

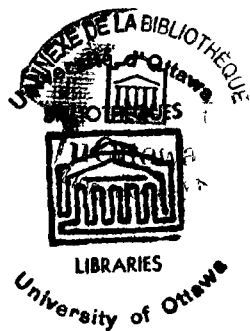
RIEL'S RED RIVER GOVERNMENT

A LEGITIMATE GOVERNMENT

1869-1870

(M.A., U.O., 1931)

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I

THE POINT OF VIEW

One of the most painful and discouraging moments in a scholar's experience is the chaotic havoc which assails him when, after months and years of scrupulous assiduity in historical research, after building brick by brick the structure of historical knowledge, a doubt suggests itself and throws all the fruits of his efforts into intense darkness.

That compiled histories should abound in error is not particularly strange; but it is rather startling to stumble over original memoirs of men who saw and men who heard which misrepresent the facts of history possibly worse than derived history. We are overwhelmed by discrepancies even in the works of one and the same man. If we pledge credence to Alexander Begg of the "Creation of Manitoba", it is scarcely likely that we shall not give credit to Alexander Begg of the "History of the North West". Yet, strange as it might seem, these two histories coming from the same pen are records of two different versions oftentimes at variance with each other.

Doubtless, differences arise from different stand-points, as two observers behold each a different rainbow - yet the rainbows are substantially the same, - so also might it be with the differences of history. But what if the discrepancies are so essential as to shift the whole historical aspect of the question? What if the authorities adduced are so weak and dull, or dishonest and prejudiced or have such a deep personal interest as to give a lying account of the whole affair? How shall we reconcile the two views of history - on the one panel Riel is an assassin, a worthless wretch, a rebel; on the other a heroic leader, a noble patriot, an idol?

Has it not been demonstrated that the facts of history are ductile, that they can be manipulated by skilfull pens to establish any desired theory? All pasts events come to us through the minds of those who record them and the recorders are neither machines nor angels but fallible humans with passions and bias. With clever selection and clever suppression you may have a noble hero or a monster of humanity.

In the days of old there were historians who avowedly wrote as they were bribed. We are told that Paulus Jovius controlled a bank of lies. To those who recompensed him generously he fabricated a noble pedigree and illustrious deeds; those who gave nothing he caricatured as black and vile. Persons of that stigma claim it is their privilege to aggravate or extenuate, to magnify or depreciate, to dress the liberal pay-master in gorgeous robes, and the miserly magnate in mean apparel. Others scorn the fees but copy the practice. One of the most influential of such practitioners, who seems to crave a lofty niche in history, is Dr. Bryce. There can be no doubt that his judgement

was mightily warped through prepossession and prejudice, for he has stained our history with the vilest hues. But what truth can be expected of him who wrote lying, - on a sofa? One falls victim to the vivacity of his narration; the charm of his pen fascinates the reader, - but he was too indolent to trouble about accuracy.

Even if truth is altogether perverted it is not always by false statements. It is by suppression and exaggeration, - by veiling some parts with the silence of the grave and by scrutinizing others with microscopic and relentless severity. Thus, insidious poison is distilled and yet so skilfully mixed that it might be difficult to single out a section which the author could not establish as consistent with the faith of the most orthodox believer.

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A word about the sources of information on which this work is based will not be amiss. - There is perhaps no question appertaining to the history of the Province of Manitoba which has excited such prolific literature as the Red River Insurrection. On no other question have so many opinions and statements been taken for granted. The extraordinary, however, happens when one learns that there is such a lack of respect for truth in the writings of pseudo-historians who, fortunately few in number but wielding an influence far beyond reasonable proportions, base themselves not on documents, far less on trustworthy testimony, but rather build up monstrous conceptions and draw deep into their prejudiced minds and biased imaginations to caricature the facts of history as no conscientious person would dare.

One would almost say that they are victims of an inward compulsion and indomitable urge that drive them beyond the limits of the reasonable. Unfortunately the greedy and indiscriminating reading public draws from such literature its fundamental principles of history.

Father Morice, O.M.I., one of our too few reliable historians, on this question as well as on any question he treats, makes no statement unless it is unimpeachable. This is why he shall constitute our chief source. In one of his books where he treats the same question, briefly but in a masterly fashion, he assures the reader that he wants it understood once and for all that his statements are based on the opinion not of Catholics, (it shall be seen that religious sentiments were much exposed in this uprising) but of Protestants themselves and particularly upon the documents received or exchanged, sworn to and attested by eye witnesses, which documents now form the Blue Book³. The writer of these lines wishes here to acknowledge his indebtedness to Father Morice for his unlimited kindness in placing at his disposal not only the results of his personal researches but also very rare books, letters and other important data which have enabled him to form the most objective and unbiased opinion on this question.

The other authority is Mr. Alexander Begg. This worthy gentleman has written many valuable volumes on the history of Manitoba. There is, however, one book which has long been removed from the profane and scrutinizing gaze of mortals. This book is the "Creation of Manitoba". It is stated on very good authority that this book was surreptitiously removed through the instrumentality of those whose warrant of condemnation it bore and who could in no other way justify their proceedings except by

"the silence of the grave". There are, however, rare copies of this book extant, and their contents will sooner or later become part and parcel of the historian's equipment. Mr. Begg is best fitted to speak on this question because he was a Protestant and was an eye witness of the entire Insurrection and has documented most particular details with absolute accuracy and exactness.

Further authorities adduced in support of our point shall be those only taken from official records preserved in the archives at Ottawa and London. - It might be added by way of note that the writer has met Halfbreeds related to the insurgents of this period who claim that one of them was entrusted with the safe-keeping of important documents which, by one of Riel's last requests, were not to be divulged until ninety-nine years after his death. It is impossible to obtain them by any means. It is also doubtful whether they contain any data concerning 1869-70. Whatever they might contain, it is surely difficult to conceive anything that could shed more light on the subject, for, even the present material is fully sufficient to prove beyond any shadow of doubt and bias that Riel's Red River Government was a legitimate Government.

The recent Jubilee Celebrations in our Province of Manitoba have done much to cement the relations among the hundreds of thousands of old and new Canadians, and it is to be hoped that the effect of this will be as lasting as it is comforting. Yet it cannot escape the attention of any well-meaning and serious-minded citizen that the secret of our success as a country depends on the unity of all its constituent elements and

that unity cannot be solidified except on the solid foundations of truth. The knowledge of truth, of facts as they really took place, of circumstances as they actually existed, of the causes and effects as they did develop, - all this belongs to truth and consequently all this is indispensable to the crystallisation of a national Canadian mind and mentality. It is only on the solid foundation of truth that the glowing plans and fascinating ideals shall take root and prosper under the healthy rays of our Dominion.

It is with this end in view that we enter upon the present subject and it is this ideal that we have in mind during the hours spent on this modest sketch. The greatest injustice will be perpetrated against us if we are accused of partiality, fanaticism and hatred. Our disposition is such that truth will make us sway towards one or the other of the parties upon no other basis than truth itself.

One further remark. -

Divested of every pet idea, let the reader examine this sketch carefully and remember that the courage to state the truth is a more valuable quality of character than the gift of bestowing false praise, though the praise should even secure friends.

II

BRIEF SURVEY OF EVENTS

1670-1859

This brief survey is entered upon to give the reader as thorough an acquaintance as possible with the political and social status of the country whose crucial moment of existence we are about to examine.

On May 2, 1670, King Charles II issued a Charter to "The Governor (Prince Rupert) and Company of Adventurers of England trading into Hudson's Bay", by writ of the privy seal, stipulating that the territory be henceforth known as "Rupert's Land". Thus began the illustrious Company which ruled over this country until shortly before the events of 1869-70, and this Company of Adventurers was to be called the "Hudson's Bay Company".

In 1683 the Hudson's Bay Company's monopoly was disputed by the Company of the North. Again in 1783 another rival company was organized and its molesting encroachments necessitated the Treaty of Paris in 1784 whereby the Hudson's Bay Company regained exclusive possession and exclusive rights and privileges which

they have held ever since until 1869.

In 1793 the Red River post was built by the Hudson's Bay Company. Of course, almost sixty years prior to this La Verendrye had built a post around the same place calling it Fort Rouge. In 1803 the first Fort Gibraltar was erected by the North West Company on the North West point of the junction of the Red and Assiniboine Rivers.

This same year 1803, by the Canada Jurisdiction Act, the name of Indian Territories became the term by which the area previously known as Rupert's Land and to-day as the Prairie Provinces, was designated. This Act was passed to remedy the fact that these Indian Territories were juridically not within the limits of any British Colony. It will be well to remember this point as it will shed much light on certain claims made later on.

On June 12, 1812, a larger territory of land, the future district of Assiniboia, was ceded to Thomas, Earl of Selkirk. With the year 1812 the period of colonisation and settlement began. On the 30 August Miles MacDonell reached the Red River from York Factory and pitched camp on the East bank facing Fort Gibraltar.

