the British. With the western alliance imperiled, Shingwaukonse attempted to convince the Odawa on Manitoulin Island to migrate to Garden River, opposing the British idea that the Garden River community should settle next to the Odawa. Shingwaukonse favored a vision of indigenous sovereignty of a united Anishinaabeg nation that operated independently, yet in partnership, with the British crown.

Despite these setbacks, political unity for the Ojibwe appeared on the horizon again in 1840, when bands residing to the west and north of Lake Superior gathered at Sault Ste. Marie. The Anglican missionary, Frederick O’Meara, learned that these Anishinaabeg – including a contingent from Leech Lake – desired to accept an Anglican missionary for their communities. The western Ojibwe demanded that O’Meara baptize them, an act that would have symbolically bound the Crown to those communities. A doctrinaire, O’Meara refused to baptize them until they had “proven” themselves Christian. The Leech Lake Ojibwe had explicitly connected the

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113 Chute, The Legacy of Shingwaukonse, 77.
political power of the Crown and the autonomy that it had promised with the spiritual power of its religious agents. The political intent was all the more apparent as William Boutwell, the Episcopal minister at Leech Lake, had left the area due to the apathy and hostility exhibited by Flat Mouth’s band. The potential for this alliance was short-lived due to the abrasiveness of O’Meara, the government’s failure to build houses that it had promised to the Ojibwe, and the general lack of support that the Crown had shown western Ojibwe. Having advocated for such migrations for years, this request demonstrated the ongoing connections that had tied the Ojibwe together across their homelands, although they did signal once again the increasing presence of the American state and the new risks involved with forming alliances across the boundary line.

By the 1840s, the Garden River community began to exploit the limited opportunities that were opened by the emergence of the market. A seasonal economy that mixed agriculture, fishing, and the hunt began to partially give way to wage work in the mining, timber, and shipwright industries. In addition the Garden River community began lumbering operations on nearby Sugar Island to sell to the American merchant, Philetus Swift, who then sold this wood to the growing population of settlers to the south. In a similar vein, this community also began to harvest whitefish intensively to sell in the south as well.

A torrent of white speculators and investors invaded the region in 1842 when the copper mines on the Upper Peninsula of Michigan were opened. Witnessing the booming American side of the Sault, the Canadian government installed a customs house and licensing system to

117 Chute, The Legacy of Shingwaukonse, 74, 75
manage the exploitation of copper mines on the north shore of Lake Superior. By 1846, the Canadian government granted a large number of “exploratory licenses” to individuals who could claim a segment of land on Lake Superior for the purposes of assaying potential sites. In the following year, these individual holdings were absorbed into larger speculative companies in which influential white investors held large stakes. The Lake Superior Company, owned largely by Allan and Angus Macdonell, emerged alongside the Montreal Mining Company, which held the advantage in terms of amount of land claimed and capital invested. The Anishinaabeg were alarmed at the increasing number of white speculators who were trespassing on their lands without obtaining permission. Shortly after this boom in mining activity, the Garden River community, as well as other groups around Lake Superior, petitioned the Canadian government to respect their rights to land; they demanded treaties and compensation for white intrusions.

A number of speculators located mines by negotiating with the indigenous peoples who knew how to access them. This knowledge required a great deal of negotiation because the Anishinaabeg preferred to keep those mines that they imbued with sacred significance a secret. Indigenous peoples began mining copper around Lake Superior seven thousand years ago, and knowledge of those mines were passed down by the generations up until the period of European colonization. Over the millennia indigenous peoples developed several methods of extracting copper that included harvesting surface metals, digging holes or large pits, and excavating trenches. Mineral deposits and mining were so associated with the supernatural world that the ancient miners appeased the spirit guardians of the deposits by offering them gifts. The metals served a variety of functions that included the creation of copper plates that recorded a people’s sacred and temporal histories and objects that were gifted – rather than traded – in ritual

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121 Telford, “‘The South of the Rustling of the Gold,’” 23.
122 Telford, “‘The South of the Rustling of the Gold,’” 35.
diplomatic councils between indigenous peoples and with Europeans. The Anishinaabeg guarded knowledge of these copper mines precisely because they represented a connection with supernatural forces, but white miners’ persistence eventually compelled some communities to reveal the locations of several important deposits despite community prohibitions. Anishinaabeg guides occasionally revealed the location of non-sacred mines, showing Europeans and Canadians those locations according to their own terms and motivations.

