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THE RED RIVER INSURRECTION, 1869-1870.

Being a thesis prepared for the  
University of Manitoba

by

John Elwood Ridd, B.A.  
in partial fulfilment of the  
requirements leading to  
the degree of  
Master of Arts.

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## CHAPTER I.

## PEOPLE AND GOVERNMENTS AT RED RIVER, PRIOR TO 1869-1870.

"The circumstances and incidents attending the creation of the Province of Manitoba have sometimes been related in a manner tending to cause misunderstanding, prejudice, and even ill will between east and west and between the <sup>two</sup> great races which inhabit the Dominion. A few facts out of historical perspective, a few unsupported myths, along with some unsound legal and constitutional doctrine have given an unfortunate bias to the opinions of not a few. The mists of prejudice which confused and distorted the vision of contending parties two generations ago, have been partially dispelled, but old beliefs and legends, true or false, are notoriously hard to eradicate .... One of the first steps to national unity and national amity, however, is an understanding of actual facts of our history as a Dominion. When some erroneous ideas are revised we may hope to achieve much in the way of better feeling and sounder appreciation of the qualities and aspirations and points of view of our fellow citizens."(1)

The paragraph quoted above forms an apt introduction to the present discussion. The data herewith presented, and the deductions drawn therefrom, will, it is hoped, tend to modify certain "erroneous ideas", namely; that the disturbances at Red River were a rebellion; that the shooting of Thomas Scott was a murder, not an execution; that the Hudson's Bay Company and the Roman Catholic Church were disinterested onlookers. As a background for the proper understanding of the events connected with the insurrection,

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(1) Lang. Manitoba Enters Confederation. page 11.

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a brief description of the population and government of the district of Assiniboia has been found necessary.

The first census of the Province of Manitoba in 1870 showed a total population of 11,963 persons. Of these 1563 were white; 1553 were Indians; and 9,848 were Metis, either English or French. Of the white population slightly less than one-half had been born in the North-West; 294 were Canadians, as the people who came from the eastern part of Canada were then and for a long time afterward called; 69 had come from the United States; 412 were from Great Britain or Ireland; 15 had come from France; and 28 were from other countries. (1) Since there was no substantial movement of population in 1870, it may be assumed that the figures for the population of Red River would be approximately the same in 1869. The Metis were not only the largest group in the district but they were also the oldest, if we except the Indian tribes, and the only group capable of united action. An admirer of that people has described them thus:

"Les Métis-français ont donc le droit de proclamer qu'ils sont les aînés au Nord-Ouest, et que lorsque le Canada fut cédé à l'Angleterre, ils gouvernaient l'Ouest, par l'ascendant qu'ils avaient acquis sur les sauvages avec lesquels ils étaient apparentés....Le Métis est par tempérament, hospitalier jusqu'à l'excès....La générosité

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(1) Checked from Census Returns, Manitoba, 1870.  
(It is noted that the additions are not correct.)

## PEOPLE AND GOVERNMENTS.

des Métis est proverbiale....Un autre point caractéristique de la race, c'est l'endurance, la patience dans les épreuves et un talent merveilleux d'apprendre les langues....L'attachement profond des Métis à la foi de leurs peres,"(1)

Another authority, less favorably impressed, maintained that they were greatly influenced by their priests, and that they were

"illiterate, improvident, trained in the use of arms and accustomed to united action, attached to paternal government because of their credulous good nature and improvidence."(2)

For all practical purposes, the Metis constituted the only important group in the colony. The census figures quoted previously, would show that the so-called English settlers were of mixed nationalities, and it would seem to be true that they were, in political matters,

"distractingly diversified, without unity in any issue that dominated the insurrection."(3)

Amongst them were to be found supporters of at least four alternative governments for the Settlement, namely, rule, as heretofore, by the Hudson's Bay Company; annexation to the United States; establishment of a Crown Colony; and union with Canada. Those who favored the last-mentioned

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(1) Prud'homme. Riel et la Naissance du Manitoba. pp. 33-38.

(2) Martin. The Red River Settlement. p.63.

(3) Ibid. p.64.

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plan, although numerically not great, were, by all accounts, the most active and vociferous.

It may be admitted that Sir John A. Macdonald and his ministers, and their friends and officials at Red River, made mistakes in connection with the transfer of the North-West to Canada, and that Louis Riel and his friends and advisers at Fort Garry were not without fault in their policy of opposition to the proposed changes. Before examination is made, however, of those misconceptions which are more intimately associated with the events of "The Trouble", it should be noted that the introduction of the new government paralleled, in time, a change in the economic development of the Settlement, and, as the "old-timers" witnessed the coming of the newer modes of life, they resented the innovations. In 1859 the license of the Hudson's Bay Company to govern the west had expired, and, as no renewal had been granted, during the interregnum of ten years (1859-1869) no one had unchallenged legal authority. Although the Company's governor, McTavish, acted as head of the Settlement and endeavoured to dispense justice, neither he nor his Council carried the same weight as before, and misdemeanors, such as that of Dr. Schultz, (1)

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(1) for details of this incident, see pages 25 - 26.

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went unpunished. The position of the Company was further weakened, in 1863, by the news of the sale to the International Finance Corporation, (1) an organization composed of men having no personal interests in the servants and officers of the old Company, but eager for profits. Great uneasiness prevailed in the minds of the settlers concerning the titles to their lands, which were generally held by long-term leases from the Company. New methods of transportation were being introduced as the old boat-brigades were disappearing, along with the Red River carts. The last great buffalo-hunt, in 1869, was a failure, due to the scarcity of animals. The coming of the first newspaper brought the settler more closely into touch with the outside world, and disturbed him in his political associations, especially when the editors discussed questions of annexation to the United States or Canada. The shrill whistle of the steam-boat on the river and the noise of the printing-press disturbed the tranquillity of the old settler; the disappearance of the buffalo caused him and his to feel the pangs of hunger; the coming of the surveyors, with their new method of blocking out the land in squares

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(1) Among the leading members of the Society were included: Edward Watkin; Lyall; Glynn; Newmark. This body existed only a few months until the Hudson's Bay Company was reorganized under Sir Edmund Head, Richard Potter, Eden Colville, Edward Watkin and Sir Curtis Lampson.



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instead of allowing the old river-survey, brought fear of loss of the farm which had belonged to the family for generations. Urged by these considerations, they looked around for a leader to express their discontent and to voice their desire to keep things as they were. They found that leader in Louis Riel, the grandson of Marianne Gaboury, the first white woman settler at Red River. (1)

Government under the Governor and Council of Assiniboia was the fifth in the series of nine governments that the present Province of Manitoba has had. By 1869 the rule of the Council of Assiniboia had passed through its first phase, the Selkirk Period, and was approaching the end of the Company period.(2) The Governor of the Territory was an appointed officer of the Hudson's Bay Company. To assist him in his work, and to advise him on all matters on which he desired advice, was the duty of the Council.

"Prior to 1835 the total membership of the Councils of Assiniboia, even including the Governor or Agent, never exceeded seven. In fact the number at any meeting was never greater than five. Though even after 1835 the Council continued to be what Captain Bulger called an 'appointed Council', yet the Constitution of the Council of Assiniboia underwent a profound change in the middle thirties....There is a great gulf between

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(1) Charette. Was Riel a Rebel ? p. 3.

(2) Oliver. Canadian North West. p. 20.

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the Council of May 4, 1832, and that of Feb.12, 1835, although George Simpson was President of both. At the former were present five members, at the latter, fifteen....It was the introduction of Representative government."(1)

The members were appointed by the Company at the suggestion of the Governor or on the petition of a number of the inhabitants and a few men of distinction in the community were sometimes invited to join by the other Councillors. (2) As pioneers the Governor and Council laid the foundation of prairie legislation and were the first to frame the general measures of the public welfare of what is now Western Canada.

The change in the constitution of the Council in 1835 has been referred to as the introduction of representative government. In so far as the new members or representatives of the settlers were invited by the old Councillors who were appointed by the Company, the statement may be regarded as correct, but there was no system of election. To the new arrivals in the colony from either Great Britain, United States or Canada, this lack of franchise was a serious disability, and many bitter

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(1) Ibid. pp. 35-36.

(2) Ibid. pp. 32. Quotes evidence of Sir George Simpson before the Select Committee of the H.B.C. Feb.26, 1857.

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complaints were registered.(1) Chief among the complainants was Dr. Schultz, a Canadian physician, merchant and newspaper man, who from the time of his arrival carried on a vigorous anti-Company campaign through the medium of the newspaper, the Nor-Wester.(2) On the contrary a resident and contemporary historian who was always charitable in his judgment of the Company's rule, has stated;

"When the people of the North-West were represented as groaning under a yoke of oppression, they were in reality enjoying a degree of liberty and happiness unparalleled in any other country."(3)

In support of his statement he showed that one opposing vote in the Council was sufficient to kill any motion; that the rate of taxation on any merchandise was only four percent, and that justice savored more of arbitration than of mere attention to technicalities of the law.

"Had the settlers been the only parties with whom the Hudson's Bay Company had to deal all would have been well; but when the parties from abroad came to Red River and sowed the seeds of discontent amongst the inhabitants; and when those firebrands led the way by breaking and defying the laws, then the government of

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(1) Nor-Wester editorial. Apr.28, 1860.

(2) See copies of Nor-Wester, Feb.5; Mar.6; May 8; June 26; July 3, 1869.

(3) Beggs. Creation of Manitoba. p.1.

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Assiniboia was found to be weak."(1)

Reports of the weakness of the Company rule must have reached the ears of the British Government, as it is found that one of the reasons for appointing a Select Committee of the House of Commons in 1857 to enquire into the affairs of the Hudson's Bay Company, was that it might ascertain the present condition of the settlement at Red River. That the Committee was not altogether favorably impressed, was proven by its recommendation that the districts of Red River and Saskatchewan might be ceded to Canada on "equitable principles".

An explanation of the exceptional weakness of the Council during the years preceding the insurrection may be found in the dissatisfaction and discontent of the Hudson's Bay Company officers and servants in the North-West. While a distinction should always be drawn between the Company as a governing body and as a trading body, the fact that the members of the Council were in many instances interested fur traders, influenced their judgments and coloured their opinions. The seeds of discontent were sown in the terms of the Union of 1821 and were brought to fruition by the action of the London Partners in 1863, when, without consulting the Winter partners, the Hudson's Bay Company was sold to the International Financial Society,

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(1) Ibid. p.3.

## PEOPLE AND GOVERNMENTS.

Limited, on terms that failed to protect the interests of the active officers and traders of the Old Company in the North-West. Beckles Willson, known for his intimate association with the Company, lists as sources of grievance amongst the Winter partners the facts that since 1821 the remuneration of every class of servant, excepting that to which the commissioned officer belonged, had advanced, and that the success of the Wintering partners had increased the market value of the Hudson's Bay Company stock. This latter had damaged the Winter partners because it had brought many new shareholders. Moreover, in 1863 the Sleeping Partners, who were merely stock-holders and took no active part in the trading, sold out their interest at 300% profit on the par value of their stock, and the nominal value of the capital of the Company became £2,000,000 instead of £500,000, by a mere arbitrary act and without any addition to its assets. The Winter Partners knew nothing of this until after the transaction had been completed, and were then told that it was none of their business, as the Deed Poll, which defined their relations to the shareholders, remained unchanged. The same writer has suggested that the real reason for selling out the Hudson's Bay Company in 1863 lay in the desire of Canada for a road and telegraph line to British Columbia.

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After detailing the negotiations between the British, Canadian, and Hudson's Bay Company governing bodies, he stated that

"Had Sir Edmund Head and his colleagues in London seen fit instantly to make terms with the wintering partners in 1864....there would have been no Riel Rebellion."(1)

No evidence need be submitted to show that the transfer of the Territory to Canada by the Company was displeasing to the active traders, because after 1870 the fur-trade was removed from monopolistic control, and the Winter partners were excluded from many of their former districts. The presence in the Red River District of these exasperated officers of the Hudson's Bay Company, created a formidable difficulty when Canada sent her representatives to assume the reins of authority.

It should now be fairly clear that the difficulties common to all unions or annexations would be increased by the conditions peculiar to Red River Settlement. While the area to be taken over was tremendous, the population was small and heterogeneous. The great majority of the people belonged to a group unlike any other with which the Canadian Government had ever dealt. The Metis, being neither pure British, French, nor Indian stock, but a mixture of all

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(1) Willson. Strathcona. p.129.

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three, presented a real problem. Economic changes had given rise to feelings of unrest and fear. Added to these facts, the government in the district had been exceptionally weak in the latter years of its administration, and its officers in 1869 were men who felt that they had not been treated fairly in the negotiations for the transfer of the Territory to Canada.

## CANADIAN INTEREST IN RED RIVER.

The people of Canada had become interested in the North-West some years before 1869 for many different reasons. In 1856 the Government had considered using it as a district to which criminals might be exiled. A year later the organization of Minnesota had aroused Canadian opinion to the possibilities of their own vast hinterland. The discovery of gold in British Columbia in 1858 once again brought the Hudson's Bay Company territory to the attention of the people of Eastern Canada, but the problems of transportation presented almost insurmountable barriers to possession. However, a newspaper, the Nor-Wester was started at Red River to feed Canadian interest in the North-West. Meanwhile politicians in Canada, especially George Brown and D'Arcy McGee, continued to keep the possibilities of the West in the public mind. Stories of vast, rolling plains of fertile soil and watered by many streams, captured the imaginations of the Canadian farmers and interest in Red River as a possible 'granary' for the Dominion was aroused. The failure of the first Atlantic cable in 1858 revived the prospect of a short cable across the Behring Sea, and led to renewed interest. In 1864 the American Congress repealed the Bonding Act, which had permitted the importation of British goods into Red River, through the United



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States, free of duty. This forced the settlers at Red River to look for a Canadian route. That same year the American Government also withdrew the troops which had been stationed at Pembina to protect the line of communication against the raids of the Sioux Indians. There was, therefore, no security in transportation and communication between Red River and the United States.(1)

For these and other reasons the three governments came to an agreement in 1868, whereby the Hudson's Bay Company was to surrender its charter to the British Crown in return for certain considerations, and the Crown was to transfer the territory of Rupert's Land to Canada upon suitable terms. The Hudson's Bay Company had at first demanded control of a great amount of land and a share in the mineral resources, but the Canadian Government representatives, Sir Georges E. Cartier and Honorable William McDougall, would not agree. The arrangements, as accepted by the Company on April 9, and ratified by a joint address of the Senate and House of Commons of Canada on May 29 and 31, 1869, were that the Company should receive a cash payment of £300,000., be allowed to retain all posts or stations then occupied, and claim one-twentieth part of all land surveyed for settlement within the fertile belt within fifty years of

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(1) Doughty. Awakening of Canadian Interest. C.H.A. Annual Report 1928. pp.5-12.

## CANADIAN INTEREST IN RED RIVER.

the date of transfer. (1) It was anticipated that the formal transfer of the Territories to Canada, by an Order-in-Council of Her Majesty's Government, would be made within the course of the next few months, and a tentative date for December 1, 1869, seems to have been agreed upon. (2)

It would appear that, even before the passing of the Rupert's Land Act, Canada had been preparing to take over the Territories. In 1868 a plague of grass-hoppers was followed by a crop failure, and the buffalo hunters did not succeed in securing an adequate supply of meat for the winter. This meant famine and distress in the district of Red River. An appeal for aid from without met with some measure of success, the Hudson's Bay Company giving \$8,000 and another \$40,000 being subscribed in England, United States and Canada. An incident connected with the Canadian donation reveals the general lack of knowledge and interest in the affairs of Red River by the people in the eastern part of the Dominion. G.M. Grant, later principal of Queen's University, but then a leading clergyman of Halifax, who took up a collection in aid of

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(1) Oliver. Op. cit. pp. 957 - 958.

