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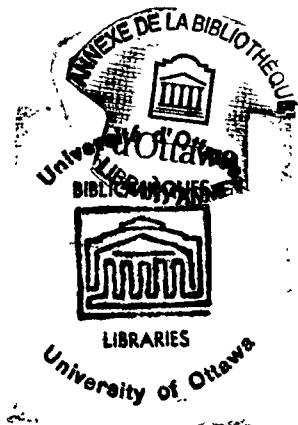
UNIVERSITÉ D'OTTAWA ÉCOLE DES GRADUÉS

JOSEPH DUBUC
ROLE AND VIEWS OF A FRENCH CANADIAN IN MANITOBA
1870-1914

by Sister Maureen of the Sacred Heart, S.N.J.M.
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INTRODUCTION

1. The Canadian Setting.

The federation of the British North America provinces in 1867 was expected to heal the cleavage between Canada's two races which had rendered unworkable the 1841 Act of Union. Confederation was expected to mend the breach, not by extinguishing the differences which characterized the two races, but by developing a new Canadianism common to them both. This new Canadianism was the ideal which inspired the efforts of George-Etienne Cartier, without whom Confederation might have never been concluded. Wanting the province of Quebec, there could have been no confederated British North America, and it was Cartier who succeeded in winning both the French Canadians and the English Canadians of Quebec. He persuaded the French Quebecers that they might safely confide their general interests to a federal legislature in which they would ever be a minority, and the English Quebecers that they might with equal safety confide their local interests to the predominantly French Canadian provincial legislature. To Cartier and the other Fathers of Confederation, the British North America Act which constituted the Dominion of Canada was a treaty providing safeguards for minority rights, both French and English. French Canadians have tended to understand

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Canadian Confederation as Cartier understood it: not simply as a federal union of the British North American provinces in which the will of the majority should prevail, still less as a means of fusing the two races by assimilating the minority, but rather as a solemn pact between French and English which would guarantee to each group an equal right to its own faith, language, laws, and customs--in short, as a unity of diversity.

No sooner had the "pact" been sealed by the passing of the British North America Act than French Canadians began to accuse their English countrymen of violating it both in letter and in spirit. For the former, Confederation had formally rejected the concept of a wholly English Canada in which the French would one day be absorbed. But this concept persisted in the minds of the English-speaking public, and its persistence was fostered by many factors: by steady British immigration, by a serious reduction of the French Canadian population through emigration to the United States, by the influx of European peoples which complicated the ideal of "unity of diversity", by the surge of British Imperialism which coloured the latter part of the nineteenth century, and by Anglo-American dominance in the industrial development of Canada. The misgivings of these French Canadians who had opposed Confederation in the 1860's through fear of the English majority were confirmed many

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times before the turn of the century. In Manitoba the French Canadian struggle in the face of an ever growing English population was particularly dramatic. This thesis will review that drama through the eyes of a French Canadian who played a leading role in it during the first forty-four years of Manitoba history.

It had never occurred to Cartier and his supporters that the constitutional privileges granted the French Canadians should be limited to the province of Quebec. He expected the toleration and even generosity shown the English minority in his own province to be extended to the French minority in other provinces of the Dominion. When the colony of Assiniboia was granted provincial status in 1870, he agreed with Alexandre Taché, Bishop of St. Boniface, that the French Canadian element in the new Manitoba should be represented by patriotic and able men who should defend the French claims as set out by the British North America Act. That is how Joseph Dubuc, a thirty-year-old Montreal lawyer, happened to make his abode in Manitoba, 1870, and dedicate the remaining forty-four years of his life to the interests of his compatriots.

2. The Manitoba Scene.

French interest in the West greatly ante-dated Confederation. While Quebec was still New France, the

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explorer and fur trader, La Vérendrye, built along the Manitoba waterways a series of forts whose keepers took to themselves Indian maidens of the prairies, thus siring the first Westerners who were French in speech and Catholic in faith. The lucrative western fur trade was seized by British merchants at the fall of New France a couple of decades later, and consolidated and extended by the aggressive and efficient North West Company after its incorporation in 1784. But the Company retained the services of those matchless canoemen, the French Canadian voyageurs, whose skill was indispensable to the success of the Trans-Canada Canoe Way that famous water route from Montreal, the Company headquarters in the east, to Fort Chipewyan on Lake Athabaska, its terminal in the far west. The voyageurs' long sojourns far from home--they could be gone two or even three years at a stretch--multiplied the children of mixed blood on the prairies until la nation métisse came into being, a people who pursued the wild free life of their mothers, while retaining, however imperfectly, a knowledge of and attachment to the language and faith of their fathers. Few of these Metis ever saw Canada, but they were indirectly linked thereto by blood ties and business bonds with the North West Company. Selkirk's Settlement begun in 1821 broke their business links but not their blood ties with Canada. The reason in both cases can be

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traced to the arrival in 1818 at Assiniboia (as the Selkirk Settlement was officially known) of the Rev. Joseph-Norbert Provencher, the first permanent French Canadian missionary to the North West, and later, its first bishop.

Until Assiniboia was transferred from the rule of the Hudson's Bay Company to the Dominion of Canada in 1869, Bishop Provencher and his successor, Bishop Taché, toiled with unlimited zeal to raise the spiritual, intellectual, and economic sites of these half-breeds. Unavailing were the missionaries' concentrated and continuous efforts to train the Metis to cultivate the soil by weaning them from the unfettered and improvident life of the plains. But singularly successful were their efforts to win them to the practice of their faith and to confidence in their priests. These characteristics of simple and clerical loyalty would henceforth bind the plains people to the French-speaking missionaries, and draw from Lower Canada the personnel and the funds necessary to maintain their churches, schools, and hospitals.

The great distance separating the missions of Red River (as Assiniboia came to be popularly called) from the mother diocese of Quebec never produced in them a spirit of detachment or independence. Even after 1844 when Msgr. Provencher became Vicar Apostolic of the North West and as such entirely independent from an administrative standpoint

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of the founding diocese, the Church in the West remained, to use his idiom, a branch inviolably attached to the trunk in the east. This is explained partly by the fact that the parishes in Red River never succeeded in providing for their own needs, clerical or financial, and partly by the fact that Provencher consciously maintained in Red River the whole ecclesiastical tradition peculiar to Quebec. The Church in the West was to be a miniature of the Church in the East.

The foregoing explains the character, already visible in the 1840's, of the Red River Settlement: it was, from a religious point of view, a little Quebec. Following 1835 when the Selkirk estate sold its holdings back to the Hudson's Bay Company, the government of Red River was vested in the Council of Assiniboia, a body of fifteen men appointed by and under the chairmanship of the Hudson's Bay Company's resident governor. After 1858 the Roman Catholic bishop held an influential place on this council. Long before that date, the two great corporations, the Roman Catholic Church and the Hudson's Bay Company, had been working with consistent cordiality for the well-being of the Metis, exercising a paternal despotism that made for general contentment within the Settlement, until newcomers in the 1850's and 1860's disturbed the tranquility.

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The majority of these newcomers hailed from Upper Canada and had been aroused by the franco-phobe and anti-Catholic editor of the Toronto Globe, George Brown. Brown was enraged by what he called the French Canadian domination of Canada, and by Lower Canada's links with the West. He sought to destroy the balance which the Act of Union had created between the two Canadas and which had resulted in political deadlock by advocating representation by population, assured that Upper Canada's numbers would thereby give her a predominant position which would allow her to impose her will on Lower Canada. This predominant position would be doubly assured if the West were annexed to Canada and filled with immigrants, for it would thereby become an extension of Anglo-Saxon Upper Canada. Lower Canada, in self-defense, remained firmly opposed to a Canadian acquisition of the West. After the British North America Act had assured the survival of French Canadianism in the East, Bishop Taché sought to preserve it in the West by discouraging any move toward annexation until the large nomadic percentage among the Metis could be persuaded to settle down, thus assuring the continuance of their faith and tongue. When the Canadian Government's purchase of Rupert's Land in 1869 brought about the very situation that Taché had hoped to forestall, his clergy discreetly backed the Metis in their bloodless resistance until the Canadian Government

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agreed to the terms of entry, drawn up by the inhabitants of Red River in a "List of Rights", which guaranteed education and property concessions to the Metis.

During his years as Bishop, Taché gradually supplemented the Quebec secular clergy manning his missions with French-born religious of the congregation to which he belonged, the Oblates of Mary Immaculate. By the time Red River entered Confederation, there were fifty of these French religious in the West, and they outnumbered their Canadian co-workers ten to one. Their political influence, however, was as negligible as their spiritual influence was great. Red River was patterned after Quebec, not after France. Taché's personal inclinations, his family connections, and his principles were all in favour of a distinct political and religious life for the French in Lower Canada. He wanted for the Church in Red River the same privileges and safeguards that had been established in his native province. He expected the Church in the West to enjoy the same predominant influence in the government as it enjoyed in the East. The only way to preserve the work of the Church in the West after it entered Confederation was, he thought, to preserve and spread French Canadian culture. All the labours and sacrifices made by French Canada for the growth of the Church in the West would be jeopardized if Red River did not enter the Dominion as another Quebec.

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Cartier and Taché breathed more easily after the passing of the Manitoba Act, for that is exactly what it was constituted to do. The first prairie province was to be dual in structure like her elder sister. And men like Joseph Dubuc were invited out from Quebec to champion the French element in the tradition of Papineau, Lafontaine, and of Cartier himself.

3. The Quebec Background.

The Manitoba Act, by which Red River entered the Dominion of Canada on July 15, 1870, as the Province of Manitoba, opened the floodgates of immigration. Waves of new settlers of exceptionally good calibre, experienced, industrious, and enterprising, entered the new province from Ontario. A much smaller number came from Quebec. Noteworthy among them was Joseph Dubuc who had been solicited the previous May because of his promising qualities by Rev. J.-N. Ritchot, Bishop Taché's trusted aide. Dubuc was desired not only for what they thought he could do, but also for what they thought he was: a model by birth, upbringing, and character, of the type of settler best suited to preserve the French Catholic heritage in Manitoba.

First-born of a patriarchal family of Norman stock which had farmed in the St. Lawrence Valley since Frontenac's time, Joseph Dubuc had enjoyed a delightfully

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wholesome boyhood with his fourteen brothers and sisters. Later, in St. Boniface, he would himself father eleven cherished Manitobans and make of his family an ideal to be emulated in Franco-Manitoban society, as much because of its size as because of the quality of its parental education in matters of faith and race.

Joseph Dubuc's father had the traditional love of the French Canadian for the soil. Dubuc himself, though he never felt any vocation to agriculture, kept throughout his life in Manitoba a veneration for the agriculturist, believing correctly that the French Canadian farmer was the backbone of the race in this province. From the age of eight years until the age of eighteen he was a full-time worker on his father's farm, and even after he began his college course, he returned home to spend nearly every summer in farm labour. So long an apprenticeship in the field of agriculture proved to be an excellent preparation for his colonizing activities in Manitoba when, as a member of the Société Manitobaine de Colonisation, he was responsible for assisting and encouraging many hundreds of newcomers from Quebec and New England.

At eighteen Dubuc expatriated himself. Relieved of chores on the family farm by his father who had no money to set him up on land of his own, and still uneducated beyond the rudiments of reading and writing, the boy followed the

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path beaten by hundreds of his young countrymen and sought a livelihood in the United States where he hoped to learn English and get a well-paying job in a factory. Learn English he did, an accomplishment which served him well during his decades of public service in Manitoba. But remunerative employment failed to materialize, disappointment and nostalgia drove him back home, and once there, his patriotic father took desperate measures to keep him a Canadian. Dubuc's sojourn in the United States left in him an enduring concern and compassion for the considerable numbers of his compatriots who, once settled in the New England factory towns, lost first their mother tongue, then the faith of their fathers, and finally their racial identity in the melting pot. Later on this compassionate concern would stimulate him to participate actively in the efforts of Bishops Taché and Grandin to repatriate these people in the Canadian West.