The first entry of the meeting of the Council of Assiniboia was recorded in the minute books ^{on the} 12 day of June 1813. Miles MacDonell was elected its president. This record bears the name of Winnipeg for the first time as Winnipic. - During this period a second and third contingent of settlers reached the Red River.

One may imagine what difficulties those early settlers encountered in a country whose rigorous winters they did not expect, who, hardy though they were, were unaccustomed to such strains of hardships and sufferings. It is a wonder they did not return whence they came. They deserve the most unstinted praise

for having been the first to settle the country with the intention of living there permanently and making it their home.

On May 13, 1815, a resolution was passed at Hudson's Bay House in London providing a Governor-in-Chief and Council for the whole of the Company's Territory in Hudson's Bay. The territory was divided into two districts: Moose and Assiniboia, the Governor in each district having supreme power, except when the Governor-in-Chief was actually present.

In the meantime adventurous individuals, interested in fur trading, had organized themselves into bands and companies and as a result of the privilege of exclusive trading which the Hudson's Bay Company enjoyed, there were many misunderstandings and conflicts. These conflicts lasted until 1821 when on March 26 the Hudson's Bay Company and the North West Company amalgamated in London. On June 1 of the same year the union of the two companies became effective. They entered into an agreement to continue united for 21 years. During the same year the Hudson's Bay Company obtained a renewal of their rights with exclusive trading privileges for a period of twenty years.

In 1822 Fort Douglas was named Fort Garry after Nicholas Garry, a Hudson's Bay Company's official who visited it the previous year. A few months later a resolution of the directors of the Hudson's Bay Company was passed in London, reading: "There shall be two Governors and a Council of Rupert's Land and a Governor and Council for the District of Assiniboia".

In the year 1832 the Council of Assiniboia had been fully launched upon its legislative career. This Council was selected from the most influential inhabitants and constituted a legislative power to make laws in criminal as well as civil matters.

At this period we register the first hostile demonstration towards the Hudson's Bay Company. Upon an insult from a certain Metis, Mr. Simpson, then clerk at the Red River post, retaliated with an iron poker and injured the man's head. This caused an uproar. The Fort was surrounded and the angry mob was appeased with much difficulty. Thus the seed for further troubles was already sown among the Metis. In the following spring discontent toward the Company increased over a disagreement in market prices.

Until then the people of the Red River Settlement lived, so to say, without laws and without protection, depending solely on their own good-will and faith towards each other. There were a few constables, but this was only a formality. In view, however, of the above mentioned demonstrations the Governor and Council in London advised to adopt some system by which law and order would be maintained. As a consequence Assiniboia was divided into four juridical districts. In the course of 1835 the land that had been sold to Lord Selkirk in 1811 was bought back by the Hudson's Bay Company.

To secure their position more firmly the Hudson's Bay Company applied for a renewal of their Charter before any complaints could reach London. On May 30, of the following year their rights and privileges were extended for another twenty years. Next year the name "Assiniboia" was given to that part of the original Selkirk Domain by a general Court of the Hudson's Bay Company at London. George Simpson was appointed Governor of Rupert's Land with a Council of 20 men; and Alexander Christie Governor of Assiniboia with a Council of fifteen.

Begg makes a very pertinent remark about the mentality of the inhabitants of this period. "No doubt, says he, that the

constitution and working order of the Council at Fort Garry provoked the first desire for representative government, a feeling that slumbered in the minds of the restless, breaking out now and again and finally culminating in the troubles we are about to sketch".

In 1841 the Municipal District of Assiniboia was curtailed from the area given by the enactment of 1839 to be limited to a circle extending 50 miles in every direction from the forks of the Red and Assiniboine Rivers. It is important to become acquainted with this because later on, in 1869-70, certain individuals dissatisfied with the Red River Government betook themselves beyond the fifty mile belt to Portage La Prairie and attempted to create a new republic and to raise a force of men to suppress Riel.

It might be of casual interest to learn about the population of the Red River Settlement. The census figures of 1843 show that there were 2798 Catholics and 2345 Protestants. The following nationalities were represented:- Indian, Metis, Canadian, Orkneyman, Scotchmen, Englishmen, Irishmen, Swiss, and one from the following countries:- Wales, Italy, Norway, Denmark, Germany, Poland, United States, and Eskimo. - Rather peculiar that there ^{were} were no Jew!

A word about the relations between the English and French Halfbreeds who formed, by far, the majority of the population.

As far back as 1816 a terrible famine had ravaged the whole country. Starvation threatened to wipe out the entire Selkirk colony, for, unaccustomed as they were to the country, they were also unfamiliar with the mode of procuring food when pressed by danger. The French Halfbreeds knowing the distressed condition of the Scotch settlers and urged by sentiments of Christian charity

and brotherliness, repaired to their settlement above Fort Garry and invited them to join the huntsmen in their fall expedition and thus avert the spectre of starvation. Placing their wives and children into the carts of the welcomed visitors, the Scotchmen pushed their way with the Halfbreeds to the Valley of Pembina where buffalo were plentiful, and thus saved the entire colony.

The Scotchmen never forgot this. The bond of friendship which united the two groups was so great that ever after they toiled together, lived together, shared their joys and sorrows and gave evidence of such mutual fondness that they formed one big family. The Scotch, who in generations to come formed stocks of the English Halfbreeds, perpetuated the same relations. This remarkable state of mutual friendship outlasted the troubles of 1869-70. The two groups, although differing in religious convictions, formed one mind and one heart. We shall further have occasion to refer to this point. For the present we shall confirm these statements by quoting Archbishop Taché: "Perhaps no other part of the world enjoys a greater harmony between the diverse elements that constitute its whole. There exists not only no antagonism, but as an almost invariable rule, all feel a sentiment of brotherhood and seem to outstrip one another in mutual friendliness and kindness".

III

THREATENING CLOUDS

1859-1869

It has been proven beyond any doubt that the Hudson's Bay Company was empowered, under their Charter, to make, ordain and constitute necessary laws and to levy taxes, etc., and that all lands, islands, territories etc., where the Company's factories and trade were, should be immediately under the power and command of the Governor and Company, their successors and assigns and the said Governor and Company were empowered to appoint and establish Governors and officials to govern them. The law officers of the Crown examined this Charter and reported that the rights claimed by the Company properly belonged to them.

In 1857 the British House of Commons appointed a select Committee to consider the state of those British Possessions in North America which are under the Administration of the Hudson's

Bay Company or over which they possess a license to trade. In this connection the Canadian Government - Upper and Lower Canada - sent representatives to England who began an agitation which ended only in 1869.

At this point it is necessary to elucidate a fact which is of the greatest importance in the study of Riel's Red River Government. Canada was now preparing itself for Confederation and naturally tried to annex as much territory as possible. Now, the North West Territories together with the Red River Settlement formed a country altogether INDEPENDENT of Canada. It belonged to the Queen and was governed by the Hudson's Bay Company. Canada could in no way interfere in its government or in its legislation. The state of the North West Territories was the same as that of Newfoundland to-day. As a country it was as independent as the United States of America. As it was only a colony, it depended, as all British Colonies did then and still do, from the Imperial Government at London.

This point of the Red River history is of such importance that very serious mistakes are made by those historians who omit this all-important point in their treatises. Again we repeat: the territory called Rupert's Land and Assiniboia together with the North West Territories extending as far West as the Rocky Mountains constituted a country entirely independent of any other country except England. It is consequently evident that Canada had no right whatever to impose its views and policies and government on that country nor to meddle in any of its affairs. Canada had no more right to lay claims to the West than had the United States or the ^Emp^Eperor of China. The country was governed by the Hudson's Bay Company and owed its allegiance to the Queen alone.

We have already become acquainted with the population of 1843. When information was sent to London by the Ottawa Government about 1859 they represented the Red River Settlement and the surrounding country as a waste land with a few dying Indian tribes, some free traders and trappers. We shall see how dishonestly Ottawa acted. It is with reluctance that the writer singles out the Government of Ottawa here and throughout this sketch. It were better to avoid unveiling hideous facts and unearthing revolting injustices and dishonesties. To be clear we are compelled to do it.

The population of Red River, in the period of the Insurrection, was 11,500 divided into two sections, - the French and English, the former predominating a little. In spite of many differences, above all that of religion, the most perfect harmony reigned in the Settlement. Father Morice informs us that: "They had now practically rallied round the truly patriarchal rule of the Hudson's Bay Company, represented by the Council of Asssiniboia, - which sinned certainly more by an excess of leniency than by excessive severity. It was an open secret that the law-abiding disposition of the settlers had more to do with the peace and order of the colony than any show of coercive power on the part of its rulers."

While things were thus going on peacefully, Canada was exerting itself like a Titan to create sympathy among the inhabitants of the coveted territory. Now, the Red River settlers did not relish the idea of annexation to Canada. As a matter of fact the majority abhorred it. In the first place, although the Hudson's Bay Company was declining in its authority, the inhabitants felt a sympathy towards its Governor that could be called filial piety. They were very satisfied with the treatment and liberties

they enjoyed and they knew from definite and positive sources that Canada would not allow them as much liberty as they had been heretofore enjoying. For, what did they care about the settlers, they who called their country a waste land with a few moribund Indian tribes? What would they have done for them, they who would not even consult the settlers about the transfer from one power to another? Can any one incriminate the attitude of the Red River colony? It is also suspected that the Hudson's Bay Company's officials themselves were rather opposed to this idea as it meant a complete change and a suppression of their own prestige.