(2) Sessional Papers, 1870. p.64.

## CANADIAN INTEREST IN RED RIVER.

the sufferers in the West, wrote: "I could have collected the money quite as easily, and the givers would have given quite as intelligently, had the sufferers been in Central Abyssinia".(1) At the same time the Canadian Government undertook to survey a road from the Lake of the Woods to Fort Garry, and, as far as possible, to employ men from Red River, paying for the labour in provisions.

This plan of relief by the Dominion, at the very time when negotiations were being carried on in London for transfer of the Territories to Canada, called forth an indignant complaint by the Company.(2) Nevertheless, a survey party under John A. Snow started to work in September, 1868, but met with difficulties from the outset. This survey party became a contributing cause of dissatisfaction at Red River, when Snow employed the half-breeds at £3 per month, paying in flour at £3.12sh. per barrel, and the price per barrel in the Settlement was only £3. Among the Canadian surveyors, some of whom tried to buy land from the Indians in and around Oak Point, was Mr. Charles Mair, who ridiculed in print the Red River families which had entertained him. The surveyors whom

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(1) Parkin. Sir John A. Macdonald. p.155.

(2) Willson. The Great Company. p.491.

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Canada had sent before claim to the Territory had been established, appropriated land for their friends and themselves in great amounts, and it appeared as though the settlers in Red River were about to be 'swamped' by a Canada party. The appointment, as the first Lieutenant-Governor of the new Territory, of Honorable William McDougall, who had been one of two Canadian government representatives in the negotiations at London, and who was also responsible, as Minister of Public Works, for the survey party, caused great dissatisfaction at Red River.(1)

It may have been that the sending of the survey party was not a first move on the part of the Canadian Government towards taking over the Territories; it may have been only an act of 'sweet charity'; but the results were disappointing to all concerned. At that particular time, and under those circumstances, it formed one of that series of mistakes caused by "the unaccountable and culpable blundering of the Canadian Government".(2) An eye witness of the events enacted at Red River in the period of transition later referred to the sending out of the survey party as the spark which started the rebellion.(3)

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(1) Beggs. Op. cit. p.28.

(2) Bryce. Remarkable History of the H.B.C. p.461.

(3) O'Donnell. Manitoba As I Saw It. p.29.

## CANADIAN INTEREST IN RED RIVER.

There appears to be a general unanimity of opinion among writers on the subject of the Red River disturbances, as to the many mistakes made by the Canadian Government in acquiring the Territories. In executing the details of the annexation several very grave errors were committed, which could only partially be excused by the absolute ignorance at Ottawa of the situation. Among the important causes of the insurrection were:

"A decrepit government with the executive officer sick; a rebellious and chronically dissatisfied Metis element; a government at Ottawa far removed by distance, and committing with unvarying regularity blunder after blunder; a greedy and foreign cabal planning to seize the country; and a secret Jesuitical plot to keep the governor from action and to incite the fiery Metis to revolt."(1)

"It would seem that arrangements were conducted with extraordinary want of judgment, and that the troubles which subsequently arose were materially increased, if indeed they were not altogether brought about thereby."(2)

It would appear, therefore, that the Canadian interest in Red River, aroused in the 'fifties' by the westward expansion of the United States and the discovery of gold in British Columbia, resulted in negotiations for the transfer of the Hudson's Bay Company territories to Canada, and that the first steps toward the completion of the transaction constituted a major blunder of the Ottawa administration.

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(1) Bryce. Op. cit. p.464.

(2) Dent. The Last Forty Years. Vol.2. p.493.

## CHAPTER III.

## CANADA'S MISTAKES IN REGARD TO RED RIVER.

In an early issue of Riel's newspaper, *The New Nation*, the editor suggested many causes for the Metis' actions during the preceding months, such as the arrival of Snow's survey party, the activities of Dennis' surveyors, Canada's disregard of the people of the settlement during the negotiations with the Hudson's Bay Company, the fact that all local authorities at Red River were ignored, no allowance being made by Canada for Representative Government at Red River, the attitude of the Canadian officials in the district, and McDougalls proclamation of December 1st.(1)

In the Minutes of the Council of Assiniboia for its meeting on October 25, 1869, there is recorded the fact that Louis Riel addressed the gathering, and, in the course of a long and somewhat irregular discussion, objected that Canada did not consult the people of Red River as to any government coming from Canada, and claimed that the right of negotiation as to any terms of union with the Dominion belonged to the inhabitants of the Territory.(2) These charges of ignoring the people in the territory to be annexed were serious, and there was no escape for the Canadian Government from the adverse criticism caused by

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(1) *New Nation*. Jan. 7, 1870.

(2) Oliver. *Op. cit.* p.615.

## CANADA'S MISTAKES.

its negotiations with the British Government and the Hudson's Bay Company. But the letter of instruction issued to William McDougall when he was appointed Lieutenant Governor, showed clearly that it was not the intention of the Canadian Government to ignore all local authorities.

"On your arrival at Fort Garry, you will place yourself at once in communication with Mr. McTavish, the Governor of the Hudson's Bay Company, and notify him of your appointment; you will, at the same time offer seats in your Council to Mr. McTavish and to Mr. Black, or other Chief Judicial Officer of the Hudson's Bay Company in the Territory. Should either or both of these gentlemen decline to accept office, you will submit, for the consideration of His Excellency, the names of one or two other officers of the Company, whom you consider eligible to act as members of your Council. You will, at the same time, submit the names of several residents of character and standing in the Territory, unconnected with the Company, qualified to act as Councilors, giving particulars respecting them, and stating their comparative merits."(1)

If these instructions are indicative of the attitude of the Canadian Government, then the 'blunder' was that a copy of same was not sent to the Governor and Council of Assiniboia for their information. Had that been done, much misunderstanding and, perhaps, personal jealousy might have been avoided. How the impression was created amongst the Metis and other inhabitants of Red River that

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(1) Oliver. Op. cit. p.878.

## CANADA'S MISTAKES.

the new Governor was bringing all his own officials with him, will probably remain a mystery. That the impression was created, is proven by the fact that Colonel Dennis found it necessary to contradict the statement. In a letter to Governor McTavish, dated November 19, 1869, he wrote:

"This may be contradicted at once. The only persons mentioned in the Governor's instructions, to whom he is directed to offer seats in the Council, are residents, and have long been residents within the Territory....Three gentlemen only, have come from Canada with the expectation of appointment in or under the Government, but the Governor's hands are so far untied, except as above stated, in the matter of the Council."(1)

That the Canadian Government showed an extraordinary lack of judgment in sending two survey parties to Red River without first securing the consent of the inhabitants, or assuring them in the possession of their lands, may be admitted, but a distinction should be drawn between those acts of the Government and the personal actions of the surveyors themselves. It would seem to be rather unreasonable to blame the Cabinet for the private letters of a surveyor, Charles Mair, which, when published in the newspapers of Ontario, caused resentment among

"the poor ignorant half-breeds, whose education

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(1) Sessional Papers, 1870. p.55.



## CANADA'S MISTAKES.

has been purposely and scandalously neglected by their priests."(1)

Some assurance seems to have been given to the settlers that they would be left in possession of their lands. The following editorial appeared in the Nor-Wester and supports this view.

"We have made it our business to seek an interview on the subject with Colonel Dennis, the Government Officer sent forward to take charge of the land survey in this Territory. The result of our talk was most satisfactory. Not only does the officer named assure us that his instructions are to respect the grants made by the Company but that his further duty is to make an accurate survey of those lands as severally occupied, with the view of the Government giving to the owners proper deeds confirming the titles. Whatever system may be decided upon as to the township surveys, such system will only apply to lands not heretofore granted or to those unsettled at the present time. This course on the part of the Dominion Government shows a determination to respect fully the rights heretofore acquired by settlers under the rule of the Company, and it is a guarantee of a sound and just policy in the future administration of land-matters in this Territory."(2)

Unfortunately, the Metis did not trust the Nor-Wester in its editorial comments upon matters of Canadian interest in Red River and, had they been able to read English, would

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(1) New Nation, Mar. 4, 1869, quotes Mair's letters as copied. See also Hargraves. Red River. pp. 451 - 457.

(2) Nor-Wester, Aug. 31, 1869.

## CANADA'S MISTAKES.

have discounted the article as a piece of propaganda.(1) It would seem, however, that the blunders of sending two survey parties were not so serious and might have been overlooked, had not the individual members committed the indiscretions and irregularities previously mentioned, and had there not been other causes for trouble at Red River.

The New Nation was advocating a decided change in the form of government in the Territory, when it accused Canada of making a mistake in not providing for representative government. As pointed out above, the system of government in which the citizen has the right to elect members to a legislative body, had never been known at Red River, although there may have been some demand for it prior to 1869. Bishop Provencher, in his report on the disturbances, remarked:

"The general complaint of those men, as far as I could ascertain, was, that they had not been consulted on the new political changes about to take place. They said they tolerated the government of the Company from the mere fact of its existence, and because in reality the charges were so light that they had no reason to ask for a change, though for many years they had agitated

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(1) The attitude of the Metis towards the paper is shown by the fact of its suppression by Riel on November 5, 1869, and by Judge Prud'homme's contention of later date, that the attacks on the Hudson's Bay Company by the Nor-Wester were the beginnings of the trouble at Red River.(Prud'homme Op. cit. p.43)

## CANADA'S MISTAKES.

the question of electing their representatives in the Council of Assiniboia, and now they were resolved to take advantage of the recent changes to realize that desire."(1)

However, as the Canadian Government was far removed from Red River, and had never consulted the inhabitants, it probably should not be too severely criticized for not establishing in the new Province or Territory a form of government which had been denied to the people by the Company. The real mistake of the Ottawa administration was not its failure to make provision for representative government, but its carelessness in not making known to the proposed new subjects all plans made for the welfare and good government of the colony.

The Metis newspaper was on safer ground when it complained of the attitudes of the officials sent out from Canada. The Metis had lost faith in all Canadians, due to the actions of certain persons from the Dominion, even before the negotiations for the surrender of the Territory had been started with the Company. On two occasions members of the Canadian party had been forcibly set free from the local gaol. One of those two prisoners was Dr. John Schultz, who, from the moment of his arrival in the settlement, had been the bitter opponent of the Company which

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(1) Sessional Papers 1870. p.28.

## CANADA'S MISTAKES.

represented the existing government. The Doctor was not a Canadian official, but he had become very prominent in the affairs of the district, being the owner of the White Store and also of the local newspaper, the Nor-Wester; and his oft-times ill-advised actions certainly prejudiced the minds of the older residents against the country which they assumed he represented. As he was one of those who later raised the cry of 'Rebels' against those who adopted forcible methods of securing what they wanted and regarded as their rights, the official story of his delivery from prison is herewith presented.

"The President next mentioned that his principal object in assembling the present Council was to direct their attention to an occurrence which had taken place on Friday last, the 17th instant, and to request their advice as to what measures it might be best to adopt regarding the same. On the day mentioned, the Sheriff, in the discharge of his duty had proceeded to the store of Doctor Schultz for the purpose of levying upon his goods in execution of a judgment, which had been pronounced against him at the General Quarterly Court in May last, in an action at the instance of Mr. F. E. Kew of London acting through his agent, Mr. John Inkster, for this Settlement.

While proceeding with the levy, the Sheriff and his Bailiffs were assaulted by the Defendant and being thus unlawfully disturbed in the performance of his duty, the Sheriff immediately carried the Defendant before Mr. Goulet a Justice of the Peace on a charge of assault. Mr. Goulet after due investigation committed the Defendant for trial upon the charge of having assaulted the Sheriff in the discharge of his duty. But the same night the Defendant was rescued from Prison by a band of about a dozen men, of whom some appear to be known.

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The Defendant was conveyed by them to his own house and there the President believed he still remained. The substantial question which the President wished to submit to the Council was what they considered best to be done in the circumstances.

After full deliberation it was proposed by Mr. McKay, seconded by Mr. Bannatyne and unanimously carried that the judgment of the General Quarterly Court against Dr. Schultz for the balance of a note of hand due to F. E. Kew be carried out.

It was further proposed by Mr. A. G. Bannatyne, seconded by Dr. Bird, and unanimously carried 'That one hundred men be immediately sworn in as special Constables to enforce the carrying out of the above resolution and that they or part of them be organized into a permanent force if considered necessary'."(1)

If the Doctor could be regarded as a typical Canadian, it is not surprising that the other settlers regarded all Canadians with suspicion, that they distrusted and disliked the officials from the beginning, and that they looked upon the law as something to be disregarded when it interfered with one's self-interests.

Mention has already been made of the actions of some Canadian officials attached to the survey parties. Moreover the truth of The New Nation's claim that the attitude of the officials sent from Canada was a cause of the disturbances, cannot be denied. Many illustrations of the 'haughty and supercilious attitude' referred to, might be found in

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(1) Oliver. Op. cit. 583. For instances of the Doctor's outspoken criticism of the H.B.C. see the editorials in the Nor-Wester for Feb. 5, Mar. 6, May 8, July 3, 1869.

## CANADA'S MISTAKES.

the files of letters sent back to Canada, notably those of Charles Mair. Evidence that the early Canadian officials were willing to profit personally at the expense of the ignorant natives, and that they were not too scrupulous in their methods, is found in the fact that Mr. Snow, in charge of the survey party, was fined £50 for attempting to purchase a block of land from the Indians at Point du Chene, and pay for it in flour, pork and drink; and that, at a later date, Colonel Dennis implicated Dr. Schultz as being concerned with Snow in this transaction.(1)

The Attitudes and actions of the later Canadian officials, such as McDougall, Dennis, and Smith, will be revealed in connection with the events of the insurrection, but reference must here be made to one other Canadian Minister, who visited Red River during the autumn of 1869, Joseph Howe, the stormy leader of the anti-confederation movement in Nova Scotia, had seen fit to change his attitude, and had accepted a position as Secretary of State in the Macdonald Ministry. Through his office at Ottawa passed all the communications concerning the new Territory and the Dominion. Rumors that all was not well in the Hudson's

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(1) Hill. History of Manitoba. p.242.

## CANADA'S MISTAKES.

Bay Company's district, and that there might be some opposition to its cession to Canada, reached Ottawa during the summer of 1869, (1) and it was probably with a desire to investigate personally those reports and rumors, that Howe visited Red River in October. Intimate details of that visit are lacking, and those incidents which have been reported do not furnish a clear picture of Howe's words and actions during the short time he was in the district. It has been said by one who was in Winnipeg at the time, that

"Honorable Joseph Howe laid the corner-stone of good-feeling for Canada in Red River,"

by his refusal to cater to the Canadian party, and because he showed no partiality towards one party or class.(2) A careful search of the files of the Nor-Wester has failed to reveal any news items concerning the social activities of the Honorable Secretary of State for Canada during his brief sojourn in the Territory. It is possible that such omissions were due to the fact that the visitor was

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(1) Parkin. Op. cit. p.158. It is reported that Bishop Tache stopped off at Ottawa when on his way to Rome, and warned Cartier that there might be trouble at Red River, and was greeted with a contemptuous laugh.

(2) Beggs. Op. cit. p.32.

