

This paper was used to attack the Hudson's Bay Company and the administration of the Council of Assiniboia. They also used the press to advocate the joining with Canada. In short order, they were successful in stirring up dissension between the various elements in the community.

Their activity did not stop there; they also began to defy the established authority in the area. In 1863, a clergyman, Griffith Owen Corbett, was sentenced to six months imprisonment for the attempted criminal abortion of a maidservant. A small group of English settlers organized and stormed the prison, setting Corbett free. The leader of this group, Stewart, was in turn arrested. He, however, was subsequently released by a force of thirty men. The Governor and his Council, fearing more trouble and having insufficient enforcement officers, took no action against this civil disobedience.³¹

Schultz in the interim had become editor of the *Nor'Wester* and the proprietor of a local store. In the spring of 1867 one of his creditors brought a successful civil action against him. Schultz, however, refused to pay and assaulted the bailiff who tried to enforce the court order. Schultz was then arrested and was to be held for the next court session. Some of his friends assembled that evening, stormed the jail and released him. Although it was agreed by authorities that the judgement against him must stand, no one could be found to execute it. As a result, Schultz remained free to print his paper and to continue sowing dissension in the community.³²

As the Métis settlers became more concerned about the state of affairs, they turned to the son of the late Jean Louis Riel, to lead them and make their protests known. Louis was well-educated and articulate. However, he had not yet experienced the difficulties and governmental actions which were to convince him that affirmative action had to be utilized. He was, therefore, more trusting of the authorities than was justified. When the surveyors began trespassing on Métis lands in the summer of 1869 and Riel was asked to help, he was not prepared to believe that the Canadians were actually planning to take the lands of the people. He believed that the trespass resulted from a misunderstanding and agreed to go and seek an explanation. He met with Major Boulton who headed the survey party and

³¹See generally; Tremaudan, *supra*, note 8; Charlebois, *supra*, note 9; Stanley, *supra*, note 18.

³²*Ibid.*

explained the situation. He appealed to his sense of fairness and justice. Boulton was sympathetic but said he had his instructions which he must follow.

Sensing an opportunity to stir up more trouble, Schultz organized a meeting on July 29, 1869, to discuss the act by which Rupert's Land was to be transferred to Canada. The organizers of the meeting were advocating armed rebellion. The Métis, sensing a trap, refused to participate in the meeting. The surveyors continued their surveys in the area and on October 11, 1869, began to survey the boundaries of the land of André Nault, a loyal Métis. The Métis assembled and decided to stop the work. They confronted the surveyors and asked them to leave. When the surveyors refused, they were forced to retire by the assembled Métis.

The Deputy Chairman of the Hudson's Bay Company also protested the encroachment by the Canadian government in the form of road building. The protest was registered with the British Colonial Office, which in turn requested an explanation from the Canadian Government. Cartier and McDougall replied on January 16, 1869, justifying from their point of view this government action, as well as challenging the authority of the Hudson's Bay Company in the area, stating, *inter alia*:

... We, therefore, beg to remind his Lordship that the boundaries of Upper Canada on the North and West, were declared under the authority of the Constitutional Act of 1791, to include "all the territory to the Westward and Southward" of the "boundary line of Hudson's Bay, to the utmost extent of the country commonly called or known by the name of Canada." Whatever doubt may exist as to the "utmost extent" of old, or French Canada, no impartial investigator of the evidence in the case can doubt that it extended to, and included the country between Lake of the Woods and Red River.

The Government of Canada, therefore, does not admit, but, on the contrary, denies and has always denied, the pretensions of the Hudson's Bay Company to any right of soil beyond that of squatters, in the territory through which the road complained of is being constructed.³³

The Canadian Government did not desist in their road-building construction. Although the Hudson's Bay Company did not accept this challenge to their authority, their main concern was to complete the terms of the transfer agreement being negotiated, on a basis most favourable to themselves. They, therefore, decided to take no action to

³³Sessional Papers (No. 25), 32 Victoria 1869.

stop the road. The trespass of the surveyors later that year was not challenged by either the Company or the Council of Assiniboia.