From early boyhood Dubuc had a thirst for knowledge and a consuming ambition to distinguish himself as a lawyer or a journalist. He enjoyed two years of schooling before he was eight years old. After that his family's poverty thwarted all attempts to continue his education until he was nineteen. Then his father obtained admission for him at the Christian Brothers' Commerical School in Beauharnois, the understanding being that his tuition would be paid in

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farm produce. The distinction with which he acquitted himself of his studies at the business school won the attention and sympathy of his parish priest who, thinking he perceived in the boy the marks of a sacerdotal vocation, sent him to the Sulpician college in Montreal. Here Dubuc received what he had been ardently praying for for years: a classical education. The degree won with high honours some six years later opened the doors of the Law School at McGill University and led eventually to the careers of law and journalism by which he earned a living and exerted influence in early Manitoba. His dearly bought and excellent education gave him that reverence and zeal for learning which would later characterize him as Superintendent of Catholic Schools and as Vice-Chancellor of the University in the province of his adoption.

Dubuc had for the Roman Catholic Church an attachment which exercised a lifelong influence on his politics. Although he never referred to himself as an Ultramontane, the circumstances of his upbringing tended to make him ultramontanist in outlook. The succession of family farms were all in the vicinity of Montreal; so for thirty years before his departure for the West his bishop was the celebrated Ignace Bourget who played more than a minor role in the religious and political controversies of the day. Dubuc appeared not to distinguish between the worthy prelate's

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genuine holiness and his questionable politics; the first-named quality was sufficient to win his wholehearted veneration and support. When in 1866 Dubuc had to choose a law school, he selected English and Protestant McGill in preference to the Institut Canadien for the neutralism and anti-clericalism of which he shared the Bishop's abhorrence. When it came to choosing a political party, he was tempted to waive the Conservatives, the champions of his father and grandfather before him, and become a Liberal, because the history he had studied in college and the newspapers he was reading at the time had aroused his admiration for reform movements. He was deterred by the fact that the venerated Bishop, most of the clergy, and the staunchest among the faithful were Conservatives; and also, it should be added, by his esteem for George-Etienne Cartier. Very much aware of the vicissitudes of the Holy Father in Rome, Dubuc was overjoyed when his most intimate friend, Gaspard Hénault, only brother of his future wife, became a Papal Zouave and left in 1870 to defend Pius IX against the followers of Garibaldi. Years later Dubuc, like Ultramontanists in the east, would look to Rome for assistance in solving the Manitoba Schools problem.

The discreet but unflagging zeal with which Dubuc espoused every French Canadian cause in Manitoba was fed by a deep-seated patriotism that had its roots in his early

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childhood. Born in the year that the British Government, by the Act of Union, had signed the death warrant of the French Canadians as a people, he grew to maturity in the decades during which they won by the arts of peace what they had practically lost by resort to arms. His best remembered teacher was the son of a Patriote who had been executed for his activities of 1837. His parish priests continually compensated for their parishioners' inability to afford a newspaper by keeping them vividly informed of the changing fortunes in the national drama. Later, in the colleges of Beauharnois and Montreal, Dubuc read Garneau and Crémazie, and studied the political struggles of Lafontaine and Cartier. In conclusion, it was largely a sense of mission that urged him to abandon the province of his birth and dedicate himself to the protection of the French-speaking element in the newly formed province of Manitoba.

This thesis deals with what Joseph Dubuc--a French Canadian from Quebec who came to Manitoba in 1870 as a champion of the French Catholic population of the West--experienced, thought, and did during his forty-four years in the province. His contribution to the French Canadian cause in Manitoba will be described and assessed under the chapter heads of his successive roles: Metis-champion, lawyer, land-commissioner, legislator, judge, private citizen. Through these pages, in which the course of Dubuc's

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career is traced more or less chronologically, runs the drama of the French struggle for equal rights in a province where they are becoming an ever-shrinking minority.

Dubuc's activities and opinions are well documented: his autobiography, memoirs, and letters are supplemented by the dispatches of the lieutenant-governors and the correspondence of Archbishop Taché and Louis Riel. Although two panegyrics of Dubuc were written shortly after his death, this is the first time that his contribution has been critically analyzed. It is also the first time that Manitoba's history has been viewed through the eyes of a French Canadian layman.

In Chapter I, Joseph Dubuc is introduced to Manitoba. From the accounts of his friend, Louis Riel, President of the Provisional Government, he learns the role played by the French in the birth of the new province and especially in the drawing up of the Manitoba Act, that constitution of French rights, which Dubuc will spend the rest of his life trying to defend. He becomes the guest of Bishop Taché and makes the acquaintance of the leaders among the clergy and of Donald A. Smith, Colonel Wolseley, John Schultz, Lieutenant-Governor Archibald, and others whose actions affect the future of the province. The impressions these men made on Dubuc prejudice his views and affect his activities in the succeeding chapters.

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In Chapter II, Dubuc assumes an active role. His friendship for Riel and his concern for French Catholic interests in the new province prompt him to substitute for the outlawed Metis-chief as the champion of these bewildered people. He defends them in his capacities as journalist and politician, all the while working for the return of Riel to public life. During his first few years in Manitoba, he believes with Archbishop Taché that the future of the French Catholic culture in the West rests with the Metis people.

The door that admitted Dubuc to the arena of public life was the profession of law. In Chapter III he continues to defend the Metis in his capacity as lawyer, but at the same time serves the incoming French Canadian population. As a knowledgeable man of law, he recognizes, enunciates, and defends the rights of his countrymen.

Whoever possessed the land would give the new province their language, faith, and laws. That is why Dubuc is interested in the land question from the beginning. In Chapter IV he is seen working, first, to get for the Metis titles to their lands, and then, as these latter gradually abandon Manitoba for the North West, for the immigrant French Canadian and Franco-American settlers.

As a Member of the Legislative Assembly in Chapter V and a Member of Parliament in Chapter VI, Dubuc emerges

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as one of the leaders of the new Franco-Manitobans who are slowly filling the places vacated by the Metis. His problem in the legislature is to preserve the privileges guaranteed his compatriots by the Manitoba Act in the face of adverse pressure exerted by a quickly increasing English-speaking majority.

In his capacity as puisne judge and then as Chief Justice of Manitoba, Joseph Dubuc in Chapter VII reaches his full stature as a Manitoban of note, but sees the prestige and the power of his countrymen steadily decrease with the execution of Riel and the destructive legislation of the 1890's.

Chapter VIII is largely social history. It shows Dubuc throughout his forty-four years as a French Canadian at home and in society, and describes his efforts to spread his culture in the province and throughout the North West.

An attempt is made to summarize his views and to measure his contribution in the Conclusion of this thesis.

CHAPTER I

FRIEND OF LOUIS RIEL

Joseph Dubuc's motives for coming to Manitoba in 1870 were mixed, but it is quite certain that if he had not been a friend of Louis Riel, he would not have come at all. His first motive was the hope of a better livelihood than he could foresee in Montreal. His three year law course at McGill University had been completed in September, 1869, when, by passing the examinations with great distinction, he was admitted to the bar.¹ But prospects for his future were dim:

La difficulté de se faire une clientèle lucrative pour quelqu'un qui commençait dans les circonstances où je me trouvais m'était connue. La profession était encombrée. Je voyais des avocats de talent végéter pendant des années avant de prendre leur essor et faire leur marque. Jusqu'à là il fallait rester célibataire.²

Dubuc was nearly thirty. He had found the girl he wanted to marry, and was eager to settle down. The West apparently offered a solution to an educated young man in his dilemma.³

1 Joseph Dubuc, "Autobiographie et Lettres", 1887, unpublished manuscript, Dubuc Papers, Public Archives of Manitoba, p. 38-40.

2 Ibid., p. 66.

3 Ibid., p. 78.

FRIEND OF LOUIS RIEL

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Dubuc's second motive in coming to Manitoba was to administer to the need of his friend. Louis Riel, his schoolmate and intimate over a period of five years at the Sulpician Collège de Montréal, wrote begging Dubuc's services in the Provisional Government he had set up in defiance of the Canadian annexation of the North West.

Je suis seul pour diriger les affaires du pays et tenir tête aux intrigues des ennemis. Il me faudrait un auxiliaire instruit, homme de loi, énergique, déterminé. Je te connais. Si tu voulais me joindre, tu rendrais d'immenses services.⁴

This letter was followed four months later by another from Riel's secretary, Louis Schmidt.⁵ Schmidt repeated Riel's request for help and begged Dubuc to get in touch with the Reverend Joseph-Noel Ritchot, pastor of St. Norbert, who was going east as Riel's delegate from the Provisional Government to the Federal Parliament at Ottawa.⁶

Dubuc's encounter with Father Ritchot provided the third and perhaps the strongest motive for taking up permanent residence in Manitoba: patriotic concern for the fate of the French-speaking population there:

⁴ P.A.M., Dubuc Papers, Riel to Dubuc, January 10, 1870.

⁵ P.A.M., Dubuc Papers, Schmidt to Dubuc, April 23, 1870.

⁶ Alexander Begg, History of the North West, Toronto, Hunter, Rose, 1894-95, Vol. 1, p. 475.

Dans une entrevue que j'eus avec lui à l'évêché de Montréal, il m'avait décidé à venir partager la fortune bonne ou mauvaise de la population catholique et française de la nouvelle province.⁷

"Vous êtes avocat," argued Ritchot, "Ce sera un beau rôle que celui de champion de cette jeune population."⁸ Dubuc consented to accompany him West. He spent the remaining forty-four years of his life defending and promoting French and Catholic interests in Manitoba.

In this chapter, six topics will be dealt with that are usually to be found in Manitoba histories. They are retreated here for several reasons. First, they supply some new details that Dubuc himself witnessed, or that he learned from Riel. Secondly, they give Dubuc's views on the most noteworthy occurrences accompanying the Province's birth and infancy. Thirdly, although Dubuc's role was minor and often passive, these events made deep impressions on him which affected his attitudes for years to come.

1. The Provisional Government.

When Dubuc arrived in Manitoba he found that be-friending Riel and defending the French Catholic element

⁷ Joseph Dubuc, "Notes concernant Mgr Taché", unpublished manuscript compiled 1902 at the request of Dom Benoît for his biography of Taché, p. 8-9, Dubuc Papers, P.A.M.

⁸ -----, Autobiographie et Lettres, p. 77.

FRIEND OF LOUIS RIEL

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were one and the same thing, temporarily at any rate, for Riel had established the Provisional Government to safeguard the land and language claims of his Metis countrymen. Their rights, Riel thought, had been threatened by the newcomers from Ontario who, as followers of the reformer, George Brown, had shown themselves unsympathetic to the faith, tongue, and primitive customs of Red River's Old Settlers.⁹

As President of the Provisional Government, Riel invited Dubuc to be his guest at the Hudson Bay Company's fort at the junction of the Red and Assiniboine Rivers which he had taken for his headquarters the preceding November. In the course of the fortnight that Dubuc spent at Fort Garry, the young President took him completely into his confidence.

Il m'expliqua à plusieurs reprises les raisons qui avaient déterminé le soulèvement des Métis, l'idée qui avait présidé à la formation du Gouvernement Provisoire, les moyens employés, les plans conçus et exécutés et ceux qu'il n'avait pu exécuter par suite des circonstances, les bévues de ses ennemis, ses succès, ses échecs, le résultat attendu et celui obtenu, et ses appréciations pour l'avenir. Il réussit à me rendre enthousiaste de sa cause, et je ne pouvais m'empêcher de l'admirer lui-même.¹⁰

⁹ The term "Old Settlers" is applied to those persons whose families came to Red River before the immigration from Canada began, that is, before 1860. It included three chief elements: the Hudson Bay Company's officials and their dependents, the Metis and the English and Scottish half-breeds, and the Kildonan settlers.

¹⁰ Dubuc, Autobiographie et Lettres, p. 86.