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'persona non grata' to the owner of the paper, Dr. Schultz, leading member of the Canada party. The evidence supplied by a perusal of Howe's letters from Red River, has proven that he had very little love for the members of the Doctor's group, that he avoided their company on all occasions possible, and was convinced that there would be trouble in the district before the transfer had been completed. (1) His sympathies were to some extent on the side of the older residents in their struggle for recognition by the Canadian Government. On one occasion he felt called upon to define the meaning of the phrase 'Red River Loyalist', and he did so by comparing the 'loyal' people at Red River to the 'loyal' element in Canada prior to 1837, the loyal persons being those who opposed responsible, representative government. (2)

Another visitor to the Settlement, who was later imprisoned by the Metis as a member of the Schultz party, has explained the fearless attitude of those who opposed McDougall by stating:

"Honorable Joseph Howe, who had preceded McDougall to Red River, had said at a private dinner-party given in his honor, that the Government had not

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(1) Willson. Strathcona. p.173.

(2) New Nation. June 10, 1870.



## CANADA'S MISTAKES.

given the Honorable Mr. McDougall his Commission but had promised to send it to him on his arrival at Fort Garry. With this knowledge and from such a source, they had no fear of results detrimental to their cause in refusing McDougall entrance into the country, knowing that he had not his Commission and was not vested with the proper authority to issue a Royal Proclamation."(1)

Reports and rumors to the effect that he had been favorable to the insurgent element during his stay at Red River, reached Howe's notice on his return to Ottawa, and he took time and trouble to deny them in a letter to McDougall, dated December 11, 1869.

"I think it proper that you should be authorized to contradict all such statements, so far as the inference can be drawn from them, that anything said by me at Winnipeg, or anywhere else, gave countenance or sanction to breaches of the law and order or to resistance to the peaceable establishment of the authority of the Dominion in the Territory, under the sanction of Imperial Legislation.

During my visit to Red River I never saw Riel, Bruce, Father Richot, or any persons said to be the leaders of the insurrectionary movement, but I conversed freely with all classes and orders of people, from Governor McTavish downwards, and to them all held the same language....That the same constitution as the other Provinces possessed would ultimately be conferred upon the country; that in the provisional arrangements to be made, the feelings and interests of the resident population would be considered....that the leading men enjoying their confidence, would be taken into the Government at once, and that young men, without distinction of blood, would be drawn into the

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(1) O'Donnell. Op. cit. p.44.

## CANADA'S MISTAKES.

public service as they were fitted by education to fill the places of trust and emolument."(1)

All save the last of the 'blunders' named in the New Nation, have now been examined, and it has been shown that some of the mistakes charged by the Metis newspaper against the Canadian Government, cannot be dismissed, but that other charges against the Government should have been placed against its representatives after their arrival at Red River. McDougall's Proclamation of December 1st belongs to the second category. The blunder of the Canadian Government was not the Proclamation; it was the appointment of McDougall to a position in which he could issue such a document.

There were at least two good reasons why the appointment of McDougall would not meet with the approval of the residents of Red River. In the first place, he would be regarded with suspicion by the French-speaking and Roman Catholic section, which was composed of a majority of the population, because of his associations with George Brown, and his known opposition to that element in the Canadian Confederation. In the second place, he would not be approved by the officers and servants of the Hudson's Bay Company in the West, because of his share in the negotiations for

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(1) Sessional Papers, 1870. p.58. See also p.59 for Major Wallace's report of Howe's activities.

## CANADA'S MISTAKES.

the transfer of the Territory to the Dominion. It is incredible that the Canadian Ministry did not know of the discontent of these people; and that they should have expected Governor McTavish to be pleased to hand over his authority to, and to co-operate with, the man who had done a great injury to the interests of the Winter-partners, showed a child-like faith in the virtues of human nature quite unexpected from any group of politicians.(1) If the Canadian Government held the view that Mr. McDougall's efforts in securing the Territory were worthy of tangible reward, surely, in the light of what was known, they could have found some other position for

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(1) McTavish' real view of the situation is well stated in a letter to his brother at Montreal, dated November 4, 1869.

"I will not speak of our dignity, but it is more than flesh and blood can bear that we, who have conducted the Government of this country for years with a view to the welfare and best interests of all classes of the inhabitants, should be summarily ejected from office, as if we were the commonest usurping scoundrels. Why should we be in such indecent haste to cut our own throats? What are the Canadians to us that we should fall into their arms the moment they approach us?"

Quoted in--

Willson. Strathcona. p.188.

## CANADA'S MISTAKES.

him, where he would not have made such an "inglorious fiasco".(1) Had any real consideration, other than political expediency, been given to the matter of the appointment of a governor for the new Territory, it would have been evident that the most probable security of a peaceful transfer would be the selection of a man as Governor, who was familiar with the situation and approved by the residents. Although Governor McTavish' health was not good, the offer to him of the appointment would have done a great deal towards facilitating the transfer. However, although the advantages of such an arrangement are very evident, the idea of making such an appointment does not appear to have occurred to any official at Ottawa.

Sending two survey parties into a territory not yet under Canadian control; appointing as Lieutenant-Governor, a man who was not acceptable to the majority of the inhabitants, and then failing to make known to the new subjects the Governor's instructions; failure to consider the wishes of the inhabitants of the proposed new Territory, or <sup>those</sup> of the resident officers of the existing government -- these were some of Canada's mistakes that were

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(1) Pope. Memoirs of Macdonald. Vol. 2. p. 59.

## CANADA'S MISTAKES.

fundamental causes of the disturbances at Red River. Had these blunders been avoided there would have been no Red River Insurrection.

## CHAPTER IV.

## McDOUGALL AND RED RIVER.

On September 28, 1869, Honorable William McDougall started from Ottawa on his long trip to Red River Settlement, where he was to assume the duties of Lieutenant Governor of the North-West Territories on such date as might be later arranged by the British Governments. The reason for this early departure to the Territories is clearly stated in the letter of instructions which he had received from the office of the Secretary of State.

"It is desirable that no time should be lost in making the necessary preliminary arrangements for the organization of the Government of the Territories.

With this view I am to instruct you to proceed with all convenient speed to Fort Garry, in order that you may effectively superintend the carrying out of the preliminary arrangements indicated in the preceding paragraph, and be ready to assume the Government of the Territories on their actual transfer to Canada."(1)

On October 11, the first open show of resistance to the Canadian Government took place on the farm of Andre Nault, when a party of French half-breeds, under the leadership of Nault's nephew, Louis Riel, stopped Snow's survey by stepping on the chain. This action, performed because, as Father Richot stated 'nobody in the country knew what these surveyors had come for', seems to have

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(1) Oliver. Op. cit. p.878.

## MCDUGALL AND RED RIVER.

inspired the perpetrators with a sense of their power, and to have induced them to take further action towards preventing Canadian interference with the rights of the Metis. It was then decided not to allow the entrance into the Territory of the man whom the Canadian Government had sent to be the future Lieutenant Governor. Accordingly, when McDougall reached Riviere Salle, a few miles above Fort Garry, he was confronted with a barricade across his trail, defended by about forty armed men on horse-back, and was astounded to receive the following intimation:

"Le Comite National Metis de la Riviere Rouge intime a Monsieur W. McDougall l'ordre de ne pas entrer sur le Territoire du Nord-Ouest sans une permission speciale de ce Comite.

Par ordre du Preident,

John Bruce.

Louis Riel, Secretaire. " (1)

As he had neither the desire nor the force to engage in armed conflict, McDougall was compelled to retire to the American border, where he sought shelter for a time in a Hudson's Bay Company post, but was later forced, under orders from the Provincial Government at Fort Garry, to cross the line to Pembina in the United States. While waiting at Pembina for the issuance of the Royal Proclamation, which would give him legal authority in the North-

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(1) Ibid. p.880.

## McDOUGALL AND RED RIVER.

West Territories, McDougall tried to keep in close touch with events in the Settlement and received many reports from his agents and other persons there, On October 27, Colonel Dennis reported to him concerning the attitude of the English-speaking residents:

"The general disposition is in favor of receiving the incoming Government with respect, but there is no enthusiasm....They say....we consider it a most outrageous proceeding on their (the French) part; and one that we would be glad to see, if possible, put a stop to. At the same time, should an appeal to arms be necessary, we could hardly justify ourselves in engaging in a conflict, which would be, in our opinion, certain to resolve itself into one of nationalities and religions, and of which we could hardly, at present, see the termination.

We feel this way: We feel confidence in the future administration of the Government of this country under Canadian rule; at the same time we have not been consulted in any way as a people, in entering into the Dominion."(1)

Three days later Governor McTavish wrote to McDougall advising him to remain at Pembina until he should learn of a peaceable dispersion of the malcontents. (2) In reply, McDougall put the onus of keeping law and order in the Settlement upon the shoulders of the Hudson's Bay Company Governor until the Royal Proclamation should be issued.

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(1) Ibid. p.881.

(2) Ibid. p.886.



## McDOUGALL AND RED RIVER.

McDougall contended that the sending out of a proclamation by McTavish,

"explaining the provisions of the late Imperial Act respecting the Territories, and the authority under which the new Government will exercise its powers, at the same time warning the malcontents of the serious nature of the crime they meditated, and the grave consequence to all concerned, that must result from its commission, would have been well-timed, and perhaps sufficient to prevent the designing men at the head of this movement from accomplishing their purposes."(1)

On November 2, the day on which the above letter was written, Riel and his followers entered, and took quiet possession of Fort Garry, without any show of opposition on the part of the Hudson's Bay Company.(2) Governor McTavish was ill in bed, and when Doctor Cowan, the second in command, asked the reason for the occupation, he was told that the Metis had come to save the Fort, but received only vague answers when he asked them the name of the party or parties who might attack it. In a letter to McDougall

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(1) Ibid. p.888.

(2) Morice. History of the Catholic Church.(Vol.2. pp. 25-26 ) offers an explanation to the effect that "It was declared by a spy of Schultz that many of the Easterners in Assiniboia were soldiers in disguise, who had secreted their uniforms in their homes. Then to prevent the forces which were known to be recruited by the Canadian party from availing themselves of the strong walls and cannon of Fort Garry, Riel occupied it."

## MCDUGALL AND RED RIVER.

dated November 9, McTavish referred to the event as follows:

"On the afternoon of Tuesday, 2nd., a number of these daring people, suddenly, and without the least intimation of their intention to make such a move, took possession of the gates of the Fort....It is needless to ask why their presence was submitted to.... it was only borne as being apparently, with respect to immediate results, the less formidable of two very serious evils."(1)

That McDougall did not accept this statement at its face value is proved by the following excerpt from a letter written to the Secretary of State on November 20th.

"I have the positive assurance of Major Wallace, who has just returned from Fort Garry, as well as the statements of the 'Friends of Canada', that the Company's officers in charge of Fort Garry were told of the intention of the Rebels to take the Fort, the day before it occurred, and that the Chief Constable, Mulligan, who is an old soldier, offered to raise a force, partly composed of pensioners, with which he declared he could hold the Fort against all Rebels who would be likely to attack it; but was told by Dr. Cowan, the officer in charge, that his services were not wanted."(2)

It might be well at this juncture to explain that

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- (1) Sessional Papers, 1870. p.53.
- (2) Ibid. p.51. Further support for McDougall's view of the acquiescence of the Company in the possession of Fort Garry by the Rebels, was found in a letter from a young English traveller who was present at the time. 'The French are making the H.B.C. find them without pay, which serves them right, as when they had cash they did not mind letting them into the Fort, which, with the help of the loyal, they might easily have held; but it is evident that between you and me they at first were well pleased at the way things were going.'

## McDOUGALL AND RED RIVER.

McDougall at an early stage in the proceedings, became convinced of the complicity of some of the members of the Council of Assiniboia <sup>in</sup> ~~with~~ the insurrection.

"I cannot account for this extraordinary reticence and hasty surrender of authority by the legal rulers of the country upon any theory but that of the weakness and imbecility of the Governor, and the complicity of some of the members of the Council with the insurrection. I have evidence that one of his councillors, at whose home some of the first meetings of the malcontents were held, is in correspondence with the American plotters at Pembina....This treason within the Council will also account for the stopping of supplies which were ordered by the H.B.C. agent here for our use as well as his own, and which the Rebels could have known nothing about unless some of the H.B.C. employees had disclosed their destination."(1)

In another letter on November 20, he wrote:

"The confirmed belief of every person I have seen, or whose testimony has reached me (whether in the confidence of the Rebels, or friendly to Canada), is, that the H.B.C. employees, with scarcely an exception, are either actively or tacitly encouraging the insurrection."(2)

McDougall went on to explain that he had had to pay exorbitant prices to the Hudson's Bay Company for his supplies, that he had not received any assistance, suggestion, or communication (except two letters from Governor McTavish) from any of the Company's agents, and that the Company's

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(1) Ibid. p.38.

(2) Ibid. p.51.

## McDOUGALL AND RED RIVER.

officers knew of the Rebel intentions to take the Fort twelve hours previous to the act. He believed that Sheriff McKenny was advising, aiding and abetting the Rebels.(1) He had been told that the Hudson's Bay Company were supporting the Rebels, that their present role was to prevent him having any official intercourse with them and that the Rebels would support the government of the Company as it then existed.(2) On November 8, Charles Mair wrote from Winnipeg:

"The Company, beyond all question, are deeply concerned in the matter. Half-breeds themselves declare that they received assistance. Insurgents in quasi possession of Fort Garry received their supplies there....If the Company shut down upon the insurgents, which they can do at any moment, they cannot subsist for any length of time upon their own means."(3)

Major Wallace, who was in Fort Garry from November 4 to 22, wrote:

"I further think, on conversing with the friends and foes of the Hudson's Bay Company, that they could, in the most easy manner, have stopped the whole affair by issuing their proclamation....On this Company's head lies a full measure of blame."(4)

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(1) Ibid. p.65.

(2) Ibid. p.31. (An unsigned letter, probably written by Dr. Schultz)

(3) Ibid. p.39.

(4) Ibid. p.63.

## McDOUGALL AND RED RIVER.

On November 6, Riel and his followers in Fort Garry seized the offices of the Nor-Wester, in a manner described by the editor as follows:

"I was busy at the case one day in the Nor-Wester office, when six or eight armed Metis dropped in and said they would run the paper for a while. They 'pied' the type and wrecked the office but permitted me to go on sleeping in my room. However, ... I sought other quarters, and the Nor-Wester office was used as a guard room by the Riel forces. I was allowed to come and go freely, and managed to secure type for the proclamation issued by Colonel S.J. Dennis of the appointment of a Lieutenant Governor and of his, Colonel Dennis', intention to act rigorously as conservator of the peace."(1)

On the same day as the event described above, Riel sent out a public notice to the inhabitants of Rupert's Land on behalf of the President and Representatives of the French-speaking population, inviting the English residents to send twelve representatives to a meeting with twelve French members to consider the political state of the country and to adopt such measures as might be thought best for its future welfare. (2)

One week later Governor McTavish received a document signed by some residents of the Town of Winnipeg, in which it was demanded that he proclaim a full and correct exposition of the nature of the transfer of the Territory to the

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(1) Winship. Free Press Evening Bulletin. Feb. 28, 1928.  
(Mr. Winship worked on the Nor-Wester for Dr. Schultz and also on The New Nation for Riel.)

(2) Oliver. Op. cit. p. 889.

## McDOUGALL AND RED RIVER.

Dominion of Canada; and it was requested that he explain the policy likely to be adopted by the Canadian authorities relative to the governing of the Territory, that he deny the numerous libellous slanders which were in circulation regarding the purposes for which the Territory was acquired, and that he warn the Metis of the danger and entreat them to lay down their arms and return peaceably to their homes.(1) From a man who was as sick as McTavish, the resulting Proclamation, issued belatedly on November 16th, (2) was a masterpiece of evasion and non-compliance with the demands and requests. After detailing five 'unlawful acts' committed by large bodies of armed men (and it was noticeable that the acts which received the most lengthy comments were those which concerned the property of the Hudson's Bay Company), he charged the persons engaged in those deeds to return to their homes, and to adopt only such means as would be lawful and constitutional, rational and safe.(3) Such a proclamation at that time could serve no immediately useful purpose, but it might be used as an alibi later, by the Governor and Council, if the

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(1) Ibid. p.890.

