

## **CHAPTER FOUR**

### **The Police and Business Interests: Unobtrusive Entry into the Northwest**

The Laws of St. Laurent, drawn up by the Metis council in December 1873, were not seen as controversial by the people of the region. Nor were they new. People accepted them, knowing that they had been designed for the protection and stability of the community. There had been no instances of anyone attempting to break the laws of the hunt until the late spring of 1875, when a small group of Indian and Metis hunters endangered the existence of the entire community by leaving for the hunt well in advance of the annual hunting party. These men, under the direction of a Metis named Peter Ballendine, a HBC employee, had left without consulting anyone. This presented a particularly ominous threat to the community because competition for the dangerously depleted buffalo herds was becoming keen.

The council was informed of this transgression by Metis scouts. The council immediately charged Gabriel Dumont with the responsibility of arresting the party. Dumont and a small posse of riflemen quickly located Ballendine's party on the prairie a few miles south of St. Laurent. Ballendine and his party were tried and found guilty of leaving for the hunt prior to the time decided upon by council. They were given the option of joining the St. Laurent hunting party when it was ready to leave for the hunt or facing punishment. They refused either choice and became belligerent, arguing that the council had no jurisdiction over them. Consequently, their carts and equipment were seized and Ballendine was fined \$25, an extremely large fine at that time. Ballendine returned to Fort Carlton immediately after his arrest and conviction, where he told his story to Chief Factor Lawrence Clarke.

Shortly after Ballendine's conviction, the Metis, under the leadership of Gabriel Dumont, left for the annual hunt. Unknown to them, Lawrence Clarke was using the incident in a way that was to have a profound effect on their lives. On July 10, 1875, in a lengthy letter to Lieutenant Governor Morris, Clarke claimed that the Metis "assumed to themselves the right to enact laws, rules and regulations for the Government of the colony and surrounding country, of a most tyrannical nature."<sup>1</sup> He then informed the

lieutenant governor of the arrest and conviction of Peter Ballendine and his hunting party, concluding that

... unless we have a certain protective force stationed at, or near Carlton the ensuing winter, I cannot answer for the result. Serious difficulties will assuredly arise and life and property be endangered . . . I have thus presumed to address you not as an officer of the Hudson's Bay Company but in my magisterial capacity.<sup>2</sup>

Clarke's letter was puzzling for several reasons. He had worked closely with the very Metis whom he was now condemning as insurgents and criminals. He had even served on their council, and was in many ways responsible for the choice of their settling at St. Laurent. Yet his letter to Morris reflected fear and mistrust of the Metis. It did not reflect the seriousness of the threat posed to the community by Ballendine's hunting party. Considering that Ballendine's actions could have resulted in starvation for many people in the community had he managed to scare the buffalo away before he was captured, his punishment appeared quite light. The lieutenant governor took immediate action on the basis of the information received in Clarke's letter and on the basis of alarming rumours that were spreading rapidly across the nation. Someone from the region had spread rumours of a Metis insurrection in the West. These rumours were eventually published by the *Toronto Tribune* as a factual story.<sup>3</sup> They were probably transmitted to the East by telegraph, since the line had advanced to a point a few miles south of Fort Carlton by July, 1875. The rumours could not be confirmed, but Clarke's alarming report moved the lieutenant governor to direct Major General Smyth, commanding officer of the Swan River detachment of the North West Mounted Police [NWMP], some 270 miles east of Fort Carlton, to investigate the matter. A force of fifty men, including both Major General Smyth and Colonel French, was dispatched on July 28, 1875. The force covered thirty-four miles a day, arriving at Fort Carlton on August 5. Colonel French immediately launched an investigation into the arrest of Ballendine and his hunting party. Colonel French wrote in his first report on the incident to the lieutenant governor:

As I expected, there is no reason for alarm with reference to the affair of Gabriel Dumont. It is customary for the [Metis] when organizing buffalo hunting parties to place themselves voluntarily under rules and regulations framed by certain officers whom they elect. These regulations usually impose fines for various offences and disobediences of orders, particularly when in the immediate vicinity of, or in chase of the buffalo. In the case reported by Mr. Clarke it appears that Gabriel Dumont as president or captain of a band mostly from St. Laurent undertook to punish and fine certain individuals who did not belong to his camp. Dumont is at present hunting on the plains, and may hereafter be arrested and tried for this offence, and

as Mr. Clarke is the only J. P. in this vicinity, I propose leaving Inspector Crozier to assist him in his magisterial capacity, should Dumont be arrested within the next fortnight as is believed to be likely.<sup>4</sup>

