

promised a general amnesty by the authorities, but he never got anything official in writing to this effect.

In the negotiations in Ottawa, Macdonald took the position that the Canadian government could not grant such an amnesty because they had no legal authority in the territory during the period when the disturbances took place. Only the British government could grant such a request, they said. They did, however, promise to arrange a meeting with the British representative to discuss the matter. They implied that they would intervene in support of the request and saw no problem in making such an arrangement. A meeting was subsequently arranged with Sir Clinton Murdoch. Murdoch promised that a general amnesty would be arranged, declining however, to put the promise in writing despite the repeated requests by Ritchot. He claimed that it was not necessary since the amnesty could and would be arranged<sup>50</sup>

However, this promise was never kept. In spite of follow-up petitions by Bishop Taché and others to the British colonial office and to the Canadian government, the promised amnesty was not to become a reality for many years. In the meantime, warrants were issued for Riel and many of his followers, because of the Scott affair, alleging that they were guilty of murder. These warrants were sworn out by Scott's brother and were officially approved by none other than Donald Smith, who had been appointed as interim Lieutenant-Governor of the new territory until Archibald arrived in Manitoba.<sup>51</sup>

## F. THE NEGLECT OF METIS RIGHTS OUTSIDE OF MANITOBA

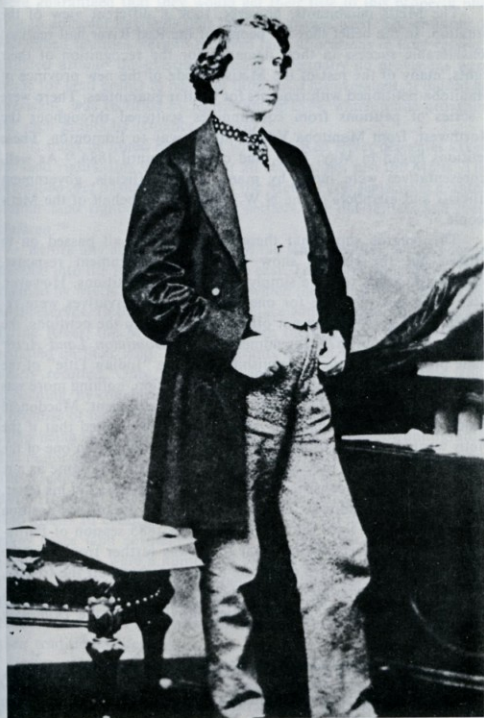
Having resolved the Red River problems and gained legal control over all of Rupert's Land and the Northwest Territories from the British Crown, Macdonald operated on the assumption that the inhabitants outside of the Red River had no rights and that he did not need to deal with them. This is evidenced by a letter he wrote to Governor-General Lansdowne on August 12, 1884.

Now these half-breeds have been told that they have the choice of going with father or mother as white men or they can get their homestead of 160 acres free on cultivation. If as Indians, they can join their mother's band and get their share of its reserve and of the annuities and presents secured to them by treaty.<sup>52</sup>

<sup>50</sup>*Supra*, note 47, at 146.

<sup>51</sup>*Supra*, note 8, at 83-84.

<sup>52</sup>*Supra*, note 9 at 131-132.



*Sir John A. Macdonald — Prime Minister during both Métis disturbances at Red River and Batoche — From a photo in the Public Archives, Canada.*

The Métis inhabitants, however, took a different view of the situation. In the belief that the people of the Red River had realized considerable success in their demands for the recognition of their rights, many of the rest of the Métis outside of the new province of Manitoba petitioned with requests for similar guarantees. There were a series of petitions from communities scattered throughout the Northwest, from Manitoba Village all the way to Edmonton. These petitions began in May, 1873, and continued until 1884.<sup>53</sup> As well, representatives were made by many church officials, government officials and members of the N.W.T Council on behalf of the Métis people.