(2) For reasons why the proclamation was not issued earlier, see McTavish' letter to McDougall. Sessional papers, 1870. p.52.

(3) Oliver. Op. cit. p.892.

## McDOUGALL AND RED RIVER.

armed bodies were not successful in their endeavours to prevent Canadian control of Red River Settlement; and it might also save the Hudson's Bay Company property from destruction, by placing the Company on the winning side in the struggle.

The first meeting of the convention of twelve English and twelve French representatives was held in the Court House in Fort Garry on the afternoon of November 16, when the first item of business appears to have been the reading from a copy of the *Nor-Wester* of the Governor's Proclamation. It is reported that the English thought the Proclamation was a farce, and the French regarded it as a weak show of authority. The second meeting of the Convention broke up when Riel vehemently opposed the request of the English representatives, that the French lay down their arms and allow Mr. McDougall to enter the Territory. At the third meeting, on the 23rd, the French declared their intention of forming a provisional government, and the meeting adjourned to December 1, in order that the English members might consult their constituents.

In the interim of the adjournment there were no events of outstanding importance at Red River. On the 18th, in the Court at Winnipeg a man named Thomas Scott was fined, on a charge of assault, laid against him by his employer on the

## McDOUGALL AND RED RIVER.

survey party, John Snow. On the 23rd and 24th, Riel took possession of all the land-titles papers, and of the office of Roger Goulet, Collector of Customs.

Outside the Territory, however, two events occurred during that period which had a very direct bearing upon the course of Canadian History. On November 19, the Hudson's Bay Company officials in London signed the **Deed of Surrender of Rupert's Land to the British Crown**, and on the 27th, the Canadian Government sent the following message to the British authorities:

"Canada cannot accept transfer unless quiet possession can be given....My (Governor General, Lord Lisgar) advisers think Proclamation should be postponed."(1)

The reasons for this last-mentioned act were very clearly set forth in a letter from the Secretary of State, Howe, to McDougall, - a letter which, unfortunately, reached its destination too late to prevent disaster. After referring to the facts mentioned in McDougall's despatches of October 31, November 5 and 17, Howe wrote:

"If, with facts before them, the Canadian Government accepted the responsibility of governing, or rather, assuming the government of a country that could only be recovered by conquest, at a vast distance from the base of operations, and which, for many months could only be approached through

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(1) Sessional Papers, 1870. p.139.



## McDOUGALL AND RED RIVER

the United States, they could hardly justify an act of such precipitancy to Parliament and the country; while it is equally clear that if you were invested with the legal title to govern without being able to get into Rupert's Land, or exercise any authority, the revolutionary government would be strengthened by your weakness, and would in fact, (the Proclamation having superceded Governor McTavish) be the only government in the Territory until put down by force of arms."(1)

On the first day of December the Convention reassembled, but the English representatives withdrew when they learned that no attempt had been made to get in touch with Mr. McDougall. The remaining delegates drew up a Bill of Rights containing fifteen clauses, which need not be examined here as nothing further came of it. But the first day of December, 1869, was a memorable day for the residents of Red River for another reason. On that day McDougall, in the name of the Queen, issued a Proclamation, naming himself as Lieutenant Governor of the North-West Territories.(2) At the same time he gave Colonel Dennis a commission as Conservator of the Peace, with authority

"to raise, organize, arm, equip and provision, a sufficient force within the said Territories, and with the said force, to attack, arrest, disarm, or disperse the said armed men so unlawfully assembled and disturbing the public peace; and for that purpose, and with the force aforesaid, to assault, fire upon, pull down, or break into

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(1) Oliver. Op. cit. p.910.

(2) Ibid. p.893.

## McDOUGALL AND RED RIVER.

any fort, house, stronghold, or other place in which the said armed men may be found."(1)

This action by McDougall is exceedingly hard to understand, as he himself knew what chances he was taking in assuming that the proposed Proclamation, for which he had been waiting, had been issued. On various occasions in his reports to the Secretary of State he had made reference to the Queen's Proclamation, and to the fact that he would not have any authority until it had been issued.

"They understand perfectly that I have no legal authority to act, or to command obedience till the Queen's Proclamation is issued."(2)

"I shall remain here (Pembina) until I hear officially of the transfer of authority, and shall then be guided by circumstances as to what I shall say and do."(3)

"The recommendation that I should issue a Proclamation, is not made for the first time, but I have uniformly replied that until the Transfer of the Territory has taken place, and I am notified of the fact, I shall not assume any of the responsibilities of Government."(4)

But as time passed and the date on which, as he believed, the transfer was to take place, approached, without any word from Ottawa, he began to complain and to reconsider

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(1) Ibid. p.896.

(2) Sessional Papers, 1870. p.39.

(3) Ibid. p.32.

(4) Ibid. p.59.

## McDOUGALL AND RED RIVER.

his former decision not to act without official notice.

Thus, on November 25~~th~~, he wrote:

"I am still without my official notice of the Imperial Order in Council, and must act, if at all, upon the information contained in the private letters from Sir Curtis Lampson, which announced the date of transfer agreed to by the Imperial Government to be December 1st, next."(1)

In another letter four days later he stated the reasons for the urgency in issuing the Proclamation.

"In the present state of affairs in the settlement it is of the utmost importance to announce the transfer of authority in the most authentic and solemn manner possible, in order to give confidence and the protection of legality to the acts of the loyal and well-disposed, and to put the malcontents and their American advisers and sympathizers publicly and technically in the wrong."(2)

He was well satisfied with the results of his action and wrote, as follows, to the Secretary of State, on December 6~~th~~:

"Riel said, 'This puts a different face on the matter', and, as my informant says 'expressed much loyalty'. He appealed to the English delegates.... to help them peaceably to get their rights....Riel's guards were withdrawn from the town after the posting of the Proclamation, and also from the storehouse containing the Government provisions....I notice the remark in your despatch (3) that I can claim or assert no authority in the Hudson's Bay Territory, until the Queen's Proclamation reaches me through your office. If I had so read my Commission and the

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(1) Ibid. p.59.

(2) Ibid. p.64.

(3) Ibid. p.p.14-15.

## McDOUGALL AND RED RIVER.

acts of Parliament, the Rebel Government would have been formally inaugurated during the interregnum which must have occurred between the first of December (which the Rebels as well as the Hudson's Bay Company's agents knew and believed to be the date of the transfer) and the time when your messenger would have met me at St. Cloud or St. Paul, if I had lived to get so far, with no disposition or power to return without an army at my back....My conviction is that we would have had to fight at a much later date, and at a great disadvantage, a very different enemy from that which now melts away before a Proclamation and a 'Conservator of the Peace.'"(1)

Although McDougall's action in issuing the Proclamation and appointing Colonel Dennis Conservator of the Peace, may have been instigated by very good intentions, the results were not such as he had expected. For a day or two, until Riel and his party learned that the actions of the 'would be' Lieutenant Governor were illegal and without authority, affairs were quite quiet in the Settlement, disturbed only by the war-like actions of the Conservator of the Peace. Perhaps the activities of that gentleman may be best summarized by quoting from a letter written by the Secretary of State, after he had received McDougall's communication of December 6th:

"But Colonel Dennis, with no legal authority, proceeds to seize the Fort,(2) then in possession

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(1) Ibid. p.76.

(2) The Fort referred to in the above letter was the Lower Fort, about twenty miles down the Red River from the Fort which Riel and his men occupied.

## McDOUGALL AND RED RIVER.

not of the insurgents, but of the Hudson's Bay Company, and to garrison it with a mixed force of Whites and Indians, and proposes to give battle to the insurgents, should a junction be formed with some forces which he has ordered to be drilled on the Assiniboine. He appears never to have thought that the moment war commenced, all the white inhabitants would be at the mercy of the Indians, by whom they are largely outnumbered, and, divided as they would be, might be easily overpowered."(1)

In connection with Colonel Dennis' preparations for war, an episode, which has been called 'the Schultz blunder' occurred. In the town of Winnipeg a party of about fifty Canadian men and women had taken refuge and barricaded themselves in the home of Dr. Schultz. A member of that party later expressed the opinion that the action was a great mistake.

"Schultz and Snow called the Canadians together for the purpose of protecting some Government stores. It was a great mistake. The value of the provisions therein stored was inconsiderable and their destruction or removal by the Metis was of small moment....If the Canadians had remained in their individual lodging-places or homes, and attended as usual to their daily duties as they had been doing, the cause for an attack upon them would have been removed."(2)

The immediate results of this segregation of the Canadians by Schultz were that they were forced to surrend-

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(1) Oliver. Op. cit. p.912.

(2) O'Donnell. Op. cit. p.32.

## McDOUGALL AND RED RIVER.

er, and became prisoners of the Metis at Fort Garry;(1) and the antagonism between the French and Canadians at Red River became more open and more bitter. It is evident that the Schultz party could not have hoped to hold out for any length of time against the forces arrayed on the other side. That they were compelled to surrender without any acts of violence or bloodshed, is not only a remarkable fact, but is also a striking comment upon the discipline and control exercised over the 'Rebel' forces.

On December 8, a Declaration of the People of Rupert's Land and the North-West was issued under the signatures of John Bruce, President, and Louis Riel, Secretary, in which it was declared that a Provisional Government had been established,

"to be the only and lawful authority now in existence in Rupert's Land and the North West which claims <sup>the</sup> obedience and respect of the people; that, meanwhile, we hold ourselves in readiness to enter in such negotiations with the Canadian Government as may be favorable for the good government and prosperity of this people."(2)

The legal position of this Government has been questioned by some writers, but it would seem that the Prime

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(1) For an account of the living conditions in the gaol, see Hill's History of Manitoba. p.262.

(2) Oliver. Op. cit. p.906.

## McDUGALL AND RED RIVER.

Minister of Canada at that time entertained no doubts on the matter. On November 27, Sir John A. Macdonald wrote to his representative waiting to gain admittance to the Territory, as follows:

"An assumption of the Government by you, of course, puts an end to that of the Hudson's Bay Company's authorities, and Governor McTavish and his Council would be deprived of even the semblance of legal right to interfere. There would then be, if you were not admitted into the country, no legal government existing, and anarchy must follow. In such a case, no matter how the anarchy is produced, it is quite open by the law of nations for the inhabitants to form a government ex necessitate for the protection of life and property, and such a government has certain sovereign rights by the 'jus gentium'."(1)

It should be remembered that the Prime Minister whose statement is quoted above, was a lawyer of fair renown, and although some other learned men of his profession have not agreed with this interpretation of the law, his opinion on legal and constitutional matters is worthy of serious consideration. The legality of the Provisional Government is intimately connected with the question as to whether or not the disturbances at Red River in 1869 were a rebellion, and a discussion of this question may be found in subsequent pages (2) of this presentation.

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(1) Pope. Memoirs of Macdonald. Vol.2. p.54.

(2) See pages 101 ff.

## McDOUGALL AND RED RIVER.

On December 10, the Provisional Government raised aloft its own flag at Fort Garry, the design being a combination of the fleur-de-lis and shamrock. Many persons have regarded this action by Riel and his advisers as one of disloyalty to the British Government, and the incident has been used as an argument advanced in support of the view that the troubles at Red River constituted a rebellion. In considering this topic, it should be borne in mind that the Hudson's Bay Company always flew over their posts their own ensign, consisting of a red ground bearing the Union Jack in one corner and the letters H.B.C. on the field. As there was only one flag pole in Fort Garry, it seems probable that the flag of the Provisional Government replaced, not the Union Jack, but the H.B.C. ensign. If this were so, there would not seem to be any great disloyalty in substituting the flag of the existing government for that of the defunct regime.

A writer who has made an intensive study of the Metis movement, and has questioned many of the participants, has made the following statement concerning the flying of the flag of the Provisional Government:

"After the Provisional Government began to work smoothly, and all difficulties in the way of union with Canada seemed to have been removed, Riel had the Union Jack hoisted at Fort Garry



## MCDUGALL AND RED RIVER.

in place of the emblem of the Provisional Government. This, however, did not meet with O'Donoghue's approval and he had the Union Jack hauled down, and the Fleur-de-Lis and Shamrock run up again. Seeing this, Riel, after replacing the new flag by the British emblem once more, placed Andre Nault, to this day a respected citizen of St. Vital at the foot of the mast with orders to shoot<sup>at</sup> anyone who should try to pull the flag down. According to Mr. Nault, the report of Begg and some authors after him that O'Donoghue was permitted to erect another flag pole in the Fort from which the flag of the Provisional Government was allowed to wave is incorrect. He stated to us under oath that there never was but one flag pole in the fort, and other old timers of the Metis Group are just as positive. The flag incident caused a violent row between Riel and O'Donoghue, the latter being more and more in favor of independence or annexation to the United States, while the former remained faithful to the British Crown with the ultimate thought of joining Canada, as conferences between Ottawa and Fort Garry now made possible in the near future....

Those who are inclined to accuse Riel of disloyalty might remember that it was he, in fact, who was the first man to raise the purely Union Jack over Fort Garry and the North West Territories of those days. Before his time the Hudson's Bay Company had a sort of emblem with the Union Jack in one corner and the letters H.B.C. on the field (and still has it to this day), while in the emblem used by Dr. Schultz those letters were replaced by the word 'Canada'."(1)

If the statements made in the preceding paragraph are correct, then some explanation is necessary to account for the fact that the Union Jack was not flying at Fort Garry when the Wolseley Expedition arrived in August, 1870. All

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(1) de Tremaudan. (ed) Louis Riel's Account of the Capture of Fort Garry. C.H.R. June, 1924. pp. 149 - 152.

## McDOUGALL AND RED RIVER.

witnesses agree on the fact that there had been an all night rain on August 23-24. Bishop Tache in his evidence taken by a Special Committee of 1874, stated:

"An abundant rain fell during the night and the British Flag was hauled down for that reason. I had seen it myself floating the preceding night."(1)

In his own account of the capture of Fort Garry, Riel stated his plans to receive Colonel Wolseley and the Expedition.

"I had another thought; that of gathering into Fort Garry all the Metis who had approved of the Provisional Government; placing them on the south shore of the Assiniboine and the west shore of the Red River, ready to salute the troops with a bon-fire, while I, with eighty or one hundred men of the guard, would be standing at the south gate of Fort Garry. Having sent men of mark in the country to meet the commandant and tell him that the Fort was unguarded and unoccupied so as to receive the Queen's representative, I would have waited, before withdrawing with the Metis, until the troops had taken possession of the Fort: a small minority hesitated whether it should adopt the plan but others did not want it.

The result of the discussion of these different ideas was that, for lack of harmony, nothing was done."(2)

It would seem a logical conclusion that, having thought of such preparations for the reception of the Queen's

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(1) Sessional Papers, 1874. p.45.

(2) de Tremaudan. Louis Riel's Account of the Capture of Fort Garry. C.H.R. June 1924. p.156.

## McDOUGALL AND RED RIVER.

representative, Riel would hardly have overlooked the significant detail of flying the Queen's flag, and was only hindered and prevented by some untoward circumstance, such as the storm. It would appear, therefore, that the sole evidence of the 'flag incident' would not justify the condemnation of Riel as a Rebel, nor the description of the Red River disturbances as a rebellion.