After further investigation into the affair, Colonel French wrote a final report on the case, implicating both Lawrence Clarke and the HBC's new chief commissioner, Mr. James Graham, as co-conspirators who had set the whole affair up. A Metis informant named Pierre LaValee had discovered how the incident between Dumont and Ballendine had occurred. LaValee reported:

They [Dumont's party] caught up to Ballendine, took his carts and fined him twenty five dollars and sent him back home. He reported to the Hudson's Bay Company all kinds of things, thus the excitement. It seems the Hudson's Bay Company are the cause of it. They supplied this man with goods and sent him out secretly ahead of the rest.<sup>5</sup>

In his final report, French informed the lieutenant governor that both Clarke and Commissioner Graham had indeed been spreading false rumours about a Metis insurrection. The report concluded:

I cannot myself help thinking that his honor, and I fear the Dominion government, have been unnecessarily agitated by the alarming reports received . . . I was informed that four of the persons accompanying Mr. Graham, the Chief Commissioner of the Hudson's Bay Company, had stated when passing Fort Pelly that serious disturbances had occurred at Carlton. I however, considered that such could not be the case as Mr. Graham had sent me no previous message on the subject. I sent to the Hudson's Bay Company's post at Pelly and inquired from the Officer there if any message or letter had been left for me by Mr. Graham and finding that none such had been left I concluded that the matter was a mere canard.<sup>6</sup>

There was, of course, much more to this affair than a "mere canard" or hoax. This incident, insignificant as it appeared, resulted in the establishment of the NWMP in this northern region. It also resulted in the end of the effective use of Metis law.

French's report was passed on by Lieutenant Governor Morris to the secretary of state in Ottawa. Although officials there condemned Clarke's actions in the affair, no formal charges were ever brought against him. Instead, Gabriel Dumont and the men under his orders were captured and brought to trial. They were tried by the very man who, according to police records, had orchestrated the whole affair; it was Lawrence Clarke, in his capacity as magistrate, who levied the fine against Dumont. Ironically, the Metis involved in the incident felt that the fine was small. Since they were not aware that Clarke had conspired to have the Metis arrested for enforcing the

Laws of St. Laurent, Clarke's leniency served to enhance his image and position in the Metis community.

But the damage had been done. Although Colonel French recognized Clarke's role as a provocateur in this affair, and also that the Metis were in no way threatening an insurrection, a permanent police force was established at Fort Carlton. The fines levied against Dumont and his party were inconsequential. What was important, however, was the fact that this incident was used to render Metis law illegitimate. British law and a substantial police force for its enforcement was now in place at the HBC's Fort Carlton. British law institutionalized the concept of private property, a concept that was absent in the old Metis law. This was a necessary measure if the Canadian government was to carry out its plans to exploit the North West Territories.

There were other effects, equally devastating. The Laws of St. Laurent could no longer ensure that the few remaining buffalo would be harvested for use as a food staple for the Metis. With the end of Metis law, control of the buffalo hunt passed from their hands. Thus, Clarke was free to hire hunters who were willing to kill the remaining buffalo and sell them to the HBC for company use. By ensuring himself access to the dwindling buffalo herds, Clarke safely maintained HBC operations in the region. With the Laws of St. Laurent no longer in effect, the company hired other professional hunters to secure a sufficient supply of the vital pemmican. The company further increased its profits by acting as supplier for the police detachment housed at Fort Carlton. For the Metis and the Indians, however, the incident had severe and long-lasting results. With the last of the buffalo now unprotected from random slaughter, famine once again threatened them. A priest of the community of St. Laurent wrote:

This affair . . . had other results that it was easy to foresee . . . . It was that the humble legislation of the Colony of St. Laurent, having no longer the right to punish the delinquents naturally lost all sanction . . . . Every one took their freedom and ran on the buffalo without any other guide than their insatiable keenness, passion for killing, greed and avarice.

Anarchy and self-interest reigned on the prairie. They exterminated the poor buffalo with more frenzy than ever, so well that the police recognized a little later the wisdom of the laws . . . . About two hundred and sixty families were obliged to make their winter quarters at Lac de Boeuf. In this number . . . one must count at least a good tenth as merchants [selling buffalo meat to the Hudson's Bay Company].