The records show that these petitions were all passed on to Ottawa but the records show no official government response. Macdonald seems to have simply ignored these petitions. However, after being out of office for one term, the Conservatives were re-elected in 1878. Although not officially referring to the petitions, the government in an 1879 amendment to the *Dominion Land Acts*<sup>54</sup> made provisions for the extinguishment of the "Indian Title" of the half-breeds. Other than this legislative recognition, nothing more was done. In fact, as late as the 1885 session of Parliament, Macdonald denied that the Métis had any special rights. He stated that if the Métis wanted to be considered as Indians, they could join one of the Indian bands. If not, they could claim a homestead the same as any settler.<sup>55</sup> This was a consistent policy of his, as reflected in his letter, supra, to Lord Lansdowne. This continued to be the official position of the government until the beginning of the 1885 session of Parliament. By then it was obvious that there was further trouble in the Northwest. In a purported desperate attempt to head off the trouble, the Macdonald government finally began public action in March of 1885 to implement the "Indian Title" provisions of the *Dominion Land Act*.

## G. EXPLOITATION OF THE METIS PEOPLE OF MANITOBA

The *Manitoba Act*<sup>56</sup> guaranteed a number of rights, among them being questions dealing with land. Those people settled on river lots

<sup>53</sup>*Sessional Papers* (No. 116) 48 Victoria 1884.

<sup>54</sup>42 Vict., Chap. 31, s. 125(e).

<sup>55</sup>House of Commons Debates, Canada, May 4, 1885 at 1567.

<sup>56</sup>33Victoria, Chapter 3.

were guaranteed that they would get their title to this property plus title to adjacent haylands that they had always used. The children of half-breed families were to be given land allocations in land reserves situated around the existing parishes. Originally no provisions were made for land grants to heads of families. This oversight, if indeed an oversight, was rectified by legislation in 1874, which made provision for such grants by issuance of scrip.<sup>57</sup>

It must be noted here, that when the Red River delegates asked for land rights, this was to be for all settlers, not just the Métis. The *Manitoba Act* basically dealt with the Métis. Later legislation granted similar land rights to the Selkirk settlers, the old settlers and their children.<sup>58</sup>

Before any action was taken on the land question, settlers began to flood into the Red River from the east. They often squatted on land claimed by Métis people or on land which they wanted included in the land reserves. In one example, at a place which became known as the Boyne River, the Métis returned from the hunt to find immigrants squatted on their land. The immigrants refused to move and a battle nearly resulted. Only Archibald's intervention prevented this from happening, by convincing the Métis to give up their claim in return for a promise of land away from the river.<sup>59</sup> There are other instances of Métis being forced off their land or being forced to sell by immigrants. The major exploitation, however, was by those who speculated in land. The research on what happened to Métis land in Manitoba is not complete. However, research that has been done indicates that most of the land grants to children passed into the hands of land speculators. In many cases land entitlements were sold long before they were distributed. There were a number of reasons for this, including the fact that it took ten years before the land allocations were complete. Many families were in immediate need. They sold for cash and moved further west where land was plentiful and where they could continue their traditional lifestyle.

One might assume that at least the riverlots would have stayed in Métis possession. Some did, but research shows that much of this land passed into the hands of various officials and speculators very quickly

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<sup>57</sup>*An Act Respecting the Appropriation of Certain Dominion Lands in Manitoba*, 37 Victoria, Cap. 20, s.1.

<sup>58</sup>*Ibid.*

<sup>59</sup>*Supra*, note 18, at 165-166; also material from Manitoba Archives.

after 1870 and before the Métis had their title registered.<sup>60</sup> For example, research done on Manitoba parishes turned up the fact that Donald Smith acquired title to 10,000 acres in the parishes. Dr. John Schultz acquired 5,000 acres in these parishes. This is of considerable interest because the legislation did not provide for anyone but the occupants or those who had staked claims prior to July 15, 1870, to receive title to these riverlots. In addition, both Smith and Schultz were Members of Parliament representing Manitoba ridings at the time.