While most speculators either sought the rapid extinguishing of indigenous claims or wanted to ignore them completely, Allan Macdonell, one of the investors in the Lake Superior Company, formed a lasting alliance with Shingwaukonse by which both individuals sought treaty rights from the Canadian government for the Garden River community. Operating in a space similar to the “middle ground” Macdonell was committed to the cause of the Garden River by 1845, and in 1847, Quebec timber man John Bonner provided capital for the company to expand its operations. Chafing under Bonner’s efforts to control the company, Macdonell and Shingwaukonse traveled to Montreal in 1848 to convince Governor General Bruce that indigenous rights should be protected. An order-in-council dispatched Thomas Anderson, an Indian agent at Manitoulin Island, and Alexander Vidal, a surveyor with experience in this mining country to investigate Indian claims.

In 1849, Vidal and Anderson traveled from Fort William and Sault Ste. Marie to determine the prevailing attitude among the Ojibwe in regards to land cessions (Figure 7). Vidal had planned to use a strategy of divide and conquer among the Ojibwe by elevating one leader

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while undermining the general political structure of each group. Macdonell traveled alongside the Vidal and Anderson commission to ensure that the Ojibwa would not be defrauded of their lands.\textsuperscript{127} The negotiations at Fort William revealed the persisting social world of the Ojibwe. “The Government commissioners sent up with the Indians sale of land have gone into the Lake...” wrote William McTavish, “....They are to be landed at Fort William and have taken up most people to bring them down along the North Shore where they are to confer with such Indians as they may find.” The commissioners believed that Macdonell had instigated the Ojibwe to make unrealistic demands, which included an annual annuity worth £30 and the establishment of schools. Le Peau du Chat, a leader who made these demands, was considered the head leader of the Ojibwa north of Lake Superior. For many years, John Cameron ranked Peau du Chat as one of the only reliable hunters who traded almost exclusively with the Americans. His presence at Fort William in 1849 demonstrates that, even after thirty years of border monitoring, the Anishinaabeg found ways to adapt to changing circumstances.\textsuperscript{128}

\textsuperscript{127} Chute, \textit{The Lacy of Shingwaukonse}, 112,118-120 on Anderson’s findings; \textit{Report of Commissioners A. Vidal and Thomas G. Anderson on a visit to Indians on North Shore Lakes Huron and Superior for purpose of investigating their claims to territory bordering these Lakes.} (1849) Indeed, HBC’s own George Simpson owned shares in the Montreal Mining Company had was literally invested in the removal of the Ojibwe on the eastern shores of Lake Superior. See Chute, \textit{The Legacy of Shingwaukonse}, 111.

\textsuperscript{128} HBCA D.5/26, Folio 123. William McTavish to George Simpson, dated Sept. 17\textsuperscript{th}, 1849; HBCA D.5/26, Folio 288 and 289. William McTavish to George Simpson, dated Oct. 15\textsuperscript{th}, 1849; For Cameron’s assessment of Peau du Chat, see B.105/a/16, Folio 5, John Cameron journal entry for Oct. 6\textsuperscript{th}.
The council at Sault Ste. Marie during August of 1849 set the stage for the Mica Bay Affair that would occur several months later. William McTavish, the HBC master at Sault Ste. Marie, wrote that Allan Macdonell and his associates, who included Shingwaukonse, Allan’s brother Angus Macdonell and Wharton Metcalf, disrupted the council. They asserted that Shingwaukonse had already given Allan Macdonell exclusive rights to the Lake Superior mines. Prior to the council, Shingwaukonse leased to Macdonell the nineteen mines owned by the three mining companies for a period of 900 years. This lease also guaranteed exclusive rights to construct a railway at the Sault. Peau de Chat apparently backed this treaty on behalf of the Ojibwe living in the northwest.\(^{129}\) Switching allegiances Allan Macdonell proceeded to sell his shares in the Quebec-Superior Mining Associates and made plans with Shingwaukonse to protect indigenous claims. One such idea was to take the mines by force. McTavish wrote that rumors

circulated that they wanted to “plunder the mining establishment at Mica Bay” to destroy the intrusive mining practices of the Montreal-based company.