C. THE METIS ORGANIZE TO PROTECT THEIR RIGHTS

The events of October 11, 1869, and the inaction of the Council of Assiniboia, plus the lack of any guarantee of the rights of the inhabitants of the Red River by either the Hudson's Bay Company or the Canadian government, led the Métis to act in their own self-interest. Rumors also abounded that William McDougall was to be appointed Governor of the territory by Ottawa and that he would soon arrive to establish his authority.³⁴

The first positive step was a meeting on October 16, 1869, at which they formed the "National Committee" with John Bruce as president and Riel as secretary. The Committee met regularly for the next week adopting resolutions to further their ends.

The National Committee also felt compelled to respond to the impending authority of the Lieutenant-Governor as appointed by Canada. On October 21, 1869, the following proclamation was issued:

Dated at St. Norbert, Red River,
this 21st day of October, 1869.

Sir,

The National Committee of the Métis of Red River orders William McDougall not to enter the Territory of the North West without special permission of the above-mentioned committee.

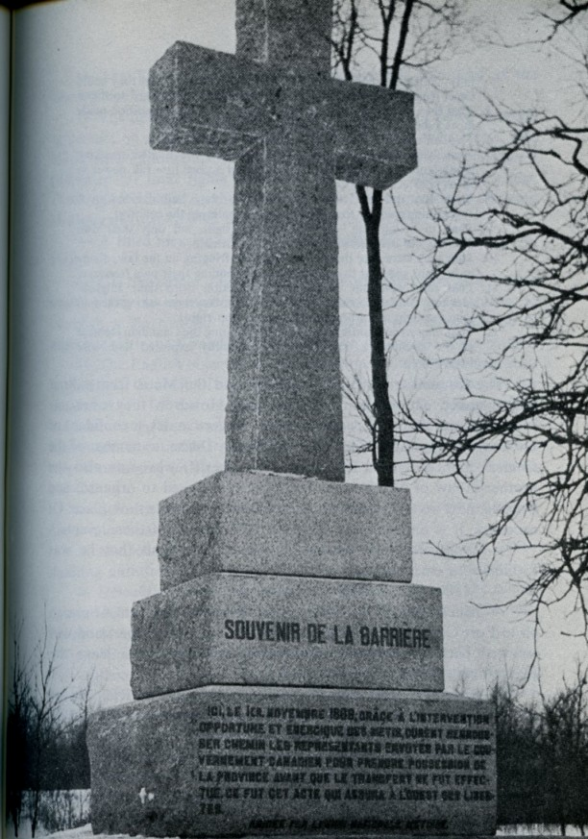
By order of the President, John Bruce
Louis Riel, Secretary.³⁵

This action prompted the Council of Assiniboia to meet, and Riel, who was seen as the instigator, was invited to explain the Métis action. On October 25, Riel appeared before the Council in the company of John Bruce. The explanation placed before the Council by Bruce and Riel covered the following unequivocal terms:

1. That his compatriots were satisfied with the existing government and did not want any other;
2. That they did not approve Canada imposing a new government on them without first consulting them;
3. That they had decided not to allow the Governor to enter the country whatever power was behind him, whether the Hudson's Bay Company or the Crown had appointed him, unless delegates were sent to discuss the terms and conditions of his admission;
4. That although the Métis had only a rudimentary education and were

³⁴*Supra*, note 10, at 60-61.

³⁵Sessional Papers (No. 12) 33 Victoria 1870.



The Cairn erected on the Canada-U.S.A. border where McDougall was prevented from entering Canada — From the publication Tawow.

- only "half-civilized", they were going to prove soon that they could expel from the country those proclaiming that it belonged to them;
5. That they were well aware of their poverty, and this condition made more odious the treatment being imposed upon them;
 6. That no one considered their existence or their wishes;
 7. That, when the discretionary power arrived, the English-speaking inhabitants would gather around him and accord him full power to speak and act as master;
 8. That they did not want him and that they had decided to do everything possible to prevent him from entering the country;
 9. That, in acting this way, they had in sight, not only their own interest, but also those of the whole settlement;
 10. That they were sure that they were not infringing on the law, divine or human, and that they were merely defending their own freedom;
 11. That they were not anticipating opposition from their English-speaking compatriots and, on the contrary, they were asking them to join and help them preserve their common rights;
 12. That they were counting on adversaries among the Canadian element of the country, a condition they naturally expected and were prepared for.³⁶