In any case Canada was beginning to grow impatient and entered, as we shall see, a peculiarly novel plan of seeking adherents and promoting sympathy. This novel plan, together with its failure to materialise, was the cause of the first trouble to break out in the colony and marked the beginning of a misfortune which soon took on such alarming proportions, culminating in a series of the most unusual events ever recorded in the history of man. Were it not for this, the negotiations would have possibly taken their normal course and an agreement for transfer easily reached. Yet, time was not rife to announce this policy to a people so easily excitable and so irritable, who perhaps knowing a little the history of their compatriots in the East, foresaw some possible grievances and consequently resented any meddling by tactless, disturbing and at times vulgar individuals.

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In the year 1859 a certain Buckingham reached Fort Garry from Ontario, bringing with him a small printing press. He it was who founded the first newspaper the "Nor'-Wester". There is hardly

any doubt that this gentleman undertook the enterprise with an aim of exciting sympathetic adherents to the cause of Canada. The Nor'-Wester machinated particularly against the Hudson's Bay Company, undermining its prestige and shattering its authority. The Ontarians who already formed a little group, fully grasped the extent of this stratagem and all pursued the same course of action. The slanders concocted by this bi-monthly publication and disseminated in the East, remained unanswered as there was no competitive organ in the colony. The inhabitants of the Red River were caricatured as slaves groaning under the cruel administration of the Company. But in reality, it must not be forgotten that for almost a score of years the Hudson's Bay Company abdicated its rights of government in favor of the Council of Assiniboia. In fact, in 1835 the Council assumed legislative authority and after this there was very little question of the Hudson's Bay Company's authority. Moreover, in 1849 the Hudson's Bay Company renounced its fur trading monopoly and henceforth the Company acts more in the capacity of a business enterprise than a coercive power.

In 1864 John Christian Schultz bought the Nor'-Wester and directed it until 1868 when he sold it to Bunn. During Schultz's administration the Nor'-Wester incessantly expectorated its venom against the Hudson's Bay Company. - Schultz graduated from Queen's College and studied medicine in Ontario. He was 22 years of age, polished in deportment, spoke French and won favor with both the English and the French.

In the meantime, Governor Dallas, who succeeded Simpson in 1860, retired in 1864 and was replaced by William MacTavish. This latter was a perfect gentleman, and a skilful administrator. In fact, his administration was of such a nature that it won sympathy

and attachment not only of the natives but even of some rebellious invaders from Ontario.

Schultz was ever on the alert to employ every means of strengthening his party of malcontents and in course of time was successful in bringing to the Red River a handful of adherents from Ontario. Now, the jurisdiction of the Council of Assiniboia extended over a radius of fifty miles in every direction from Winnipeg. These malcontents went sixty miles West of Winnipeg to Portage La Prairie, outside of the Council of Assiniboia's belt, to found a government according to their own fancy. There they created a republic which lasted only a year. In the meantime the Nor'-Wester was its champion herald.

Schultz despised authority and gave evidence of this (1866) several times when after being duly convicted and sentenced to a fine or confinement, he managed to liberate himself through the insubordinate instrumentality of his adepts. These facts were turned to arguments by the enemies of the Hudson's Bay Company to show that there was no authority in the Red River Settlement and that the only way of saving the settlement was annexation to Canada. But, the people did not ask for annexation; in fact they did not want it. The English and French population held these strangers in utter contempt. Until then, the entire colony lived as one big family. Schultz's policy was to subvert all existing order, social and religious. He longed to organise an immigration into the colony from the East and make of this section of the country a new Ontario. It was Schultz and Co. who precipitated the course of events and brought about the complicated misfortunes of 1869-70.

Such were the people sent out to create sympathy towards Canada and such were the representatives of those who were striving

to annex this vast territory to the Confederation. Little wonder that Ottawa negotiated so carelessly, contemptuously thinking that these vast regions were peopled only by a tribe of Indians and some free traders and trappers. We might add, by way of note, that Schultz and party were the first rebels of the Red River colony.

In the summer of 1868 articles were directed to some Eastern newspapers concerning the mistake the Ottawa Government made in sending out unreliable and unscrupulous men like Schultz and party to endeavor to win the inhabitants. Bishop Tache was beginning to foresee many troubles and informed Ottawa of his apprehensions, but all in vain; they remained stubborn. In fact, at a later date, he was told that they (Ottawa) knew the country and the people at least as well as he did himself if not better, and that he knew nothing about politics. This mistake was one of the many for which the Ottawa Government was responsible and which were the cause of so many troubles that marred their administration.

In 1868 a terrible catastrophe raged in the Red River valley. The plague of grasshoppers so destroyed vegetation that by July the community was reduced to starvation. The situation was desperate. While the East organized in raising funds to aid the afflicted people, strange policies were concocted at Ottawa with the hope of profiting by these unfortunate, but for them favorable circumstances. The Federal Government availed themselves of this unique opportunity to force their agents upon the country. In the fall of 1868 they sent two men: John A. Snow and Charles Mair to build a road from Oak Point to the Lake of the Woods. The men were to employ the Red River inhabitants and thus alleviate the difficult economic situation by financial relief. The Governor of Assiniboia, Wm. MacTavish, protested immediately against the

intrusion of the representatives of another power into his own country. These protestations were unheeded in spite of the fact that Canada was well aware that it had no right to invade a foreign territory.

Matters would not have had such consequences if those sent out by Canada had had a grain of discretion and common sense. No sooner had they entered upon their activities than they began to give evidences of the most disagreeable feeling towards those whose territory they had invaded. Mair, who time and again enjoyed the hospitality of the inhabitants, began to ridicule them and their mode of living in a very provoking manner. In articles which he sent to some Toronto newspapers he reviled them and their government and on the whole betrayed such inhuman sentiments that the people of the country were very much insulted.

This dissatisfaction was nothing compared with what followed. Some of the Canadian officials, after intoxicating the Indians, made them sign deeds whereby most valuable tracts of land in and around Oak Point, on which the French Metis were already settled, were surrendered to the strangers of Ontario. Even Dr. Bryce, cannot refrain from admitting that: "The evidently selfish spirit shown in this expedition sent to survey and build the Dawson road, yet turning aside to claim unoccupied lands to sow the seeds of doubt and suspicion in the minds of a people secluded from the world, was most unpatriotic and dangerous. It cannot be denied in addition that the course of a few prominent leaders who had made an illegitimate use of the Nor'-Wester had tended to keep the community in a state of alienation and turmoil".

It is a well known fact that the man who professed to be the leader of the party, Schultz, openly declared that the Metis of

the Red River would have to give way before Canadians, and that the country would never succeed until they were displaced altogether. The Metis who had the best title to the land and were passionately attached thereto were to be ousted, and might esteem themselves fortunate if the forthcoming Ontarians would condescend to retain them as cart-drivers.

This is confirmed by the sworn testimony of Bunn, secretary of the Council of Assiniboia: "It was very generally believed or apprehended among the people but to a greater extent among the French Metis, that the whole country would be appropriated or monopolised by the newcomers. I myself shared that apprehension". Mr. MacTavish states plainly that the English also felt that the surveys were improper because they were conducted on land outside of the jurisdiction of the Government that sent them and also because they violated the property rights of those who already occupied the lands.

While the public mind was thus disturbed, it was learned that though Canada had secured no right whatever over the territory in question, it nevertheless appointed a Governor in the person of the Hon. William McDougall, the Minister of Public Works at Ottawa. This individual was very unpopular among the majority of the inhabitants on account of his unfriendliness to the French Catholics. Moreover, Begg claims that McDougall had frequently corresponded with the leader of the Canadian party who undoubtedly can be no other than the rebellious Schultz. This intensified the aversion of the Halfbreeds. Soon afterwards these fears became a reality and the rumors became facts when Col. Dennis was sent out with a party of surveyors to divide and subdivide the lands into sections as they thought fit. All these strangers fell easy victims of the

land mania. They staked out for themselves and their friends in Ontario whatever pleased them of the best lands obtainable and their leader appropriated enough to make him one of the largest land proprietors of the whole Dominion.

Father Morice thus comments upon these events: "Now, we might ask any fair-minded reader: Is not the right of property one of the most sacred privileges of a free manhood? To put the question is tantamount to answering it. The right is so inalienable that even a legitimate government must recognise it, so that the people of the Red River would have been warranted in resisting forcibly the ruthless expropriation of their land by their own government. When the expropriation is attempted by an outside power which has absolutely no jurisdiction over them, the right of resistance is doubly clear."