FRIEND OF LOUIS RIEL

5

What did Dubuc think of the Provisional Government? With his trained lawyer's mind and his habit of thinking things out carefully and of forming opinions independently, he brought his judgment to bear on Riel's activity of the current year. He came to the conclusion that in the formation and administration of the Provisional Government, Riel had acted legitimately. Some years later, Dubuc's brother-in-law, Judge L.-A. Prud'homme of St. Boniface, summarized Dubuc's defence of the Provisional Government:

The question is raised whether the formation of the provisional government was an insurrection. Under the peculiar and extraordinary conditions that the Colony of Assiniboia was placed in, I submit that it was not. Assiniboia was governed by a Governor and Council appointed by the Hudson's Bay Board of Directors under the provisions of the Charter. As a matter of fact, the whole of the North West Territory including Assiniboia was administered in pursuance of the provisions of the Charter which granted to its directors executive, judicial, and legislative authority over that vast territory.

On November 19th, 1869, the Hudson's Bay retroceded to the Crown all its power and rights, all its authority under its Charter. The Colony of Assiniboia was left without any form of government to protect the life and property of its citizens.

In such a predicament the people of Assiniboia had a right to form a government of necessity vested with all the authority of a constitutional and regular Government.¹¹

¹¹ Judge L.-A. Prud'homme, Correspondence with Maclean's Magazine, letter dated July 21, 1926; copy in Dubuc Papers, P.A.M. This letter was written in objection to an article published in Maclean's issue of July 15, 1926, in which Dubuc was referred to as "one of the Riel Rebels".

FRIEND OF LOUIS RIEL

6

Dubuc was a fairly young man with a liberal spirit (since he had nothing to lose) when he first pondered the legitimacy of Riel's operations during 1869-70. As he grew older and his responsibilities in the community increased, he tended to become more and more conservative in his views. His attitude towards Riel had changed radically by 1885.¹² Yet he never revoked his approbation of the Provisional Government:

Quelques mois avant sa mort, ce vénérable citoyen, ce magistrat intègre et éclairé, sir Joseph Dubuc, affirmait en ma présence qu'après quarante ans d'étude et de réflexion, il ne pouvait que conclure à la légitimité légale et morale de la résistance opposée par Riel et les Métis à la conquête de 1870. Il considérait même que l'exécution de Scott, véritable motif de la vengeance exercée contre Riel en 1885, tout impolitique et condamnable qu'elle fut à certains égards, se justifiait aux regards de la loi internationale et des principes du code de guerre.¹³

Dubuc did not consider laudable every act of arrogance committed by Riel during the nine months he governed the country. But he did laud the Metis' resistance to the

¹² Dubuc, Autobiographie et Lettres, p. 24. This transformation in Dubuc's attitude towards Riel will be apparent in Chapter VII, part 3, "The Riel Case", p. and

¹³ Henri Bourassa, "De Wet et Riel", editorial in Le Devoir, Montreal, issue of June 24, 1915, typed copy in Dubuc Papers. (On the occasion of the relatively light sentence imposed on the Boer Chief by the South African Government, Bourassa recalls the severity with which Riel had been sentenced, and compares the motives and actions of these two "rebel" chieftains.)

transfer of Rupert's Land on the grounds that their rights, as British subjects, were thereby threatened, and he looked upon the unlovely features accompanying it as the pardonable mistakes of an inexperienced and highly nervous young leader placed in a very difficult position.¹⁴

2. The Manitoba Act.

During the long summer evenings that Dubuc spent at Fort Garry as the guest of Riel, he heard from the President himself the genesis of the Manitoba Act.

The Manitoba Act embodied the concessions wrung from the Canadian authorities by the Metis Resistance. By this act, Red River was organized as a province. It was to comprise 11,000 square miles, and to be governed by a Lieutenant-Governor appointed by the Dominion Government, a nominated Legislative Council of seven members, and an elected Legislative Assembly of twenty-four. It was to be represented in the Upper House of the Federal Government by two members, and in the Lower House by four. Because the Province had no debt, it was to be granted \$27.27 per head, plus an annual subsidy of eighty cents per head until the population reached 400,000. The lands were to remain

¹⁴ Dubuc, Autobiographie et Lettres, p. 85.
-----, Notes au sujet de Mgr Taché, p. 7-8.

under the control of the Dominion, but 1.4 million acres were reserved for the half-breeds and their children in extinguishment of their Indian title, and the existing titles and occupancies were to be respected. Not the least of its provisions was the guarantee of separate schools and the official equality of the French and English languages.¹⁵

Thus, through this Act, Riel won for Manitoba the same organization of responsible government as the older provinces enjoyed, except for the Dominion retention of public lands. By the half-breed land grants he hoped that the nation métisse would be enabled to survive as a people. By the school and language provisions he hoped that they would be kept French in culture and Catholic in faith. In brief, Riel had created, by the Manitoba Act, a new Quebec in the West.

When the Manitoba Act was passed in 1870, it appeared as if the Riel Resistance had been immediately and completely successful. All that Riel had been struggling for was granted in the Act. But in the ensuing decades, Dubuc and his associates from Quebec were not successful in preserving the fruits of Riel's labours. His accomplishments of 1870 appeared to be hounded by a strange fatality. Almost every aspect of his achievements was undone before

15 Canada, Statutes, 33 Victoria, Chap. 3.

Dubuc's death. This tragedy for the Franco-Manitobans is partly attributable to the manner of its evolution.

The Manitoba Bill which Macdonald introduced into the House of Commons on May 2, 1870, had evolved from a series of four lists of rights, drawn up over a five-month period by the insurgents at Red River as a basis for negotiation with Canada. The first list,¹⁶ the work of Riel and his clerical advisers, was approved by all the French and English members of the twenty-four man Convention which Riel had called into being in November, 1869, and claimed for the half-breed population the civil and political rights of British subjects as well as the corporate rights of the natives. The second list,¹⁷ the work of Donald A. Smith, Canada's delegate to Red River, who wanted to reduce Riel's power by treating directly with the people of the community and ignoring the Provisional Government, was passed by a Convention of forty and provided for the admission of the North West into Confederation as a territory. Riel opposed unsuccessfully the terms providing for territorial status in this document,¹⁸ but did succeed in

16 P.A.M., Riel Papers, "Notes on the Fort Garry Convention", 1872, unpublished manuscript, written by Riel.

17 Begg, Op. Cit., Vol. 2, p. 452-454.

18 Ibid., p. 454-455.

wresting from the Convention a recognition of his Provisional Government.¹⁹ The third list,²⁰ the work of the executive of the Provisional Government, was presented to the Assembly of the said Government only after Riel's delegates had departed with it for Ottawa, and contained two important departures from Smith's list: a demand for provincial status, and a demand for an amnesty for all acts committed during the insurrection. Lastly, the fourth and final list, the one presented to the Parliament at Ottawa by Father Ritchot and debated as the Manitoba Bill, was a "secret list" according to the future enemies of the Manitoba Act, a list drawn up by Riel and his priest friends and presented to Ottawa all unknown to the population at Red River. In reality, the fourth list was identical to the third list except for one addition: a clause stipulating that the schools of the new province be separate and that the public monies supporting these schools be divided among the various religious denominations according to their numbers. Bishop Taché himself had been responsible for the addition of the school clause on the basis of a concession

19 Ibid., p. 462-463.

20 Ibid., p. 476-478.

he had won from the Federal Government two months earlier on his return from Rome at their request.²¹

Dubuc's admiration of the young hero who had brought almost single-handed to the French-speaking element of the Province the benefits of the Manitoba Act was coupled with a determination to preserve intact these benefits. Manitoba's chief historians²² have read into its undoing a nemesis for the irregularities attending its creation. To his dying day, Dubuc denied every imputation that the bishop and priests who influenced Riel acted underhandedly in the evolution of the lists of rights which contributed to the terms of this Act.

3. The Role of the Clergy.

As a French Canadian in Manitoba who often held posts of authority, Dubuc throughout his life worked closely with the Catholic clergy and hierarchy. He was always sensitive to imputations made to them. As a friend of Riel, Dubuc was intimately informed of the part played in the

21 A.A. Taché, Une page de l'histoire des écoles de Manitoba, St. Boniface, 1893, p. 31. Also, Archiepiscopal Archives of St. Boniface, Taché to G.E. Cartier, (copy), April 7, 1870. (Hereafter this source will be abbreviated to A.A.S.B.)

22 See: Chester Martin, Foundations of Canadian Nationhood, Toronto, University of Toronto Press, 1955, 554 p., p. 431-432. Also, W.L. Morton, Alexander Begg's Red River Journal and Other Papers, 1869-70, Toronto, The Champlain Society, 1956, p. 147.

Riel Resistance by the Roman Catholic clergy of Red River. His information came firstly from Riel's confidences,²³ secondly from having lived with Bishop Taché for two years,²⁴ and finally from his personal friendship with Father J.-N. Ritchot, Riel's chief adviser, and Father Raymond Giroux, a former schoolmate of Riel's and Dubuc's at the Montreal College.²⁵

Nowhere does Dubuc give the impression that the clergy were the instigators of the Resistance, that Riel was but a tool in their hands, that the Metis "supplied the brawn though not the brain behind the Insurrection".²⁶ Nowhere does he intimate that the activity of the clergy before, during, or after the Insurrection was sinister, underhanded, reprehensible.²⁷ The impression received from

23 Dubuc, Autobiographie et Lettres, p. 86ff.

24 -----, Notes concernant Mgr Taché, p. 8-9.

25 -----, Mémoires d'un Manitobain, p. 254.

26 Opinion expressed by Martin, Op. Cit., p. 420.

27 Opinions expressed by: Rev. George Bryce in The Remarkable History of the Hudson's Bay Company, Toronto, Briggs, 1910, xx-501 p.; p. 460-461; and in Two Provisional Governments in Manitoba, talk given January 9, 1890, Manitoba Pamphlets, Legislative Library, Winnipeg.

L. Huyshe, The Red River Expedition, London, Macmillan, 1871, p. 215.

his letters,²⁸ memoirs,²⁹ autobiography,³⁰ and other writings,³¹ is that the priests of Red River were first and foremost devoted missionaries. As such, their primary concern was for the fate of their half-breed charges in the wake of a new era. How could these people, only half redeemed from nomadism, meet the challenge of an aggressively democratic society? Would the French and Catholic culture, imparted to them at such cost over a period of fifty years, be crushed under the pressures of a secular, commercial, and callous civilization for which they were not prepared? A few more years might have sufficed to win them to a more settled life and make them the cornerstone of the faith and of French culture in the West of the future. Dubuc was not scandalized at the clergy for doubting the benefits of the transfer and for passively opposing its consummation. He found their fears neither groundless nor exaggerated, and their cautious support of Riel's cause neither disloyal

28 Especially those to Riel, 1870-74, Riel Collection, Public Archives of Manitoba; and to Taché during the years 1871, 1874, 1879, Archiepiscopal Archives of St. Boniface.

29 Dubuc, Mémoires d'un Manitobain, p. 240-254.

30 -----, Autobiographie et Lettres, p. 76-78.

31 Incident de la Barrière, undated and unpublished manuscript, Dubuc Papers, 3 p.; also, Notes concernant Mgr Taché, p. 14-22, 45-55, and 62-63.

nor unwise. Riel he credited with both the praise and the blame accruing to the acts committed during the period of the Resistance. As for the priests, they won his approval by following prudently where Riel dared to lead in the hope that negotiations with Ottawa would militate in the best interests of their spiritual charges.

Bishop Taché is consistently defended by Dubuc as "un homme extrêmement droit, loyal, honorable"³² who, sacrificing his desire to continue participating in the first Vatican Council, returned from Rome in order to "pacifier les Métis, les arrêter dans leur mouvement insurrectionnel, et leur faire accepter l'entrée dans la Confédération",³³ and whose extraordinary ascendancy over his people was due to an unbounded paternal charity.³⁴ Far from being blind to Riel's weaknesses, Taché had ever a compassionate awareness of them.³⁵

Father Ritchot, a French-Canadian secular priest, emerges from the Dubuc Papers as the cleric most interested

32 Joseph Dubuc, L'Amnistie, unpublished manuscript, undated, Dubuc Papers, P.A.M., p. "c".

33 Ibid., p. "a".

34 Dubuc, Notes concernant Mgr Taché, p. 24-30, 55-57, and 59-60.

35 P.A.M., Dubuc Papers, Taché to Dubuc, March 1, 1879.

in and most closely associated with the Metis movement.³⁶ Motivated by a strong sense of responsibility towards the Metis, he pursued their interests with energy, shrewdness, and prudence.³⁷ His outstanding characteristic was kindness to his flock.

