

I have assumed the responsibility of increasing the price of goods fifty percent and some articles one hundred percent and could sell all I have to these people at these rates, but I am holding on to them as much as possible. To sell our goods at one hundred percent on cost is sacrificing them.¹⁴

By 1874, the HBC had tight control over the cost of its labour and its trade goods. It was paying the cartmen and teamsters in goods, not cash. As Clarke had planned in 1872, the cost of these goods had been artificially inflated up to one hundred percent above former prices. The Metis workmen were forbidden by law to strike and were thus unable to demand their wages in cash, which might have been spent elsewhere, giving them some degree of freedom from the HBC. To complicate matters further, the buffalo were becoming scarce. Since they were now being paid in goods by the HBC, the Metis had no hope of improving their subsistence-level farms by acquiring better farm implements. The Metis of St. Laurent were rapidly becoming impoverished. The only occupation they had left was that of working for the HBC. And in this, they had little or no bargaining power.

The scarcity of buffalo was creating a crisis for the HBC too, since its winter operations could not be carried out without the vital food staple, pemmican. Its need for pemmican once again represented the weak link in the company's chain of power over the Metis. The Metis, masters of the buffalo hunt, had the upper hand in this struggle. Facing hunger, they would certainly keep the buffalo meat they obtained for themselves rather than sell it to the company.

By 1874, a set of workable laws was needed in the territory in and around Fort Carlton to handle the conflicts that were developing between the company and the Metis settlers, as well as to mediate disputes among neighbours and to provide a legal system for the smooth functioning of the colony. On July 30, 1870, the governor general had assigned Manitoba's Lieutenant Governor Archibald the responsibility of governing the North West Territories as well as the province of Manitoba. On March 8, 1873, an administrative body called the North West Council was established in Winnipeg. Council members met on an irregular basis, however, and had little time to spare for the problems of the Metis in the North West Territories.

Although the Lieutenant Governor of Manitoba had governing powers in the North West Territories, his duties were narrowly defined. He was not directed to establish responsible government in the North West Territories, nor was he instructed to institute means of bringing British law to the area even though Canada claimed jurisdiction over it. Both Archibald and his successor, Lieutenant Governor Alexander Morris, concentrated on preparing the Indians for the signing of treaties, which would place them on reserves. The valuable lands of the North West Territories would therefore be available to the colonization companies for settlement. Canada continued to administer the law in the Northwest, using the HBC's legal system that had existed prior

to 1870. Under this system, all HBC factors automatically served as magistrates throughout the territories.

Lawrence Clarke, as the HBC's factor at Fort Carlton, was therefore automatically magistrate for the northern districts. Thus, the company not only maintained its monopoly over labour and supplies, but its chief factor functioned as the only judge in the region. Clearly, this system could work to the company's advantage if disputes arose between the company and the Metis. For example, as magistrate, Clarke had the power to imprison anyone who went on strike, an act regarded as mutiny by the company. At one point, Clarke did threaten imprisonment for those employees who went on strike at Green Lake.¹⁵

By 1874, the legal system that Clarke officially represented in the Northwest was seen by the Metis as something alien and detrimental to their way of life. What they really required was a code of laws suited to their own political economy, particularly for the preservation of the remaining buffalo. Their social organization, reflecting their lifestyle as buffalo hunters, was both communal and democratic. Community leaders had always been elected, as were the leaders of the hunt. This tradition was informally recognized as "the laws of the prairies."¹⁶

Under these informal laws, which were passed on verbally from generation to generation, the buffalo hunt was carried out in a highly organized way under the terms of a strict military discipline. The laws of the prairies ensured that the bounty of the hunt would be shared by the community as a whole so that no one would go hungry.

At a meeting in their winter camp south of St. Laurent on December 10, 1873, the Metis updated and formalized the old laws of the prairies into what was called the Laws of St. Laurent.¹⁷ This written document set out civil rules of conduct designed to enhance the lives of the sedentary Metis communities in the north. It established fines and other punishments for breaches of the regulations. But even more important for the life of the community than the civil rules was the section called Laws for the Prairie and Hunting, which consisted of twenty-five articles regulating all aspects of the hunt.

The Laws of St. Laurent stipulated that the hunt could not commence until a time decided upon at a general public assembly which was slated for the end of April every year. It stated: "No one, unless authorized by the Council can leave before the time fixed for departure."¹⁸ Provisions were made for punishing anyone who broke this all-important rule, either by a fine, confiscation of equipment, or both. This section also spelled out the rules for the duration of the hunt, enforcing a strict para-military discipline until the hunt was officially terminated by the captain.

These regulations were enforced to ensure that the good of the community overrode the advantage of any individual. The lives of all the people depended



Saskatchewan Archives Board

July 1877 - Council of Officers.

L - R. Front row, sitting: Factor Ewen MacDonald - Isle a la Crosse District; Factor William McKay - Fort Pitt, Saskatchewan; Clerk George S. Davidson - Accountant at Carlton House.

Middle row, sitting: Chief Factor Lawrence Clarke - Carlton House, Lower Saskatchewan District; Sir Donald A. Smith - Winnipeg, M. P. for Ottawa; Governor James A Graham, Fort Garry, Manitoba; Chief Factor Richard Hardisty - Edmonton House, Upper Saskatchewan District.