The events at the Sault Ste. Marie council culminated in the November 8th, 1849 Mica Bay Affair. Allan MacDonell, Angus MacDonell, Wharton Metcalf, Shingwaukonse, Nebenagoching, and around two dozen Ojibwe hailing from American and British territories traveled to Mica Bay with the goal of protecting both indigenous territorial rights and the integrity of Macdonell’s lease. In addition, an Ojibwe chief from the American side, Cassaquadung, and four other metis leaders from Garden River joined the party. Upon arriving at the mines, MacDonnell informed John Bonner that the workers must evacuate the mines in order to prevent bloodshed.130 While some reports stated that the party committed murders at the mines, MacDonell wrote that he had simply requested that the miners and their families to leave Maimanse. The episode ended peacefully despite government attempts to escalate tensions. The government dispatched a group from the Second Rifles Brigade from Toronto, but they were detained at Sault Ste. Mary due to weather. The party turned itself in that December and were transported to Toronto, where they were held for several months.131

Macdonell, Shingwaukonse, and the others faced charges of conspiracy and treason. These charges were later reduced to forcing entry but appear to have been dismissed by 1851.132 While the Anishinaabeg were not released on bail immediately after the event, the government eventually decided that the company would neither receive payment for the damages nor did Shingwaukonse’s party act in a manner disloyal to the Crown. In 1850, Macdonell and Shingwaukonse continued to press the government to respect indigenous claims to land and the

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lease. While the Governor General rejected the validity of Macdonell’s lease, he did feel that they should commission a party to negotiate a treaty with the Lake Superior Anishinaabeg. The colonial government instructed William Robinson to negotiate treaties with those groups who were to receive a cash payment and subsequent annuities. The treaties were signed at Sault Ste. Marie in September of 1850.

Taken together, the treaty negotiations and the handling of the affair illustrate that the international boundary began to play a critical role in indigenous people’s lives. The press typically characterized the Ojibwa leaders as being at the beck and call of Allan Macdonell. However, Anishinaabeg leaders based the protests leading up to Mica Bay and the event itself on well-established networks that connected peoples across the Great Lakes. Amidst the treaty negotiations, William McTavish wrote that several “Half Breeds & Indians” traveled to Mica Bay in a company boat. Significantly, he reported that border crossings were still possible in this period, and that indigenous networks were not erased by the establishment of the international boundary. However, the American and Canadian governments indicated that they would not permit mobility patterns as they had existed in the past. By December of 1849, Captain Ironside of the Indian Department had led a group of soldiers in order to seize the mines at Mica Bay from recalcitrant miners, while MacDonell, Shingwaukonse, and the others faced a potential trial in Toronto. William MacTavish also wrote that “the America Indians of the party” were thought to “be imprisoned on their return home.”

Despite the show of state power, the indigenous world upon which the settlers states were establishing control reappeared as rumors circulated that indigenous forces from farther west

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134 HBCA D.5/26 Folio 479, William McTavish to George Simpson, dated Nov. 12th, 1849; HBCA D.5/26 Folio 642, William McTavish to George Simpson, dated Dec. 3rd, 1849
would assist the protesters. Because of the long history of HBC claims of indigenous land, particularly around Red River, the “half breed” indigenous population from that area identified similar patterns of dispossession occurring west of Lake Superior. William McTavish wrote to George Simpson that the indigenous “attacking force,” who intended to repel the government troops “had swelled most prodigiously” and included “2000 Red River half breeds” who had acted as “allies of Shingwaukonse’s” after the leader had sent a wampum belt to Red River asking for assistance. The reports of the “half breeds” coming to the assistance of the Garden River community turned out to be nothing more than rumors. However, the very real social connections that Shingwaukonse had cultivated with Ojibwe living as far away as Red River allowed for such ideas to circulate in the first place. 135

In any case, the Ojibwe at Mica Bay continued to protest the presence of miners on their homelands into 1850, although HBC observers remained skeptical that conflict might erupt. The Canadian Government left the Indian agent John Bonner in charge of their property over the winter, causing discontent with the Indians. “Things are still going on very ill at Mica Bay,” wrote William McTavish, “some of the Indians have quartered themselves there & threaten if the drunken fellow Mr. Bonner left in charge does not give them provisions, they will take them.” Meanwhile, John Swanston concluded that the Ojibwe acted out of their interests to defend their homelands. He believed that “the Indians...had no intention of injuring any of the mining party at Mica Bay, but they were determined I fancy to stop the work, and drive off the grounds, on which they fully succeeded.” However, Swanston labored under the assumption that “Messrs McDonells and Metcalfe” carefully eliminated indigenous agency when he added that the Ojibwe were spurred to action when oversaw the treaty negotiations. Even though HBC officials

135 HBCA D.5/26, Folio 692, William McTavish to George Simpson, dated Dec. 18th, 1849
implicated Allan MacDonell in the Mica incident, MacDonell initiated a public campaign in Toronto in order to convince the public to bring action against Ironside and Campbell for “illegal commitment.”