The Council tried to dissuade Riel and the Métis from taking their planned action against McDougall. However, they were unsuccessful and the Métis were joined by Roger Goulet, a confidant of Governor William MacTavish, and William Dease, a member of the Council and A. G. B. Bannatyne, the Sheriff, who was also the brother-in-law of MacTavish. The Métis continued to organize and over the next several months a great number of events took place. Of necessity, it is only feasible to give a bare outline of those events:

— Delegates were chosen to notify McDougall that he was forbidden to enter the country;

— McDougall arrived at Pembina on October 30;

— McDougall set up camp in Fort Pembina and sent Cameron on to Fort Garry. He encountered the Métis at St. Norbert and was escorted back to Pembina. McDougall was warned to leave the country and he did so immediately;

— Governor MacTavish threw his support behind Riel. At the same time, he attempted to maintain a friendly relationship with McDougall;

— Riel seized the *Nor'Wester* and on November 6, printed a notice inviting the English-speaking people to choose twelve representatives to meet with an equal number of French-speaking representatives on November 16;

— The English and French delegates met as planned;

³⁶*Supra*, note 8, at 27-29

— MacTavish issued a proclamation which was read at the meeting but it failed to satisfy the delegates;

— The delegates met again on November 17, but failed to reach agreement on a common course of action to protect their rights. The Métis believed this must happen through action; that they must get a guarantee for their rights before the transfer to Canada took place. The English element on the other hand saw this happening by allowing McDougall to take over authority in the country;

— A third meeting of the delegates took place on November 22, 1869;

— On November 23, Riel occupied Fort Garry and at a further meeting of the delegates, the Métis declared their intention to establish a *Provisional Government*, whose objective would be to negotiate with the Canadian government on the rights of the people;

— The English objected to the formation of a new government to replace the Council of Assiniboia. A further meeting was set for December 1. In the interim the Hudson's Bay Company would continue to govern and a Métis committee would be set up to communicate with McDougall and the Canadian government with a view to obtaining an agreement between the settlers of the Red River and Canada;

— Schultz and his followers got busy spreading rumors about Riel's intentions and plans;

— McDougall published a proclamation on December 1, 1869, claiming authority in the area. This proclamation was ignored;

— Delegates met on December 1, and Riel presented the bill of rights. McDougall could enter the territory if he sanctioned the bill. No agreement was reached at this meeting;

— Riel took Schultz and his followers prisoners;

— December 8, Riel issued a proclamation of independence on behalf of the inhabitants. Several days later he circulated the bill of rights and proposed a further meeting of delegates to discuss them;

— McDougall returned to Canada, December 18, 1869;

— December 26, Bruce resigned as president in favour of Riel;

— December 27, Donald Smith, Canadian Commissioner and Hudson's Bay Company officer, arrived from Canada. Riel freed most of the prisoners;

— January 9, Thomas Scott and Charles Mair escaped. Mair returned to Canada. Scott was recaptured several weeks later;



The Provisional Government — From a photo in the Saskatchewan Archives, Regina.



This group of men by Schultz resulted in the English war
substitution their support from the American administration
— Not only did the English war result in the English war
their force and sent the first American troops to the front

— January 19, a general assembly of the entire population was called. Smith's credentials were presented but they failed to satisfy the people;

— A new delegation of English and French proposed to work out a common agreement;

— Schultz escaped January 23;

— January 29, the first meeting of the forty delegates was held;

— Each parish had elected its delegate;

— Riel again proposed the establishment of a provisional government. The English wanted first to consult with MacTavish;

— A delegation of three met with Governor MacTavish and put two questions to him. Are you still Governor of this country? Will you continue to be?

— MacTavish replied, "For the Love of God, form a government. I no longer have either power or authority." The Hudson's Bay Company had relinquished its charter to Great Britain, November 19, 1869. The Council of Assiniboia had not met since late October. The British had taken no steps to exercise their authority in the area;

— That same day the delegates set up the provisional government of Rupert's Land. Riel was the unanimous choice for president;

— Riel released more prisoners and promised to release others shortly;

— The convention of 24 delegates now set about the task of revising the bill of rights;

— February 9, they met and presented the bill to Smith. He reviewed and commented on it leaving the delegates with the impression that most of the clauses would be acceptable to the Canadian government;

— February 10, rumor spread that Schultz was organizing a party of 150 men at Portage la Prairie to attack Fort Garry and to release the prisoners;

— Riel offered to release the prisoners if the group recognized the Provisional Government. They refused;

— This show of force by Schultz resulted in the English part withdrawing their support from the Provisional Government;

— Riel challenged the English party and they decided to disband their force and send the men home; .

