



*The Metis defenses at Batoche — From a photo in the Saskatchewan Archives, Regina.*

Middleton's troops on the other hand were armed with the latest army issue rifles. They had a large supply of ammunition, and in addition, a gattling gun. The battle at Batoche began May 9, 1885. The surrender took place five days later on May 13, 1885. Although Dumont and his men fought valiantly, they were no match for the overwhelming and well-armed force under Middleton. The Métis morale was also badly shaken when the priests at Batoche refused to continue to extend religious services to the men. Riel himself did not bear arms in the fight. He spent most of his time going about the trenches, bolstering the morale of the men and reading to them from the Bible.

Riel, through the auspices of a surveyor named Astley, also carried on negotiations with Middleton concerning safety of the

women and children who were being sheltered in the village church. Arrangements were made for them to be placed in a building under a white flag which Middleton promised not to fire upon. Negotiations were also conducted for the safety of the prisoners which the Métis held. After a concerted attack by Middleton's men on May 12, the Métis were finally forced to abandon their trenches and retreat to the village. They continued for awhile to hold off the soldiers from a piece of rising ground. By May 13, the battlefield was quiet. The decision was made to surrender. The Métis went in small groups to submit themselves to the victors. They were always preceded by white flags. Some went alone; some went in the company of their priests.

Dumont, Nault, Dumas and several other key members of the groups escaped into the bush and eventually made their way to Montana. As described earlier in this submission, Riel surrendered peaceably to the scouts who delivered him to Middleton. The Northwest Rebellion was now over. The casualties included 51 Métis dead and 73 wounded, out of a total of approximately 300 Métis who had been under arms.<sup>76</sup>

## E. THE AFTERMATH

The rebellion itself and the events which followed stirred up strong feelings. The Ontario Orangemen and those Orangemen who had moved west were intent on revenge. Macdonald, as well, wanted revenge against Riel, although in parliamentary debates, he pretended to maintain a moderate approach, saying the courts would decide the guilt or innocence of Riel. In private, however, Macdonald said of the amnesty recommendation by the jury and the pressure for a reprieve for Riel from Quebec that, "Riel shall hang though every dog in Quebec shall bay."<sup>77</sup> The eastern-controlled Orange newspapers screamed for Riel's head. It is doubtful that Riel could have received a fair trial anywhere outside Quebec.

In spite of the highly inflammatory voices that were raised against Riel, there were others more familiar with the situation who spoke out much more objectively about the events. Major Walsh of the N.W.M.P., for example, who had spent much of his time among

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<sup>76</sup>The information contained in the preceding pages was obtained from Tremaudan's book. This information is heavily relied upon, as it was initiated by our own people.

<sup>77</sup>*Supra*, note 9, at 232.



*Drawing depicting the capture of Riel by N.W.M.P. scouts — From a photo in the Saskatchewan Archives, Regina.*

the Indians and Métis, wrote as follows when he heard about the rebellion:

When the first news of the Métis rising reached me, I couldn't believe, and I still can't believe that they want war . . . I think a commission should have been established long ago. However, the fact that this was neglected is no reason why it should not be set up and sent without further delay. What glory for Canada lies in killing a few poor Métis who find themselves neglected? Don't forget that these people have the heartfelt sympathy of all the white inhabitants of the area. Do you imagine that if the whites had the same grievances as the Métis they wouldn't rebel? And if they did, is there a single man in Canada who would oppose setting up a commission? These people aren't rebels; they are simply asking for justice.<sup>78</sup>

Riel's trial was a political trial. He was not only accused as the

<sup>78</sup>R.C.M.P. Correspondence, from R.C.M.P. Archives, Regina.

perpetrator of the uprising at Batoche; during the trial, Crown lawyers also pictured him as a bloodthirsty villain who was responsible for actions at Cutknife, North Battleford and Frog Lake.<sup>79</sup> The uprising at Batoche was followed by a number of similar actions by Indian tribes in the Northwest who were starving and who had their own grievances with the government. According to Father Scollen, R.C.:

The Métis insurrection had not necessarily been the cause of the Indian uprising; the Indians had been ready to revolt long before the Métis rebelled. They were ready to seize the first opportunity that presented itself — and that's what they did. If other people had had difficulties with the Government or had caused trouble, the Indians would have acted in the same way.<sup>80</sup>

It is true that Dumont had contacts with the chiefs of these tribes and they knew of the Métis actions to get justice from Ottawa for themselves and for the Indian people. However, they had not been incited to rebellion by Riel; they had in fact been restrained by him from rebelling earlier in the fall of 1884. It was only when news of the action at Batoche reached Big Bear and other chiefs that they started their own actions. These were based on their own decisions and were not directly influenced by Riel. The main concern of the Indians was the lack of wildlife to subsist upon and the threat of starvation. Not only was wildlife getting scarce, but the Indians were forced upon their reserves. As Macdonald pointed out in the Commons:

. . . We kept them on short rations, on short allowances, and we tried to force them — I am speaking of the Indians — and we have forced them upon their reserves;<sup>81</sup>

Riel was also pictured at the trial as having returned to Canada from Montana for the explicit purpose of starting the rebellion. Nothing could be further from the truth. Riel did everything in his power to avoid bloodshed, encouraging the people to use legitimate means to gain their rights. As outlined earlier in this submission, the records clearly support this view. Father André in a letter to Dewdney following the events at Batoche remarked that, "A man doesn't take his wife and children with him if he intends to stir up a revolt."

The actions of Riel do not bear out the accusations that later followed his voluntary capture. As illustrated earlier, the Battle of Duck Lake was largely accidental and could have been avoided by

<sup>79</sup>*Supra*, note 3, at 337-343.

<sup>80</sup>*Supra*, note 8, at 116.

<sup>81</sup>House of Commons Debates, March 26, 1886, at 762.

Major Crozier. Riel's sparing of Crozier and his men's lives surely is not consistent with a blood-thirsty man. His refusal to allow guerrilla tactics against General Middleton's main troop does not portray wanton disregard for other people's lives, but reflects his desire to reach a peaceful solution to their legitimate grievances.

## VI.

# The Government Responsibility

### A. GOVERNMENT CONFUSION AND INDECISION

What is quite clear from our study of historical records, including our examination of the most biased accounts, is that the government of Canada was responsible for the trouble both at the Red River and more particularly at Batoche. It was the arrogant assumption by the government of Canada in 1869 that the territory of Rupert's Land and the Northwest Territories were theirs, which led to their disregard of the Métis people and their rights. When the inhabitants of the area objected, Macdonald saw this as a challenge to Canadian authority and the resistance of the people as a rebellion to be put down. Macdonald only agreed to negotiate with the people because he saw that as being cheaper than carrying out military action. He tried to buy off the leaders (Riel in particular) but this failed. Macdonald negotiated in bad faith and as he said in a letter to Rose, once the government achieved its objective of joining the area with Canada, he would swamp the Métis with immigration.<sup>82</sup>

Having dealt with the people of Red River, he saw no need to deal with the grievances of the people outside Manitoba. As indicated earlier, Macdonald consistently took the position that the Métis had no rights, that they could choose to be either settlers, white or Indians. As settlers, they could file for a homestead like any immigrant coming to the area. If they wanted special rights they should join an Indian band. In correspondence he referred to the Métis as miserable dogs, spoilt, etc., clearly showing his contempt for them and for their rights.<sup>83</sup> In public he managed to manipulate the political situation to make it appear that he was a moderate understanding man, but that he

<sup>82</sup>*Supra.* note 9, at 114.

<sup>83</sup>Macdonald Papers, Public Archives of Canada, one example being a letter to Rose, February 23, 1870.

had to deal with and compromise with the reality of the powerful Ontario Orangemen. The Orangemen who were certainly powerful, vengeful and racist became nevertheless scapegoats of Macdonald.