In the days following the hoisting of the flag no events of importance took place within the walls of the Fort, but outside the walls, Colonel Dennis continued his efforts to arouse the settlers to aid McDougall, and on December 16, commissioned an Indian, Monkman, to arouse the Indians against the Metis. This marked the second great error made by the Colonel in his role as military expert, his first mistake having been the advice to the Schultz group to barricade themselves against the Metis. "The poor Indian, with his untutored mind" showed better judgment than this civilized Conservator of the Peace, and no uprising occurred. The following excerpt from a manuscript written by the late Mr. J.H.Ashdown (1) would

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(1) Mr. Ashdown, who was later a prominent hardware merchant in Western Canada, was just beginning business in Winnipeg in 1869, and was a member of the Schultz party. He was imprisoned by Riel, and, some writers assert, narrowly escaped the fate of Thomas Scott.

## McDOUGALL AND RED RIVER.

show that not all the residents of the settlement approved the Colonel's actions.

"So far as I had to do with Colonel Dennis, and I had considerable, he was a gentleman and thoroughly up in his occupation as a surveyor. He did not prove subsequently to be a good military man, and in some respects he certainly did not show good judgment, as for instance, when he sent for the Canadians to go down to the Lower Fort and enroll and then sent them back with the instructions that if they saw fit, they could gather in Schultz' buildings, he made a very great blunder, because, situated in those buildings, they were absolutely at the mercy of the Rebels. It was mad folly their gathering there, and I expressed myself strongly at the time in that respect, but did not see my way clear to stand aside while the rest of the Canadians had gotten into a trap."(1)

When the report of the Colonel's activities reached Ottawa, through McDougall, it called forth the letter previously quoted (page 46) and also the following remarks from the Secretary of State:

"The proceedings of Colonel Dennis, as reported by himself, are so reckless and extraordinary, that there can be no relief from solicitude here while an officer so imprudent is acting under your authority....It is impossible to read the Colonel's account of his attempt to persuade Judge Black to aid him in proclaiming martial law, without strong feelings of regret, that you should have been represented in the settlements, by a person with so little discretion."(2)

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(1) Winship. Article in Winnipeg Free Press. Feb. 18, 1928.

(2) Sessional Papers, 1870. p.85.

## McDOUGALL AND RED RIVER.

By the end of December, McDougall had given up all hope of making a peaceable entry into the Territory, and was making preparations to return to Ottawa. His plans had completely miscarried, ending in a "most inglorious fiasco". He had not only failed to gain admittance to his "promised land", but by his actions, and those of his advisers and representatives, he had caused loss of sympathy for Canada among all the inhabitants of Red River, save among those in the party under the influence of Dr. Schultz. He had, thereby, strengthened Riel's position, and made "peaceable possession" more difficult. In placing the blame for his failure, however, it should be remembered that he had not received any helpful advice from Howe, who might have aided him; that he had been badly advised by his agents and friends in the Settlement; and that he had been tremendously handicapped by lack of any adequate means of communication between Pembina and Ottawa.

## CHAPTER V.

## THE PROVISIONAL GOVERNMENT.

On December 6, the Dominion Government, aroused by the receipt of McDougall's reports concerning the unsettled state of affairs in Red River, issued a Proclamation, setting forth its good intentions towards the settlers, and promising that

"no legal proceedings would be taken against any parties implicated in these unfortunate breaches of the law," (1)

in case of immediate and peaceable obedience and dispersion. In the letter which accompanied the Proclamation, the Secretary of State pointed out that the Canadian Government had decided to publish the Letter of Instructions given to Mr. McDougall, and to send assistance to that distressed individual.

"I have the honor to inform you that the Very Reverend Mr. Thibault, accompanied by Charles de Salaberry, Esq., proceeds tomorrow, via St. Paul and Pembina to Fort Garry, for the purpose of assisting in putting down the unlawful assemblage of people on the Red River, and obtaining access for the Canadian Authorities into<sup>the</sup> North-West....They will be followed by Donald A. Smith, Esq....to act as a Commissioner holding confidential relations with the Canadian Government. In that capacity, having once reached Fort Garry, he will be able to speak authoritatively as to the beneficent intentions of the Government....You will now be in a position, in your communication with the residents of the North-West, to assure them:

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(1) Oliver. Op. cit. p.901.

## THE PROVISIONAL GOVERNMENT.

1. That all their civil and religious liberties and privileges will be sacredly respected.
2. That all their properties, rights and equities of every kind, as enjoyed under the Government of the Hudson's Bay Company, will be continued to them.
3. That, in granting titles to land now occupied by the settlers, the most liberal policy will be pursued.
4. That the present tariff of Customs duties will be continued for two years, from the 1st January next, except in the case of spirituous liquors.
5. That in forming your Council, the Governor-General will see that not only the Hudson's Bay Company, but the other classes of the residents, are fully and fairly represented.
6. That your Council will have the power of establishing municipal self-government at once and in such a manner as they think most beneficial to the Country.
7. That the Country will be governed, as in the past, by British law, and according to the spirit of British justice.
8. That the present Government is to be considered as merely provisional and temporary, and that the Government of Canada will be prepared to submit a measure to Parliament, granting a liberal constitution as soon as you, as Governor, and your Council have had an opportunity of reporting fully on the wants and requirements of the Territory."<sup>(1)</sup>

Mr. Thibault arrived at Fort Garry on December 26; Mr.

D. A. Smith followed him on the 27th, having taken the

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(1) Ibid. p.p. 902-904.

## THE PROVISIONAL GOVERNMENT.

precaution to leave all copies of his papers and credentials in charge of Mr. Provencher, at Pembina; Colonel de Salaberry did not reach his destination at Red River before January 5, 1870. In the meantime, the Honorable William McDougall and his party had set out on the return trip to Canada, leaving the Provisional Government in complete control in the Settlement, though not without some opposition.

On December 22, Riel had purchased the newspaper, Red River Pioneer, and it became the recognized organ of the Government, assuming the title of the New Nation. At a meeting of the representatives of the people, held at Fort Garry a few days later, he had been elected President of the Provisional Government, with the following men as members of his Executive; Vice-President, Francois Xavier Dauphinais; Secretary of the Council, Louis Schmidt; Secretary-Treasurer, W.B.O'Donohue; Adjutant-General, Ambroise Lepine; Postmaster, A.G.B.Bannatyne.(1) The first edition of the New Nation appeared on January 7, and contained a striking editorial entitled 'Our Policy'.

" In common with the majority of this Settlement we regard the H.B.C's government as obsolete, and never to be resuscitated. The

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(1) Ibid. p.913.



## THE PROVISIONAL GOVERNMENT.

Dominion Government, by its criminal blunders and gross injustice to this people, has forever alienated them; and by their forfeiture of all right to our respect, will prevent us in future from either seeking or permitting its protection. The Imperial Government we consider to be too far distant to intelligently administer our affairs. The question arises then, what form of government is best adapted for the development of this country? And we reply, unhesitatingly, that the United States Republic offers us today that system of government which would best promote order and progress in our midst, and then open up rapidly a country of magnificent resources. But in our present dependent position we cannot obtain what we need in that direction, and hence, we will hold it our duty to advocate independence for the people of Red River as a present cure for public ills. Our annexation to the States will follow in time, and bring with it the advantages this land so much requires."(1)

In the Orders of the Provisional Government of Rupert's Land, issued on January 8th, in which the election of Louis Riel as President was announced, it was proclaimed that

"the President and Representatives of the people  
....have pardoned twelve political prisoners, show-

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(1) New Nation. Jan. 7, 1870. Efforts to ascertain who wrote the editorial have not met with any success. From what has been learned of Riel, at that time he was not a supporter of annexation to the United States, but made many assertions, publicly and privately, of loyalty to the British Queen. On the other hand, O'Donohue was an ardent advocate of union with the Republic, and was a rabid Fenian, a prime mover in the so-called Fenian raid on Manitoba in 1871. His actions in 1869-70 are rather obscure, but he was probably the man behind the scenes in many anti-British moves. As he had received a fair education, it is quite probable that the above editorial came from his pen.

## THE PROVISIONAL GOVERNMENT.

ing thereby that clemency and forgiveness are as familiar to them as severity."(1)

The following day Thomas Scott, Charles Mair, and some other prisoners escaped from the gaol in Fort Garry and made their way to the settlements at Portage la Prairie. Unfortunately for the peace of the whole Dominion, they were not content to stay there, but returned to the Fort at a later and most inopportune time, under arms.

Political conditions within the Settlement at the beginning of the new year were described by the Commissioner for Canada, D. A. Smith, as

"most unsatisfactory and truly humiliating. Upwards of sixty British subjects were held in close confinement as 'political prisoners', security for persons or property, there was none; the Fort, with its large supplies of ammunition, provisions, and stores of all kinds, was in the possession of a few hundred half-breeds, whose leaders had declared their determination to use every effort for the purpose of annexing the Territory to the United States; and the Governor and Council of Assiniboia were powerless to enforce the law."(2)

On January 14, Riel went to see the Commissioner because he was not satisfied with what he had learned from the other delegates sent out by the Canadian Government, whose errand had been merely to 'calm the French Half-breeds'.

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(1) Oliver. Op. cit. p.913.

(2) Ibid. p.921.

## THE PROVISIONAL GOVERNMENT.

As a result of this visit Riel agreed to have Smith's papers delivered into his (Smith's) hands. There was some difficulty connected with this transaction, in explanation of which Smith later placed emphasis on the parts taken on the side of Riel by Father Richot and Father Lestanc, members of the clergy who consistently used their influence to maintain Riel's position. The party which was bringing in the papers,

"was accosted by Riel and some of his party, and by the Reverend Mr. Richot....It may be well to note that all those who took part in this affair were Catholics, and, with one or two exceptions, French Half-breeds....Pere Lestanc joined them....spoke warmly in favor of the 'President', who, he said, had acted so as to merit the gratitude of his countrymen, and begged them still to place confidence in them....Riel's men were now falling away from him, while the loyal party expressed their determination no longer to be guided in the matter either by him or by Pere Lestanc and his associates....Late that night, Pere Lestanc paid them another visit which was prolonged for several hours beyond midnight, and next morning it was found that a majority of those who had seceded from Riel were again on friendly terms with him."(1)

On January 19, a mass meeting of the inhabitants was held and Smith was permitted to read his Commission, the Queen's letter and other papers, Riel acting as inter-

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(1) Ibid. pp.922 - 923.

## THE PROVISIONAL GOVERNMENT.

preter. The result of the meeting was that forty delegates were appointed to meet on January 25, 'with the object of considering the subject of Mr. Smith's Commission, and to decide what would be best for the welfare of the country.' The English as a body, and a large number of the French then declared their entire satisfaction with Smith's explanations, and their willingness to unite with Canada under approved conditions.(1)

The Convention met as arranged on January 25, with Judge Black as Chairman, Caldwell and Schmidt as Secretaries, and Riel and Ross as Interpreters, and it continued in session until February 10. On the 7th, a List of Rights, prepared by a Committee composed of Thomas Bunn, James Ross, Dr. Bird, Louis Riel, Louis Schmidt, and Charles Nolin, was presented to Mr. Smith for his approval. He requested time to consider it, and at a later session of the Convention answered separately the requests contained in the terms. It would appear that a large majority of the delegates were satisfied with the answers to their List of Rights, and expressed the opinion that the Canadian Government would deal fairly with the inhabitants of Red River. Smith then invited the Convention to send two

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(1) Ibid. p. 924.

## THE PROVISIONAL GOVERNMENT.

or more representatives to Ottawa for the purpose of dealing with the Canadian Government; and three were chosen in the persons of Father Richot, Judge Black and Mr. A. H. Scott. The choosing of these delegates led to a motion by Riel, Ross, and O'Donohue, urging that recognition and reorganization of the Provisional Government should come first, but the English delegates said they had no power to vote on such matters without consulting their constituents. They also held that the Hudson's Bay Company exercised the only legal governing powers in the Settlement until the transfer should take place. It was decided to consult Governor McTavish; and two members of the Convention, Sutherland and Fraser, were sent to interview him. McTavish' reply was that of a man who had reached almost the limits of human endurance. "Form a Government for God's sake, and restore peace and order in the Settlement."(1)

The work of the Convention was finished on the 10th of February, when it nominated a Provisional Government. Riel promised that all the prisoners should soon be released and on the 11th and 12th, six or eight of them were set at liberty. Dr. Cowan was informed that, as they were all

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(1) Beggs. Op. cit. p.269.

## THE PROVISIONAL GOVERNMENT

to be discharged without delay, the rooms which had been occupied would be placed at his disposal in a day or two, after they had been thoroughly cleaned out.(1)

Riel was now at the height of his power. His government was established and had been recognized by the following authorities, namely, the Convention, representing the inhabitants of the Settlement; Governor McTavish, representing the former government of the Hudson's Bay Company; and Donald A. Smith, Special Commissioner for the Government of the Dominion of Canada.

All prospects were bright, when an event occurred which produced most disastrous results.

A number of Canadian settlers living at Portage la Prairie, ignorant of the actions of the Convention at Fort Garry and strongly in sympathy with their fellow countrymen who had been imprisoned by the Metis, had resolved to send an expedition under Captain Boulton to liberate the prisoners. Dr. Schultz had escaped from the gaol at Fort Garry (2) and it was expected that in the meantime he would collect a force from the districts around the Lower Fort. A junction was to be effected, and Fort Garry was to be surprised and captured. Due to the failure of the English settlers at Kildonan to answer the summons to raise a volunteer force, the plan was a complete failure,

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(1) Oliver. Op. cit. 927.

(2) New Nation. Jan.28,1870.

## THE PROVISIONAL GOVERNMENT.

resulting in forty-eight members of the Portage party being taken into Fort Garry as prisoners. Concerning the whole scheme Commissioner Smith later reported to the Dominion Government, in part, as follows:

"But now the rising was not only rash but purposeless, as, without its intervention, the prisoners would unquestionably have been released. The party was entirely unorganized, indifferently armed, unprovided with food even for one meal and wholly incapable of coping with the French, now reunited, who, to the number of at least seven hundred were prepared to offer the most determined resistance, which, as they were in possession of a number of guns (six and three pounders), ample stores of ammunition, provisions, and every other requisite, they could have done most effectually. My sympathies were, in great measure, with the Portage men, whom I believed to have been actuated by the best of motives; But under the circumstances it was not difficult to foresee that the issue could not be otherwise than disastrous to their cause. The attempt was, therefore, to be deplored, as it resulted in placing the whole Settlement at the feet of Riel."(1)

The action of the Portage party was unwise for various reasons but more particularly because it introduced a new element of violence which led to the shedding of blood. Hitherto there had been demonstrations by armed forces of both parties in the disturbances, but these had stopped short of bloody action. The Portage party was directly responsible for the killing of two men, Sutherland and

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(1) Oliver. Op. cit. p.927.

## THE PROVISIONAL GOVERNMENT.

Parisien, and indirectly responsible for the death of others, Scott and Goulet. (1)

The leader of the Portage party, Captain Boulton, was amongst the prisoners captured by the Metis, and was tried by court-martial and sentenced to be shot at noon, February 18th. Owing to the intercession of every influential man among the English, and also at the entreaty of the Roman Catholic clergy, the sentence was postponed until the 19th, and in the interval Smith and others tried to point out to Riel the mistake that would be made if the order of the Court were executed. Riel took the view that the English settlers and Canadians had despised the French Half-breeds, believing that they would not dare to take the life of anyone. He believed that, under the circum-

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(1) Parisien, who was thought to be a spy in the employ of Riel, killed Sutherland, Feb. 15th, when attempting to escape from the Portage men gathered at Kildonan. He was captured by the party and received such a severe clubbing at the hands of Thomas Scott, that he died on February 21st. (de Tremaudan. Execution of Scott. C.H.R. Sept. 1925. p. 229) Scott was made prisoner with the Portage party and was shot March 4th., after having been court-martialled by orders of the Provisional Government. Goulet was drowned on September 13th, as he was fleeing from<sup>a</sup> Winnipeg mob which believed that he had been one of those who had taken part in the shooting of Scott.