— A party of 48 men returning to Portage la Prairie were arrested by a group of Métis under O'Donoghue;

— Riel decided the Council must make an example of these men. Boulton and three of his lieutenants were tried in the military court and were condemned to death;

— Riel then pardoned the three lieutenants but announced that Boulton was to be executed;

— Just before the planned execution, Riel announced that Boulton's life would be spared if he pledged allegiance to the Provisional Government.

— Boulton agreed, took the required oath and was released;

— Smith agreed to explain the objectives of the Provisional Government to the English party. He did this, allaying their fears, and they once again agreed to participate in the Provisional Government;

— Schultz, now defeated, fled to Ontario;

— The English chose new delegates;

— The Provisional Council met and completed the list of rights and worked on a constitution. They decided to ask for provincial rather than colonial status;

— The delegates to Ottawa were chosen in the persons of Alfred Scott, Father Ritchot and Judge Black. The first two left for Ottawa, March 23, bearing instructions from the Provisional Government. Judge Black followed a day later.³⁷

D. THE THOMAS SCOTT AFFAIR

Thomas Scott was one of a number of Canadians in the Red River who were involved in actions of a military nature designed to overthrow first, the government of the Hudson's Bay Company, and later, the Provisional Government.³⁸ Scott, an Ontario Orange, was not a leader, but a follower in these affairs. He was a stolid construction labourer, known for his anti-catholic, anti-french fanaticism. Twice he was captured by Riel's men, on the first occasion escaped only to go back and join the forces which were being organized against Riel by Dr. Schultz, Charles Mair, Colonel Dennis and others.³⁹

³⁷See generally; Tremaudan, *supra*, note 8; Charlebois, *supra*, note 9; Stanley, *supra*, note 18; Stanley, *supra*, note 10; Sessional Papers, 1869-1870.

³⁸This action by the Canadians has been outlined on pages 21-33, *supra*.

³⁹*Supra*, note 18, at 104-105; *Supra*, note 10, at 112.



Thomas Scott, labourer and sworn enemy of Riel. He was executed by the Provisional Government — From a photo in the Public Archives, Canada.

Scott was recaptured along with Boulton after a decision had been reached by the Canadians to attack and overthrow the Provisional Government. The total number of prisoners taken on February 18, was forty-eight.

Scott was in prison only a month. He was one of those who escaped with Woodington, Mair and Parker on the night of January 9. He had played a leading role in rousing the people of Portage la Prairie to the desperate venture, described by Sir John A. Macdonald as "foolish" and "criminal", that ended in surrender on February 18.⁴⁰

Riel realized that decisive action had to be taken against the Canadians in order to prevent further occurrences of armed resistance and attack. As Boulton had spearheaded a number of attacks against the Provisional Government, Riel decided to use him as an example. Boulton was subsequently courtmartialled and condemned to be executed. Riel, however, ever vigilant against bloody civil war, pardoned Boulton upon the latter's promise to co-operate with the Provisional Government. Similar grants of amnesty were offered to all other prisoners who promised to be loyal and not take up arms against the Provisional Government again.

The only prisoner adverse to taking the oath was Scott, who felt it was below his dignity to do so.

Scott merely, "sneered" at Riel and "made fun of" the Métis leader. He had nothing but contempt for all mixed-bloods and to his sense of racial superiority he added the narrow bigotry of the Ulster Orangeman.⁴¹

Scott was vociferous in his derogatory remarks to his captors as well as jostling and threatening them on every possible occasion. Scott also made it clear that he was a threat to Riel and the Provisional Government.

Taken a prisoner a second time, it is said that he violently attacked his guards, incited his companions to do likewise and threatened the life of Riel if he ever escaped.⁴²

According to the most widely accepted version of the Scott story, he was court martialled and was condemned to be executed. Again, according to the official versions, he was executed, his body spirited away and disposed of by several of Riel's men. They claimed to have buried the body but later, at the request of the family and under military pressure from Wolsely, no one was ever able to produce the

⁴⁰*Supra*, note 10, at 112.