The terms of the 1850 Robinson Treaty ultimately represented the mining interests in Montreal. Fully supported by Governor Simpson, who wanted the government to control the free trading by Garden River metis and Shingwaukonse’s band, Robinson chose to sign agreements with Ojibwe chiefs on the western side of Lake Superior to weaken Shingwaukonse’s influence. Robinson further enervated Shingwaukonse’s position by promising that the fishing and hunting grounds of Lake Superior Ojibwe would remain intact if not sold or leased by the Crown. The treaty stipulated that, despite Shingwaukonse’s proposals to the contrary, the British government would not assist the Ojibwe in engaging with any of the mining and timber extraction occurring on ceded territories. Finally, Robinson attacked solidarity among Ojibwe leaders by promising the distribution of treaty payments to only those chiefs who signed the treaty. Ultimately, the Robinson-Superior Treaty divided the Lake Superior Ojibwe bands into individual communities with discretely defined territories. Shingwaukonse’s band retained land along the Garden River and so did the metis, but only upon the persistent request of Shingwaukonse.

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137 Chute, The Legacy of Shingwaukonse, 139-151.
Conclusion

The signing of Robinson treaty theoretically opened the shore of Lake Superior to the rapid development of its timber and mineral resources by capital stationed in Upper and Lower Canada. It also marked the end to a period in which the Ojibwe could use mobility as a tool to defy the territorial claims made by the British Empire and the United States. The Ojibwe certainly still regarded the lands around Lake Superior as their homes and maintained bonds of kinship with groups living on different reserves and reservations. However, the U.S. and British Empire had now integrated these lands into a larger system of settler colonial control structured on white supremacy and capitalism. However, the practice of policing the international boundary occurred decades before and during the process of signing treaties in the 1837, 1842, 1847, 1850, 1854, and 1855. Beginning in 1821, the Ojibwe resisted and contested early British and American attempts to regulating movement across the border and containing indigenous peoples on one side of the boundary or the other. The Ojibwe were not mere economic “partners” in the fur trade, but rather, they were political actors, aware of the consequences brought on by the delineation of the boundary line and deeply resistant to fur traders and government officials who attempted to destroy their autonomy.

138 Kugel, To Be the Main Leaders, 43, 58; Melissa Meyer, The White Earth Tragedy: Ethnicity and Dispossession at a Minnesta Anishnaabe Reservation, 1889-1920 (Lincoln: University of Nebraska Press, 1999), 35-43.
CONCLUSION

By 1850, the interplay between European imperialism and indigenous autonomy had radically remade the continental interior. The fur trade became inextricably linked to the development of settler states in North America. In the mid-eighteenth century, fur-trading companies supported the notion of indigenous sovereignty, but as time passed, these organizations increasingly viewed Native communities more as economic clients than sovereign peoples. While fur traders did not seek to control indigenous peoples on the order of the states that followed them, the “fur trade” world is often viewed as a fluid and unstructured set of relations when compared to the Dominion of Canada and the United States. There were major differences between the company world of the fur trade and the settler state, but they were not incompatible. Throughout the eighteenth and nineteenth century, fur-trade companies sought to impose its own ordering on the North American interior by controlling the movements, politics, and economies of indigenous peoples. However, these companies found that persisting indigenous autonomy meant that their projects would never be totally successful.