The passion of business, that is to say the thirst for gold, attracted from every direction a herd of such traders as these bands of wolves who followed the caravans of hunters. The competition was terrible and the price rose to the maximum. They announced, besides with the scarcity of buffalo, misery and near famine.<sup>7</sup>

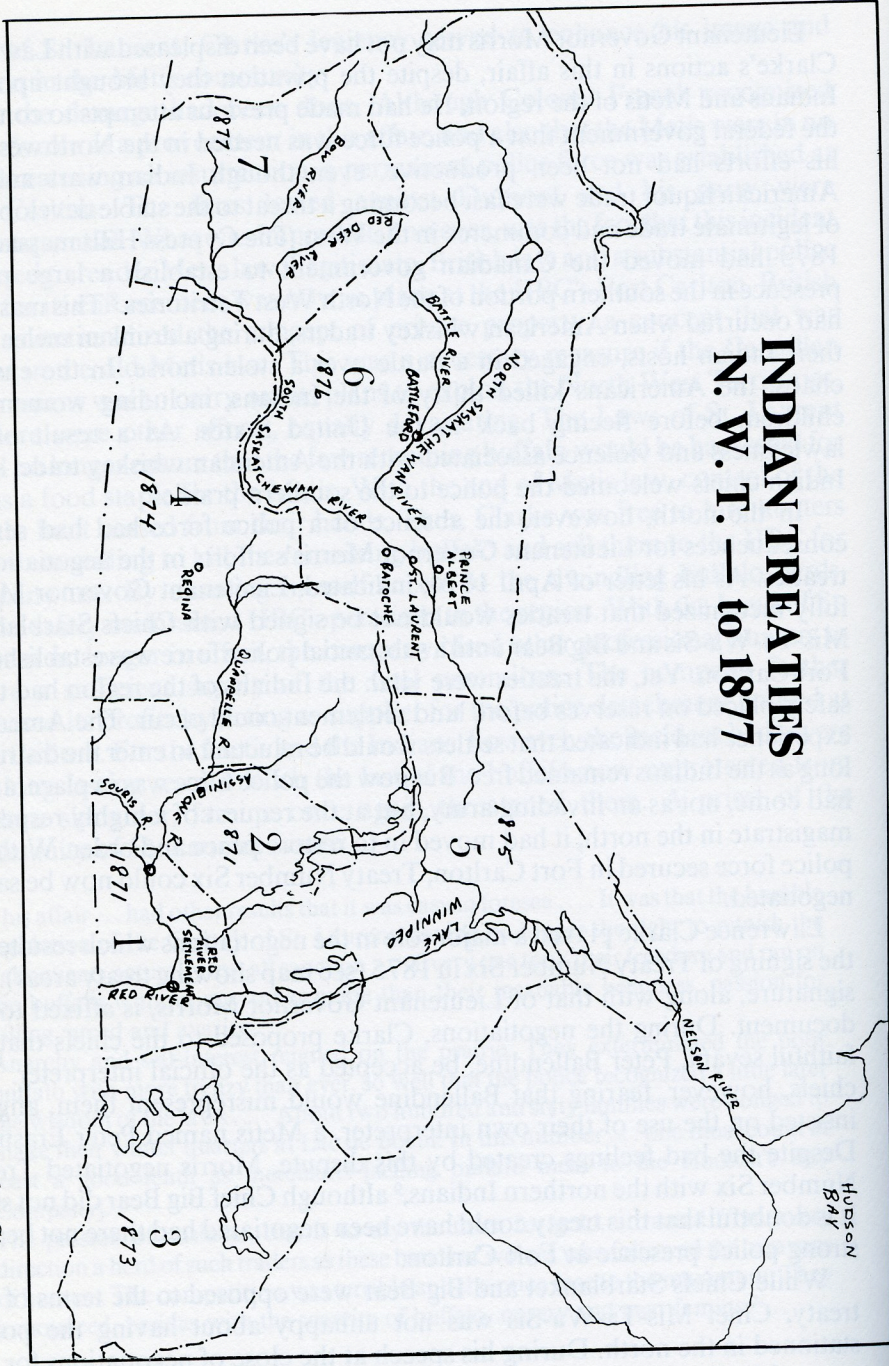
Lieutenant Governor Morris may not have been displeased with Lawrence Clarke's actions in this affair, despite the privation they brought upon the Indians and Metis of the region. He had made previous attempts to convince the federal government that a police force was needed in the Northwest, but his efforts had not been productive, even though Indian wars and the American liquor trade were fast becoming a threat to the stable development of legitimate trade and commerce in the West. The Cypress Hills massacre of 1873 had moved the Canadian government to establish a large police presence in the southern portion of the North West Territories.<sup>8</sup> This massacre had occurred when American whiskey traders, during a drunken melee with their Indian hosts, engaged in a battle over a stolen horse. In the ensuing chaos, the Americans killed thirty of the Indians, including women and children, before fleeing back to the United States. As a result of the lawlessness and violence associated with the American whiskey trade, some Indian chiefs welcomed the police to the southern prairies.