⁴¹*Ibid.*

⁴²*Supra*, note 18, at 105.

body. There were several rumors about this at the time. One was that the body had been thrown into the Red River and had been carried away. The second was that Riel's men had badly mutilated the body and therefore were afraid to produce it.

There is, however, another version of the Scott affair which came to light recently when a statement made in 1938, by W. M. Joyce of Neepawa, Manitoba, was found in the Manitoba Archives by one of the Association's researchers.⁴³ Mr. Joyce relates a story told to him by a young Métis by the name of Fiddler. He was the son of a man who was an official member of Donald Smith's staff. According to this version, Scott, after his escape, went to the Lakehead where he worked as a labourer on the road construction which was taking place at the time. After a time, he returned to the Red River in February of 1870 to see a young woman friend. While there he was seen in the streets of Winnipeg by Riel's men who arrested him and returned him to prison. According to this version, the Fenian leader, O'Donoghue and several men came that night and spoke to Riel and his council. They then went to the prison where they released Scott. They took him with them on the agreement that he would, for a sum of money and the promise of a permanent job, go to the United States and never return to Canada. Fiddler says he travelled with them for about three miles and then went home. That was the last he had seen of Scott. The actual execution, he claims, was faked by one of O'Donoghue's men.

Whatever the truth of this affair, it is clear that the alleged execution of Scott played a major role in the reactions of the Canadian government to the Métis people in 1870. This event took place between the time the Red River delegates left for Ottawa and the time they arrived there. It resulted in their arrest and a great deal of pressure on the Macdonald government by the Ontario Orange Society to be punitive in its dealings with the Métis people.⁴⁴

It has also been said by some who have studied the transcripts of Riel's trial, that this was the real reason for Riel's being found guilty and executed, rather than the high treason charge which was brought against him. In any event, Scott's execution, if indeed he was executed, plays a prominent role in the demise of Riel.

The execution of Scott was a political mistake. But Riel could not

⁴³W. M. Joyce, Manitoba Archives.

⁴⁴*Supra*, note 9, at 72 and 75.

have foreseen that it would in the end cost him his life and that it would bedevil Canadian politics for half a century.⁴⁵

. . . In the years to come, both Scott and Riel ceased to be men, human beings with human frailties; they became political symbols, political slogans, around which men rallied and for which they argued and fought with little knowledge of the real strengths and weaknesses of the men whose names they bandied to and fro.

By one unfortunate error of judgment — this is what the execution of Scott amounted to — and by one unnecessary deed of bloodshed — for the Provisional Government was an accomplished fact — Louis Riel set his foot upon the path which led not to glory but to the gibbet.⁴⁶

E. THE PROMISED AMNESTY

One of the important requests or demands that the delegates carried with them was a demand that there be a guarantee of an amnesty for all persons who were in any way connected with the Red River Provisional Government.⁴⁷ Although Riel believed that he acted legally under the provisions of International Law, he recognized that the Canadian government had gone to great pains to avoid any official recognition of his government as the legitimate government of the people. Therefore, he suspected that the Canadian government would try to take punitive action against certain people once they gained legal control of the territory. He, therefore, wanted iron-clad assurance on the amnesty question. This issue, in fact, took precedence over the charter of rights and was the first one raised by Ritchot in the negotiations with Cartier and Macdonald.⁴⁸

This issue had also been raised by Bishop Taché before his return to the Red River in the spring of 1870.

Although he had known nothing of the Portage rising, and the shooting of Scott had yet to occur when Taché was in Ottawa, the Bishop sincerely believed that the promised amnesty included everything which had happened or might happen prior to his arrival in the Settlement. He had, in fact, raised this very question of bloodshed while talking with the Canadian ministers. For this reason he gave Riel and Lepine categorical assurances that an amnesty would be granted them covering all adventures and misadventures of the Red River rising. He told them, too, that they should go ahead with their plans to send a delegation to Ottawa and that the delegates would be well received by the Canadian authorities.⁴⁹

Bishop Taché, therefore, operated on the belief that he had been

⁴⁵*Ibid.*, at 69.

⁴⁶*Supra*, note 10, at 117.

⁴⁷W. L. Morton, *Manitoba: The Birth of a Province*, 1965, at 138.

⁴⁸*Ibid.*

⁴⁹*Supra*, note 10, at 121; Sessional Papers (No. 11) 38 Vic 1875 at 27.