An *Order in Council*<sup>61</sup> also provided for the government to make blocks of land available to colonization companies for the purpose of assembling land and selling it to incoming settlers. These companies were usually formed by friends and allies of the Macdonald government and often included members of the government as shareholders. An example of such a land company was the Prince Albert Colonization Company. It included politicians such as White, Jamieson and Bowell.<sup>62</sup> Hugh Sutherland, also an M.P., was a trustee for this company. This particular company takes on significance because it was directly implicated in events which led to the Northwest Rebellion.

## H. THE CONCERNS OF THE PEOPLE WHICH PROMPTED THEM TO ACT

As indicated above, the people had for many years been sending petitions to Ottawa in an attempt to get government action on their grievances with no results. The railway across Canada had now reached the prairies and settlers were beginning to come into the country in increasing numbers. Many of the Métis from Manitoba had settled in areas such as the Qu'Appelle Lakes, Maple Creek and St. Laurent. The St. Laurent community was one of the most active and best organized in the west. For example, it had adopted its own local laws known as the Laws of St. Laurent.<sup>63</sup> The origins of the community pre-dated the 1870 events in Manitoba. However, the community had seen a substantial migration of Métis families to the

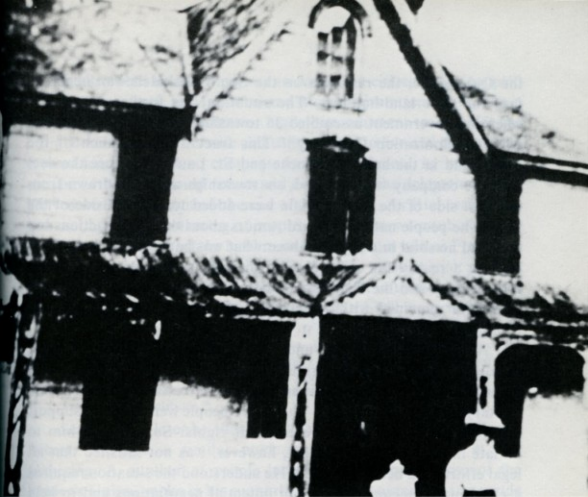
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<sup>60</sup>*Riverlots and Scrip, Elements of Métis Aboriginal Rights, 1978.*

<sup>61</sup>O.C., December 23, 1881.

<sup>62</sup>House of Commons Debates, Canada, April 5, 1886, at 488.

<sup>63</sup>*Documents and Articles about Métis People, 1972, Saskatchewan Archives, Regina, at 42-48.*



*The Lindsay schoolhouse in the district of Lorne where the Métis and The Farmer's Union held their meetings — From a photo in the Saskatchewan Archives, Regina.*

general area following 1870. The area had a number of other Métis communities including Fish Creek, Halcro, St. Louis and Duck Lake. In particular, there were settled in the area a number of Riel's lieutenants and supporters from the Red River. Most of these people were settled on riverlots in the pattern of the French survey system. They wanted these land-holdings guaranteed. A similar pattern of land-holdings had existed in various areas in the Qu'Appelle Valley, where, in spite of promises that title would be granted to riverlots, the surveyors decided to use the torrens survey system which crossed existing land-holdings and broke up many of these small farm-holdings.<sup>64</sup>

Given their previous experience in Manitoba plus the action on

<sup>64</sup>House of Commons Debates, Canada, June 1, 1886, at 1732 and in reply Mr. White, at 1733.

the Qu'Appelle, the residents on the South Saskatchewan began to fear for their land-holdings. The situation was further aggravated when the government assembled 36 townships of land for the Prince Albert Colonization Company.<sup>65</sup> This tract included much of the Métis land in the area of Batoche and St. Laurent. Before the deal with the company was finalized, six townships were withdrawn from the west side of the tract and six were added to the east side of the tract. The people naturally heard rumors about these transactions but they had no solid information about what was happening. The rumors became a reality for some people when the company attempted to evict settlers and the Catholic mission from the parish of St. Louis. This land remained within the limits of the land tract sold to the Company.