In defence of Rev. J.M. Lestanc, who was the administrator of the diocese of St. Boniface during Bishop Taché's absence in Rome, 1869-70, and who was consequently accused of conniving at, if not actually abetting the insurrection, Dubuc consecrated seven pages of his memoirs.³⁸ Father Lestanc was a French-born member of the Congregation of the Oblates of Mary Immaculate, "homme intelligent, vrai religieux, et zélé missionnaire"³⁹ whose only influence on Riel was a moderating one.

Throughout their voluminous correspondence, Dubuc and Riel make frequent allusion to the Red River clergy. Almost without exception, these allusions are uncritical and appreciative.

36 Dubuc, Autobiographie et Lettres, p. 76-78, 82-85, and 88. Also, P.A.M., Riel Collection, Dubuc to Riel, No. 41, undated; No. 98, June 14, 1871; and many others.

37 -----, Notes concernant Mgr Taché, p. 20.

38 -----, Mémoires d'un Manitobain, p. 242-248.

39 Ibid., p. 242.

4. The Quebec Public.

Although Joseph Dubuc was an obscure and penniless lawyer before coming to the West in 1870, his departure caused a minor sensation in the city of Montreal:

Les journaux annoncèrent mon départ avec quelques remarques d'encouragement et d'appréciations flatteuses. Mes amis et mes connaissances m'arrêtaient sur la rue pour me féliciter. La question de la Rivière Rouge, des Métis, de Riel et de son Gouvernement Provisoire qui depuis sept ou huit mois tenait en échec le Gouvernement du Canada, était la grande question du jour. c'était tout un événement que de voir un jeune avocat partir pour cette colonie lointaine, dans un pays réputé sauvage, situé à plusieurs centaines de milles de tout centre de civilisation, et alors en plein insurrection. J'étais devenu presque un personnage.⁴⁰

Naturally, Dubuc's acquaintances were eager to hear his impressions of his new location, and he did not disappoint them. Least of all did he keep to himself the enthusiasm he felt for the hero of the West. He had ample leisure during the summer of 1870 to consign Riel's outpourings to paper and send them to La Minerve, the Conservative organ in Montreal for which he had worked intermittently since 1867 as a journalist:

⁴⁰ Dubuc, Autobiographie et Lettres, p. 79.

Je commençai à envoyer des correspondances à La Minerve sur les affaires du pays, réfutant les mensonges et calomnies publiés par journaux anglais, et défendant la cause des Métis et du clergé attaqués avec virulence par ces journaux. J'étais naturellement un zélé partisan de Riel et de son mouvement.⁴¹

Dubuc's correspondnce changed the whole tone of La Minerve's approach to the Red River Resistance. Writing dispassionately (so he states) and under his own signature, he made the Metis cause and Riel's conduct appear just, moderate, and reasonable, and as a result the Quebec public changed its attitude towards Riel from one of doubt to one of enthusiastic approval.⁴²

Not Quebec alone, but Ontario also became interested in young Mr. Dubuc's newspaper dispatches. No less a journal than the Toronto Globe took to translating them from the columns of La Minerve, L'Opinion Publique, L'Ordre, Le Courier d'Ottawa, la Gazette d'Outaouais, and other French language weeklies and publishing them in excellent translations in their entirety.⁴³ They must have contrasted curiously with the accounts of Charles Mair.⁴⁴

41 Dubuc, Notes concernant Mgr Taché, p. 8.

42 -----, Autobiographie et Lettres, p. 85.

43 Ibid.

44 Charles Mair, journalist and poet from Ontario, was the assistant of John A. Snow, William McDougall's chief agent on the Dawson Road project, 1868-70. Mair's letters to the Globe describing life in Red River were considered outrageously derogatory by all the old settlers, especially the Metis.

One French Canadian in Manitoba had misgivings over Dubuc's communications to the east. This was Bishop Taché whose sense of balance and of responsibility, and whose intimate awareness of Riel's basic instability caused him to fear too deep an emotional commitment on the part of the Quebec people. Hence,

Mgr Taché me fit demander, et m'invita à prendre mes quartiers à l'évêché, mettant à ma disposition une chambre de l'étage supérieur. Je fus un peu surpris d'abord; mais j'eus bientôt compris le but de Sa Grandeur. J'écrivais à La Minerve, et il était naturel pour moi de refléter plus au moins les idées de Riel. Ses idées sur certains points n'étaient pas toujours en harmonie avec celles de Sa Grandeur. Monseigneur, voyant que mes correspondances pourraient avoir quelque influence sur l'opinion publique au Canada, voulut avoir l'occasion, par un contact journalier, de diriger et contrôler mes vues et mes opinions. Sous sa direction éclairée j'étais sûr de pouvoir écrire dans la note juste, sur les divers questions agitées.⁴⁵

In the calmer atmosphere of the bishop's palace and under the moderating influence of Taché, Dubuc continued to identify himself with Riel's goals. So closely did he cooperate with the Metis leader that he was looked upon by Riel himself as his successor.

It was understood that Riel should hold his position at Fort Garry until the arrival of the Lieutenant-Governor into whose hands he would graciously resign his

⁴⁵ Dubuc, Notes concernant Mgr Taché, p. 8-9.

authority.⁴⁶ However, Sir John A. Macdonald feared a repetition of the McDougall fiasco and was desirous of impressing scheming Americans with a show of military power. So he wheedled from the British Government a force of two hundred regulars who set out from Ottawa when the Manitoba Act was passed.⁴⁷ This British force was joined by two battalions of Canadian militiamen, mostly from Ontario and motivated by desires of direct revenge for the Scott execution.⁴⁸ Unfortunately, the military expedition reached Fort Garry before the Lieutenant-Governor did, and Riel fled before these threats of revenge should materialize. Thus, Riel's reign ended ignominiously that rainy August 24, and it was left to French Canadians like Dubuc to enjoy and preserve the fruits of his labours.

5. The Wolseley Expedition.

Dubuc's immediate reaction to the punitive temper of the troops was disappointment and resentment that their reportedly peaceful mission had forced his friend into

⁴⁶ Canada Parliament, Report of the Select Committee of the House of Commons on the Causes of the Difficulties in the North West Territories, 1869-70, Ottawa, 1874, p. 77.

⁴⁷ Donald Creighton, The Old Chieftain, Toronto, Macmillan, 1955, p. 59.

⁴⁸ Canada Parliament, Op. Cit., Archibald's deposition, p. 140.

exile. He did his best to mitigate Riel's hard lot by keeping him posted on the state of affairs in Red River. A week after Riel's flight to Pembina he wrote:

On n'a encore eu aucune nouvelle du Gouverneur. Tout le monde l'attend d'heure en heure. Il est arrivé d'abord 350 soldats réguliers. Les volontaires viennent par détachements. Deux compagnies sont arrivées samedi soir. Lundi deux compagnies de réguliers partaient. Ces derniers ne doivent pas rester plus d'une douzaine de jours. On a dit d'abord que 150 hommes vous faisaient la chasse, mais c'était faux. Les anglais d'en bas avaient réellement de mauvaises intentions. Mais ils étaient trop lâches pour agir eux-mêmes et ils espéraient que les troupes en arrivant massacraient tout [...] Il y a beaucoup de malaise parmi le peuple. On craint, et on ne sait que faire.⁴⁹

Dubuc was overcome with horror at the conduct of the soldiers. Reacting against the strict discipline of their ninety-six day trip, they invaded Winnipeg like madmen. "Le désordre était dans la ville. On se soûlait, on battait, et aucune autorité pour intervenir."⁵⁰ Thwarted in their desire to capture the insurgent leader, they demanded his arrest. "Des magistrats ont émis des warrants, mais il fallait des connétables pour les porter. Quarante anglais se sont offerts pour être assermentés connétables

⁴⁹ P.A.M., Riel Collection, No. 41, Dubuc to Riel, undated, probably August 31, 1870.

⁵⁰ Ibid.

spéciaux; mais personne n'a voulu les assermenter. Roger Goulet a refusé, le vieux Smith a refusé."⁵¹

With the President of the Provisional Government in flight, and the members of the Provisional Legislature too petrified to emerge from obscurity, Red River was without a government when Wolseley arrived. Loathe to impose martial law, yet afraid to leave the community under no authority whatever while awaiting the arrival of the Lieutenant-Governor, Colonel Wolseley asked Donald A. Smith, as the representative of the Hudson's Bay Company, to assume the responsibility. Dubuc resented this slight to the Provisional Government:

Je suis allé avec M. Ritchot voir le Colonel Wolseley, et nous avons vu le vieux Smith.⁵² M. Ritchot lui a fait passer (à Smith) un épineux quart d'heure. Smith a voulu parler du Gouvernement d'Assiniboia que le Colonel avait rétabli en ne voulant pas en reconnaître d'autre. M. Ritchot lue a prouvé d'une manière accablante que ce vieux Conseil n'existe plus, qu'il était parfaitement mort, et ne pouvait ressusciter. Il a écrasé le bonhomme qui avalait et ne savait que répondre. Il a déclaré qu'il avait cédé aux instances de Wolseley seulement dans le but de protéger la vie et la propriété en attendant Archibald, qu'il s'effrayait de la responsabilité qui reposait sur lui [...] qu'il ne voulait pas revenir sur aucun acte passé. Le cher vieux, qu'il a l'air ganache!⁵³

⁵¹ Ibid. Roger Goulet was a Metis. D.A. Smith, as an officer of the Hudson's Bay Company, was no friend of the trouble-making Canadians.

⁵² Donald A. Smith (later Lord Strathcona) was fifty at this time and just beginning his remarkable career, but Dubuc persistently refers to him as "le vieux Smith".

⁵³ Joseph Dubuc, letter cited in note 57.

Archibald's belated arrival on September 2 served only to increase the general disorder, for Wolseley withdrew his regulars the following day, leaving the community to the doubtful mercies of the militia battalions who found enthusiastic allies in Schultz⁵⁴ and the other Canadians who had settled in Red River from Ontario. Dubuc warned Riel of the danger of returning to Manitoba too soon, while at the same time taking care to assure him that he, Riel, was in his eyes still the leader:

M. Bruce⁵⁵ m'apprend que tu seras près d'ici dans deux ou trois jours. On comprend que ce doit être une position affreuse pour toi de demeurer éloigné, privé de nouvelles certaines. Mais est-ce bien prudent de venir dans ce moment-ci? Ton séjour dans le voisinage ne pourra être ignoré longtemps. Des Métis traîtres ou tièdes t'auront bientôt dévoilé. C'est jouer ta vie et mettre le pays dans des dangers affreux qui peut-être pourront être évités en temporisant un peu. Je suis loin de penser que tu doives t'éclipser pour toujours. Non, tu devras revenir dans le pays d'une manière ou d'une autre. Mais je crois qu'il serait plus prudent, plus efficace pour la cause que tu défends de retarder encore.

 Mon cher, patientons un peu et espérons. Notre cause est juste; elle triomphera.⁵⁶

⁵⁴ John Christian Schultz had been for some years the leader of the Canadian Party at Red River. As such, he was the bitter enemy of Riel and of the French Canadians who succeeded him.

⁵⁵ John Bruce was the first president of Riel's Provisional Government; Riel, however, was the real leader from the outset.

⁵⁶ P.A.M., Riel Collection, No. 40, Dubuc to Riel, September 6, 1870.