In the north, however, the absence of a police force had had serious consequences for Lieutenant Governor Morris's efforts in the negotiation of treaties. As his letter of April 1874, indicated, Lieutenant Governor Morris fully recognized that treaties would not be signed with Chiefs Starblanket, Mis-Ta-Wa-Sis and Big Bear until a substantial police force was established at Fort Carlton. Yet, the treaties were vital: the Indians of the region had to be safely placed on reserves before land settlement could occur. The American experience had indicated that settlers would be reluctant to enter the district as long as the Indians remained free. But now the police force was in place, and it had come, not as an invading army, but at the request of a highly respected magistrate in the north; it had moved in to restore peace and order. With the police force secured in Fort Carlton, Treaty Number Six could now be safely negotiated.

Lawrence Clarke played a major role in the negotiations which resulted in the signing of Treaty Number Six in 1875 (see map showing treaty areas). His signature, along with that of Lieutenant Governor Morris, is affixed to the document. During the negotiations, Clarke proposed to the chiefs that his faithful servant, Peter Ballendine, be accepted as the official interpreter. The chiefs, however, fearing that Ballendine would misrepresent them, angrily insisted on the use of their own interpreter, a Metis named Peter Erasmus. Despite the bad feelings created by this dispute, Morris negotiated Treaty Number Six with the northern Indians,<sup>9</sup> although Chief Big Bear did not sign. It is doubtful that this treaty could have been negotiated had there not been a strong police presence at Fort Carlton.

While Chiefs Starblanket and Big Bear were opposed to the terms of the treaty, Chief Mis-Ta-Wa-Sis was not unhappy about having the police stationed in the north. During his speech at the close of negotiations for the treaty, Mis-Ta-Wa-Sis said:

# INDIAN TREATIES N. W. T. — to 1877



*Lawrence Clarke played a major role in the negotiations which resulted in the signing of Treaty Number Six.*

I for one look to the Queen and her Red Coat servants to protect our people against the evils of white men's firewater and to stop the senseless wars among our people against the Blackfeet, Piegan and Bloods.<sup>10</sup>

Treaty Number Six made possible the opening up of the most valuable region in the Canadian West — the heart of the fertile belt of land stretching from Red River, northwest to the Rocky Mountains. Control of this region was central to the federal government's plans to exploit the West, plans that had been developing for a decade before the Conservatives were defeated in 1873.

When Mackenzie's Liberal government came into power in 1873, they did little to either change or implement the plans that had been put in place by the previous government for the creation of a western colony. While the Liberals were in office, however, they pursued an aggressive program of treaties with the plains Indians. In fact, Lieutenant Governor Morris became famous in Canadian history as the great treaty maker.<sup>11</sup> Both the Liberals and the Conservatives, however, were aware of the importance of the Fort Carlton region for the establishment of an agricultural settlement in the West.

With the termination of the effective use of Metis law in the Northwest and with the introduction of British law to the region in 1875, the right climate of social stability for investment capital was created. In 1872 the Dominion Lands Act had established the American system of survey that made land ownership possible on a scale large enough for the commercial production of wheat. This act also set aside Township Eight and three quarters of Township Twenty-six on each range for the HBC, in fulfillment of its 1869 agreement. Sections Eleven and Twenty-nine were reserved as a grant for public schools. As well, arrangements were made for economically independent homesteaders to acquire a quarter section of land for a ten-dollar entry fee, provided that they lived on the land and improved it sufficiently over a three-year period.<sup>12</sup>

In 1874, the Liberals amended the Land Act of 1872, reserving certain townships in the West for individuals or companies willing to undertake the settlement of these tracts of land. This is the same colonization system that had been used by the British government to populate the colonies in Prince Edward Island and Nova Scotia during the eighteenth century. By 1877, however, this method had failed as a means of settling the Canadian West since none of the tracts obtained by the colonization companies were successfully settled. That same year, the surveyor general, J. S. Dennis, recommended that all townships previously locked up through colonization company ownership be thrown open to settlement on a free enterprise basis.

But the Liberals were defeated in 1878. Sir John A. Macdonald's Conservative government was returned to power on the strength of its aggressive policies toward development in the West. Under the Conservative's system, there were to be state-sponsored land and transportation