Over the course of the nineteenth century, the North American fur trade transitioned from a system in which European empires used the institution to manage alliances with indigenous peoples to one in which fur traders actively asserted territorial sovereignty over bounded space. After the conquest of the French in 1760, the British imperial government sought to impose heavy-handed regulations over commerce with indigenous groups by regulating gifts and standardizing prices. Indigenous groups responded politically by organizing Pontiac’s War, a pan-Indian resistance against British policies. To prevent further war with the Indians, the imperial government promulgated the Proclamation of 1763, which designated the lands west of the Appalachian Mountains as Indian Country. When British fur traders plied the waters of the
northwest following this conflict, they approached indigenous groups to form political alliances that would secure passage to their lands for the purposes of commerce. This first wave of traders were aware that imperious behavior towards their indigenous allies might upset their political and economic connections. Indeed, indigenous peoples rejected the notion that they were a “conquered” people.

As competition between the major British trading houses intensified during the late eighteenth century, concerns over property undermined cultural and social cooperation between traders and Indians. The agents of the Montreal-based trade systematically deployed physical violence and intimidation in order to dominate European competitors and to ensure the loyalties of their indigenous allies. As the fur trade turned more violent, the Indians found their options dwindling. With the British now established in Indian communities across the northwest on a permanent basis, traders developed a sense of proprietary ownership over indigenous property and labor. The Indians continued to form as many relationships with different outside entities as possible, because they viewed a vast web of interdependence as the primary means of maintaining autonomy. However, the traders of the North West Company (NWC) and XY Company (XYC) retained only a political veneer to their relationships with indigenous groups. More and more, Montreal-based companies did not shy away from abusing indigenous peoples who maintained relationships with multiple companies or traders.

While trade relations grew increasingly violent and coercive, the competing companies constructed sets of claims in the hopes of obtaining exclusive access to these lands. The NWC argued that its agents benefited the empire due to their ability to form alliances with Indian nations. Without the influence of the Nor’Westers, the growing American republic might encourage these Indians to attack the British in order to stake a claim to vast expanses claimed
by the British. Not only that, but the NWC argued that only its agents possessed the knowledge and expertise in forest diplomacy. The NWC imagined themselves as humanitarians because the fur trade carried the added benefit of exposing the Indians to the rudiments of “civilization.” In short, the NWC represented the strongest assertion of British political, social, and cultural power in the region. The Imperial Parliament should recognize the NWC as the stewards of the northwest as the HBC surrendered their claims by allowing their charter to fall into neglect.

NWC arguments informed the passage of the 1803 Canada Jurisdiction Act, securing them the right to influence the colonial government to appoint its agents as Justices of the Peace over the “Indian territories.”

By 1811, the HBC aggressively opposed the NWC by asserting that the Montreal company possessed neither the legal right to conduct business on HBC land nor any legitimate reason to threaten and intimidate HBC personnel and the settlers at Red River. The intense competition centered on the HBC’s project to integrate the Red River Valley as an agricultural hinterland. HBC administrators sought now to obtain clear title to lands in the middle of Indian Country. Company administrators developed an oppositional discourse in which they integrated the company’s rivals into its hierarchical structure as British subjects committing “crimes” against the HBC. In so doing, the HBC invented new notions of crime in a space in which European sovereignty was virtually non-existent. The NWC officers did not engage the HBC in a species of war as they had maintained, but instead the NWC had committed crimes like theft, murder, and arson against the HBC. Likewise, the Métis, the NWC’s central allies, articulated claims that they constituted an indigenous people over whom the HBC possessed no legal authority. To combat the idea that the NWC had marshalled its “Native” allies in defense of their country, the HBC insisted that the NWC’s “half breeds” were nothing more than the company’s
dupes and dependents. The HBC racialized the Métis as deviant British subjects whose criminal actions should not go unpunished lest the interior fall into a state of chaos.

When the two companies merged in 1821, HBC officers developed a legal infrastructure that included categories of race and subjecthood, colonial jurisdiction, the boundary line, and economic controls in order to dominate indigenous peoples. Native peoples, including the Métis, however, asserted their sovereign rights to their lands, forcing the Hudson’s Bay Company to reformulate their claims to sovereignty. However, it was clear that the lack of competition permanently altered the fur trade. The HBC dropped all pretensions of making political alliances with indigenous groups, because they now viewed them as dependents over whom they exercised ultimate authority. In previous eras, indigenous peoples possessed enough leverage to negotiate the terms of their political relations with imperial powers. Increasingly in the nineteenth century, indigenous peoples found that the changing patterns of colonialism eroded indigenous strength to the point that they were forced to assert forcefully that they were indeed political communities not subject to imperial policies.