It is an undisputed fact that the apprehensions of the Metis towards the Ottawa Government were by far more serious than those of the English Halfbreeds because it was beyond any shadow of doubt that the officials sent to the Settlement were men permeated with hatred for the French language and for the Catholic religion. These fears soon took on more ghastly proportions as the strangers from Ontario boldly professed that the Catholics would lose most of their privileges which they were so far peacefully enjoying.

Begg states that McDougall and his friends took a mean advantage of the miserable state of the Metis. They were poor and Canada was sending money and supplies to relieve the situation. They would receive twelve dollars a month payable in supplies as flour, lard, etc., which the Canadians sold at exorbitant prices. Snow sold flour at \$16.00 when the same flour was sold by merchants at Winnipeg for \$12.00. This excited discontent particularly as

Snow admitted that his best workmen were the Metis. Those dishonest Canadian officials went on attempting to bribe Indians into selling lands that were already occupied. As a result Snow was compelled to withdraw from Oak Point where he made his headquarters. Mair, as we have seen above, made most calumniating statements in Eastern newspapers about the women of the Settlement, for which he was publicly flogged by Mrs. Bannatyne, the wife of the Postmaster.

Let us for a moment compare the Hudson's Bay Company with the Canadian party. The former carried on quietly and honestly, giving satisfaction to all. The latter, the Canadian party, brought the seed of discord and used the basest means to further both their personal interests and those of Canada. No wonder the entire colony hated the invaders. Begg further informs us that the Canadians were repeatedly heard saying: "You will see what Canada will do when she takes hold of the country. The Metis will be compelled to yield their possessions to the English, the better people, the superior people." It is likewise evident from a letter from McDougall to Mair that he was fully informed of the antagonism which those Canadians disseminated among the Metis. According to Begg: "It began to look that no man's property was safe." "What did they care, whether the cause of Canada received an injury, so long as they made money and acquired property through it."

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IV

THE STORM

October 17, 1869.

While these things were fermenting in the little Red River Settlement, the Canadian Parliament adopted a joint address to Queen Victoria to take over the Territory of the Hudson's Bay Company. When the Earl of Granville became Secretary of State an agreement was finally reached and arrangements for the transfer concluded on March 9, 1869. By this agreement the Hudson's Bay Company were to receive three hundred thousand pounds sterling on the surrender of their rights to the Imperial Government, who should, within one month of such transfer, retransfer same to Canada. The Company also retained certain reservations of land in the vicinity of their forts and trading posts and were to have two sections of land in each surveyed township. The Imperial Government agreed to guarantee a loan of three hundred thousand pounds sterling to pay the Hudson's Bay Company, and the Dominion Government pledged itself

to respect the rights of the Indians and Metis in the territory transferred. The official transfer of the North West was to be published on Dec. 1, 1869.

When treating this question, histories and other books sometimes make the following erroneous statements: Canada bought the territory known as Rupert's Land and the North West Territories from the Hudson's Bay Company for the sum of 300,000 pounds sterling.

Professor Martin, in his study of the Historical Basis of Provincial Claims, explains this point very clearly. Canada did not buy the country from the Hudson's Bay Company but from England. Nor did Canada acquire the rights, privileges, franchises, powers and authority enjoyed by the Company under its Charter. There were two distinct transactions. One was the surrender to the Crown of the Hudson's Bay Company's chartered rights in Rupert's Land. The second was the cession by Imperial Order-in-Council not only of Rupert's Land, which could be ceded only after the surrender of the Hudson's Bay Company's chartered rights therein, but also of the North Western Territory which did not come under the Charter. The latter always belonged to the Crown and could be transferred without any difficulty. The sum of 300,000 pounds sterling was not purchase money but simply an amount agreed upon as a settlement out of court to avoid the delay and costs of a legal enquiry into the Company's rights.

Now, in the course of these negotiations between Canada, England and the Hudson's Bay Company a very surprising feature had developed or rather, that peculiar feature became glaringly conspicuous by its absence. There was no mention whatever of the country's inhabitants. These inhabitants, each and every one of them a loyal subject of Her Majesty, holding property under due

titles and forms, were ignored as if they had never existed. Of course, the Canadian Ministers left for England with the assurance that the North West comprised only a few wandering Indian tribes with whom it was unnecessary to cope for the time being. This was a very serious breach of honesty on the part of the Ottawa Government and a crying injustice towards the people to have so hypocritically misrepresented them. Bishop Tache and other prominent and trustworthy men informed Ottawa of the state of affairs on several occasions and pleaded on behalf of the population. But all in vain.

Begg gives us some interesting data about Winnipeg and its people. "The number of settlers along the Red and Assiniboine Rivers, including the French and English Halfbreeds, was estimated to be from twelve to thirteen thousand souls. In the vicinity of Upper Fort Garry, the town of Winnipeg had grown to considerable dimensions, containing as it did then, over thirty buildings. Above the banks of the Red and Assiniboine Rivers settlements had spread, and everywhere could be seen signs of comfort and prosperity".

It was this little world of the Red River that McDougall was now approaching to occupy. The news soon disturbed the minds of the settlers and particularly of the Metis. They, however, refrained from giving public expression to their apprehensions but preferred to discuss the matter in little groups. They began to hold secret meetings at St. Norbert about the end of September. Until now there was positively no design to take up arms or to excite an insurrection. Riel was the mainspring of the whole movement.

Louis Riel was born in St. Boniface on October 22, 1844. His father was Louis J. Riel, a Halfbreed; his mother was Julie Lagimodière, the daughter of the very first white woman who settled

in the West in 1807. Young Riel was sent to College in Montreal by his protector Bishop Tache. The death of his father and his lack of qualifications for the priesthood, towards which for a time he felt himself inclined, caused him to return to the West in 1864. During his stay in the East he was informed of the injustices which were committed against the Catholics and against the French language. Although only 25 years of age he was drawn by the vortex of events to take the lead in the movement of protestation against the encroachments of Canada.

At the secret sessions of the Metis two questions were debated. Firstly - is it urgent to interfere with the surveyors who are violating the sacred rights of property? Secondly - what means should be adopted to hinder McDougall from entering the Red River Settlement until the inhabitants come to an agreement with the Canadian Government? Their chief preoccupation was not to incur the displeasure of England and thereby draw upon themselves the stigma of rebels.

In consequence the Metis stated that as British subjects they would remain loyal to Britain and respect the Government of Assiniboia. On the other hand, the Hudson's Bay Company did not have the right to transfer the people because they could transfer the land on which the people lived, to an outside power whose authority was repugnant to them and which they would reject until a satisfactory agreement could be reached between the people and the new power. This was but their just right and privilege.

Thus far it is impossible to call them rebels because they respect legitimate authority and are determined to protect their rights as citizens. The only rebels are those who are spreading discord and sowing trouble. A rebel is he who refuses loyalty to legitimate authority. Now, to whom was Riel and his party disloyal?

To Britain? His loyalty was so great that he declined enticing offers for annexation to the United States. But let us not anticipate.

During these days, Hon. Howe, a Minister of the Ottawa Government, visited the Red River Colony to ascertain the conditions and the mentality of the people. Upon his arrival, the Canadians, that is the genuine branded rebels hoisted the Union Jack with the word "Canada" on it, thus embittering the feelings to a still greater degree.

Some months prior to this Joseph Howe was urgently requested by a few gentlemen of the Government to lend his aid and his great talents to a successful furtherance of the Confederation. But, to their grief and dissapointment, Howe persistently opposed the idea of Confederation with the same great powers to the very last moment. While conditions and circumstances were maturing for the annexation of the West to Canada, Howe, now Secretary of State, set out to visit the Red River to form his own convictions. Being fully aware of the feverish antagonism which predominated against Canada and its instruments, he avoided everything that might heighten the pitch of the people's irritated emotions. He held no public meetings but visited prominent citizens to discuss the matter with them and openly shunned the representatives of the Canadian party. Begg informs us that: "Because the Hon. Howe did not see fit to hob-nob with the men who had been the cause of the troubles and who greatly contributed to the ruin of McDougall, he was branded as traitor".

Someone has cleverly remarked that had Canada conspired with all its talents and exerted itself to the utmost in doing things in the worst possible way, they could not have been more successful.

After Howe's departure, the surveyors, now in St. Vital, were told to pack up and leave the place. When asked by what authority, Riel replied: "By natural right which every man has to protect his property when he is spoiled of it unjustly". The surveyors returned to Winnipeg.

What was the attitude of MacTavish, Governor of the Hudson's Bay Company and head of the Council of Assiniboia? Some days after the above event, Riel was summoned by him to meet the Council of Assiniboia. He was told of the serious nature of his actions and was urged to desist and send his men home. This Riel refused to do. In the meantime his little band was rapidly increasing.

Around October 16, of this same year 1869, news reached Winnipeg that McDougall, the newly appointed Governor of the yet untransferred territory was hastening to Pembina and thence to the Red River colony. The Ottawa Government being well aware of the hostile attitude of the colony intended to send out McDougall before the official transfer so that, having an armed force to quell any uprising, he could immediately assert his authority and rule the people with an iron hand.