## THE PROVISIONAL GOVERNMENT.

stances, it would be impossible to have peace and establish order in the country, and that an example should, therefore, be made.(1) He finally yielded to the persuasive efforts of the Commissioner but asked a favor in return.

" 'Canada has disunited us; will you use your influence to reunite us? ....We want only our just rights as British subjects and we want the English to join us simply to obtain these.' 'Then', I remarked, 'I shall at once see them and induce them to go on with the election of delegates for that purpose.'....The Bishop of Rupert's Land the Protestant clergy generally, now counselled the people to elect their delegates without loss of time....We visited the different parts of the Settlement, and found that in several parishes, the people, and those the most loyal to the British Crown and most desirous for union with Canada, had already chosen their councillors."(2)

The elections took place on February 26, and the Provisional Government was fully established, under conditions which, as Sir John A. Macdonald had admitted, made it a "Government possessing certain sovereign rights by the 'jus gentium'".

It would appear, therefore, that in the two months immediately following the arrival at Red River of a Special Commission<sup>ex</sup> from Canada, great progress had been made towards a peaceable settlement of the Metis demands. A Convention

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(1) Ibid. p.929.

(2) Ibid. pp. 929-930. Smith's report to the Dominion Government.

## THE PROVISIONAL GOVERNMENT.

representative of all sections in the community, had been held; a List of Rights had been, in large measure, approved by all parties; and the vast majority of the inhabitants had, directly or indirectly, agreed to the organization of a Provisional Government. A small group from outside the immediate boundaries of Red River had expressed disapproval, but had failed to find support within the Settlement for any action directed against those in charge of the Government at Fort Garry. A de facto Government had thus been established, whose legal status has sometimes been challenged, but whose practical authority at the time was absolute.(1)

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(1) For a discussion of the position of this government see pages 101 ff. In this connection it should be remembered that it is, at all times, exceedingly difficult to determine just when a 'de facto' government becomes legitimate. It would appear, however, that many examples might be quoted to show that the actions and legislation of de facto administrations were later legitimized by legally constituted authorities. e.g. the actions of the various parliaments under Cromwell and during the revolution of 1688 in England; the legislation of the various Southern States in the American Civil War.

## CHAPTER VI.

## THE MURDER OR EXECUTION OF SCOTT ?

Lengthy references have been made to the 'blunders' of the Canadian Government and its representatives in Red River; mention has also been made of the Schultz 'blunder'. On March 4, 1870, Riel and the Provisional Government committed a terrible and tragic 'blunder' by executing sentence of death upon Thomas Scott.

"The execution of Thomas Scott was the most conspicuous event of the Red River 'rebellion' of 1870. Without this tragedy there would, indeed, have been no 'rebellion', for the Provisional Government did not resist the regular officers once temporary misunderstanding had been removed....the expeditionary force of Canadian militia, sent to Fort Garry under Colonel Wolseley, was the direct result; the indirect and much more costly result was a widening of the gulf between the two races throughout the Dominion."(1)

The correctness of the above statement is found in the fact that the average Canadian citizen of the present day, if he knows anything at all about the early history of Manitoba, remembers the Provisional Government and Riel for the 'blunder', rather than for the List of Rights and actions in defence of the rights of the Metis.

There are two opposing and apparently irreconcilable views held concerning the Scott episode. On one side are to be found certain popular writers of Canadian History,

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(1) The editor of the magazine introduced an article by de Tremaudan. Execution of Thomas Scott. C.H.R. Sept. 1925. p.222. with the sentences quoted.

## MURDER OR EXECUTION ?

such as Charles G. D. Roberts, and those who uphold his statement that

"Scott was taken out and shot like a dog in the Snow, under the walls of Fort Garry. It was not an execution, it was a murder, and a particularly brutal one."(1)

On the other side are found A. G. Morice, and those who believe with him that

"L'execution de Scott n'<sup>pas</sup>etait un meurte"(2)

and base their arguments on the legality of the Provisional Government.

The facts of the case upon which there appears to be general agreement were as follows: Thomas Scott had come to Red River as a member of the survey party under Mr. Snow, and on November 19, had been fined for assaulting his employer. He had been one of those who had gathered in Dr. Schultz' house to resist the first Provisional Government formed by the Metis, but had later left the house and on December 6, had been arrested and imprisoned with the other members of the Schultz group in Fort Garry gaol. He, together with Mair, Drever, and Hyman, had escaped from Fort Garry, and had made his way to Portage la Prairie, later being taken prisoner with the expedition under Captain

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(1) Roberts. History of Canada. p.364.

(2) Morice. Aux sources de l'histoire Manitobaine. p.92.

## MURDER OR EXECUTION ?

Boulton. He was a troublesome prisoner,

"insulting his guards, who were treating him well....resisting his guards by main strength and forcing the doors of the prison. On the last day of February, Thomas Scott was so violent that some of the Metis, in a fit of exasperation, seized him, dragged him out, and were preparing to sacrifice him when one of the French councillors came by, snatched him away from them, and sent him back under guard to his cell. On March 1st, Riel was notified and at once investigated the circumstances of this affair, trying to pacify the guards, but on this very day Thomas Scott renewed his outrageous conduct and the soldiers made a great outcry demanding that the matter should be left to a military court. Riel did all he could to extract from Scott a promise of peaceable conduct; Scott jeered at him and insulted him....His death was rendered inevitable by the exigencies of the political situation at Red River."(1)

The quotation just completed was Riel's explanation of the Scott affair, written at some date unknown. As leader of the Government, he probably felt that "an example had to be made", and Scott, because of his past record, furnished a suitable subject.

Stories have been told of personal jealousies existing between Riel and Scott, and that upon one occasion there was a personal encounter, but no authentic information has been found on that point. It has also been claimed that Scott's trial was a mockery; that Riel was witness, prosec-

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(1) de Tremaudan. Execution of Thomas Scott. C.H.R. Sept. 1925. p.235. For further explanation of his attitude towards, and reasons for the execution, see the letter written by Riel and Lepine to Lieutenant-Governor Morris, Jan.3.1873. Sessional Papers, 1874. p.200 ff.

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utor and judge; that the evidence was in French and was taken before the prisoner came into the court room.(1) Contradicting those statements made by the Rev. George Young, is the following by Mr. de Tremaudan:

"I have it from some of the men who sat on the trial that Riel had nothing whatever to do with the proceedings taken, the decision arrived at, and the execution performed, beyond, of course, the appointment of the tribunal itself, and except, before and after the verdict was rendered, to plead with his people for mercy."(2)

Although he gave a very detailed account of the whole affair in his report to the Canadian Government, Commissioner Smith did not make any reference to any miscarriage of justice in the trial of Scott, and it would seem that this might be used as circumstantial evidence in support of the position that the court-martial was conducted according to the regular forms. However, as the verdict was not unanimous, four voting for the sentence of death, one against it, and one in favour of exiling the defendant, Riel might have used his powers as President to grant a pardon. His refusal to heed the petitions for clemency which were made by numerous members of the Settlement, including Young, Smith, Pere Lestanc and McTavish, was a

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(1) Young. Manitoba Memories. p.133.

(2) de Tremaudan, Execution of Thomas Scott. C.H.R. Sept. 1925. p.232.

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tragic mistake which produced disastrous results.

Little attention need be paid to many gruesome stories told concerning the actual shooting of Scott. If the worst be true, they only prove that the firing-squad of six men bungled their job, and thereby gave the opponents of Riel and his Government an opportunity to play upon the sympathies and prejudices of outsiders, especially in Ontario. It is certain that nothing would be lost in the relation by such bitter enemies of Riel as Dr. Schultz and Charles Mair, both of whom made their way back to Canada shortly after the Scott affair. However, there is grave doubt as to the authenticity of these stories, as they all seem to have been based upon second-hand information such as that contained in Mr. Ashdown's manuscript referred to above. (1) Mr. Ashdown was in the Fort at the time of the execution but apparently knew nothing of the details of the shooting and obtained his information from others.

"At a conference in the Fort a little later, Editor Robinson told me that somebody had asked Riel if he knew certainly that the shots had been fatal. Riel replied at once that death had been instantaneous, and to prove that there had been no prolonged suffering he invited those present to accompany him to the bastion and view the body for themselves. But upon opening the bastion door there were immediately heard moans, Major Robinson said, and then a voice

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(1) See page 42.

## MURDER OR EXECUTION ?

distinctly saying, 'Oh, let me out, let me out.' Riel, who had evidently himself believed that death had been instantaneous, retreated hastily, and, pushing back those in the passage, gave an order to the guard. In a moment a shot was heard in the bastion."(1)

In straight contradiction of Major Robinson's story as retold by Mr. Ashdown, is the account of another eye-witness and participant.

"Three bullets, two of which took effect in full chest, struck Scott and he fell. Before I had time to make sure whether he was dead, one Guillemette....who was a little intoxicated, ran to the body, turned it over, and discharged his revolver at his head. The body was placed in a coffin and removed to the bastion. After a while some people came to tell me that they could hear groans in the bastion. I went to investigate and remained near the body for two and one-half hours. All I could hear was the wind hissing through the buildings. The body was taken out of the Fort by Elzear Goulet and Elzear Lagimodiere. No one but them know what has been done with it. The reason why the burial place of Scott was kept secret was the fear we had that Orangemen would make a sort of pilgrimage ground out of it."(2)

Whatever may have been the effects in Canada of the news of the death of Scott, it was followed by a period of profound peace in Red River. From that time forward, no attempt was made to upset the rule of the Provisional Government, although it was maintained by one, never

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(1) Winship. Winnipeg Free Press. Feb.18, 1928.

(2) de Tremaudan. Execution of Thomas Scott. C.H.R. Sept., 1925. p.233.



## MURDER OR EXECUTION ?

friendly to Riel that

"Many people who had general sympathy with Riel's fight for his people as he saw them, left him after his foul deed. Some time later, when he attempted to make some appointments to magisterial positions under his alleged government, he found everyone estranged and resentful."(1)

It would appear, from the evidence just presented, that the shooting of Thomas Scott was an execution carried out by the Provisional Government due to a mistaken sense of political expediency. It was a 'tragic blunder' for which a high price was later paid by the Metis' leaders.(2)

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(1) MacBeth. Louis Riel's Stormy Career. p.43.

(2) For further discussion of this point see pages 100 ff.

## CHAPTER VII.

## THE LIST OF RIGHTS AND MANITOBA ACT.

On March 9, Bishop Tache arrived in Red River, having returned hastily from Rome at the request of the Canadian Government. Before leaving Ottawa on February 16, he had had an interview with the Prime Minister and had received a letter outlining the hopes and plans of the Dominion Government for Red River Territory.

"I hope that ere you arrive at Fort Garry, the insurgents, after the explanations that have been entered into by Messrs. Thibault, de Salaberry and Smith, will have laid down their arms, and allow Governor McTavish to resume the administration of public affairs. In such case, by the act of the Imperial Parliament of last session, all the public functionaries will still remain in power, and the Council of Assiniboia will be restored to their former position....We have fully explained to you....that it is the intention of Canada to grant to the people of the North-West the same free institutions which they themselves enjoy. Had these unfortunate events not occurred, the Canadian Government had hoped, long ere this, to have received a report from the Council, through Mr. McDougall, as to the best means of speedily organizing the government with representative institutions....In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered; their expenses, coming here and returning, and while staying in Ottawa, will be defrayed by us....Should the question arise as to the consumption of any stores or goods belonging to the Hudson's Bay Company by the insurgents, you are authorized to inform the leader that if the Company's government is restored, not only will there be a general amnesty granted, but in case the Company should claim the pay-

## THE LIST OF RIGHTS AND MANITOBA ACT.

ment for such stores, that the Canadian Government will stand between the insurgents and all harm."(1)

From St. Paul on February 23, Tache had telegraphed a copy of the Bill of Rights of February 7, to Hon. Joseph Howe, and on the 25th had received the following reply:

"Propositions in the main satisfactory; but let the delegation come here to settle terms."(2)

On his arrival in Red River, the Bishop proclaimed a general amnesty, although in the interval since he had seen Macdonald, Scott had been shot, and the government of the Company had not been restored. His action was the cause of trouble at a later date when the Canadian Government repudiated responsibility.

At a meeting of the Council of the Provisional Government on March 15, the following resolution was passed:

" 1st. That we, the representatives of the inhabitants of the North-West, consider that the Imperial Government, the Hudson's Bay Company, and the Canadian Government, in stipulating for the transfer of the Government to the Dominion Government, without first consulting, or even notifying the people of such transfer, have entirely ignored our rights as people of the North-West Territory.

2nd. That notwithstanding the insults and sufferings borne by the people of the North-West heretofore; which sufferings they still endure - the loyalty of the people of the

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(1) Sessional Papers 1874. p.19.

(2) Ibid. p.20.

## THE LIST OF RIGHTS AND MANITOBA ACT.

North-West towards the Crown of England remains the same, provided the rights, properties, usages and customs of the people be respected; and we feel assured that as British subjects such rights, properties, usages and customs will undoubtedly be respected."(1)

At the same meeting a new draft of the Bill of Rights was prepared, differing from that of February 7, in several minor details, but principally in that it asked for provincial status. Not only because it formed a background for the Manitoba Act, 1870, but also because it is the printed proof of the reasonableness of the demands made by the people of Red River and, therefore, is a good answer to those who regard the movement as disloyal to British institutions, a copy of the List of Rights, March 15, 1870, is shown forthwith.(2)

1st. That the Territories, heretofore known as Rupert's Land and the North-West, shall not enter into Confederation of the Dominion, except as a province, to be styled and known as the Province of Assiniboia, and with all the rights and privileges common to the different provinces of the Dominion.

2nd. That we have two representatives in the Senate, and four in the House of Commons of Canada, until such time as an increase in population entitles the province to a greater representation.

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(1) Oliver. Op. cit. p.915.

(2) The full text of the List of Rights is not frequently found in secondary accounts of the period, and many misapprehensions as to its contents have become current. In consequence, it has been found advisable to quote it in full.

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3rd. That the Province of Assiniboia shall not be held liable, at any time, for any portion of the public debt of the Dominion, contracted before the date the said province shall have entered the Confederation, unless the said province shall have first received from the Dominion the full amount for which the said province is to be held liable.

4th. That the sum of eighty thousand dollars be paid annually by the Dominion Government, to the Local Legislature of this province.

5th. That all properties, rights and privileges enjoyed by the people of this province, up to the date of our entering into the Confederation, be respected, and that the arrangement and confirmation of all customs, usages and privileges be left exclusively to the Local Legislature.

6th. That during the term of five years the Province of Assiniboia shall not be subjected to any direct taxation, except such as may be imposed by the Local Legislature for municipal or local purposes.

7th. That a sum of money, equal to eighty cents per head of the population of this province, be paid annually by the Canadian Government to the Local Legislature of the said province, until such time as the said population shall have increased to six hundred thousand.

8th. That the Local Legislature shall have the right to determine qualifications of members to represent this province in the Parliament of Canada and in the Local Legislature.