In spite of the repeated petitions from people over a ten-year period, the government did nothing. They did not even respond to most of the petitions. This course of action or inaction was followed even though the amendment in 1879 to the *Dominion Land Act* provided for the extinguishment of the half-breed's right to Indian title in the Northwest Territories.

Only under pressure of an outbreak did the government take action. A judicial inquiry, under C. B. Rouleau, was finally sent out to investigate the claims of the half-breeds; Rouleau reported that "the report concerning the Indians' and half-breeds' claims should be settled under the shortest possible delay because the agitation may become very serious . . . there will be great misery and starvation this winter. . .

The total cost of the Rebellion amounted to over 5 million dollars. This was a far cry from the \$74,121.33 that the government had "saved" in 1884 with the policy of reduced expenditure in the Northwest. . .

The federal government in Ottawa must bear the greatest share of the responsibility for the rebellion, for reports from Dewdney and others provided important information and alarming facts all during 1884. Macdonald was made fully aware of the problems of settlers, Métis and Indians, but nothing was done to ease the situation. Instead, Macdonald had taken the view that "no amount of concession will prevent people from grumbling and agitating. . ." The French-English strife which was to divide Canada in the future was the most tragic legacy of the rebellion. For this, the government alone was to blame for its lack of true understanding of the serious nature of the rebellion.<sup>84</sup>

As noted from the above reference, the government in 1884 received from various sources, information of the seriousness of the Métis constitutional agitation, as well as the general state of starvation. However, prior to this period, the government was poorly advised by its senior government officials in the area. The vengeful Hayter Reed, Assistant Indian Commissioner, saw the native people as an uncivilized bunch of savages to be dealt with severely and punitively. He was constantly urging punitive action and restrictive and racist policies on the government. His memorandum of 1885, in which he urged a number of punitive actions against the Indians and

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<sup>84</sup>Taken from an autobiography of Edgar Dewdney contained in the Glenbow-Alberta Institute.

Métis involved in the rebellion, was typical of his stance.<sup>85</sup> It is of more than passing interest that the Macdonald government incorporated many of Reed's recommendations into an Order-in-Council. Some, such as the pass system for Indians on reserves, remained part of government policy until 1951.

That Hayter Reed was a complete despot and bigot is borne out by Captain Deane of the North West Mounted Police. According to Deane, when Lieutenant-Governor Dewdney was out of the territories in 1884, Reed was in charge and "his word was law".<sup>86</sup> Deane gives a vivid description of the starving Indians at Crooked Lake and of Reed's policy. He also mentions that his references to the Crooked Lake incident dealing with starvation in his report were struck out by Reed before being forwarded to his superiors.<sup>87</sup> He further states that this incident did not come to public knowledge until three and a half years later through an editorial in the *Edmonton Bulletin*, October, 1887.<sup>88</sup> That conditions for Indian people in the Northwest in the early and mid-1880's were less than human are borne out by such statements of Captain Deane, as well as references in other source material.

Edgar Dewdney, Lieutenant-Governor of the Northwest and Indian Commissioner, was possibly more tolerant toward the native people, but nevertheless, was a strong advocate of not recognizing Métis rights. However, for the most part he misled Macdonald into believing that everything in the Northwest was under control and that the government need pay no attention to the petitions and other signs of trouble. When he did finally begin to express concern in 1884 about the state of affairs in the Northwest, Macdonald at first ignored his warnings and his recommendation on remedial government action. It was not until March 1885 that Macdonald was convinced that the government should act to implement the provisions of the 1879 *Dominion Land Act*. However, even that limited response to Métis petitions was never communicated to the Métis. If it had been, it is likely that Riel would have been able to restrain the Métis force at Batoche, while he attempted further negotiations.

<sup>85</sup>Dewdney Papers, Glenbow-Alberta Institute.

<sup>86</sup>Deane, *Mounted Police Life in Canada*, 1916, at 140.

<sup>87</sup>*Ibid.*, at 149.

<sup>88</sup>*Ibid.*, at 149-150.