The "just cause" did not triumph immediately. Adams George Archibald, the man chosen to replace the ill-fated William McDougall as Lieutenant-Governor, arrived in Red River nine long days after Riel's flight, and he arrived without the amnesty. This meant that Dubuc would have to continue keeping Riel posted on events in Red River and carrying out as best he could Riel's directives. Riel asked Dubuc to replace him as chief of the Metis: "Tu peux mener nos gens. Tu as déjà beaucoup de leur confiance, et tu peux en gagner encore."⁵⁷ But Dubuc preferred to devote himself to winning the return of Riel to Manitoba society.

The spring and summer of 1871 dragged on monotonously for Riel with no word of the amnesty and nothing to enliven his days but Dubuc's compassionate and news-filled letters. Then, in September, something happened which threatened to give a new twist to the turn of events in Red River: William B. O'Donoghue, the former treasurer of Riel's Provisional Government, who had fled from Fort Garry with Riel that dramatic August 24, 1870, had since been negotiating with John O'Neill, the Fenian leader. O'Donoghue wanted Riel and his Metis followers to join him in a Fenian raid on Manitoba.⁵⁸

⁵⁷ P.A.M., Dubuc Papers, Riel to Dubuc, October 21, 1870.

⁵⁸ Dubuc, Mémoires d'un Manitobain, p. 4-4D.

FRIEND OF LOUIS RIEL

24

6. The Fenian Invasion.

Dubuc's first encounter with Fenians had occurred during his trip from Montreal to Red River, in June, 1870, in the company of Father Ritchot. Sir George E. Cartier had advised Ritchot to avoid Toronto at all costs since, as Riel's delegate, he was the target of virulent Orange fury.⁵⁹ The train route they chose, consequently, went through the United States by way of Ogdensburg, Rome, and Niagara.

De DeKalb Junction à Rome, cinq chars contenant des Fénians furent ajoutés à notre train. Ces pauvres Irlandais, entraînés par des chefs sans vergogne, s'étaient rendus près de la frontière américaine pour faire la conquête du Canada. Les troupes américaines, après les avoir arrêtés près de la ligne 45ème, les ramenaient à leurs foyers. A Rome, pendant que j'écrivais un télégramme à La Minerve à leur sujet, un gros gaillard de six pieds qui regardait par-dessus mon épaule, me mit la main au collet et me dit: 'If you send that, I will kill you.' Il était dix heures du soir, et je me trouvais seul. Je déchirai la dépêche et m'éloignai. Il me suivit. Quand j'eus rejoint mes compagnons, il se retira. Je me rendis à un autre bureau de télégraphe et expédiai ma dépêche.⁶⁰

Dubuc's second encounter with these disturbed Irishmen occurred in Manitoba during the autumn of 1871. The Dubuc Papers leave no doubt that there was actual danger from a Fenian invasion at that time, that Riel had been

59 Dubuc, Autobiographie et Lettres, p. 83.

60 Ibid.

tempted to throw in his lot with the Americans,⁶¹ and that he deliberately opted to remain loyal to the British connection.

Vers les premiers jours d'octobre, 1871, un certain nombre d'Irlandais des États-Unis, connus sous le nom de Féniens, se réunirent à Pembina. Puis, conduits par O'Donoghue, et le Général O'Neill, ils traversèrent la frontière et s'emparèrent, *manu militari*, du poste de la compagnie de la Baie d'Hudson, sur le sol Manitobain. La nouvelle en fut bientôt connue au Fort Garry et se répandit rapidement dans toute la province, causant une inquiétude bien naturelle. La garnison du Fort, et plusieurs compagnies de volontaires promptement organisées, furent bientôt prêtes à partir pour aller repousser les envahisseurs, et se mirent en marche vers la frontière.

O'Donoghue avait quelques jours auparavant fait connaître son projet d'invasion à quelques anciens partisans du Gouvernement Provisoire. Il leur avait annoncé qu'il allait entrer dans le pays avec une force d'au delà de 3,000 hommes armés, et il comptait que les Métis se joindraient à eux pour balayer les anglais. Riel fut bientôt au courant de l'affaire. Il réunit aussitôt quelques-uns de ses anciens partisans pour s'entendre avec eux sur l'attitude à prendre. A sa suggestion, une résolution fut adoptée, déclarant qu'il fallait faire connaître au Lieutenant-Gouverneur, disant que la réponse des Métis à son appel était celle de sujets fidèles; que plusieurs compagnies furent déjà organisées, et que d'autres étaient en voie de formation.⁶²

⁶¹ P.A.M., Riel Collection, No. 102, Dubuc to Riel, July 16, 1871.

⁶² Dubuc, Mémoires d'un Manitobain, p. 4-4D. See also, Riel Collection, No. 587, a document in Riel's hand recording a resolution which had been passed by the Metis stating that they considered their duty to respond to the Lieutenant-Governor's call to arms; dated October 7, 1871.

FRIEND OF LOUIS RIEL

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Dubuc himself took an active part in this Fenian Expedition. Riel organized his men into companies headed by dependable Metis captains, and Dubuc joined the company of Pascal Breland.⁶³

Il était entendu que les Métis formeraient un corps d'éclaireurs à cheval, devant se diriger vers le sud à travers la prairie, avec instructions d'arrêter, combattre, et repousser, si nécessaire et si possible, tout corps ou troupe de Fénians tentant d'entrer dans la Province, en dehors des routes ordinaires; et aussi d'aller explorer la frontière américaine de Saint-Joe ou Walhalla pour découvrir s'il y avait quelques partis de Fénians cachés ou embusqués dans les montagnes, et qui pourraient menacer la sécurité du pays.

Chaque cavalier devait fournir son cheval. J'en louai un d'allure modeste, assez résistant. On distribua aux nouveaux éclaireurs des armes, des munitions, des accoutrements, des couvertures. Les provisions furent chargées sur des charettes qui devaient suivre l'expédition. Les Métis qui avaient leurs fusils de chasse ne reçurent pas de capote avec capuchon, en grosse étoffe bleue, connu dans le pays sous le nom de 'capote de la Baie d'Hudson'. Elles furent achetées par le Gouvernement dans les magasins de la grande compagnie. Pour arme, j'en reçus un fusil à pierre tout neuf.⁶⁴

After this elaborate preparation for a life or death encounter, Dubuc and the Metis returned to Fort Garry without having taken or even met a single Fenian.⁶⁵ All

⁶³ Breland was an influential and well-to-do Metis who was frequently chosen for important posts in Red River by the Hudson's Bay Company before Confederation, and by the Canadian Government after Confederation. He sometimes opposed Riel.

⁶⁴ Dubuc, Mémoires d'un Manitobain, p. 6-8.

⁶⁵ Ibid., p. 20.

unknown at this time to Dubuc and Riel--and to Archibald too, for that matter--O'Donoghue, who had boasted of mustering a few thousand men, could collect no more than seventy.⁶⁶ This did not daunt the brash young Irishman, however, for he expected hundreds of Manitoba Metis, who had suffered so many wrongs and humiliations during the past year, to defect to his side under the leadership of Riel who had suffered the most grievously of all.⁶⁷ Only half of O'Donoghue's seventy men participated in this first offensive, the capturing of the Hudson's Bay post at Pembina on the morning of October 5, and most of them, including their leader, were captured a few hours later by a small detachment of American soldiers under Colonel Lloyd Wheaton.

On his way back to Fort Garry, while still on the southern side of the international boundary, Dubuc and his two Metis companions, Boucher and Vaudry, came near to being arrested by an American officer:

66 Gilbert McMicken, "The Abortive Fenian Raid on Manitoba", pamphlet of the Historical and Scientific Society of Manitoba, 1888, p. 7. (McMicken was a Canadian secret agent at this time.)

67 Canada Parliament, Report of the Select Committee 1874, Archibald's deposition, p. 139-140.

68 Ibid., Major Irvine to Archibald, October 5, 1871, p. 143.

Nous vîmes venir à nous un gros individu, à mine rébarbative, portant sur le bras, un fusil deux coups. C'était un officier de douanes, d'origine allemande,⁶⁹ nommé George Emmerling. Nous l'avions connu à Winnipeg. Il s'avança vers nous le front courroucé, avec l'allure d'un matamore, et nous dit (sic): 'Vous êtes des soldats anglais, en service actif, qui envahissez, en armes, le territoire américain. Je vous arrête pour violation des lois internationales, et vous allez me suivre en prison.'⁷⁰

The three Canadians refused to surrender their guns or to follow the officer, and made their escape north across the international boundary.

Mes compagnons me demandèrent si Emmerling aurait pu nous faire condamner à la prison. Je leur répondis qu'il n'aurait guère réussi à obtenir une condamnation contre nous. Mais, pendant que des pourparlers auraient pu être échangés à ce sujet entre les gouvernements des deux pays, nous aurions pu avoir à languir, pendant des mois, peut-être, dans les cellules malsaines des prisons du Dacotah (sic). Une telle perspective n'était guère amusant.⁷¹

This attempted arrest of the three Manitobans, although of small significance in itself, indicates the disappointment felt by the Americans living in and near Red River over the fact that Riel remained loyal to the Crown,

69 This George Emmerling was a well known character in Winnipeg where he ran a hotel and saloon known as "Dutch George's", which served as a rendez-vous for the many Americans living there. During the weeks preceding the raid it had been the centre of animated meetings. See Louis Schmidt, Op. Cit., issue of September 14, 1911, No. 28, p.4.

70 Dubuc, Mémoires d'un Manitobain, p. 22-23.

71 Ibid., p. 27-28.

and that as a result, the Canadian West was lost to the United States.

While the Metis groups under their seven captains were galloping towards St. Joe, an English-speaking force consisting of eighty soldiers and 120 volunteers had marched to Pembina.⁷² They did no more fighting with the Fenians than the Metis did. When the Manitobans, French and English alike, saw vanishing away their great expectations of imminent peril, they suddenly saw themselves as comic actors in a ridiculous melodrama. This resulted in angry accusations in the English press:

Cette expédition donna lieu a bien des commentaires et à certaines critiques. Les ennemis des Métis prétendirent que, lorsqu'ils offrirent leurs services sous la direction de Riel, les Fénians étaient repoussés et tout danger était disparu. [...] Quelques-uns blamèrent le Lieutenant-Gouverneur et lue dirent des injures parce qu'il avait vey⁷³ l'attaqua sévèrement dans les journaux.

Examinons ces critiques et ces accusations.

Que les Fénians eussent déjà été repoussés à Pembina lorsque l'offre des Métis fut faite au Lieutenant-Gouverneur, la chose est possible.⁷⁴

⁷² Canada Parliament, Report of the Select Committee 1874, deposition of A.G. Archibald, p. 141, 142.

⁷³ Mulvey was the vituperative editor of The Liberal organ of the Canadian Party. He represented a new element in Manitoba politics: the Ontario grits who had come into the Province since 1870. He was an ally of J.C. Schultz.

⁷⁴ Not only possible, but a true fact. Wheaton captured O'Donoghue on October 5. Riel offered his services to Archibald on October 7. However, there was no way of knowing that O'Donoghue had already been defeated.

Mais la nouvelle n'en était pas encore connue à Fort Garry. Ensuite, on avait dit et répété que les Féliens venaient en nombre considérable, divisés par groupes pour entrer dans le pays à plusieurs endroits à la fois, avec l'espoir de surprendre la population et prendre avantage de cette surprise.

Lapetite bande qui avait envahi le territoire Manitobain à Pembina avait pu être repoussée [...] mais qui assurait les autorités que d'autres groupes n'avaient pas traversé la ligne internationale à d'autres endroits de la Province?

Le Lieutenant-Gouverneur était un homme sérieux et pondéré; mais il était en même temps prudent et prévoyant. D'abord, il n'aurait pas accepté l'offre des Métis sans consulter les autorités militaires. Ensuite, il n'aurait pas pris une telle détermination sans être convaincu, d'après les renseignements qu'il avait pu se procurer, que leur concours pourrait être utile et même nécessaire. Il avait raison de croire que, avec leur expérience de coureurs des prairies, à cheval, le fusil en main, au milieu de tribus sauvages, souvent hostiles, ils pourraient rendre de grands services, en tenant tête aux bandes indisciplinées des Féliens, dans les plaines de Manitoba, entre Winnipeg et la frontière.