At the meeting of the Metis Oct. 16, a Council of Defence was formed with John Bruce as president and Louis Riel as secretary. They took up arms on the next day and their first act was to barricade the highway at St. Norbert in order to hinder McDougall's progress to Winnipeg. In the meantime McDougall sent out a party with all his luggage. This party was stopped by Riel's men and the goods confiscated. Among other things there were found supplies of guns and ammunition. There is no doubt whatever as to the purpose of all this. "Arms without men to handle them, comments Begg, is a

queer way of maintaining the dignity of the law". We also learn from other reliable sources that together with McDougall quite a number of soldiers were to enter the Settlement secretly in order to subdue any turmoil. At the same time Col. Dennis and his men busied themselves (always under the guise of surveyors) about mustering a force both at Red River and beyond it, even at Portage La Prairie, with the definite purpose of overcoming the Metis and introducing McDougall by force of arms. This scheme proved a wretched failure. A fine specimen of rebels.... The country not only did not belong to Canada but it was not even transferred from the Hudson's Bay Company. The first ones to call Riel a rebel were those precisely who had been responsible for the alarm in the colony, - and who had the unbridled audacity of calling themselves "loyal". "Was it not a rebellion, writes the inexorable Begg, when Col. Dennis organised his party of surveyors into a small band of soldiers for the purpose of carrying on war in a country which did not at that time belong or owe allegiance to Canada".

While these events were taking their course, the Council of Assiniboia was deliberating on the best means of re-establishing order. They couched their resolution in the form of an advice to McDougall to wait for an answer from Ottawa. On the other hand, the Metis told him to keep out of their territory at the risk of his life.

At this stage we might examine the various factions at Fort Garry. The officials of the Hudson's Bay Company were dissatisfied with their treatment by the Supreme Council at London. These officials bore the brunt of the burden all the time and now they were not even receiving a share in the transfer money. They were indifferent, or what is more likely, actually antagonistic to the union with Canada. The Scotch settlers were not enthusiastic about

Canada. As a matter of fact, many of them preferred a Crown Colony. They lived on the best terms with the French and would not even think of severing those immemorial bonds of friendship. They resented Canada's invasion and revolted against the attitude of the Canadian agents. The French of course were pronouncedly embittered against Canada. Another party, the Americans, was striving for annexation to the United States of America. As someone wrote: they were pushing, active, noisy and influential to a degree out of all proportion to their numbers or their worth. - And finally the Canadian party, of which enough has been said.

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On November 2, Riel in conjunction with his Council decided to occupy Fort Garry. It was a strategic point of great importance. As he already had the assured support of the Metis, he went about trying to rally round himself the Scotch settlers. He called a meeting for the 16 November. The English settlers accepted the invitation, but a few days after this announcement articles of merchandise belonging to local dealers, were confiscated by Riel's party. This alarmed the English to such an extent that they refused all support.

In the meantime letters were exchanged between McDougall and MacTavish in which the latter advises and pleads with the former to hasten his return to Ottawa as the present state of affairs was nothing but the worst one could imagine. McDougall would have possibly returned had it not been for the insistence of the Canadian party which besought him to remain. As a result, McDougall did not stir but asserted his own position by solemnly impeaching the actions of the Metis as illegal. How could he make such statements, he who was responsible not only for the most illegal acts but also for the

most fraudulent documents? He even dared give advice to MacTavish about people and conditions he completely ignored and "thereby, writes Begg, he has called down upon himself the censure of all right-thinking people". Snow writes him: "Issue your Proclamation and then you may come fearless". Mair writes him: "Issue your Proclamation and it will be responded to by 500 men".

Up to November 9 MacTavish stated "we have no official intimation from England of the fact of the transfer or of the condition or of the date at which they have to take practical effect upon the Government of this country".

At the Convention of November to which the English finally came, the following points were settled. Firstly - Canada has no right here; secondly - We owe it no allegiance and thirdly - we want to negotiate with Canada before consenting to enter into Confederation. This meeting was attended by 24 delegates: 12 English-speaking and 12 French, representing all parts of the Red River Colony. On Nov.22, the English and the French ended the day in total disagreement. The former wanted McDougall to enter the Settlement and inform the people of his plans, the latter flatly refused to have him present.

After taking possession of Fort Garry, on Nov.24, Riel acquainted the assembled delegates of his intention to form a Government in order to negotiate with Ottawa. The English delegates refused to consider this on the plea that they must seek advice of their constituents, and suggested Dec.1, the day of the expected Proclamation, to debate the question.

At the beginning of the Convention William MacTavish, Governor of Assiniboia, sent an address to those assembled. His address displayed remarkable moderation. He chided certain persons

for interfering with travel and trade by barricading a public highway and stopping the mails. He said that while the party occupying Fort Garry had committed no act of violence there, yet they caused a state of excitement and alarm which interferes with the regular business of the establishment. He spoke, apparently more in sorrow than in anger, of the expulsion of certain gentlemen from Canada from the territory at a time when the rigors of winter were at hand. He said that these proceedings were unlawful and advised all concerned to go quietly to their homes under pain and penalty of the law before they become irretrievably and hopelessly involved. They should adopt only such means as are rational, constitutional and safe. The Governor thus urged the elected representatives of the country "with all the weight of my official authority and all the influence of my individual position", to proceed in their deliberations with due regard to law and the constitution, and thus gave an official sanction to the meeting. The Convention approved the idea of continuing the Company's Government in the meantime, and advised sending a delegation to hear McDougall as to what he intended to do if allowed to enter. We have seen above what determined opposition arose among the French party with regard to the last suggestion.

In the meantime McDougall, besides boasting to Howe that he "organised an armed force to seize Riel and his party", allowed himself another illegal act which crowned his efforts with impudent indiscretion. It is hardly credible, but alas, documents prove it beyond any doubt. All the fruit of the deliberations of the Convention was set at naught and scattered to the winds when McDougall issued his Proclamation on Dec.2. He informs Howe of it in more or less the following terms: last night, after assuring myself that the road was

clear, in company of six persons, I went to the Hudson's Bay post at Pembina to make the Proclamation on English soil etc, etc. It is a pity that a man ~~was~~ selected to occupy such a position and gifted with such remarkable talents would allow himself such imprudent measures. Speaking of this Proclamation Begg remarks: "under which so much folly was committed, and which after all, was the cause of so much misery and trouble at Red River Settlement".

According to previous arrangements, the transfer of the country was to take place on Dec 1, 1869. McDougall, hearing of no further developments, thought that his Commission came into effect on that day. So he issued one Proclamation announcing himself as Governor and another appointing Col. John Stoughton Dennis, his chief surveyor, as his Lieutenant and Conservator of the Peace with orders to muster a force and compel the rebels into submission. With these instructions Dennis recruited some men. But these were chiefly Canadians. They found quarters in a warehouse belonging to Schultz. Shortly afterwards, Dec.7 Riel beseiged the place and as they had neither food nor water, they surrendered and were imprisoned in the Fort.

By now the population was becoming suspicious of the genuineness of McDougall's Proclamation. Riel, however, had suspicions long before and defied the fraudulent document with undisguised contempt.

The attitude of the Bishop of Rupert's Land at this particular moment is worthy of consideration. He wrote to Dennis in terms strong enough to shatter all his pet ambitions and sanguine hopes. It must be remembered that the Bishop of Rupert's Land as well as the most honoured and distinguished citizens formed the Council of Assiniboia. His Lordship strongly advised the Colonel

to give up the idea of attacking Fort Garry, as the result could only be disastrous. Warfare once begun was likely to be such that victory would only be less fatal to the Settlement and to the interests of Canada than a defeat, and the forces opposed to Dennis were now, he believed, quite a match for all that could be brought together against them. Everything was to be gained by delay rather than by violent action. What was wanted from McDougall was a more conciliatory attitude. The latter should set forth plainly how the Government was to be conducted and give a promise that grievances would be generously considered. The Bishop of course, as well as the clergy of all denominations, were loyal to the Queen. This was a time for conciliatory explanation rather than for violence. Dennis complied with this suggestion and left the country. Shortly afterwards McDougall himself returned to Ottawa.

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V

LEGITIMACY OF RIEL'S GOVERNMENT

There is positively no doubt, as we shall see further, that Riel's Government, that is, his Provisional Government of 1870 was legitimate. It is based on MacTavish's famous statement: "For God's sake form a Government". But the point is: was not Riel's Government a legitimate one on the day he issued his own Proclamation? It is the contention of the writer that it was, even then, legitimate. As this is a thesis which shall never see the greedy and scrutinising public eye but shall be buried in sepulchral vaults or scattered to the four winds, the writer deems it permissible to couch personal convictions in as far as they are based on reliable authority. This is why he shall take the liberty of venturing to prove the above statement.

Before examining Riel's arguments as contained in his Proclamation we shall consider the actual effect of McDougall's Proclamation upon the Red River Colony.