Of course, the meaning of this transformation was contested across the northwest. The Red River Colony became a laboratory in which the Hudson’s Bay Company tested the applicability of settler colonial concepts to the fur trade world. HBC administrators attempted to eradicate any claims to indigenous identity by constructing a colonial jurisdiction that included all non-tribal peoples within its purview. To do so, the HBC refined their racial hierarchy – defining the Métis as “half breeds” – in order to delegitimize their claims to land. Now characterized as British subjects and not “Natives,” the HBC stripped the Métis to any rights to Red River based on the premise of their Aboriginal identity. By the mid-nineteenth century, the HBC also attempted to prosecute key figures for “smuggling” buffalo hides to American traders,
an act that the company viewed as an egregious violation of their monopoly rights. The Métis continued to develop their claims to land initiated during the period of company rivalry. They chose not to view the Red River settlement as a colonial jurisdiction, but rather as an intrusion into their indigenous homeland. In their view, they broke no laws by trading south of the border. The HBC failed to prevent the trade from occurring, however, when company sovereignty publicly appeared to not be enforceable at the Sayer trial in 1849. While Métis trade activities continued unabated, the HBC would maintain, until its last days as proprietors of Rupert’s Land, that the Métis were not a Native nation but rather a race of “half breed” troublemakers.

Along the boundary line, HBC agents now sought to control the movements of mobile hunting bands who had previously traveled freely across nationally and imperially defined territories. Whereas the Indians had come to view the fur trade as a political, cultural, and economic institution by which they could bolster their power by creating bonds of interdependence, indigenous peoples now found that fur traders viewed these relationships as one primarily of debt. The HBC agents, now imagining themselves as owners of Indians’ debts, no longer respected indigenous groups as political allies. Anishinaabeg bands considered the lands claimed by the British and American colonial states as an undivided indigenous space. Mobility constituted a political strategy of the Anishinaabeg as they moved across the boundary line for the purposes of trade, politics, war, visiting sacred sites and ceremonies, and maintaining social relations. As Shingwaukonse demonstrated, the Anishinaabeg imaged that their communities were still connected by bonds of kinship, a shared history, and ethnic identity well into the treaty period. Even while these connections were strained by the demands of the encroaching settler states, they were a link to the vast indigenous social world united Anishinaabeg resistance across the northwest.
The process by which the settler empires established themselves in the northwest differed in significant and telling ways when compared with other contexts. The history of empire in the northwest illuminates the nebulous boundaries between colonial and settler colonial rule. Colonial institutions sought to control indigenous peoples in a variety of ways but lacked the power to do so. After all, the wars that defined settler colonial expansion in the Ohio River Valley did not occur during this period in the northwest. At least prior to the mid nineteenth century, white settlers did not demand the forced removal of indigenous peoples from their lands as had occurred across the American southeast and midwest. In the northwest, indigenous groups maintained a degree of political and economic autonomy against the fur-trading companies well into the nineteenth century. Due to the lack of the coercive power of the state, these groups bedeviled the arms of British and American colonialism that had intruded into their homelands. However, the fur-trade world itself mirrored processes occurring in the east. While elements of the colonial extraction economies persisted into the late nineteenth centuries, facets of settler colonial society began to intrude upon these relations. American and British traders began to delineate boundaries. At Red River, the Hudson’s Bay Company attempted to define the identity of the “half breeds” and “Natives” in order to eliminate the presence of indigenous claims within the colony. These companies no longer respected indigenous nations as sovereign communities, but instead they only accepted them as debtors bound to territories defined by settler states.

Relationships had changed dramatically since Joseph Isbister’s summary execution of a Cree family for the murders at Henley House in 1755. A quick glance at the legal history of federal-Indian relations throughout the nineteenth century demonstrates that the relationships developing in the interior mirrored those across the continent. In 1831, the Cherokee Nation filed

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suit against Georgia over the expansion of state jurisdiction on their national territory. The Cherokees filed this suit following the passage of the Indian Removal Act in 1830, when Andrew Jackson and settlers in Georgia were campaigning for the nation’s removal west of the Mississippi. The Cherokees filed their case as a foreign state under Article III of the Constitution. Chief Justice John Marshall recognized that the Cherokees represented a separate political community within the United States, but he defined indigenous groups as “domestic dependent nations.” Marshall premised built this decision on the earlier Johnson v. McIntosh decision in which he decided that indigenous peoples possessed diminished title once Europeans “discovered” the Americas. Robert Williams argues that “the diminished rights of Indians in their lands inalterably placed the tribes under the superior political sovereignty of the United States.”