Peut-on concevoir qu'un homme de la trempe du Lieutenant-Gouverneur Archibald, ayant une position aussi responsable, se serait prêté à la ridicule comédie d'envoyer, purement pour la frime, 150 hommes se promener inutilement et jouer aux soldats pendant des semaines, aux frais du gouvernement? Cette proposition est simplement absurde.⁷⁵

⁷⁵ Dubuc, Mémoires d'un Manitobain, p. 33-37. See also, A.A.S.B., Dubuc to Taché, October 17, 1871, and October 25, 1871.

Dubuc's argument as set forth in the quotation is corroborated by Archibald's correspondence of the year 1871. See in particular, letters from F.T. Bradley, Custom's Agent at Pembina, dated August 28 and November 6; from E.A. Meredith, Under-Secretary of State for the Provinces, dated October 13 and October 17; and from Joseph Howe, dated October 24 in the Archibald Collection, Nos. 449, 515, 491, 497, and 502 respectively, Public Archives of Manitoba.

What angered the Canadian Party more than anything else was the attention and appreciation shown by Lieutenant-Governor Archibald to the Metis and their leader, Riel, for having rallied to the defence of their province. How could his Canadian or Loyal Party continue to label the Metis as rebels if they endangered their lives for the British cause?

Most reprehensible in their eyes was the personal recognition granted Riel by Archibald over this matter: on the eve of the expedition:

Le Lieutenant-Gouverneur rencontre Riel et Lépine. Les Métis, sous la direction de Riel et de Lépine offrent leurs services. Le Lieutenant-Gouverneur Archibald accepte leur offre avec empressement. Accompagné de l'Hon. M. Girard, alors Secrétaire Provincial, il vint rencontrer les Métis groupés à Saint-Boniface, en face du magasin de la Baie d'Hudson, vis-à-vis l'enbouchure de la Rivière Assiniboine.

L'Hon. M. Girard sans nommer Riel, le présenta au Lieutenant-Gouverneur en ces termes: 'Votre Honneur, je vous présente celui que les Métis se sont choisi comme leur chef, et qui vient qu'aujourd'hui avec eux offrir leurs services au Gouverneur pour défendre le pays.' Le Lieutenant-Gouverneur échangea une poignée de main avec Riel qui se trouvait en face de lui, et le remercia au nom du gouvernement.

M. Ambroise Lépine était là. Je le présentai au Lieutenant-Gouverneur.⁷⁶

⁷⁶ Dubuc, Mémoires d'un Manitobain, p. 4e-4f. Dubuc had the honour of presenting Lépine to the Governor because he was the Speaker of the House at this time.

Quant à la poignée de main donnée à Riel par Lieutenant-Gouverneur, la malveillance et les préjugés s'en sont donné à gogo. Stewart Mulvey et quelques autres du même acabit attaquèrent avec virulence le Lieutenant-Gouverneur, l'accusant to have embraced Riel, et déclarant que c'était là une tare infamante sur son administration, et sur le blason des institutions britanniques. (Si l'on voulait riposter dans le même genre, on pourrait dire que M. Mulvey, pour ainsi parler, devait avoir une tare orangiste beaucoup plus pernicieuse.)⁷⁷

The most noteworthy result of the Fenian incident was the recall of the Lieutenant-Governor.⁷⁸ Archibald's public recognition of Louis Riel caused such joy in Quebec and such fury in Ontario where Scott's death had been neither forgotten nor forgiven, that Macdonald saw fit to humiliate his chief federal officer in Manitoba in order to keep the Orange vote in the pending elections.⁷⁹

Curiously, Dubuc remained convinced to the end of his life that this was not the true reason behind Archibald's forced resignation. He strove to prove in his memoirs that Archibald returned to the East in 1872 only because it had been understood from the time of his appointment that he would not stay out his five-year term, and that those who blamed the Lieutenant-Governor's disgrace on

⁷⁷ Ibid., p. 37-38. See also, A.A.S.B., Dubuc to Taché, October 17, 1871.

⁷⁸ Howe to Archibald, November 4, 1871, letter quoted by F.A. Milligan, Op. Cit., p. 69-70.

⁷⁹ Milligan, Op. Cit., p. 76-77.

his lack of prudence in publicly congratulating a "rebel" were guilty of blind prejudice against Riel.⁸⁰

A secondary result of the Fenian Invasion was exactly the contrary of what Dubuc had hoped for: a deterioration of Riel's position in the Dominion. At first, Dubuc had looked upon the Fenian menace as a providential boon which would hasten the arrival of the amnesty, as an evil in disguise. After all, how could the Dominion refuse any longer the pardon of a supposed rebel who had been responsible for keeping his province Canadian? Archbishop⁸¹ Taché was of the same opinion:

Cette démonstration était nécessaire, autrement nous perdions nos meilleurs amis. Aujourd'hui nos amis ici triomphent à notre occasion, et les adversaires raisonnables disent que c'est bien.⁸²

Unfortunately for Riel, the full and true story of the Fenian Invasion was not ascertained and published until 1874 when Prime Minister Alexander Mackenzie called a Royal Commission to look into the amnesty question. Before that date, Ontario persisted in believing that Riel had been leagued with, if not dominated by O'Donoghue. At Ottawa,

80 Dubuc, Mémoires d'un Manitobain, p. 42-43.

81 The see of St. Boniface was raised to an archbishopric on September 22, 1871.

At the time of the Fenian Invasion, Taché was in Ottawa working for the amnesty.

82 P.A.M., Dubuc Papers, Taché to Dubuc, November 9, 1871.

even rational heads failed to understand that if Riel had not taken a definite stand against his former treasurer, the persecuted Metis might have joined the Fenians. The result would have at best been civil war in Manitoba, and at worst, the loss of this province, and perhaps the entire North West, to the United States.

Just when Manitoba was beginning to forget Riel's misdeeds, or at least, to feel less strongly about them-- resolutions were passed in both the Legislative Council and the Legislative Assembly of the Province expressing pleasure at his show of patriotism--⁸³Ontario, prodded by Edward Blake who wanted to win the Orange vote for the federal Liberal Party in the forthcoming elections, put a price of \$5,000 on Riel's head. Fearing the consequences at both the Dominion and Provincial levels of Riel's capture by Ontarions, Macdonald and Archibald, with the help and influence of Archbishop Taché, and an indemnity of £800, persuaded Riel and his lieutenant, Ambroise Lépine, to expatriate themselves for a few years.⁸⁴ Dubuc resigned himself to an extended period of substituting for Riel. He

⁸³ Legislative Council of Manitoba, Address, delivered January 17, 1872; quoted in the Report of the Select Committee, 1874, p. 153.

⁸⁴ P.A.M., Dubuc Papers, Taché to Riel and Lépine, (copy), February 16, 1872.

now begins to play a more active role in the life of the Province by unofficially replacing Riel as the champion of the Metis people. Riel expressly asks Dubuc to replace him as their leader.⁸⁵

⁸⁵ P.A.M., Dubuc Papers, Riel to Dubuc, undated.
"Tu peux mener nos gens. Tu as déjà beaucoup de leur confiance."

CHAPTER II

CHAMPION OF THE METIS

Louis Riel never returned to Manitoba as protector of his people after his flight before Wolseley's troops.¹ His role was filled by the French Canadian newcomers, of whom the most solicitous and sympathetic towards the Metis population was Joseph Dubuc.

During the first years that Dubuc spent in Manitoba, championing the Metis and championing French and Catholic interests appeared to be one and the same thing. As time passed, however, and immigrants from Quebec came by the thousand to settle on farms along the banks of the Red, a cleavage became apparent between the ways of life of the old and new French-speaking settlers. Only a minority of the old group were able to adapt themselves to the disciplined and industrious life of a farmer. This minority was gradually assimilated over the years into French Canadian society. The majority of the Metis, unequipped by education or experience to compete with the whites or share with them

¹ When the Amnesty was finally proclaimed in 1875, it was only a partial one, for Riel was sentenced to five years' banishment. Before the expiration of this sentence, Riel fell prey to a mental illness which lasted for years, following which he decided to reside permanently in the United States.

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the responsibilities of citizenship, clung to their simple society which was based on their own primitive economy of the buffalo hunt. When the buffalo migrated to the north and west, these Metis did likewise. Finally, the laying of the railway and the North West Rebellion destroyed them as a people.

The Dubuc-Riel friendship did not last. One of Riel's bitterest censors at the time of the 1885 Rebellion was Joseph Dubuc.² The two men became estranged because the needs of the Metis people and the needs of the French Canadians were basically different. Dubuc's main aim was to preserve the French and Catholic culture of the Red River community in the new province. This culture could be preserved, in the face of the large incoming English Protestant agricultural settlement, only by French Canadian farmers. Riel, on the other hand, wanted to preserve la nation métisse. As the Metis could not adapt to the ways of the Canadians, this could be done only by maintaining their former way of life which depended on the buffalo hunt; in other words, by turning back the calendar to before 1869.

2 P.A.M., Dubuc Papers, Dubuc to Tassé, May 15, 1885; May 31, 1885; June 15, 1885.

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Unaware, in the 1870's, that the deep-seated living habits of the bulk of the Metis rendered them incapable of coping with the violent changes that Confederation was effecting in their lives, Dubuc laboured to procure for them the benefits of a peaceful, prosperous, and settled life, that is, the benefits that a French Canadian would appreciate. He worked for them as a journalist, as a lawyer, and as a land commissioner. He agitated for five years to bring about the amnesty which would restore them to respectable status. And at every election, both provincial and federal, he struggled at the hustings to win them sympathetic and effective representatives to the government.

1. As Journalist.

Joseph Dubuc began his career in Manitoba as a servant of the Metis people. This was due to the influence of Bishop Taché as well as to the friendship with Riel. Taché had a profound and paternal concern for the well-being of his primitive flock. Also, he was still hoping against hope to integrate them into the new economic and political life growing up with the young province. So in 1870 he prevailed upon Dubuc and the three other promising young Catholics who had entered the province from Quebec,

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Marc Amable Girard, Joseph Royal, and J.H.J. Clarke, to devote themselves to the welfare of the Metis.³

One of the first moves that Dubuc made on behalf of the Metis population was to co-operate with Joseph Royal in the creation of a newspaper, Le Métis, to speak for them.

The Metis were sadly in need of an organ to defend them. The first newspaper of Red River, the Nor' Wester, had appeared ten years earlier. Created by and speaking for the Ontario immigrants, it had decried so vehemently the backwardness of Red River's Old Settlers that it was largely responsible for the bitterness which had caused the Resistance.⁴ After Red River's entry into Confederation, the Nor' Wester was replaced, first by the News Letter and later by the Manitoba Liberal, in both of which the Canadian Party sought to promote their interests by vilifying the Metis people.

Joseph Royal, first editor of Le Métis, was not a novice at journalism. A native of Repentigny, Quebec, and a graduate of the Collège de Montreal, he was hired by

3 Joseph Dubuc, "Notes concernant Mgr Taché", unpublished manuscript, 1902, Dubuc Papers, P.A.M., p. 3, 5.

4 J.W. Dafoe, "Early Winnipeg Newspapers", paper read before the Historical and Scientific Society of Manitoba, Series III, No. 3, p. 16.