*Edgar Dewdney, Lieutenant-Governor of the Northwest Territories at the time of the 1885 Uprising — From a photo in History of Regina.*

Instead, the government offered Riel a bribe to leave the country.<sup>89</sup> spread rumors of impending police action against the Métis, spread a rumor that an army was on the way and in other ways acted to incite the Métis and make the situation worse. For example, William Pearce who was sent out in 1884 to inquire into the riverlot claims on the South Saskatchewan, did not follow through with his task in an effective manner. There was ample evidence of the half-breeds' desire to acquire title of their riverlots by the form of letters and petitions to the government. Pearce, however, was not knowledgeable of the French language and did not pursue his mission in any sort of reasonable manner.<sup>90</sup> He merely stated that the majority of the residents were from Manitoba and had received land grants there. As a consequence no action was taken to reconcile this problem.

To add to the problem, as mentioned earlier, the Prince Albert Colonization Company had been granted a large tract of land which encompassed the area that Pearce was to investigate. Although the residents were anxious about this situation, local government officials were assuring them that they would get their title to the riverlots. However, the company's attempt to clear some of them from the tract provoked more than mere written requests.

Pearce again was sent into the area after the Rebellion for the purposes of whitewashing the government's inciting of the half-breeds' resistance to eviction by the company. Pearce, along with a half-breed interpreter, tricked the people into signing affidavits to the effect that they knew nothing about the Land Company before the Rebellion. This, however, was shortly discovered; a new testimonial was written out, exposing the treachery of Pearce and the government in its attempt to exonerate itself from responsibility for fomenting armed resistance.<sup>91</sup>

It is also interesting to note, especially in view of the numerous assertions of hard times in the Northwest that the Government action against the Métis helped to save the economy and expose the territory to prospective settlers.

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<sup>89</sup>At the trial, the government's attempt to bribe Riel was made to appear as another by Riel to sell out the cause.

<sup>90</sup>Devrome, *The Metis, 1821-1885*, 1976, at 165.

<sup>91</sup>House of Commons Debates, Canada, June 1, 1886, at 1737.

With the outbreak of the Rebellion in 1885 every farmer who owned, or could provide himself with a team of horses and a wagon, could hire himself out to the Government at ten dollars per day. Money poured into the country to feed and supply the troops and police. Militia officers and men visited the country on service when otherwise they would never have thought of coming so far west, and the Northwest Territories and their possibilities thus became widely known. In short, the Rebellion saved the country which, as an eastern correspondent wrote to me in 1884, "was not what it had been cracked up to be."<sup>92</sup>

Not only was the economy stimulated, which placated the white settlers and farmers, but the great railroad dream of John A. Macdonald about to be shattered, was resurrected. When the news of the police aggression at Duck Lake was received, Prime Minister Macdonald used the half-breeds as a scapegoat to realize his C.P.R. dream, a small price as far as he was concerned, as opposed to uniting British Columbia to the east, along with the potential votes.

We can only guess how long it took for the drink-sodden but wily mind of Sir John A. Macdonald to realize that if he magnified this skirmish into major proportions, presenting these relatively minor troubles to the Canadian public as a major rebellion and Indian uprising, he could scare Parliament into advancing money to complete the C.P.R. for the immediate transfer of troops and supplies to the Northwest.

Months later Macdonald admitted that he had committed this almost unbelievable act of political opportunism.<sup>93</sup>

## B. THE POLITICAL TRIAL

### 1. Pre-trial Politics

Although there were many factors involved in the 1885 Rebellion —amongst others, the economy and C.P.R. — the government was also acutely aware of the great discontent prevalent amongst all the inhabitants of the Northwest, both native and non-native. The Northwest was still not heavily populated and the threats of American annexation were still fresh in the government's mind.

The trial of Riel following the Resistance and his subsequent surrender was permeated by political decisions. The first political move, as outlined earlier, was the directive to have Riel transported to Regina as opposed to Winnipeg. This, of course, denied Riel the inviolable right to a jury composed of twelve of his peers. As such, French or half-breed Catholics could have been empanelled. Riel

<sup>92</sup>Supra, note 86, at 183.