As we mentioned above, Riel, clever and ingenious as he was, knew that McDougall's document was a fraud. In the first place no authority nor power would announce its occupation in such a queer manner. Then, Riel had organised a squad of spies who brought minutest details about the activities of each suspect. The issue of the bogus Proclamation stunned him at first not because he intended to rebel against the Queen but on account of the peculiar manner in which it was issued and because he had no prior information concerning it. Shortly afterwards, before any one else knew of it at Red River, he was positive it was a fraud.

The population of Winnipeg and its surroundings, ignorant of the real facts, received it as genuine. Even MacTavish said that as such was the case the Council of Assiniboia was dissolved, for there existed already a new order of things. Now, in the writer's opinion this dissolution was valid because 1) MacTavish really meant what he said, 2) he never withdrew it, 3) it was an unconditional dissolution.

That MacTavish was sincere cannot be questioned. Riel hastened to him to seek information and advice and MacTavish's reply was such that Riel was downcast and discouraged until further news dispelled this gloom.

There does not exist a single statement on record wherein can be found that MacTavish retracted his dissolution of the Council of Assiniboia. In a letter to MacTavish McDougall tells him that he should resume his power and authority. MacTavish did not do a thing to show that he resumed the reigns of government anew. MacTavish was so sick and tired of the dishonesty of these negotiations that to re-assert his own authority was nauseating.

Moreover, at this period of time the Governor was very ill, in fact he died shortly afterwards from this same ailment. As he was physically unable to cope with the situation he simply refused to have any more to do with the government of the country.

Therefore, when Riel published his own Proclamation there was no government in the country.

Furthermore, Riel had advisers and consulted them particularly at this time concerning each action. Although well educated, Riel was prudent enough to follow the opinion and judgement of maturer persons who were conversant with matters political and juridical. Shall we deny that some of the prominent members of the Catholic clergy offered advice when it was sought and that they themselves were cautious in each word they uttered? It is also an undeniable fact that MacTavish had very frequent intercourse with these clergymen and he knew better than any one in the colony what was the safe course to adopt. In fact, it is stated on the authority of the clergy who saw and heard that Riel was even under the indirect influence and guidance of MacTavish himself. This information can be, without difficulty, used in a thesis of this nature, although too hasardous to be released to the public without documentary evidence.

Basing himself on this oral evidence, the writer does not harbor the slightest doubt as to the complicity of MacTavish in the entire movement, particularly in the last months of 1869. MacTavish as Governor of Fort Garry, that is, in official capacity, was entrusted with the mission of using his influence in operating a peaceful transfer. This he did as a public person. We have seen his attitude in public. But MacTavish as a private person could not but feel that he was unjustly treated by his Company, slighted by the

Canadian agents, ignored by the Ottawa Government..... Was he so insensitive to human emotions as not to react under these quiet but penetrating insults? And was his heart not with the Metis, whom he loved; with the Catholics whom he admired and with whom he sympathised? Do not all these points, small in themselves, but placed side by side allow us to penetrate deep into his inmost convictions?

We repeat that this argument is based upon oral testimony and we have sufficient faith to warrant its strength. Now we shall peruse in detail the masterly document which the new power issued to proclaim its authority on December 8, 1869. In our humble opinion it is a masterpiece and is so clear that it needs no commentary.

PROCLAMATION TO THE PEOPLE OF RUPERT'S LAND AND THE NORTH-WEST.

Whereas it is admitted by all men, as a fundamental principle, that the public authority commands the obedience and respect of its subjects. It is also admitted that a people, when it has no government, is free to adopt one form of government in preference to another, to give or refuse allegiance to that which is proposed. In accordance with the above first principle, the people of this country had obeyed and respected that authority to which the circumstances surrounding its infancy compelled it to be subject.

A company of adventurers known as the Hudson's Bay Company, and invested with certain powers granted by His Majesty (Charles II) established itself in Rupert's Land, and in the North-West Territory, for trading purposes only. This company, consisting of many persons, required a certain constitution; but as theirs was a question of commerce only, their constitution was framed in

reference thereto. Yet, since there was at that time no government to see to the interests of the people already existing in the country, it became necessary for judicial affairs to have recourse to the officers of the Hudson's Bay Company. This inaugurated that species of government which, slightly modified by subsequent circumstances, ruled this country up to a recent date.

Whereas that government thus accepted was far from answering to the wants of the people, and became more and more so as the population increased in numbers, and as the country was developed and commerce extended until the present day when it commands a place among the colonies; and this people ever actuated by the above mentioned principles, had generally supported the aforesaid government, and gave it a faithful allegiance; when, contrary to the laws of nations, in March 1869, that said government surrendered, and transferred to Canada, all the rights which it had pretended to have in this territory, by transactions with which the people were considered unworthy to be made acquainted; and, whereas it is also generally admitted that a people is at liberty to establish any form of government it may consider suitable to its wants, as soon as the power to which it was subject abandons it or attempts to subjugate it without its consent, to a foreign power, and maintained that no right can be transferred to such foreign power. Now, therefor -

1st. We, the representatives of the people in council, assembled at Upper Ft Garry, on the 24 November, 1869, after having invoked the God of Nations, relying on those fundamental moral principles, solemnly declare, in the names of our constituents, and in our own names, befor God and man, that from the day on which the government we had always respected abandoned us, by transferring to a strange power the sacred authority confided to it, the people of

Rupert's Land and the North-West became free and exempt from all allegiance to the said Government.

2nd. That we refuse to recognise the authority of Canada, which pretends to have a right to coerce us, and impose upon us a despotic form of government, still more contrary to our rights and interests as British subjects than was that Government to which we had subjected ourselves through necessity up to a certain date.

3rd. That by sending an expedition on the 1 November ult., charged to drive back Mr. William McDougall and his companions, coming in the name of Canada to rule us with the rod of despotism, without a previous notification to that effect, we have acted conformably to that sacred right which commands every citizen to offer energetic opposition to prevent his country being enslaved.

4th. That we continue, and shall continue to oppose, with all our strength the establishing of the Canadian authority in our country under the announced form. And in case of persistence on the part of the Canadian Government to enforce its obnoxious policy upon us by force of arms, we protest beforehand against such an unlawful and unjust course; and we declare the said Canadian Government responsible before God and men for innumerable evils which may be caused by so unwarrantable a course. Be it known, therefore, to the world in general, and to the Canadian Government in particular, that as we have always heretofore successfully defended our country in frequent wars with the neighboring tribes of Indians, who are on friendly relations with us, we are firmly resolved in future, not less than in the past, to repel all invasions from whatsoever quarters they may come.

And furthermore, we do declare and proclaim, in the name of the people of Rupert's Land and the North-West, that we have, on

the said 24 of November, 1869, above mentioned, established a provisional government, and hold it to be the only and lawful authority now in existence in Rupert's Land and the North-West which claims the obedience and respect of the people.

That meanwhile we hold ourselves in readiness to enter into such negotiations with the Canadian Government as may be favorable for the good government and prosperity of this people.

In support of this declaration, relying on the protection of Divine Providence, we mutually pledge ourselves on oath, our lives, our fortunes, and our sacred honor to each other.

Issued at Ft Garry, this 8th day of December, in the year of Our Lord one thousand eight hundred and sixty-nine.

John Bruce, President

Louis Riel, Secretary

This declaration was published in Winnipeg and copies were sent to Governor MacTavish, to Ottawa and to the important cities of the United States. On Dec 9 the day after the declaration was issued, forty soldiers were sent to Pembina to compel the withdrawal of McDougall from this territory. Snow was ordered to leave the country, Bunn sought refuge on Lake Winnipeg and Col. Dennis returned, under a disguise, to Canada. Schultz, however, the soul of agitators, still remained in prison. McDougall invited Riel to an interview but the latter ignored him because, as Begg states: "The proposition had been preceded by so many unmistakeable proofs, that the man was altogether unfit to govern without either impartiality or moderation." Dec 18, McDougall left Pembina never again to return.

Riel in all his efforts followed a definite plan with the view of forming a Provisional Government. He never deviated from this plan and this is one of the remarkable things in the history of these troubles.

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VI

PROOFS OF LEGITIMACY

By the impressions one seems to gather to-day, the fevered pulses and biased minds of the last century are slowly returning to their normal state and equilibrium, and often one has witnessed the gradual stages of change both in public opinion and in the press. Louis Riel, the idol of the Halfbreeds in the days of their struggle for right and property and all that was sacred to them, Louis Riel, the hero of the Halfbreeds to-day in their defeat, who with reverent veneration recall his name and consider him the true martyr of their slighted and forgotten cause, this same Riel is gradually becoming a hero of the nation and a time will come, in the near future we hope, when his name will be beside those of all truly great men, the Makers of Canada. Within the last few years public opinion has taken such a decided step in this direction that it is hardly credible to hear once

rabid fanatics call his efforts upright, his government legitimate, his measures just and his ideals truly patriotic.