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La Minerve when he was barely twenty. Two years later he founded L'Ordre in collaboration with a group of gifted young journalists who had everything they needed for success in the line of talent and energy, but not enough money to finance the luxury of criticizing the Government's shortcomings. After the failure of L'Ordre, Royal was a co-founder of La Revue Canadienne in 1864 and of Le Nouveau-Monde in 1867, both of which succeeded. He was editor-in-chief of the latter when he accepted G.E. Cartier's suggestion and Bishop Taché's invitation to remove to Manitoba in 1870.⁵ Royal operated Le Métis with the effectiveness and skill born of experience. He was also a gifted writer,

un écrivain de race, élégant et nourri de connaissances classiques, doué d'une faconde peu commune [...] dont la phrase était courte, alerte, incisive, courant droit au but, et l'expression juste et appropriée avec une pointe d'esprit très fine et très souple.⁶

Neither did Joseph Dubuc enter the offices of Le Métis unprepared. He had been writing and working for newspapers intermittently since his student days when La Guêpe of Montreal published his first article. During the

5 L.-A. Prud'homme, "L'Honorable Joseph Royal, sa vie, ses oeuvres", Mémoires de la Société Royale du Canada, deuxième série, 1904-5, tome X, section I.

6 Sister Marie-Diomedé, Essai sur la littérature française au Manitoba, unpublished M.A. thesis, University of Ottawa, 1944, p. 106.

years 1867-70 he had done political reporting for La Minerve where he came into association with such journalists and authors as Aldéric Ouimet, Elie and Joseph Tassé, Arthur Dansereau, and the Duvernay brothers.⁷

Le Métis made its first appearance on May 27, 1871. Its purpose and aims were expressed in an elaborate, two-page editorial. It pledged itself to strive to maintain unity among the Franco-Manitobans, to enlighten and instruct them on political questions, to defend their race and faith from hostile attacks, to see that the Manitoba Act was enforced, and to keep Quebec informed on the fortunes of her daughter province in the West.⁸ Le Métis published weekly the views of the French Canadian leaders until September 29, 1881, when it was replaced by Le Manitoba which carried on in much the same spirit under the editorship of A.A.C. LaRivière, one of Dubuc's close friends. Since the days of Dubuc and Royal, French-speaking Manitoba has never been without an organ.

During the first three years of Le Métis' decade of existence, about half of its articles were written by

7 Joseph Dubuc, "Autobiographie et Lettres", unpublished manuscript, 1887, Dubuc Papers, P.A.M., p. 42-45.

8 Le Métis, "Notre Programme", May 27, 1871, p. 1, col. 2-3.

Dubuc. Although mostly unsigned, these articles are recognizable by their style. Dubuc's prose is clear, simple, forceful, and precise. Less gifted than his colleague, Royal, he nevertheless wielded considerable influence both in Manitoba and in Quebec on behalf of the Metis. Until 1879 when he was appointed Judge, his pen was in continual demand by the eastern newspapers: La Minerve, L'Opinion Publique, L'Ordre, Le Courier d'Outaouais, and La Gazette d'Ottawa.⁹ After mounting the Bench he resolved never to compromise his position by expressing openly his private views.¹⁰

Dubuc's outstanding characteristic as a journalist was his integrity.¹¹ He never allowed personal advantage or human respect to prevent him from pursuing through the newspaper what he considered the rights of Manitoba's French-speaking population. His articles of the year 1871 are mostly refutations of the calumnies heaped upon the Metis by members of the Canadian Party in their newspaper, the News Letter.¹² Other articles decry the injuries

9 Dubuc, Autobiographie et Lettres, p. 118.

10 P.A.M., Dubuc Papers, Dubuc to Tassé, June 1, 1879.

11 Sister Marie-Diomède, Op. Cit., p. 108.

12 The infant province boasted still another newspaper at this time, The Manitoban. This was Lt.-Governor Archibald's mouthpiece, and aimed at conciliation between old settlers and new, between French and English.

amounting almost to persecution wreaked on the hapless Metis by the hate-crazed militiamen from Ontario.¹³ On the other hand, he congratulates the Metis on their reasonable conduct in the face of injury:

La province de Manitoba a traversé depuis dix-huit mois des temps difficiles, et les moins critiques ne sont pas les huit derniers mois: eh bien, la population native a fait preuve durant tout ce temps d'une patience, d'une modération, et d'un bon sens pratique qu'on trouverait difficilement ailleurs.¹⁴

Royal and Dubuc endeavoured to bolster the Metis' morale by regaling them with the current events of Quebec and of France. By this communication, they hoped to break down the Metis' feelings of inferiority and isolation and give them a sense of solidarity and brotherhood with other French-speaking peoples in Canada and in Europe. The first issues of Le Métis were gravely concerned with the fortunes of Old France under the Prussian victors. They also contained many articles dealing with the vicissitudes of Pope Pius IX during Italy's liberal revolution and unification.

¹³ Lest Dubuc be suspected of overly commiserating the Metis, Governor Archibald's correspondence is relevant here. While he affected imperturbable impartiality in his newspaper, he admitted in despatches to Macdonald his profound sympathy for the Metis. For example, "Many of them have been so beaten and outraged that they feel as though they were living in a state of slavery." (Letter dated October 9, 1871, quoted by Canada Parliament in the Report of the Select Committee of the House of Commons on the Causes of the Difficulties in the North West Territories, 1869-70, p. 156.)

¹⁴ Le Métis, "Notre Programme", p. 1, col. 2-3.

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Until the troublesome question of the Half Breed Land Grants was settled by the Commission of 1881 and the Metis came into the definitive possession of the acres promised them in the Manitoba Act, Le Métis worked unremittingly to ward off encroaching settlers from Metis property. Almost every issue warned prospective land-grabbers that certain specified territory was privately owned.

Between 1871 and 1874 the people of Red River went to the polls three times for Federal elections. In addition, the Metis constituency of Provencher had two Federal by-elections. Each time, Dubuc and Royal ran articles instructing the Metis as to which candidates had their interest most sincerely at heart, and exhorting them to remain united for patriotic reasons.¹⁵

One of Dubuc's and Royal's chief contributions to Metis' education was a careful and detailed report in their newspaper on the sessions of the Provincial Legislature. As both Royal and Dubuc were Members of the Legislative Assembly, the French-speaking inhabitants of Red River saw all the operations of the Government through their eyes.

¹⁵ See particularly the following editorials written by Dubuc for Le Métis in 1872: "Comté de Provencher", issue of August 21, p. 2, col. 1-2; "L'Election de Provencher", issue of August 28, p. 2, col. 1-2.

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2. As Agitator.

By tongue and pen, Dubuc agitated for five years for the granting of amnesty to the Metis people for their activities during the Resistance of 1869-70. He was convinced that they had a right to it.

A. The Promise of Amnesty

Lorsque Mgr Taché, rappelé de Rome par le Gouvernement Fédéral pour aller pacifier les Métis, les arrêter dans leur mouvement insurrectionnel, et leur faire accepter l'entrée dans la Confédération Canadienne, se présenta à Ottawa, une des premières choses qu'il demanda pour pouvoir remplir efficacement sa mission fut l'amnistie.¹⁶

• • • • •
 Quelques semaines après le passage de Mgr Taché à Ottawa, M. l'abbé Ritchot y arriva comme délégué de Riel pour traiter avec le Gouvernement de l'entrée du pays dans la Confédération. Lui aussi réclama l'amnistie. A lui également, on la promit formellement.¹⁷

In the autumn of 1869 when the Metis of Red River drove the Dominion surveyors off their lands, seized the Hudson's Bay Company stores at Fort Garry, refused entrance to Lieutenant-Governor-elect William McDougall, and set up a Provisional Government of their own, they were guilty, in the eyes of the Dominion and Imperial Governments of resisting constituted authority. However, neither the Imperial

¹⁶ Joseph Dubuc, L'Amnistie, unpublished manuscript, no date, Dubuc Papers, P.A.M., p. "a".

¹⁷ Ibid., p. "e".

nor the Dominion ministry cared to war against the insurgents, partly because they felt the Red River inhabitants had genuine grounds for grievance, partly because a war in that area would have endangered the loss of the whole North West to the United States.¹⁸

Out of their dilemma came the first mention of amnesty in connection with the Metis movement. It soon grew to be one of the most controversial and overworked terms in the newspapers and legislatures of central Canada. On December 6, 1869, a few days after McDougall's expulsion from Red River, Canada's Governor-General, Sir John Young (later Lord Lisgar), issued a proclamation to the people of Rupert's Land promising amnesty to all who were implicated in the Resistance provided they submitted peaceably to the Dominion Government.¹⁹ Two months later, Bishop Taché was given repeated verbal assurances by Sir John A. Macdonald, Sir George Cartier, and the Honorable Joseph Howe that if the people of Red River would but consent to enter Confederation, the past would be forgotten, and they would not be

¹⁸ W.L. Morton, Manitoba, A History, Toronto, Toronto University Press, 1957, p. 131, 139.

Donald Creighton, The Old Chieftain, Toronto, Macmillan, 1955, p. 45, 47ff.

¹⁹ Canada Parliament, Report of the Select Committee of the House of Commons on the Causes of the Difficulties in the North West Territories, 1869-70, 1874, "Proclamation", p. 191.

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troubled in any way because of it.²⁰ The one and only condition for amnesty was the submission of the insurgents. Taché always understood that this amnesty was to be full and universal: there was no question of a partial amnesty.

However, when Taché arrived in Red River in March, 1870, the young Orangeman, Thomas Scott, had just been slain. Acutely aware of the danger of the situation prevailing in Red River--no one had any idea how far either Riel or the Canadian Party might go, or how bloody the results might be--and convinced that Macdonald and his colleagues in the Cabinet wanted peace above all and at any price, Taché communicated the amnesty promise to the insurgent leaders. When these leaders showed unwillingness to submit because they doubted the basis of the Bishop's promise of pardon, he won their submission only by assuring them on his honour as their spiritual leader that Ottawa had guaranteed an amnesty.²¹

The above facts were conveyed to Dubuc by Bishop Taché himself in the late summer of 1870.²² How do Dubuc's

20 Ibid., "Taché's Deposition", p. 17.

21 Canada Parliament, Op. Cit., p. 24.

22 Dubuc, Notes concernant Mgr Taché, p. 3ff.

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views compare with those of the Bishop?²³ They are, as is to be expected, almost identical.²⁴ Indeed, he saw the whole thorny affair through the eyes of the revered prelate.

Dubuc knew that Taché, immediately after his arrival in Red River in the spring of 1870, had communicated to Joseph Howe the news of Thomas Scott's murder so that the Dominion Government would realize that he had promised the amnesty notwithstanding,²⁵ and he knew that Taché had received an answer two months later congratulating him on behalf of the Governor-General for the wisdom of his course of action and assuring him to have no anxiety over the matter whatever.²⁶ Dubuc also knew that, when Taché had expressed concern over Macdonald's proposal to send an expeditionary force to Red River in order to guarantee the peaceful entry of the new Lieutenant-Governor, fearing lest

23 Bishop Taché's opinions are expounded in his two brochures: Amnesty Question with Regard to the North West Difficulty, communicated to The Times, April 6, 7, and 8, 1874, and printed at St. Boniface by the Canadian Publishing Company, 1893; and The Amnesty Again (translation), printed by The Standard, St. Boniface, 1875.

24 Dubuc's reflections on the amnesty affair are expressed in his paper, L'Amnistie, undated and unpublished manuscript, written towards the end of his life, P.A.M., Dubuc Papers.