At this point the people, under the leadership of Gabriel Dumont, decided to take action to protect their interests. Dumont was well known among the plains Métis and Indians. He was a highly respected military leader and strategist. The native people were ready to support him in military action to protect their rights. Some urged him to initiate military action. Dumont, however, was not satisfied that all legal efforts had been exhausted. He understood the situation required a charismatic person to carry on potential negotiations and to help unite the people. It was also believed at the time that many of the white settlers would support the Métis cause, due to the widespread dissatisfaction in the west with regard to government policy. This was especially so in the Prince Albert area. They had been promised the mainline railway through their area. Not only did they not get the railway, but were faced as well with high overland freight costs and no market outlet for their farm produce.

Dumont and his supporters discussed the possibility of bringing Riel back to lead his people. It was agreed that an attempt should be made. A delegation was sent to visit him and explain the situation, as well as to request his leadership.

## I. RIEL RETURNS

The story of Riel's return has been popularized in books, movies and in other ways. Therefore, it is not necessary to repeat all of the

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<sup>65</sup>*Supra*, note 62, at 488-489.

details here. Riel by this time was an American citizen. This, coupled with his experience in Manitoba and his abortive attempts to take a seat in the House of Commons, made him reluctant to consider the offer. Besides, he and his wife and children had to live and the position offered him provided no compensation. Nevertheless, he was finally convinced that he should return and did so with the delegation. They arrived at Batoche around the end of June, 1884. As Riel arrived, he was met by a large gathering of people. Messengers were subsequently dispatched to inform all the halfbreeds — English as well as French — that Riel would address them the next day. The meeting took place at the parish church. Recognizing the anguish and excitement of the people, Riel attempted to quiet their anxiety with the following words:

It is useless to feel so much grief. If we conduct ourselves openly, methodically and persistently, it is impossible for the government not to see the justice of our requests and satisfy them. Patience and calm and the use of all constitutional means at your disposal are the best way to achieve desired results. That is how we acted at the Red River. Therefore, continue your petitions.<sup>66</sup>

Several days later he addressed a large crowd of people in Prince Albert. He took a similar moderate tone in his speech at this gathering. A number of people including William Jackson, of the Settler's Union, spoke in his support. A fund was organized to provide resources for Riel whom they named "The National Advocate".

That Riel was not the wide-eyed radical and agitator who returned to stir up the people against the government is bolstered by, amongst others, Father André. André wrote letters on July 7 and July 21, 1884, to Lieutenant-Governor Dewdney informing him of Riel's constitutional agitation, as opposed to danger of armed insurrection.

You know that I am known to be a friend of Mr. Riel and I looked to the event of his arrival among us as danger for the peace of our community, but now I do not entertain the least suspicion about Riel causing any trouble. He acts quietly and speaks wisely . . .

. . . All his endeavors, as far as I know, are to make the people understand that in answering their call he had in view no other object than to help them by legitimate and peaceful means . . .<sup>67</sup>

## J. EVENTS LEADING TO THE REBELLION

Following Riel's return and at his urging, petition after petition

<sup>66</sup>*Supra*, note 8, at 102.

<sup>67</sup>*Supra*, note 9, at 128.



was dispatched to Ottawa pressing the government for some action on Métis demands. Many meetings were held during the summer at which the people resolved to persevere in their efforts to win their rights. Nothing happened. The government did not respond.

In the early fall they drew up a list of rights as had been done at the Red River. This was then sent to Ottawa with a petition asking for guarantees. The Charter contained seven clauses:

1. Subdivision of the Northwest Territories into Provinces.
2. Concessions of land and other advantages to the Métis, similar to those granted to their Manitoba brothers.
3. Immediate distribution of land titles to settlers in possession.
4. Sale of a half-million acres of Crown lands for the foundation of schools, hospitals, and other institutions of this kind in Métis settlements, and for furnishing seed grain and farm implements for poor Métis.
5. The reservation of 100 districts of marshy land to be distributed among Métis children in the course of the next 120 years.
6. Allocation of \$1,000 to maintain a religious institution in each Métis settlement.
7. Arrangements for Indian well-being.<sup>68</sup>