Indian nations were now thrust into a “guardian-ward relationship” with the United States, in which the nation itself could no longer represent or defend itself in American courts. This decision granted the United States to “establish a racial dictatorship over tribes” in which the federal government is paramount in forming relationships with tribes. To do this, John Marshall summoned “the rights-destroying jurispathic force of a language of Indian savagery” in order to legitimate the Court’s decision to dispossess indigenous peoples of their political independence. While it took a couple more decades for the Cherokee Nation world to reach the Minnesota, traces of Marshall’s philosophy were already evident in the actions, words, and policies of fur traders, the Hudson’s Bay Company, and US government agents. Both American and British traders and administrators more and more assumed that indigenous peoples were not politically and legally capable of forming their own political relationships with outsiders. This

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2 Robert Williams, Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America (Minneapolis: University of Minnesota Press, 2006), 61. See 60-63 for the decision.
arrogance led to conflict between all actors across the interior as settler states and imperial agents imposed colonial sovereignty in ways more forceful than in previous era.

The world of the Métis was forever changed twenty years following the Sayer trial when the Hudson’s Bay Company sold Rupert’s Land to Canada in 1869. The Canadian state and the Métis clashed over the nature of land titles across the interior, as indigenous peoples and the Métis typically viewed the sale as illegitimate. While one portion of the Métis led by William Dease proposed to revive claims formed during the previous twenty years regarding their rights as Aboriginal peoples, Louis Riel, backed by Fathers Dugast and Ritchot, assumed leadership by claiming that Canada sought to eliminate Catholicism in the region. This division between Dease and Riel defined the emphasis of Métis resistance, which was one of French and Catholic nationalism over Aboriginal rights. Led by Riel, the Métis blockaded the Red River in direct opposition to the authority of Council of Assiniboia without the assistance of Dease’s faction, who remained largely neutral. When Canadian troops arrived in 1870, Riel was forced to flee to the United States despite his being elected to the Canadian House of Commons. Now espousing a more ecumenical messianism, he returned to the west in 1878 to establish a nation of Indian and Métis peoples in Montana, which failed to materialize in 1879. He traveled to Batoche Saskatchewan in 1884 after the Métis community there had invited him back to protect their rights against Canada, and here he identified with the northwest and indigenous peoples, rather than French Canadians. Riel was captured by Canadian forces after their defeat at the hands of the Canadian troops in May of 1885. Riel was eventually hanged for treason against the Canadian nation, which did not accept the idea of a Métis nation with independent claims to land, no matter how articulated. Following the wars of the interior, the Métis would have to grapple with what Riel meant for Métis national identity and history. Following his death the
rearticulated the claims more familiar to them: that they constituted a nation with rights as
Aboriginal people to the land. His insistence that Catholicism and the French language define
membership in the Métis language were no longer accepted.

While the Northwest Rebellion raged across the western portions of the former Rupert’s
Land, the first case relating to indigenous rights was working its way through the Canadian Court
System. Going farther than the Cherokee Nation decision, Catherine’s Milling v. The Queen
(1885-1889) decided the relationship between provincial rights, Crown rights, and Aboriginal
rights to land. The disputed territories sat along the boundary between Ontario and Manitoba, the
lands of the former administered by the province and the latter by the Crown. The Hudson’s Bay
Company had also sold these lands to Canada. The Crown had assumed that it had ultimate
sovereignty over these lands as it had signed Treaty Three with the Ojibwe and had issued
licenses to companies to extract lumber. The Province of Ontario filed the case in the Chancery
Division of the High Court of Ontario against the St. Catherine’s Milling and Lumber Company,
which had received its license from the federal government. Chancellor Boyd found that the
federal government could not obtain the title of indigenous lands through treaty because Native
peoples lacked laws that guaranteed them the rights to own private property. The court decided
that the federal government could treat with Aboriginal peoples for occupancy rights, but if they
refused, then the government could claim and develop indigenous lands at their pleasure.³ The
St. Catherine’s Milling decisions continued patterns of political and legal domination developed
during the fur-trade era. While the actors and precise findings of the decision might have
changed, the idea carried over that the Crown and imperial authority possessed ultimately control
over indigenous lands and the resources on those lands. Much as the HBC had ruled over the

³ Olive Dickason, Canada’s First Nations: A History of Founding Peoples from Earliest Times 3 ed. (New York:
Ojibwe with legal fictions that characterized indigenous peoples as nothing more than helpless dependents, so too did the Canadian courts.