<sup>93</sup>Supra, note 9, at 147.



*A picture of the trial of Riel — From a photo in the Saskatchewan Archives, Regina.*

would also have been allowed the right under Manitoba law to have his trial conducted in the French language.

Riel's arrival at Regina was also greeted by another political decision. He was placed in the hands of Captain Deane, who decided that no one could have access to Riel without permission from the government.

In reporting his arrival to the Police Department at Ottawa, I said that I intended to allow no visitor to have speech of the prisoner without a permit from the Prime Minister. I religiously held to this regulation of my own making and it saved me a great deal of trouble.<sup>94</sup>

Riel was also denied the opportunity to read any material that dealt with the resistance or any current affairs relating to it.<sup>95</sup> As well he would later only be allowed visitors who were given a permit by

<sup>94</sup>*Supra*, note 86, at 185.

<sup>95</sup>*Ibid.*, at 186.

Robinson, the Chief Crown Prosecutor.<sup>96</sup> It would therefore appear that Riel was completely isolated from knowledge of the aftermath of the resistance, except for information from his lawyers.

In order to better understand what constitutes a political trial the following excerpts from an article written by Assistant Professor of Law, Peter MacKinnon will be utilized:

. . . A trial tends to be political when those in government feel directly threatened by the actions of the defendants.

. . . But in times of political turmoil or crisis, the distinction between "legal" and "political" issues becomes blurred.

. . . Leaders or spokesmen are readily identified as promoters and agitators who have provoked their normally peaceful and contented followers to serve their own ends. The suggestion that wide-spread protest could, in fact, be a spontaneous movement would reflect adversely on the well-being of people and thereby on the quality of their government.<sup>97</sup>

From the preceding portion of this submission it is clear that the events surrounding the Métis, Riel and the Northwest Territories as a whole, met the criteria for the ingredients of a political trial. The noted author, Joseph Howard, also adverts to treason as being a political matter and concludes that Riel's trial reeked of politics.

Treason, as distinct from any other crime, is an offense against the current political regime of the state and the regime therefore becomes an intensely interested party to the proceeding — not as agent for the social community, as in its own right. Acquittal of a treason defendant is an implicit repudiation of the policies of the ruling regime.

There can be little question that the circumstances of Louis Riel's trial were immoral. Whether the trial itself was also illegal has been debated ever since it was held.<sup>98</sup>

That the white population, at least around Batoche and area, supported and contributed to the political and constitutional agitation of Riel and the Council has been pointed out.<sup>99</sup> This, of necessity, would be adverse to the government's political interests and popularity. The government, therefore, had to adopt measures which would satisfy the settlers; otherwise their continued support of the

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<sup>96</sup>*Ibid.*

<sup>97</sup>Peter MacKinnon, "Conspiracy and Sedition as Canadian Political Crimes," 1977, 23 *McGill Law Journal* 622, at 622-623.

<sup>98</sup>*Supra*, note 7, at 508.

<sup>99</sup>*Supra*, note 10, at 270 and 272. The French half-breeds supported the Settler's Union and English half-breeds because their grievances in regards to land and title were substantially the same.

Métis cause and discontent with government policy would be a testimonial reflecting the government's poor administration in the area. Macdonald, however, was willing to sit back for awhile longer and, fortunately for himself, the Duck Lake incident relieved him of considering white armed support for the Métis. At a meeting on March 22, 1885, the English settlers and English half-breeds decided that they would continue to sympathize with the Métis cause, but that they would remain neutral as to armed resistance.<sup>100</sup> Macdonald could now send in his army without fear of complete territorial resistance and deal with political implications later.

Macdonald, as pointed out on page 70 *supra*, took advantage of the unfortunate Duck Lake incident to forward his own political objectives and career. He immediately received money from Parliament to suppress the "Rebellion" and for the completion of the "National Dream" which resulted in a nightmare for the Métis.