Ottawa ignored this petition as well. Meetings continued, more petitions were signed and sent to Ottawa. Still no official response from Ottawa. Unofficially, a Mr. Reney and Joseph Forget, claiming to be Senators, offered Riel a seat on the Northwest Council, saying that this would give him a chance to redress their grievances. No one took this proposal seriously.<sup>69</sup> With all this government inaction, by mid-winter of 1885 Riel decided that his presence might be militating against the people's interest. He suggested that it might be to their advantage if he returned to Montana. The people refused to hear of this and were unanimous that they were prepared to fight if Riel remained as their leader. Riel agreed to stay.<sup>70</sup>

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<sup>68</sup>*Supra*, note 8, at 103.

<sup>69</sup>*Ibid.*

<sup>70</sup>*Ibid.*, at 104-105.

## V.

# THE NORTHWEST REBELLION

### A. THE DECISION TO RESIST GOVERNMENT TYRANNY

During the course of these meetings, the Canadian officials were making plans for the enforcement of their authority in the troubled area. Of course, their answer was the use of force.<sup>71</sup> During the build-up of this armed force, around the 18th of March, 1885, a Hudson's Bay factor, Lawrence Clarke, on his return from Winnipeg, met a group of Métis and stated to them, upon their answer that they were still holding meetings:

. . . Ah, you are still holding meetings. And Riel and Dumont are leading you! Well, 500 policemen are on the way here to keep them quiet. In answer to your requests, they have chains for Riel and bullets for the members of his council. You will soon have news of them. I met them at Humboldt.<sup>72</sup>

This news spurred the Métis into action. They formed a Provisional Government and through known government spies in their ranks, Riel dispatched a letter to Major Crozier of the Mounted Police, asking that the forts at Carleton and North Battleford be turned over to the Provisional Government. Riel also made it known to the government, through these spies, that the Métis had resolved to fight for the realization of their rights if necessary.

Crozier's response was to demand the surrender of the Métis leaders and the dispersal of the armed men. Nothing further happened until March 25, when a troop of Mounted Police appeared on the banks of the South Saskatchewan opposite Batoche. This action by the Police spurred Dumont into action. He decided to get more arms and ammunition, as well as supplies for his men. A military council was formed and a troop dispatched to Duck Lake, under Dumont, to

<sup>71</sup>*Supra*, note 18, at 321; *Supra*, note 9, at 133.

<sup>72</sup>*Supra*, note 8, at 104; *Supra*, note 10, at 305.

seize arms and goods from the store of Hilliard Mitchell, who was one of the government spies.

## B. THE DUCK LAKE AFFAIR

Dumont proceeded to Duck Lake with 30 men and helped himself to the provisions in Mitchell's store. As they were returning to their horses, several horsemen rode by, warning of the approach of the Police and then fled. One of these men was recognized as Thomas McKay, another government spy. Dumont and two of his men chased them, but stopped when they saw about 22 police. They then returned to Duck Lake and had just stabled their horses, when the cry of police



*A drawing depicting the battle between the Métis and the North West Mounted Police at Duck Lake in March, 1885 — From a filmstrip on the 1885 uprising, by Charlebois.*

came again. This time Crozier appeared with 177 men under his command. Dumont, having only 30 men, ordered them to take positions on a hill overlooking the road.

There are several versions of what happened next. In any event, because Riel had instructed him not to fire first if he encountered the police, Gabriel sent peace emissaries to converse with Crozier. According to Tremaudan, McKay shot Isadore Dumont, Gabriel's brother, as they approached the police force. This was followed by Crozier's orders to open fire, killing the Indian, Assywin.<sup>73</sup>

However, according to Charlebois, Isadore Dumont and Assywin, carrying a white flag, met Crozier and McKay. McKay, in an interview with the Daily Herald, which was published 50 years later, admitted that he drew his pistol and shot Assywin and immediately after this murder, shot and killed Dumont.<sup>74</sup>

A full-scale battle ensued which lasted about 30 minutes. Riel arrived during the battle with reinforcements. After the height of the battle, Crozier and his men began to retreat. Riel gave orders that they be allowed to do so and forbade his men to chase them. The retreating police left twelve dead and one wounded behind. They also left arms, ammunition and other supplies. The Métis lost five men.