9th. That in this province, with the exception of uncivilized and unsettled Indians, every male native citizen who has attained the age of twenty-one years; and every foreigner, being a British subject, who has attained the same, and has resided three years in the province, and is a householder; and every foreigner other than a British subject,

## THE LIST OF RIGHTS AND MANITOBA ACT.

who has resided here during the same period, being a householder, and having taken the oath of allegiance, shall be entitled to vote at the election of members for the Local Legislature and for the Canadian Parliament. It being understood that this article be subject to amendment, exclusively by the Local Legislature.

10th. That the bargain of the Hudson's Bay Company, in the respect to the transfer of the government of this country to the Dominion of Canada, be annulled so far as it interferes with the rights of the people of Assiniboia and so far as it would affect our future relations with Canada.

11th. That the Local Legislature of the Province of Assiniboia shall have full control of all the public lands of the province, and the right to annul all acts or arrangements made or entered into with reference to the public lands of Rupert's Land and the North-West, now called the Province of Assiniboia.

12th. That the Government of Canada appoint a Commissioner of Engineers to explore the various districts of the Province of Assiniboia, and to lay before the Local Legislature a report of the mineral wealth of the province, within five years from the date of our entering into Confederation.

13th. That treaties be concluded between Canada and the different Indian tribes of the Province of Assiniboia, by and with the advice and co-operation of the Local Legislature of this province.

14th. That an uninterrupted steam communication from Lake Superior to Fort Garry be guaranteed to be completed within the space of five years.

15th. That all public buildings, bridges, roads, and other public works be at the cost of the Dominion Treasury.

16th. That the English and French languages be common in the Legislature, and in the Courts, and that all public documents as well as Acts of the Legislature, be published in both languages.

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17th. That whereas the French and English-speaking people of Assiniboia, are so equally divided as to numbers yet so united in their interests, and so connected by commerce, family connections, and other political and social relations, that it has happily been found impossible to bring them into hostile collision, although repeated attempts have been made by designing strangers for reasons known to themselves to bring about so ruinous and disastrous an event.

And whereas, after all the troubles and apparent dissensions of the past, the result of misunderstanding among themselves they have as soon as the evil agencies referred to above were removed, become as united and friendly as ever; therefore, as a means to strengthen this union and friendly feeling among all classes we deem it expedient and advisable:

That the Lieutenant Governor who may be appointed for the Province of Assiniboia should be familiar with both the French and English languages.

18th. That the Judges of the Superior Court speak the English and French languages.

19th. That all debts contracted by the Provisional Government of the Territory of the North-West, now called Assiniboia, in consequence of the illegal and inconsiderate measures adopted by Canadian officials to bring about a civil war in our midst, be paid out of the Dominion Treasury, and that none of the members of the Provisional Government or any of those acting under them be in any way held liable with regard to the movement, or any of the actions which led to the present negotiations.

20th. That in view of the present exceptional position of Assiniboia duties upon goods imported into the province shall, except in the case of spirituous liquors, continue as at present for at least three years from the date of our entering the Confederation, and for such further time as may elapse, until there be uninterrupted railroad communication between Winnipeg and St. Paul, and also steam communication between Winnipeg and Lake Superior."(1)

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(1) Ibid. pp. 915-918.

## THE LIST OF RIGHTS AND MANITOBA ACT.

On March 16, the Provisional Government released all political prisoners and two days later Commissioner Smith set out on his return trip to Canada. He had been in the district for nearly three months as Commissioner for Canada,

"to enquire into the causes, nature, and extent of the obstruction offered at Red River....and also to enquire into the causes of discontent and dissatisfaction....and to explain to the inhabitants of the said Country, the principles on which the Government of Canada intends to administer the Government of the Country....and to take steps to remove any misapprehensions which may exist....and to report to our Governor General the result of such enquiries; and of the best mode of quieting and removing such discontent and dissatisfaction."(1)

The official account of his activities during that period is contained in his report, written at Ottawa, April 12, 1870. His 'unofficial' words and deeds largely remain hidden in an intriguing mystery which, if solved, might throw a great deal of light upon some phases of the disturbances.(2) One biographer has stated that for the first two weeks after Smith's arrival at Fort Garry

"He was under close surveillance, two or more guards being charged with that duty; but this

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(1) Ibid. p.908.

(2) Was Smith friendly to Riel? Did he make personal promises and offer bribes to the Metis? These and other questions of like nature, arouse our curiosity, but it is probable that we shall remain unsatisfied, as the most likely sources of information, the papers and documents of the H.B.C., are not open to public inspection.



## THE LIST OF RIGHTS AND MANITOBA ACT.

was not the case with his brother-in-law, Mr. Hardisty. The latter now began to busy himself in carrying out Mr. Smith's plan, which was, in effect, to secure partisans amongst the half-breeds. This was a delicate matter, requiring considerable tact....Where promises would not serve, pecuniary bribes were effective."(1)

Another biographer, who appears to have formed a rather poor opinion of Smith and whose book reveals a rather sketchy knowledge of the Red River troubles, has written that promises were made to Riel that were never fulfilled and that the Ex-President of the Provincial Government was paid, by Smith, to leave Red River.(2)

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(1) Willson. Strathcona. p.216.

(2) Preston. Strathcona. p.50.  
 "He reached the Stone Fort at Selkirk late at night. Riel heard of his arrival and immediately went up the river to see him. He was told by the attendant that Mr. Smith had retired for the night, but insisted that he must see him. While the attendant enquired whether Mr. Smith would see Riel, the latter walked into the bedroom unannounced. His reception, however, was such that he returned at once, passing out of the gates with a crushed appearance in strong contrast to the manner that he had been assuming for several weeks in the Settlement. The brief interview at the Stone Fort opened his eyes. Certain promises were made to Riel and his followers, in the course of the negotiations, which afterwards had a most disturbing effect in Canadian politics, and in regard to which Donald A. Smith and the clergy seemed to have retained most strangely contradictory recollections of the same events. At any rate, Riel was persuaded to see the error of his ways. He

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Mr. Smith, later raised to the British peerage with the title of Lord Strathcona and Mount Royal, was always much concerned with the rumors and reports that the Hudson's Bay Company's officials and servants at Red River had been sympathetic towards, and secretly in league with the Metis Movement. In his report he denied all such innuendos.

"Errors, many and grave, have, it cannot be denied, been committed on all sides, but wilful and intentional neglect of duty, cannot, I feel convinced, be laid to the charge of either the Hudson's Bay Company, or their representatives in the Country. Personally, I have been entirely unconnected with the administration of affairs in that department."(1)

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(cont'd) was paid \$5,000 (£1000) by Donald A. Smith under confidential instructions by Sir John A. Macdonald, who afterwards reimbursed him from the Secret Service Fund, placed at the disposal of the Ottawa Government by Parliament. Riel then left the scene of the rebellion to reside in the United States until the promises made to him should be fulfilled."

(1) Oliver. Op. cit. p.936. In this connection the biographer last mentioned has related the following incident, though he failed to quote any authority for the statement. "Upon one well-known occasion, during the life-time of the late Archbishop Tache, he (Lord Strathcona) visited Winnipeg, and endeavoured to get the approval of that great leader of the Roman Catholic hierarchy to a statement that the officials of the Hudson's Bay Company were absolutely free from complicity in the Louis Riel episode. But the venerable Archbishop quietly intimated that, if any such statement was made by Lord Strathcona, he would produce documents that would settle the question definitely for all time, upon lines that would create a startling

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Towards the end of the month, the three delegates to Ottawa, appointed by the Convention, left for the Capital, taking with them a copy of the List of Rights, containing some amendments which had been added, it would seem, at a secret meeting in the Bishop's Palace in St. Boniface, on the eve of departure.(1)

While these delegates were busy with the Dominion Government, in preparing and having passed the Manitoba Act, affairs progressed smoothly at the scene of the earlier disturbances in Red River. The proof of this statement is suggested in a Proclamation to the People of the North-West, issued by Riel, April 19, 1870.

"Let the assembly of twenty eight representatives which met on the 9th of March be dear to the people of Red River; that assembly has shown itself worthy of confidence. It has worked in union; the members devoted themselves to public interests, and yielded only to the sentiments of good will, duty, and generosity. Thanks to that noble conduct public authority is now strong; that strength will be employed to sustain and protect the people of the country. Today the

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(cont'n) sensation throughout Canada. Consequently negotiations came to a termination somewhat hurriedly." (Preston. Strathcona. p.52) Though he was appointed as Special Commissioner for Canada at Red River, Smith was also concerned in protecting the interests of the Company. It would appear that in so far as the two objectives coincided, he performed his task well, and that his presence during the Red River disturbances had a moderating influence and helped to prevent much violence and blood-shed.

(1) See a letter by Archbishop Tache in the Winnipeg Free Press, Dec. 27, 1889.

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Government pardons all those whom political differences led astray only for a time. An amnesty will be generously accorded to all those who will submit to the Government; who will discountenance or inform against dangerous gatherings. From this day forth the public highways are open, and the Hudson's Bay Company can now resume business.(1)....The Government will take every precaution to prevent this peace from being disturbed. While internally all is thus returning to order; externally also matters are looking favorable. Canada invites the Red River people to an amicable arrangement ....Let us remain united and we shall be happy, with the strength of unity."(2)

On May 12, 1870, the Manitoba Act received the Royal assent (3) and was reported to a meeting of the Provisional Government at Red River, June 24, by Father Richot, who had returned from Ottawa one week earlier. The assembly voted to accept the terms of the Act, and Archbishop Tache went to Ottawa to deliver the news to the Dominion Government. When he returned to Red River on August 23, he was just one day ahead of the expeditionary force under the command of Colonel Wolseley.

There have been at least three current misconceptions

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(1) It was later suggested by those who had opposed the Provisional Government that this permission to the H.B.C. was an attempt to fulfill the conditions, stated in Macdonald's letter to Tache, necessary for the granting of an amnesty and for compensation being paid by Canada to the H.B.C. for losses suffered by the Company during the disturbances.

(2) Oliver. Op. cit. p.918.

(3) Ibid. p.964.

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concerning the Wolseley Expeditionary Force, namely, that its arrival in Red River was a complete surprise to Riel and his followers; that it was a military expedition, sent out for the purpose of making war upon the people of Red River; and that it was sent out to punish the 'murderers' of Thomas Scott.

Some evidence to show that there was no element of surprise at Red River upon the arrival of the soldiers, has been adduced above.(1) Further proof has been found in a copy of a letter from Riel to Tache at Ottawa, dated July 24, 1870.

"We are making ready for the arrival of the Governor....the troops and the Governor shall be received with enthusiasm."(2)

The fact that the expedition made use of the American canals on the Great Lakes is proof that Colonel Wolseley was not sent to make war on the inhabitants of the Territories, as the authorities at Washington demanded a strict guarantee from the Dominion Government that this was not a military expedition. Moreover, Joseph Howe had informed Bishop Tache that "It is an expedition of Peace."(3) The

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(1) See page 55.

(2) Sessional Papers, 1874. p.37.

(3) Ibid. p.31.

## THE LIST OF RIGHTS AND MANITOBA ACT.

British Secretary of State for the Colonies had written to the Canadian Government that,

"The troops must not be employed to impose the sovereignty of Canada on the population of Red River, if the latter refuse to admit it."(1)

Bishop Tache had also received assurance from General Lindsay, who had under his authority the troops in Canada, that

"It was an expedition of peace; that this sending had nothing to do with the movement of the preceding winter."(2)

The fact that the plans for the sending of the expedition were made before March 4, would prove that the purpose was not to punish the people who had shared in the shooting of Thomas Scott. Thus, Sir John A. Macdonald wrote to Sir John Rose, Canadian High Commissioner in Great Britain, on March 11, before had had any news of the death of Scott:

"The foolish criminal attempts of-----and----- to renew the fight added greatly to Riel's strength....We shall receive the delegation with all kindness, and, I think, beyond a doubt, make an arrangement with them; but we shall, at the same time, prepare for the expedition to leave here at the end of April or the beginning of May."(3)

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(1) Benoit. Tache. Vol.1 p.82.

(2) Ibid. Vol.2 p.109.

(3) Pope. Memoirs of Macdonald. Vol.2. p.62.

## THE LIST OF RIGHTS AND MANITOBA ACT.

It is certain that when Macdonald wrote the above letter he did not know of the death of Scott, because on March 31, twenty days later, the Governor General sent the following message to the Colonial Secretary in London:

"We do not know yet if a rumour which several newspapers have copied, to the effect that Riel has shot an individual named Scott, is true or false."(1)

Another proof that the Wolseley expedition was not intended as a punitive force is found in the copies of the letters and telegrams sent by the Dominion Government to Secretary of State for the Colonies and his replies thereto, one of which is quoted, bearing the date of March 5, one day after the death of Scott:

"Her Majesty's Government will give the proposed military assistance provided reasonable terms are granted Red River Settlers and provided your Government enable Her Majesty's Government to proclaim the transfer of the Territory simultaneously with the movement of the forces."(2)

While it is certain, therefore, that the official view of the sending of the soldiers to Red River was that it was neither a military nor a punitive expedition, it is equally clear that many of the Ontario men who enlisted regarded themselves as the avengers of Scott. It was fear of this element which lead Riel to abandon Fort Garry before Colonel Wolseley had taken possession.

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(1) Sessional Papers, 1874. p.115

(2) Quoted in....Hill, History of Manitoba. p.318.

## THE LIST OF RIGHTS AND MANITOBA ACT.

It is not necessary to follow the movements of the troops on their trip to Red River nor to trace further the events following their arrival. By August 24, when they entered the gates of Fort Garry, the insurrection was over and the leaders of the Provisional Government had left the Fort. Riel had planned to receive Colonel Wolseley and the troops personally, and to hand over his authority to the Queen's representative, but an hour or so before their arrival he was warned to leave the Fort and, according to his own story, as the Colonel was entering at one gate, "I was leaving at the other". Thus ended what has been called the 'inglorious insurrection'(1)

The direct results of the insurrection are to be found in the terms of the Manitoba Act, 1870, particularly in clauses 1, 22, 30, and 31. Clause 1 provided for the admission of the North-West Territories into the Dominion of Canada as a Province, not as a Territory as at first intended. Clause 22 enacted legislation regarding schools, stating that

"The said Legislature may exclusively make laws in relation to Education, subject and according to the following provisions...."

Clause 31 set aside 1,400,000 acres of land in the Province for the benefit of the families of the half-breed

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(1) Martin. The Red River Settlement. C. & P. Vol. 19. p. 13.  
 (2) Oliver. Op. cit. pp. 964-973.



## THE LIST OF RIGHTS AND MANITOBA ACT.

residents. Clause 30, although it was probably drafted in order to recompense the Canadian Government for the price paid to the Hudson's Bay Company, through the British Government, to relinquish its charter, may almost be regarded as the penalty imposed on the Province of Manitoba for disturbances attendant upon its birth. In that article it was stated that

"All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion...."(1)

In summarizing the far-reaching indirect effects of the Red River disturbances, a noted authority on Canadian History has expressed the view that

"The events of 1869-70 have sown Manitoban and even Canadian <sup>History</sup> with dragons' teeth yielding ever since a truly prolific harvest of racial and religious controversy."(2)

Subsequent events make it easy to agree with this opinion. The troubles that successive Governments have had over the land-grants, the North-West Rebellion of 1885, the Manitoba School Question, and the struggle on the part of the Prairie Provinces to secure from the Dominion Government control of their own natural resources, furnish ample illustration of this general contention.

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(1) Oliver. Op. cit. pp.964-973.

(2) Martin. The First New Province of the Dominion. C.H.R. Vol.1 (1920) p.377.