After perpetrating this outlandish and bloody piece of opportunism, Macdonald, after Riel's sentence of execution for high treason was rendered, had the audacity to write that the incident lacked political overtones and that it should only be classified as a "mere domestic disturbance". The basis for this is contained in a letter of August 28, 1885, written to Governor-General Lansdowne:

Your Excellency draws a distinction between treason as having a political aspect, and other crimes. Now there are treasons and treasons — any armed resistance to the Queen's authority is technically treason, but may have no political significance. If there were any international complications likely to arise with the United States, the distinction would be obvious.

But this Northwest outbreak was a mere domestic trouble, and ought not to be elevated to the rank of a rebellion.

The offences of Riel were riot and murder of such an extensive nature as to make them technically amount to treason . . .<sup>101</sup>

Lansdowne, however, was bright enough to realize and admit that the Government, having taken advantage of the situation, could not now down-play the seriousness of the action embarked upon. He replied to Macdonald's letter on August 31, 1885, disagreeing that the resistance could now be classified as "a mere domestic trouble".

The outbreak was, no doubt, confined to our own territory and may therefore properly be described as a domestic trouble, but I am afraid we

<sup>100</sup>*Ibid.*, at 312.

<sup>101</sup>*Supra*, note 9, 229.

have all of us been doing what we could to elevate it to the rank of a rebellion, and with so much success that we cannot now reduce it to the rank of a common riot.

If the movement had been at once stamped out by the N.W.M.P., the case would have been different, but we were within an ace of an Indian war; the progress of the outbreak and its suppression has been described in glowing language by the press all over the world; we brought up troops from all parts of the Dominion; those troops have been thanked by Parliament; they are to receive an Imperial medal.<sup>102</sup>

Macdonald, finding no quarter in that area, nevertheless makes it clear in his reply on September 3, 1885, that the political implications of the cause of the resistance and the subsequent trial should not be admitted.

I fear that you *have me* with respect to the charter given the outbreak. We have certainly made it assume large proportions in the public eye. This has been done, however, *for our own purposes*, and, I think, wisely done.

What I ventured to suggest in my letter was that the persons convicted in Regina, should be convicted of municipal and not political offences.<sup>103</sup>

From the tone of these letters it is apparent that Macdonald had been resolved not to act on the jury's recommendation of clemency. As long as he could convince himself that the matter did not have political overtones, it would not warrant the Queen's mercy. The letters to Lansdowne, however, reeked of politics. The one of August 28, 1885, reflects Macdonald's analysis of the situation in terms of potential votes. He states that any appearance of desire on the part of the Government to facilitate an appeal to England would have "far-reaching consequences of a disastrous character", as the English-speaking people of Canada had strong feelings on this subject. He further wrote that the French in Quebec will not totally support Riel and revival of patriotic feelings will not extend far.

No doubt, Macdonald was quite aware of the strong feelings of the Orange Lodge and the expected reaction from them if an appeal was launched. In fact, when the press reported that an appeal against the conviction was set in motion, the Orangemen reacted vehemently.

Orange Lodges in their meetings resolved to send demands that Riel be hanged. "We submit that it is the duty of the government," said the

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<sup>102</sup>*Ibid.*

<sup>103</sup>*Ibid.*, at 230.

Orange Sentinel, "to take no account of the recommendation for clemency, but to let this law take its course in the interest of the Dominion in general . . . He committed a most infamous and most atrocious murder against a loyal Protestant subject."<sup>104</sup>

Not surprisingly, Macdonald himself later admitted that he believed Riel to be a murderer of Scott and definitely placed himself in a position of bias, which most certainly had influenced the prosecution and conviction of Riel. Although he was adverting to the 1870 incident, the following remarks by Macdonald made in Parliament on March 26, 1885, certainly reflected his attitude toward Riel.