The North American interior, therefore, bore the marks of this restructuring when the region was resettled by the mid-nineteenth century. These indigenous communities had already modified strategies for dealing with colonial actors who were attempting to undercut their sovereignty at every opportunity, while the companies sharpened their methods of control, however ineffectual they were in practice. Later, the expanding settlers states absorbed this fur-trade world, which was already fractured and structured, organized and divided, and most of all, transformed through the conflicts between the indigenous and colonial parties who had spent the previous century struggling for control.
BIBLIOGRAPHY

Archival Sources

The National Archives, Kew England.
Hudson’s Bay Company Archives

Record Files in the HBCA

A Series (Governor and Committee Records):

A.4: London Agenda Book
A.8: London Correspondence with All Government Departments
A.11: London Inward Correspondence

B Series (Post Records):

B.3: Albany Fort Records
B.7: Ash Fall Post Records
B.32: Chatham House Records
B.41: Chiswick House Records
B.50: Dalles House Records
B.66: Fairford House Records
B.71: Fly Lake Post Records
B.89: Ile-a-la-Crosse Post Records
B.103: Lac Bonnet Post Records
B.105: Lac la Pluie Post Records
B.121: Manchester House Records
B.129: Michipicoton House Records
B.164: Pine Lake House Records
B.197: Setting House Records
B.211: Sturgeon Lake House Records
B.235: Fort Garry Records
B.244: Bad Lake Post Journal
B.250: Beaver Lake Post Records

D Series (Governor’s Papers and Commissioner’s Office):

D.4: George Simpson Outward Correspondence
D.5: George Simpson Inward Correspondence

E Series: Private Records

E.8: Red River Settlement
E.10 Colin Robertson Papers
Non-Archival Primary Sources


Case of Baptiste Cadien for Murder, Tried at Three Rivers, in the March Session 1838. Three Rivers: G. Stobbs, 1838.


Coues, Elliot, ed. The Expeditions of the Mississippi River, Through Louisiana Territory, and in New Spain, During the Years 1805-6-7. New York: Francis P. Harper, 1895.


Halkett, John. *Statement Respecting the Earl of Selkirk’s Settlement at Kildonan, upon the Red River, in North America; Its Destruction in the Years 1815 and 1816; and the Massacre of Governor Semple and his Party.* London: J. Brettell, 1817.


Hearne, Samuel. *A Journey from Prince of Wales’s Fort, in Hudson’s Bay, to the Northern Ocean, Undertaken by the Order of the Hudson’s Bay Company for the Discovery of Copper Mines, a North West Passage, &c. in the Years 1769, 1770, 1771, 1772.* Dublin: P. Byrne, 1796.


McAdam, Adam. *Communications from Adam McAdam; Originally Published in the Montreal Herald, in Reply to Letters Inserted Therein under the Signature of Archibald MacDonell, Respecting Lord Selkirk’s Red River Colony.* Montreal: William Gray, 1816.

[McGillivray, William]. *On the Origin and Progress of the North-West Company of Canada with a History of the Fur Trade as Connected with that Concern and Observations of the Political Importance of the Company’s Intercourse with, and Influence over the Indians or Savage Nations of the Interior, and on the Necessity of Maintaining and Supporting the System from which that Influence Arises, and by Which only It Can Be Preserved.* London: Cox, Son, and Baylis, 1811.


*Report of Commissioners A. Vidal and Thomas G. Anderson on a visit to Indians on North Shore Lakes Huron and Superior for purpose of investigating their claims to territory bordering these Lakes*. (1849).


“The Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America.” *The Regulation of the Fur Trade Act of 1821. 1 & 2 Geo. 4, ch. 66.*

**Published Books**


**Book Chapters or Articles**


Miller, Cary. “Gifts as Treaties: The Political Use of Received Gifts in Anishinaabeg Communities, 1820-1832.” *American Indian Quarterly* 26 (2002): 221-245.


**Theses or Dissertations**