## CHAPTER VIII.

## CONCLUSIONS.

The respective authors of many useful Canadian History texts, published for use in the schools of the Dominion, have written regarding the disturbances at Red River in 1869-70, under the title of the Red River Rebellion. It should be tolerably clear that the term is inaccurate, misleading, and unjust. Against what Government did Riel and his followers rebel? If the Provisional Governments are not included, there were only three possible governing bodies in the Red River Settlement in the period between 1865 and 1870, namely, The Hudson's Bay Company, as represented by the Governor and Council of Assiniboia; the British Government; and the Canadian Government.

In the discussion concerning the 'flag incident' (1) evidence was brought forward to show that the events of 1869 did not constitute a rebellion against the British Government. The Union Jack was flown by the Metis at Fort Garry and, if their own flag was also used, they did but copy the example set by the Hudson's Bay Company and Dr. Schultz' group, neither of which were ever accused of rebellion because of the flag. (2) Further evidence that they were loyal to Great Britain is found in the various

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(1) See above p. 53 ff.

(2) Beggs. Op. cit. p.30.

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proclamations issued by Riel and his Council, and in the letters from persons intimately connected with the event. On December 13, McDougall, writing to Riel, used this phrase,

"As a representative of the Sovereign, to whom you and they owe - and, as I am told, do not wish to deny - allegiance...."(1)

In a letter of December 16, Sir Hohn A. Macdonald stated that he was aware of the fact that the Red River people were "not against the Sovereignty of Her Majesty or the government of the Hudson's Bay Company, but to the assumption of the government by Canada"(2) The Resolutions of the Provisional Government of March 15, 1870, contain the clause,

"The loyalty of the people of the North-West towards the Crown of England remains the same."(3)

The above are just a few of the many examples that might be quoted to show that the Metis were loyal British subjects.

Evidence in support of the view that Riel was personally loyal to the British Government in 1869, is supplied by the facts that he refused offers from the United States of \$4,000,000., men and arms; he quarrelled with O'Donohue

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(1) Willson. Strathcona. p.194.

(2) Narter. Correspondence. p.53.

(3) Oliver. Op. cit. p.915.

## CONCLUSIONS.

over the matter of Fenians and American assistance; and he later raised a force to resist the proposed Fenian raid on Manitoba, and was publicly thanked by the Lieutenant-Governor of the Province for his action.(1) It could be argued as easily that the Ontario group were rebels, as, indeed, the Roman Catholic historian, Morice, has done.

"The people of Assiniboia had excellent reasons for rising in 1869....Their rising was not a rebellion against legitimate authority, but a protestation against the invasion of their rights by strangers, which circumstances rendered necessary....There never was a rebellion at Red River.. ..except that of the Canadians against the Government the country had, with scarcely a dissenting voice, given itself."(2)

It is quite apparent that the other residents of the Colony did not believe that the Metis were rebels against the Hudson's Bay Company. On the contrary, there was a firm belief that the Company and the French were working in close conjunction with each other. On November 5, McDougall received a communication from the Canadian party at Red River to the effect that

"the H.B.C. are evidently with the Rebels, and their present role is to prevent your having any

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- (1) Morice. History of the R.C.Church. Vol.2. p.12. For a complete <sup>account</sup> of Riel and the so-called Fenian raid of 1871, see the articles by de Tremaudan and Pritchett in the C.H.R. for June 1923, and Mar. 1929. Both articles indicate clearly that Riel was opposed to the Fenians, and that O'Donohue was very active on their behalf.
- (2) Ibid. p.18. For further evidence on this point see Sessional Papers, 1870. p.30.

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official intercourse with them. It is said that the Rebels will support the Government of the H.B.C. as it now exists."(1)

At a meeting of the Council of Assiniboia on October 25, 1869, Riel said that his party were perfectly satisfied with the government in existence. (2) In the course of his correspondence with the Secretary of State, McDougall, again and again, expressed the opinion that the Company and the Rebels were working in harmony to prevent Canada taking over the district.(3) Further illustration of the intimate connection between the Company and the Metis party, may be found in the works of Beckles Willson, an author who was always friendly to the Company. He stated that at the time Colonel Wolseley's troops were entering Fort Garry a box of papers belonging to the Chief Trader, Watt, were thrown down a well, and were later fished out and burned. One letter was not destroyed; it had apparently been written by Governor McFavish, and contained the following:

"It is a question whether McDougall should not be starved out for his arrogance. Only I strongly advise you to risk nothing for the greedy London directory, from whom we are not likely to

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(1) Sessional Papers, 1870. p.31.

(2) Oliver. Op. cit. p.617.

(3) See pages 40 to 41 preceding.

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receive any thanks....As for Riel, he is every day strengthening himself, and all our work—people are with him."(1)

The same author appears to have taken for granted co-operation between Riel and the Hudson's Bay Company at Red River, when he wrote:

"It is true the insurrection of 1869-1870 could have been averted. It would have been easy, through an agent of tact and eloquence, to have dispelled the illusions which had taken possession of the Metis, and to have restored confidence as to the policy of Canada. But was it the Hudson's Bay Company's duty to enlighten the aggrieved inhabitants? ....Was it the fault of the Company that several thousand wild Metis children of the wilderness, passionately attached to the old order of things, were in their hearts loyal to the Company, which fed and clothed and administered law to them?"(2)

Not only was there no hostility between the Metis and the Company, but there is evidence to show that the Kildonan settlers and the American immigrants in Red River looked more favorably on the French half-breeds than on the Canadian party under Dr. Schultz. Support for the statement may be found in Colonel Dennis' letter as quoted herein (p. 37) and in the fact that Major Boulton and his party from Fortage la Prairie found the Kildonan people to be opposed to any use of force against Riel.(3) No one has ever suggested

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(1) Willson. Strathcona. p.265.

(2) Willson. The Great Company. p.494.

(3) See page 68 preceding.

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that the Kildonan men were afraid to attack, and it would seem probable that sympathy for, not fear of, Riel, prompted their inaction. It is also a fact that very little effort was ever put forth by any Red River inhabitant to earn the \$5000 reward offered by the Ontario Government for the capture of the 'murderers' of Scott. It was not until 1874 that the money was paid to ten persons for the arrest of Lepine. As Riel was in the district during those years, this inactivity in the face of the large financial reward would tend to show that the Metis formed the party popular with all classes, in the Settlement, the Canadian residents being excepted.

As Canada had no authority at Red River until the Order in Council of June 23, 1870, transferred Rupert's Land to the Dominion, and since Riel offered no resistance to Canadian authority after that date, it is obvious that the Metis did not rebel against the Canadian Government in 1869.

Closely associated with the question of 'rebellion' has been the dispute over the shooting of Thomas Scott. Those who regard the Metis as Rebels look upon the shooting as a murder, and, per contra, those who regard Riel as the defender of Metis rights in the Red River district, justify the 'execution' of the troublesome Irishman. The argument has centered around the legality or the illegality

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of the Provisional Government, a point over which learned constitutional lawyers have disagreed. From amidst the bewilderment caused by <sup>the</sup> exact definitions and legal terminology of the disputants, one clear fact has emerged, however, that on March 4, 1870, the Provisional Government was a recognized governing body in Red River. (1) There can be no doubt that McDougall's Proclamation of December 1, had given rise to the conditions anticipated by Sir John A. Macdonald in his letter of November 27, (2) although some doubts may exist as to whether the first Provisional Government, formed by Riel immediately following the Proclamation, enjoyed the confidence of the majority of the inhabitants. The formation of the Provisional Government of February, however, was the work of the Convention of twenty English and twenty French elected representatives. At a meeting of that body, held on February 10, the vote in favor of forming a government was unanimous, with the exception that the three delegates from Poplar Point and High Bluff refrained from voting. (3) The membership of the Government was sufficiently diversified to attract the support of the

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(1) For proof of the statement, see pp. 102-103.

(2) See page 52 above.

(3) New Nation. Feb. 18, 1870.



## CONCLUSIONS.

various factions within the Settlement, having been composed of the following men:

President.....	Louis Riel
Judge of the Supreme Court.....	James Ross
Sheriff.....	Henry McKenney
Coroner.....	Dr. Bird
Postmaster-General.....	A.G.E. Bannatyne
Collectors of Customs.....	Roger Goulet John Sutherland
Secretary of State.....	Thomas Bunn
Assistant Secretary of State..	Louis Schmidt
Secretary of the Treasury.....	W.E. O'Donohue (1)

This was the body which was supported in the elections of February 26, and which was recognized as the Government by the Canadian Commissioner, D. A. Smith. (2) Although the delegates to Ottawa were appointed by the Convention before the formation of the Provisional Government, they did not leave the District until March 23 and 24, and the Canadian Government in its negotiations with them must have known that they were acting under instructions from Riel's Council. If this be admitted, then it would follow that by such negotiations the authorities at Ottawa recognized the de facto Riel administration. Under those circumstances, and provided it is not 'murder' when the state inflicts capital punishment, the shooting of Thomas Scott was an 'execution'.

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(1) Hill. Op. cit. p.278.

(2) Oliver. Op. cit. p.930

## CONCLUSIONS.

Professor Martin, who is well known for his extensive studies on the history of Western Canada, has expressed his opinion of the part played by the Roman Catholic clergy at Red River, in the turbulent days of 1869-1870, in the following sentence:

"The brains of the movement, however, were not those of Louis Riel; and it would not be unjust, perhaps, either to the French Metis or to their guardians in all that was well-ordered and sustained in the Riel Insurrection to regard the Metis as the secular arm of the Church at Red River."(1)

The evidence to support that belief must be circumstantial rather than direct, as no official statements or documents have been produced to show just what attitude the church took toward the Metis uprising. It is known that Riel was susceptible to religious influences; that through the influence of Bishop Tache, he was a student for some years in a Church school in Eastern Canada; that he was much in the company of Fathers Richot and Lestanc on his return to Red River; and that they acted in an advisory capacity to him on many occasions, often using Father Richot's house in St. Vital as a meeting place for the half-breeds. But what advice those two priests gave to Riel, to what extent it was graciously received and acted upon, and whether the priests were carrying through the orders of those in authority over them, these are questions

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(1) Martin. The First New Province of the Dominion. C.H.R. Vol.1 (1920) p.367.

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upon which one can only surmise.(1) On at least one occasion, when Father Lestanc formed one of the Committee to plead with him to spare the life of Scott, the advice of the priest was not accepted.(2) From this incident it might be inferred that the policy of the clergy was to oppose the use of force, and some evidence to prove the correctness of that inference is found in the words of Gabriel Dumont, in a speech referring to the events of 1885:

"When we armed ourselves the priests lined themselves against us. They would not hear us in confession, neither the men nor the women, nor

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(1) The extreme anti-Roman Catholic view of the activities of these men is found in the following statement made by a Protestant minister, who arrived in Red River the year following the uprising. "Here again the writer is aware of the gravity of the statement he is making, but he had evidence of the clearest kind for his position. A dangerous religious element in the country - ecclesiastics from old France - who had no love for Britain, no love for Canada, no love for society, no love for peace! The plotters were in close association with the half-breeds, dictated their policy, and freely mingled with the Rebels. One of them was an intimate friend of the leader of the rebellion, consulted with him in his plans, and exercised a marked influence on his movements. This same foreign priest, with Jesuitical cunning, gave close attendance on the sick Governor, and through his family exercised a constant detrimental power upon the only source of authority in the land. (Bryce. Remarkable History of the Hudson's Bay Company.) p.463.

(2) Oliver. Op. cit. p.931.

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the children. It was hard for the poor Metis to see all that; it was most discouraging."(1)

The extent to which the Church influenced Riel in the early stages of the insurrection may never be known, but it can be definitely asserted that its influence dwindled from the time of the return of Bishop Tache to Red River, in March, 1870. Riel seemed to fear that the Bishop was siding more with Canada than with the Red River Settlers.

"When he (Bishop Tache) passed in view of Fort Garry, Riel's soldiers asked their chief for permission to go and receive their Bishop's blessing. The President granted same but he, himself, would not go, and said: "It is not His Lordship Tache, it is not the Bishop of St. Boniface passing, it is Canada.'"(2)

When Tache returned from Ottawa on August 23, without a written promise of amnesty, Riel felt that his first suspicions had been correct. The following day when the soldiers were arriving at the Fort, Riel's first words when he returned to the Bishop's Palace were:

"Come, my Lord, and see the soldiers who arrive at the Fort. Do you believe it now?" According to another version, vouchsafed for by his closest friends, he said: "It is you who will cause us to hang."(3)

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(1) Le Pays. Montreal. July 10, 1915. (quoted by de Tremaudan in C.H.R. June, 1924. p.151.)

(2) Benoit. Tache. Vol.2 p.59.

(3) de Tremaudan. Louis Riel's Account of the Capture of Fort Garry. C.H.R. June, 1924. p.151.

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"From that day, August 23, 1870, Riel seems to have gradually lost the confidence which he had always had in Mgr. Tache and the clergy, and he finally formed the opinion that they had leagued themselves with those whom he considered his enemies to defeat his aim of getting fair autonomy terms for his country. 'He had not an entire confidence in the clergy, for, said he, the priests were the natural flatterers of the governments.' He had frequent outbursts against Mgr. Tache, because he had believed the loyalty and promises of the ministers and stopped the movement of 1870.' So is explained the new religion established by Louis Riel in 1885."(1)

While the church may or may not have taken an important and active part in the events connected with the disturbances at Red River, it appears to have had a determining voice in fixing the policy of the Manitoba Act, 1870.

Mention has been made of the fact that the terms of the Act were based upon a secret list of rights, drawn up at the Bishop's Palace, St. Boniface. Further proof of its influence has been found in the statement that

"The Governor General informed the Colonial Office by cable on April 11, 1870, fifteen days before the opening of negotiations at Ottawa between the Dominion Government and the three delegates from Red River that 'Bishop Tache, before leaving Ottawa, expressed himself quite satisfied with the terms accorded to himself and his church'. It is reasonable to suppose that a general understanding had been reached at Ottawa upon the Archbishop's return from Rome."(2)

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(1) Ibid. p.150.

(2) Martin. The First New Province of the Dominion. C.H.R. Vol.1 (1920) p.369.

## CONCLUSIONS.

Upon this assumption may be explained the inclusion of Clause 22 in the Manitoba Act, providing for legislation in regard to schools and not included in the original List of Rights.

"Settlement of Red River was founded by an individual proprietor under the aegis of a disputed charter. It was twice destroyed by men of kindred race, overwhelmed during its early years by almost unparalleled disasters, and developed for two decades under the protection of a private family. It relapsed into the ownership of a monopolistic trading company, which was accused of having 'locked the door upon the settlement, and put the key in its pocket'; and finally, after a generation of obscurity, culminating in an inglorious insurrection, it took its place as one of the most promising provinces of the Dominion."(1)

Was there a rebellion at Red River in 1869-1870 ?

Evidence has been adduced herein to show that the 'rebels' were loyal to Great Britain and to the Hudson's Bay Company, and that Canada had no legal authority in the district at the time. Therefore, the disturbances, known to the Metis as "The Trouble", did not constitute a 'rebellion'. Was it even an 'inglorious insurrection' ? From the point of view of the majority of the inhabitants of Red River it was a worth-while effort to determine the conditions under which the District of Assiniboia should become a part of the Dominion. Had it not been for the 'tragic blunder'

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(1) Martin. The Red River Settlement. p.13.

## CONCLUSIONS.

connected with the shooting of Scott, and for his greater mistake of raising the ensign of rebellion in the North-West in 1885, Louis Riel would probably have been known as the champion of self-determination and Responsible Government for the Province of Manitoba.

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