The man who was shot, Thomas Scott, was of Irish origin . . . \$5,000 was offered for this traitor and murderer, . . . We have got a special statute, under which such criminals can be tried, and he would have been tried *and found guilty*.<sup>105</sup>

Four days after Riel's execution, Macdonald wrote to Dewdney, Lieutenant-Governor, Northwest Territories, expressing his hope that the execution would have a good effect on the half-breeds and the scheduled hanging of 27 Indians would convince the Redman who is boss.<sup>106</sup> Undoubtedly, the decision not to extend clemency to Riel was to serve as an example to the Métis that they were at the mercy of the government; and that if they didn't co-operate they could expect similar treatment.

That Riel was to be used as the example of government might is indicated by the fact that only he was charged with high treason. The others were charged with lesser offences which could be served in jail. This, of course, was another political decision as the prosecution, a member of which was the Junior Minister of Justice, no doubt received instructions as to their manner of approach which was to place "all the responsibility for the uprising on Riel".<sup>107</sup>

According to Garnot, a member of the Provisional Government, in writing about his imprisonment in Regina jail;

One day, they (prosecuting lawyers) came and called us (Metis councillors) all together and explained to us the difference between the charge of high treason, for which we should infallibly suffer sentence of death, and that of treason-felony, for which we could suffer imprisonment of from one day to life . . .

They then told us, "We have decided to condemn you, and we see no

<sup>104</sup>*Ibid.*, at 230-231.

<sup>105</sup>House of Commons Debates, Canada, March 26, 1885, at 764-765. (Emphasis added)

<sup>106</sup>Letter of November 10, 1885, Dewdney Papers, Glenbow Alberta Institute.

<sup>107</sup>*Supra*, note 9, at 220; See also, *Supra*, note 10, at 342.





*Hugh Richardson, Stipendiary Magistrate, before whom Riel was arraigned, convicted and sentenced to hang. Photo from **The Northwest Rebellion** — Nick and Helma Mika.*

means to save you, *for you certainly will not have justice*. The Crown offers that, if you plead guilty, they will charge you with treason-felony; but if you refuse, you will be charged with high treason and many among you will be executed."<sup>108</sup>

That the Métis did not receive a just trial is also confirmed in a letter written to Macdonald by Henry Clarke, defence lawyer for the comrades of Riel.<sup>109</sup> Clarke was a political hack of Macdonald and was now seeking reward for his past services, amongst which was his role in the conviction of Riel. The letter refers to "the French half-breeds who had been forced to plead guilty". He continues to further implicate himself and other unnamed persons who were the cause of the resistance and subsequent execution of Riel.

I think you can without much difficulty guess who is the author of the depositions of Pères André, Fourmond, Coucheau, Charles Nolin and others — all of which have been or ought to have been of great use to the government, placing as they do all the responsibility of the Rebellion on Riel and others and all condemning him without stint.

I know every man of any importance in any way mixed up with the Rebellion, every man who took an open or secret part in goading the ignorant half-breeds into rebellion, the personal object of every man of any importance in getting up the Rebellion.<sup>110</sup>

These examples, a few of many, are conclusive evidence to portray the political and speculative motivations which embroil themselves in the reasons for the armed resistance and in the politically-motivated trial and subsequent execution of Riel.

The words of Dr. Howard Adams best describes this whole miscarriage of justice:

The trial was held within the mechanics and rules of the judicial system, at least as far as was obvious to the public. However, beyond that, it seems to have unfolded according to intrigues and conspiracies, collaborations and collusions among the power politicians and the capitalists with their vested interests.<sup>111</sup>

## 2. The Judge

The orchestrator of the trial was Judge Richardson, and as pointed out on page 10 *supra*, he was a government employee as well as being affiliated with the Orange Lodge. In his capacity as legal adviser to the government, Richardson gave several opinions with

<sup>108</sup>*Ibid.* (Emphasis added)

<sup>109</sup>Public Archives of Canada, Macdonald Papers, Vol. 110, No. 44779.

<sup>110</sup>*Ibid.*

<sup>111</sup>Adams, *Prison of Grass*, 1975, at 124-125.