Crozier, on his arrival at Fort Carleton, decided to destroy the fort and supplies and retreat to Prince Albert, which was in a better defensible situation. Riel, also, forbade his men to ambush Crozier and his men on their way to Prince Albert. He further refused to sanction any attacks on the police and militia who had barricaded themselves in Prince Albert. Instead, Riel concentrated on preparing for the expected military and police expedition they believed was coming from the south. They seized further arms and supplies at Duck Lake and at Clarke's Crossing on the South Saskatchewan. They built a system of defence trenches at Batoche and, in general, prepared themselves for the skirmish with Middleton who was now on the way to Batoche. Dumont again suggested that a guerrilla action be launched against Middleton's troops en route to Batoche. They could harrass and tire them, thereby reducing their numbers before they arrived. Again Riel refused to approve such tactics which he felt were too barbarous. Riel still seemed to entertain the notion that somehow the

<sup>73</sup>*Ibid.*, at 107.

<sup>74</sup>*Supra*, note 9, at 148.

battle could be avoided and the grievances settled peacefully. He, in particular, abhorred the thought of using Indian war tactics. He considered the tactics to be uncivilized. Dumont submitted to Riel's wish and returned to Batoche with his men, where he awaited Middleton.



*General Middleton, a British career soldier, at the head of 5000 regular and volunteer troops on march to Batoche — From a photo in the Public Archives, Canada.*

### **C. MIDDLETON'S EXPEDITION**

Sir John A. Macdonald, as soon as he heard of the battle at Duck Lake, authorized military action. In preparation for possible trouble General Middleton had been dispatched to Winnipeg on March 23, 1885. The 90th battalion and the Winnipeg Field Battery were mobilized. On March 26, the day following the Duck Lake battle, those troops under Middleton's command left Winnipeg for

Qu'Appelle by train. Here they disembarked and began the trip to Batoche on horseback. By April 16, Middleton and his men were within 30 miles of Clarke's Crossing on the South Saskatchewan. The Federal government, which had ignored the Métis petitions for more than ten years — partly because they did not want to spend the money that would have been involved in meeting the demands — in a matter of three weeks, at a cost of millions of dollars, had now mobilized an army and moved it to what was to become a battlefield.

At the same time, the government in Ottawa decided to act on the long-neglected grievances and petitions. An Order in Council was approved quickly by cabinet to implement the provisions contained in the *Dominion Land Act*.<sup>75</sup> By March 31, a commission had been established to go to the West and deal with Métis grievances and to settle the land question.

#### D. THE METIS DEFENCE

The Métis made their first defence at Fish Creek about 12 miles to the south of St. Laurent. Dumont, with 150 men under his command, met Middleton who was leading 1,000 men. Fifty more men were left under Riel's command to confront an approaching Mounted Police detachment from Qu'Appelle. Dumont, meanwhile, deployed his men in a deep hollow by Fish Creek. A battle began on April 24 and ended on April 25, when Dumont decided to retreat to the Batoche defences. The Métis had four casualties; Middleton had a total of sixty — ten dead and fifty wounded.

Middleton next decided to attack the Métis defences at Batoche, both by land and from the river. One hundred and eight men were sent on the steamer Northcote, toward the settlement, equipped with a gattling gun. This attempted assault from the steamboat took place on May 9, 1885. Meanwhile, Middleton was moving a large infantry troop toward Batoche. The Métis, by stringing a cable across the river, disabled the Northcote and it drifted downstream about three miles where it lay useless. Neither the boat nor its troops played any part in the battle. Although the Métis had built a good defence system around Batoche, they were poorly armed and had very little ammunition, their guns mostly buffalo guns.

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<sup>75</sup>O.C., March 30, 1885.