Third row, standing: Chief Factor Archibald McDonald - Fort Qu'Appelle, Swan River District; Chief Factor Roderick McFarlane - Fort Chipewyan, Athabasca District; Rev. James Settee - Anglican Native Missionary; W. F. Gardier - Clerk Fort Chipewyan; Chief Factor James McDougall - Peace River District.

upon the buffalo hunt. Yet, according to the laws, the punishment for most offences was lenient, usually only a small fine. The most serious offence imaginable was that of beginning the hunt before the time decided upon by the council, an act which could drive away the buffalo, causing severe hardship and perhaps starvation for the whole community. Thus, under the Laws of St. Laurent, a large fine could be imposed on anyone who left for the hunt on his own, without the council's approval.

According to the initial organization, the Laws of St. Laurent were to be administered by a president and council. Gabriel Dumont was unanimously elected president for the first one-year term. The council was comprised of eight members, all Metis, who were to be men of good standing in the community. The laws seemed innocuous enough to the Metis who drew them up. They felt confident that the federal government would see them as they were intended to be, that is, ordinary down-to-earth rules for the survival and social well-being of the Metis community of St. Laurent. Indeed, the preamble to the laws appears to have been designed to assure the federal government that the Metis were in no way attempting to usurp its authority in the North West Territories. The preamble stated:

The inhabitants of St. Laurent held a public assembly to draw up laws and regulations for the peace and tranquility of their community. In the absence of any form of government among them to administer justice and to judge the differences that may arise among them, they have thought it necessary to choose from their number a Chief and Councillors invested with powers to judge differences It is well understood that in making these laws and regulations the inhabitants of St. Laurent in no wise pretend to constitute for themselves an independent state but the actual situation of the country in which they live, obliges them to take measures to maintain peace and union amongst them But in forming these laws, they acknowledge themselves as loyal and faithful subjects of Canada, and are ready to abandon their own organization and to submit to the laws of the Dominion, as soon as Canada shall have established amongst them regular magistrates with a force sufficient to uphold in the country the authority of the laws.¹⁹

The Laws of St. Laurent were vital to the northern Metis communities. They were used as a means of assuring a good supply of pemmican for themselves. Indeed, it was because of the existence of these laws that the Metis were able to keep from starving. The buffalo had become so scarce by 1874 that many Indian bands were experiencing difficulty surviving. The few buffalo left on the plains were being sought by both the Metis and the Indians. If the buffalo were to escape extinction, a legal system for the rationing and equitable distribution of this rapidly dwindling resource had to be created and rigidly enforced.

A Liberal government was in power in Ottawa from 1873 to 1878. This

administration, under the cautious leadership of Prime Minister Alexander MacKenzie, was more reluctant to use its police force to secure Indian territories than did the federal Conservative government after 1878. However, the Liberal government did concentrate on making treaties with the Plains Indians to prepare the West for settlement. The Fort Carlton district was initially central to the plans of both the Liberal and Conservative governments' plans for the settlement of the West because it stood near the centre of the proposed route for the transcontinental railway and the transcontinental telegraph lines that were to link the prairies and the West Coast to eastern Canada.

However, the powerful Indian chiefs in the region were reluctant to make a treaty and settle in on reserves. Thus, by 1874, Lieutenant Governor Morris felt that a substantial police force would be required in the Northwest to supply the necessary military support for the making of favourable treaties. On April 25, 1874, Morris informed the minister of the interior:

I direct your attention to [an] estimate of the force necessary to maintain order in consequence of the Indians' belief in the weakness of Canada from a military point of view. I will add that I have discussed the matter with persons well acquainted with the interior of the country, and the difficulties to be encountered, and the lowest estimate of the number of men, who could be safely sent on the expeditionary force, has uniformly been five hundred men. The Indians are so numerous and so well armed that a small force would not be respected. I bring this matter under your attention, and presume that the measures that may be taken for the enforcement of order and the maintenance of law and peaceful relations with the Indian tribes, you will act with the benefit of advice from competent military sources.²⁰

Certainly, Morris was aware that a powerful police presence was required as a means of coercion that would enhance the government's ability to make treaties that would be advantageous to its plans for settlement. This was particularly true for Treaty Number Six, known as the treaty of Fort Carlton and Fort Pitt. Treaty Number Six would secure the territory that was to eventually contain a major rail centre on the transcontinental line. First, however, Big Bear and the other powerful chiefs had to be settled on reserves through Treaty Number Six. This could be accomplished best if a substantial police force could be quartered at Fort Carlton. Furthermore, this police force should not be seen by the Indians and Metis of the region as an invading army. Ideally, the force would be brought in to the territory at the Natives' request.

A police presence was also required by Lawrence Clarke, not only in his role as magistrate, but also to enforce the HBC's continued economic dominance over the people of the region. Clarke was now actively seeking ways to get HBC control of the pemmican supply. Since the laws constituted

an attempt to institutionalize the communal hunting and distribution of buffalo, they had to be superseded by Canadian law if the company was to have continued access to its only source of pemmican. The company could not carry out its winter activities without a sure supply of pemmican. In fact, control of this vital but rapidly dwindling resource was necessary for the company to continue its operations in Fort Carlton. Clarke needed the implementation of Canadian law to take the control of the buffalo resource out of the hands of the Metis. And he needed Canadian police in the region to enforce it. Clarke was reasonably sure that the federal government would continue to favour the company, since Donald A. Smith, its former chief commissioner, was now a member of Parliament in Ottawa and had promised to use his new office to support his old company.²¹