How far distant is the day when our historians shall change the stigma of rebellion to that of insurrection, of revolt to uprising? In our humble opinion no seriously-intentioned historian, no scholarly writer^s would commit the ridiculous mistake of confusing terms and of blemishing a noble character with noble ideals by slanderous calumny. Those of course who have followed the development of the above points see clearly the evidence of the proofs. Is it a rebellion to protect one's rights and property - not only against one's own government but particularly against a usurping authority with no jurisdiction whatever over a territory? The Red River Settlement knew no other rebellion except that of Schultz, Dennis and party who came with the undisguised intention of destroying peace and order. They are the only rebels that history should stigmatise. Then again there was McDougall who allowed himself the most outrageous policies and acts that merited a very serious censure.

The Colony of Assiniboia was entirely independent of Canada until the date of official transfer July 15, 1870, that is, about six months after the events we have sketched above. Then only was the territory a possession of Canada, ratified by the Imperial Government in London. The condition of the transfer, besides the settlement money of 300,000 pounds sterling, was a guarantee of rights to the colonists. Even the very fact that the transfer was postponed from Dec 1 to July 15 is sufficient evidence that the Halfbreeds were justified in refusing to be duped by the politicians of Ottawa.

As the settlers of Red River Colony were subjects of Queen Victoria they owed her their allegiance. They would have been

rebels had they renounced their allegiance to Her. But such was never the case. In spite of the most slanderous statements fabricated on all sides against the character of Riel and his followers by men of bias and bitter prejudice, one salient feature remains outstanding and unshattered upon which all agree that Riel and his government were always loyal to the Queen. This they proved heroically when agitators began to ferment the idea of annexation to the United States of America under most enticing conditions, Riel flatly refused not only to negotiate the matter but would not even consider it. Moreover, during the whole period of the movement of the Metis, from its infancy to the end, the one end and aim of Riel was to avoid every action and step that might be taken as an argument against his loyalty to the Queen. This point is, therefore, historically incontestable and once for all we repeat that Riel was ever loyal and faithful to Her Majesty and in this loyalty and fidelity he persevered to the end of the struggle.

Riel was loyal to the British Crown and favorable to the British connection. But was there not an existing government in the colony when Riel entered upon his insurrection? This point is very important.

Before answering it, let us return to the days of the Red River troubles. Who was the first to call Riel and his followers rebels and traitors? None other than Schultz, Dennis and Co. Now, whom did they represent? The Canadian government of Ottawa and the Orangemen of Ontario. Therefore, Riel was a rebel, according to them, because he rebelled not against the Hudson's Bay Company authority, which in every one of their actions they themselves most violently undermined; but because Riel repelled the encroachment of Canadian usurpers, because he protested against the violation of their rights

and property; because when McDougall advanced to occupy a territory without any jurisdiction, Riel did not second their perfidious designs. This is why they branded him a rebel and tried to stigmatise the whole movement as a rebellion. This outrageous cry was taken up and refrained by ill-disposed or ill-informed newspapers of Ontario and chorused by thousands of voices which saw destruction in the Catholic Church and venom in the French language. Thus it was that the meanness of one individual sufficed to enflame the whole nation and it is taking years of patient toil and long suffering to bring those minds back to normalcy. Riel was branded rebel because he did not play into the hands of cunning politicians of Canada.

Did he rebel against the then existing Council of Assiniboia? His magnificent Declaration explains this point per longum et latum and this is the reason why we have quoted it in its entirety in the preceding section.

To make this point clearer: the head of the Council of Assiniboia was Mr. William MacTavish, governor of the Hudson's Bay Company at Red River since 1864. It is true that the governor called Riel during the first activities of the insurrection and counselled him to refrain from any further molestations and interference. But it must be remembered that MacTavish, on that occasion was acting as one to whom was entrusted a peaceful settlement of the transfer. Moreover, on that occasion, MacTavish could hardly make statements which might enflame the smouldering discontent. It was not this time that he showed what he felt within his heart.

To corroborate the attitude of MacTavish it will be well for the reader to know that MacTavish loaned Riel's Government large

sums of money taken out of the Hudson's Bay Company's treasury. MacTavish would not have done this if thereby he would be called an accomplice in the rebellion. These and many other things he did and said prove that his heart was with the movement and if we have not a written document from his pen vindicating the actions of Riel and the Metis it is on account of the position as intermediary he was to occupy in the process of transfer. Otherwise he would not have protested against the first steps and further molestations of Canadians in his territory if he were not convinced of their illegal encroachments. It must be remembered that Mr. MacTavish, according to the testimony of all who knew him, was a perfect gentleman, upright and just.

I might mention here that there is another argument which is not contained in any works so far. The writer has it on the best and most genuine authority. MacTavish married a Catholic and had his children educated in the Catholic religion. For this purpose he engaged the services of a certain O'Donoghue who had, for some time, taught at the St. Boniface College. O'Donoghue states that once when he was through with a lesson to MacTavish's children, he (MacTavish) told him frankly how unjustly Ottawa was proceeding with regard to the West and how justified were the settlers to rise in arms against it. This happened when Riel published his Proclamation.

From the foregoing it is clear that Riel and his followers, not only were, but made it a special effort to remain always loyal to the Queen; it is equally evident that Canada had no right whatever in the Red River Colony; it is further, clear that when Riel formed his government there was no other government in the Red River Colony. Now, according to the law of nations when a

country has no government, the people for their protection can form a government that will protect their rights, their property and all their interests.

It is true that at the beginning, in the early stages when the danger was not so apparent there was a division in the colony. Thus, the insurgents were among the French class and this group possibly formed not quite half of the entire population. But later on, when matters developed sufficiently to open the eyes of all parties and groups, they all formed one whole, subjected to the Government of Riel. The only ones that refused from beginning to end and were never reconciled with Riel were Schultz, Dennis and his fellow-surveyors in the colony, with McDougall extra muros waiting for a chance (which never came his way) to get in.

This ought to suffice to prove our point.

We have already mentioned elsewhere in this sketch the fact that there exist among what might be termed standard historians of this movement very few who are guided by the facts as they really took place and by the conditions as they really existed. Among the few it is our pleasure to single out Father Morice who occupies one of the most prominent places. Besides being a profound scholar who spent his entire life in scientific pursuits and specialised in historical researches he has, by the latter, created for himself a reputation of soundness and authenticity that is quite enviable. His assiduity in research is intense in proportion to the importance of the question or the difficulty of clearness and solution. The present question has been considered by some, for a time, rather difficult of solution. That is why Father Morice, in a book on the Riel Insurrection, which will soon be sent to the press, bases himself not so much on assertions of historians although some of

eye witnesses and honest scholars, but on irrefutable documents such as have been gathered both at Ottawa and London by the respective authorities. Among the documents are sworn testimonies, letters and messages written or exchanged between those who took the most prominent part in their respective territories. Those arguments are so solid that it is now impossible to harbor the slightest doubt about the legitimacy of the Metis movement in 1869-70. If any work, this one in particular will establish Father Morice in the highest place among our historians and it is our fond hope that it will remain a monument to his numerous activities in this field of labor.

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VII

LEGITIMACY ESTABLISHED

In the history of the world there have been happenings which, at the period of their chaotic development, carried away public opinion in a tornado of prejudice and bias. At times the responsibility rested with one dishonest recorder who caused this tornado by lying accounts, by poisoning the minds of millions and precipitating them into an abyss of error which it took centuries to rectify. As a comforting antidote there is the age-matured axiom that "truth is strong, next to the Almighty. She needs no policies nor stratagems nor licences to make her victorious".

The people of Ontario were the first victims of this mad tornado caused by distorted reports about the "rebellious French Halfbreeds". They had been fed upon skilfully distilled falsehoods, misrepresentations and exaggerated statements to such an extent

that they arose as one man to vindicate the just and chastise the wicked. No wonder, - perhaps we ourselves would have fallen a prey to the same distortions. But, had the Ontario people seen and heard the entire story in its unadulterated form, probably there would never have existed such sharpened feelings between the East and the West.

At present there really exists no doubt whatsoever as to the legitimacy of Riel's Government in January 1870. The Department of Education in the Province of Manitoba has recently issued a pamphlet to all teachers and schools of the entire Province repudiating the shameful stigma of rebellion and vindicating, in a noble manner, the rights and actions of the Metis.

In fact, this masterly treatise sanctioned by educational authorities, and approved by the Provincial Government, does not even mention the word "rebellion" in connection with Riel's Government. Now, as this is a most authentic document sponsored by the highest authorities, it constitutes one of the strongest arguments we possess to prove that Riel's Government was legitimate even on the 8 day of December when the Proclamation was made. Because, if Riel's Government was undoubtedly valid in January when MacTavish uttered those famous words "Form a Government" then it was not legitimate before that and consequently was a rebellion against the Council of Assiniboia whose head was MacTavish. But it is not called a rebellion at all. All serious historians agree that there was never any rebellion and consequently that Riel's Government was legitimate even on the day of the Proclamation December 8, 1869.

Juridical authorities of the highest standing agree that there was a period of interregnum. The precise moment of the beginning of this interregnum is disputed. But it is unanimously

agreed that it surely existed after McDougall issued his bogus Proclamation. MacTavish dissolved his Council of Assiniboia. He was duped - but this is not the question. The question is did he or did he not dissolve the Council? If he dissolved it - then it was dissolved. As there was no other government in the country Riel was justified in forming one.

This is confirmed by the fact that when Dennis exerted all his efforts to muster a force after McDougall's Proclamation, MacTavish made no objection whatever. Why? Because his Government, that is the Council of Assiniboia, existed no longer. MacTavish in the earlier stages objected as head of the Council; after the fraudulent Proclamation he remained inactive, only because there was no more Council of Assiniboia.

Moreover, even during the Convention of November when the entire district was represented by twenty-four delegates, half French and half English, there was a question of sending representatives to Ottawa. Now, the people who convened could in nowise consider such a step until they fully admitted the authority of the existing order of things, that is of Riel's Government. At this stage there was no more question of MacTavish in the minds of the people. Therefore, the entire population, generally speaking, as represented by delegates, recognised even in November, the authority of Riel's Government. A fortiori when the latter issued his formal declaration on December 8, 1869.

O'Donoghue has left sworn testimony concerning this fact. According to him MacTavish, by his behaviour and utterances abdicated even before McDougall's Proclamation.

It is for these reasons that Riel's uprising never bore the stigma of rebellion.

Lord Granville, who was well informed of the exact state of the question, never for a moment called the insurrection a rebellion. In a letter written to Father Lestanc on January 29, 1870, he repudiates the stigma of rebellion by agreeing unconditionally that the Metis were within their rights to protest and as protests were of no avail, to organise themselves and seek means of vindicating their rights. He fully admits that the only way of doing this was by forming a Government. These things are not stated as explicitly as written above with all the detail, but the tenor of that letter is such as to admit no doubt. Now, Lord Granville received Riel's Proclamation and based himself on that document for his attitude. He never retracted or modified his utterances. - The sentiment of England justified Riel's step to such an extent that the official transfer was postponed until July 15, 1870. The recognition of Riel's Government from its beginning to the end was so genuine that England expressly ordered Ottawa to acknowledge and treat with delegates from the Provisional Government.

And Ottawa. - There exists a secret document of great value. Its merit is enhanced by the fact that it was compiled by Cartier, who opposed the Metis views with such unreasonable stubbornness. In this secret memoir to the Imperial Government Cartier does not even once incriminate Riel nor his Proclamation, nor his Government. More than this. Fully aware of Ontario's mortal hatred for Riel, particularly after the death of Scott he asks the London authorities what should be done, as Riel was justified in all his actions as leader of the Government and that even if a trial should be held it would, in due honesty, be in his favor. It is regrettable that we cannot quote that document in full as it is of considerable length but the reader is referred to it in the Blue Books.

Therefore, Ottawa itself recognized Riel's Government in toto and a fortiori from Dec.8, 1869, when that Government received formal promulgation.

Many other authorities could be adduced but their number would not solidify what we have just said. They are only echoes of the decisions and views of the Imperial Government at London, and the Federal Government at Ottawa. Without solidifying, their cataloguing would become rather wearisome, and hence we omit them.

There is, however, one authority which we shall quote and which for its reputed integrity and its scholarly achievements, has been quoted by practically all who have discussed this question. It is the authority of His Honor Judge Prud'homme.

In a preliminary quotation from the New Commentaries of the Laws of England, founded on Blackstone, he says: "However governments began or by what right soever they subsist, there is and must be in all of them a supreme, irresistible, absolute, uncontrolled authority in which the jura summi imperii or the rights of sovereignty reside. And this authority is placed in those hands, wherein, according to the opinion of the founders of such respective states, either expressly given or collected from their tacit approbation the qualities requisite for supremacy, wisdom, goodness and power are the most likely to be found." In other words, whenever a society is without an authority the individuals constituting that society have the right to create an authority for the protection of life and property, and that authority is invested with sovereign rights.

Judge Prud'homme further quotes, in support of this from a letter of Sir John A. Macdonald to William McDougall, Nov.27, 1869: "You speak of crossing the line and being sworn in the moment that

you receive official notice of the transfer of the Territory. Now it occurs to us that that step cannot well be taken. You ought not to swear that you will perform duties that you are by the action of the insurgents, prevented from performing. By assuming the government, you relieve the Hudson's Bay Company's authorities of all responsibility in the matter. As things stand they are responsible for the peace and good government of the country, and ought to be held to that responsibility until they are in a position to give peaceable possession. A proclamation, such as you suggest, calling upon the people in your capacity as Lieutenant-Governor to unite to support the law, and calling upon the insurgents to disperse, would be very well, if it were sure to be obeyed. If, however, it were disobeyed, your weakness and inability to enforce the authority of the Dominion would be painfully exhibited, not only to the people of Red River, but to the people and government of the United States.

"An assumption of the government by you, of course, puts an end to that of the Hudson's Bay Company's authorities, and Governor MacTavish and his Council would be deprived even of the semblance of legal right to interfere. There would then be, if you were not admitted into the country, no legal government existing, and anarchy must follow. In such a case, no matter how the anarchy is produced, it is quite open by the law of nations for the inhabitants to form a government ex necessitate for the protection of life and property, and such a government has certain sovereign rights by the jus gentium, which might be very convenient for the United States, but exceedingly inconvenient to you. The temptation to an acknowledgement of such a government by the United States would be very great and ought not to be lightly risked.

"We have formally notified the Colonial Office by cable of

of the situation of affairs, and stated the helplessness of inaction of the Hudson's Bay Company's authorities. We have thrown the responsibility on the Imperial Government, and they will doubtless urge the Hudson's Bay people by cable to take active and vigorous steps. Meanwhile, your course has been altogether right. By staying at Pembina you will be at an easy distance from the territory, and can, it is hoped, open communications singly, or otherwise, with the insurgent leaders."

Can any document be clearer than this one coming from Sir John A. Macdonald? This leaves positively no doubt nor hesitation in our mind.

Of course, there are historians who differ. But is there one question upon which specialists always agree? Begg himself, in the "Creation of Manitoba" develops the entire question without ambiguity treating it as we have here treated it. Then in the "History of the North West" he calls the period from October 17 to January 25 a rebellion. Why? - When asked why in the Creation of Manitoba he represents the execution of Scott in such morbid hues he answers: to have a good seller in Ontario. - Well enough - the same reason holds for the second book referred to.

With a final therefore we close our modest essay by stating that Riel's Red River Government was a legitimate Government not only towards the end of January 1870, but even on December 8, 1869 when the Proclamation was issued to the entire colony and to the powers outside.

VIII

CONCLUSION

Horace relates a story about an insane citizen of Argos who fancied that he sat in a theatre enjoying and applauding wonderful tragedies. After he was cured of his madness, instead of showing gratitude, he was very indignant, saying: "By Pollux, you have killed me, not saved me, in thus robbing me of my pleasure and expelling from my mind a most delightful illusion". Not unlike, we fear, have been and shall be the feelings of many while they have been or shall be disabused of some pet hallucinations of history.

But is it fair play, instead of destroying the delusions of our fellow-men, to use them cunningly, to cheat those who want to be cheated, and rouge and powder, if need be, the face of Truth herself to make her more attractive? "Truth is strong, next to the Almighty. She needs no policies nor stratagems nor licenses to make

her victorious".

After spending much time and effort in the study of the Red River Insurrection with people of different factions, the writer was impressed not so much by the arguments used by the enemies of Riel as by the motives which impelled those individuals to sway hither or thither, - motives based on a name, on racial or religious prejudice, on the authority of an ill-tempered writer etc, etc, etc.

Now, is it possible to shield one's searching eye from the glimmer of a mighty name even when it errs? Is it possible to make one's self immune to the substrata of racial or religious prejudice? Is it possible to ward off the venomous darts of antagonising political elements? Is it possible to arm one's self against an array of writers who have, unwittingly it is hoped, been misled by oral testimony unfounded on anything but historical gossip?

Is it possible that serious-minded people should pledge their credence to fabrications of an over-excited imagination? Is it possible that Canadians, body and soul, should challenge the loyalty of one upon whom depended the acquisition or loss of a vast country? Is it possible that there still are people fascinated by the false maxim: If the Romans were great enough to invent such stories, we should be great enough to believe them?

The prolific literature which has flooded our markets recently has treated the question from every aspect and from every angle. But a few months ago there appeared a work born in the fantastical imagination of an effeminate sentimentalist, called "Hero's Folly". The muddy shallowness and glaring superficiality of this book are illustrative of scores of others. Fortunately

there is a just proportion of antidotes in serious and scholarly writings of men whose efforts were crowned recently by the "ex cathedra" so to say, declaration of the Department of Education with the approval of the Provincial Government shattering old bias to irreconstructible destruction and announcing that henceforth Riel shall be considered as one of the Makers of Canada.

May his name live forever.

May his glory be immortal.

May his many noble virtues be a source of emulation to all true citizens of Canada.

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