25 Taché to Howe, March 11, 1870, quoted by Canada Parliament, Op. Cit., p. 21-23.

26 Taché to Howe, May 27, 1870, quoted by Canada Parliament, Op. Cit., p. 30.

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this action be looked upon by the Metis as punitive rather than pacific, Cartier had assured him that the force would be accompanied by the Lieutenant-Governor, who would in turn bear on his person the amnesty.²⁷ But the Wolseley troops marched into Winnipeg on August 24, 1870, unaccompanied by the Lieutenant-Governor and breathing revenge on the Metis "rebels", and the Lieutenant-Governor arrived only a week later and without the amnesty. In the light of this knowledge, Dubuc's intense resentment at what he considered the perfidy of the Dominion Government is understandable.²⁸

The Wolseley Expedition left the Metis people leaderless, for the principals of the Provisional Government--President Riel, Adjutant Lépine, and Secretary O'Donoghue--fled for their lives when they learned the mood of the troops. It also left them subject to the maltreatment of the Ontario volunteers among Wolseley's men, many of whom stayed on after the departure of the regular soldiers.²⁹ As the months passed and the position of the Metis in the community worsened, Dubuc grew more bitter in his condemnation of the Federal Ministers:

27 Cartier to Taché, July 5, 1870, quoted by Canada Parliament, Op. Cit., p. 38-39.

28 P.A.M., Riel Collection, No. 42, Dubuc to Riel, September 6, 1870.

29 A.A.S.B., Dubuc to Taché, December 11, 1871.

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Les lâches! Pourquoi faisaient-ils des promesses? Ces promesses, ils s'en souviennent, pourtant. C'est pourquoi ils ne donnent pas un mot d'explication pour se justifier. Ils se contentent d'affirmer que tout viendra.³⁰

He was particularly indignant at the position in which Bishop Taché was placed by the delayed amnesty:

J'ai entendu certains individus blâmer vertement Mgr Taché et M. le curé Ritchot pour n'avoir pas insisté sur une promesse écrite. Étant donné les circonstances, ce blâme est tout à fait injuste. Voilà deux hommes foncièrement honorables, ayant passé la plus grande partie de leur vie dans les missions de l'Ouest, habitués, avec les sauvages comme avec les blancs à toujours accepter, dans tous les transactions, la parole donnée, sans exiger d'écrit. Comment peuvent-ils supposer que les hommes avec qui ils traitaient, occupant les plus hautes positions du pays, auraient moins de respect pour leur parole, pour leurs promesses verbales, que les peaux-rouges et les Métis qu'ils ont eu à évangéliser dans leurs missions de l'Ouest?³¹

B. The Struggle for Amnesty

The Amnesty Question placed John A. Macdonald in a very difficult position. Dubuc never evinced any sympathetic understanding for Macdonald in this position. Caught between the pleadings of Manitoba for amnesty and the howls of Ontario for the punishment of Scott's slayers, Macdonald temporized as was his wont, fearing to lose in the next elections the votes of either Ontario or Quebec. Dubuc regarded this delay as unpardonable; he always took a low

³⁰ P.A.M., Riel Collection, No. 79, Dubuc to Riel, February 10, 1871.

³¹ Dubuc, L'Amnistie, p. g-h.

view of politics that violated justice.³² He retired from the political arena at the age of thirty-nine partly because he considered himself too straight and honest to be a successful politician.³³

Dubuc himself took every opportunity of fighting for the granting of the amnesty. He collaborated with Royal in writing articles for Le Métis, and for the Quebec papers. The amnesty was his prime motive for participating in the Fenian expedition, for he reasoned that the Government could scarcely withhold pardon from "rebels" who saved the province from falling into the power of the Americans.³⁴ On three successive occasions he risked his health and even his life in order to get Riel elected to the House of Commons, figuring that the Government would be inclined to pardon a man who had the confidence of the electorate.³⁵

32 Dubuc, Notes concernant Mgr Taché, p. 17.

33 Joseph Dubuc, "Mémoires d'un Manitobain", 1912, unpublished manuscript, Dubuc Papers, P.A.M., p. 583, 585.

34 A.A.S.B., Dubuc to Taché, October 17 and October 25, 1871.

35 Dubuc, Mémoires d'un Manitobain, p. 70, 71.

C. The Granting of Amnesty

Alexander Mackenzie, on assuming the prime minister-ship in 1874, inherited the amnesty headache. It was a particularly painful headache to him, because as leaders of the Opposition, he and his colleague, Edward Blake, had soundly berated Macdonald for showing leniency to "rebels".³⁶ But it behooved him as an honest man to face the issue squarely, and shortly after his assumption of power in 1874, he called a Royal Commission to investigate the whole amnesty issue. Dubuc's friends: Taché, Ritchot, Girard, Royal, and Bannatyne, were among the twenty-one witnesses summoned to testify at the hearings. Had Dubuc himself been called upon, his views would have coincided with those of the men listed.

Dubuc was pessimistic as to the outcome of the Commission. He feared that no matter what the findings, the Mackenzie ministry would do nothing for the Metis.³⁷ The sworn testimonies of the witnesses served to show beyond any reasonable doubt that Macdonald had indeed promised unconditional pardon to the rebels, that he chose to forget that he had done so in the hope of retaining the friendship of Orange Ontario, and that he blamed the delay on the Imperial Government in order not to alienate Catholic Quebec.

36 A.A.S.B., Dubuc to Taché, April 12, 1874.

37 A.A.S.B., Dubuc to Taché, April 26, 1874.

The question was finally closed by Lord Dufferin who succeeded Sir John Young as Governor-General. Upon his own authority, Dufferin granted pardon to all the Red River insurgents except Riel, Lépine, and O'Donoghue. His reasons in doing so were not at all the reasons why Dubuc thought he should.³⁸ He did not recognize the legality of Riel's Provisional Government, and so regarded the execution of Scott as cold-blooded murder; and he refused to concede that Archbishop Taché had been given authority to declare Riel and the Metis pardoned. He based his argument for amnesty solely on the fact that Lieutenant-Governor Archibald had, in the event of the Fenian danger of 1871, placed arms in the hands of the insurgents and invited them to risk their lives for their country, and in so doing had exempted them from prosecution as felons.³⁹ In his memoirs Dubuc recounts these last incidents of the drawn-out amnesty affair quite dispassionately. He gives no indication of how he felt about its restrictions in regard to Riel and Lépine. Undoubtedly his feelings at the time of writing were coloured by the events of 1885.

The declaration of amnesty ended the period during which Dubuc made his greatest efforts for the Metis people.

³⁸ Canada, Sessional Papers, 1875, Vol. VII, No. 11, Lord Dufferin to Lord Carnarvon, December 10, 1874.

³⁹ Ibid.

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After 1875 he turned his energies to the French Canadian immigrants.

3. As Electioneer.

During the years that Dubuc was engaged in politics, (1870-79), he fought five federal campaigns on behalf of the Metis. Section 4 of the Manitoba Act had given the province four seats in the House of Commons: Selkirk, which comprised St. Boniface and Winnipeg; Provencher, which took in the southeastern part of the province and was largely Metis; Lisgar to the west, which included Portage la Prairie and was a stronghold of the "loyal" or Canadian Party; and Marquette to the northwest.

A. Federal Election of 1871

The First Canadian Parliament had had four sessions before Manitoba elected her representatives in the spring of 1871. Although Dubuc worked strenuously in all four constituencies to get elected the candidate most favourable to the Metis, the results of this election were less gratifying to him than those of the first provincial elections which he helped fight a few months earlier.⁴⁰ In Provencher where Dubuc put forth his greatest efforts he rejoiced at the victory of Pierre Delorme, one of Riel's good

⁴⁰ Dubuc, Mémoires d'un Manitobain, p. 43.

soldiers under the Provisional Government, over William Dease, a wealthy Metis who frequently sided with the English Canadians against Riel.⁴¹ In Lisgar, he was relieved to see Donald A. Smith win over John Taylor. Smith, being at this time impartial if not benevolent toward the Metis, was preferable to Taylor who, having shared a cell in Fort Garry with Thomas Scott, was a rabid Riel-hater. Dubuc grieved over the results in Selkirk where the redoubtable Dr. Schultz won the day with a huge majority over Colin Inkster.⁴² Inkster was a servant of the Hudson's Bay Company and as such, more sympathetic towards the Metis than toward the Canadian Party.⁴³ But it was the results of the Marquette election which most disconcerted Dubuc. He had had no doubt that Angus McKay, a Catholic half-breed of Scottish descent, trusted by all the Old Settlers, would win; he was surprised to learn that McKay tied with Dr. Lynch, a fanatic devotee of Dr. Schultz. Dubuc cast about for explanations of this tragedy and found two. He blamed it first on foul play on the part of the Canadians:

41 P.A.M., Riel Collection, No. 79 and No. 82, Dubuc to Riel, February 10, 1871, and March 5, 1871.

42 Ibid.

43 Alexander Begg, History of the North West, Toronto, Hunter, Rose, 1894-95, Vol. 1, p. 465.

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La violence la plus odieuse a été employé au Portage. McKay n'a pas eu la permission d'objecter à un seul vote. Tandis qu'au Cheval Blanc, Lynch a objecté à tous ceux qu'il a voulu.⁴⁴

He blamed it also on the shortsightedness and pettiness of certain Metis who failed to vote for one of their own:

Ils n'aiment pas McKay, c'est vrai, mais ils n'ont pas compris qu'il s'agissait d'être pour les Métis ou pour les Orangistes.⁴⁵

This vacancy was not filled before the end of the First Parliament. Due partly to the exertions of Dubuc, only one of Manitoba's three representatives in the First Canadian Parliament was hostile to the Metis population.

B. Federal Elections of 1872

The first Canadian parliament completed its term in 1872, and general elections were held in August of that year in eastern Canada. Sir G.E. Cartier, notwithstanding the large sums of money received from Sir Hugh Allan for his campaign,⁴⁶ lost his seat in Montreal East to the young Liberal, Louis-A. Jette. This was a blow for the Metis cause in Manitoba. Who would work for the amnesty with Cartier absent from the House? It was a personal blow

⁴⁴ P.A.M., Riel Collection, No. 82, Dubuc to Riel, March 5, 1871.

⁴⁵ Ibid.

⁴⁶ Creighton, Op. Cit., p. 141.

for Dubuc because he had confidence in and admiration for Cartier.⁴⁷

Meanwhile, Dubuc had decided as early as the previous January that Riel should run in these elections for the county of Provencher.⁴⁸

La raison qui motivait sa candidature était de montrer au Gouvernement combien l'ancien président du Gouvernement Provisoire était populaire parmi les siens qui le reconnaissaient encore comme leur chef, et son election aux Communes seraient une protestation contre le délai injustifiable du Gouvernement à faire proclamer l'amnistie promise.⁴⁹

By April he had won the approval of Archbishop Taché and of Father Ritchot.⁵⁰ Characteristically, Ritchot was enthusiastic and Taché had reservations. Dubuc, usually submissive to the Archbishop, was insistent in this matter and won out. He countered the Archbishop's reminder that the Federal Government had paid Riel a large sum of money in February to stay out of the country with the argument that the reason advanced to persuade him to leave Manitoba--danger to his person from Orange fanatics--had followed him to Minnesota where two attempts were made on his life, and

47 Dubuc, Autobiographie et Lettres, p. 46-49.

48 P.A.M., Riel Collection, No. 131, Dubuc to Riel, January 31, 1872.

49 Dubuc, Mémoires d'un Manitobain, p. 71.

50 P.A.M., Riel Collection, No. 151, Dubuc to Riel, April 27, 1872.

that he would be better at home where he would enjoy the protection of his friends.⁵¹ Lieutenant-Governor Archibald looked with jaundiced eye on Dubuc's intention of promoting Riel in the elections.⁵² For nearly two years he had toiled unremittingly to maintain peace and harmony in his domain, and he knew that nothing was more likely to arouse strong passions than a resurgence of Riel.

In 1872, French Canadian interests were still to a large extent Metis interests. Dubuc believed that Metis interests were best entrusted to a Metis representative. From the province of Quebec--whither he had gone to fetch his bride--he wrote that he was hurrying home in the hope of getting Riel elected by acclamation.⁵³ On his return to Manitoba he found to his intense chagrin that the Conservative Party was backing, not Riel, but himself!⁵⁴ No sooner had Dubuc reaffirmed his determination to get Riel elected than a formidable opponent appeared in the person of Henry H.J. Clarke.

51 A.A.S.B., Dubuc to Taché, March 27, 1872.

52 Adams G. Archibald to G.E. Cartier, letter dated February 16, 1872, quoted by Canada Parliament, Op. Cit., p. 153-155.

53 P.A.M., Riel Collection, No. 168, Dubuc to Riel, June 9, 1872.

54 P.A.M., Dubuc Papers, Riel to Dubuc, June 18, 1872.

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Clarke was an Irish Catholic lawyer from Montreal, a protégé of Cartier who had recommended him to Archbishop Taché in 1870 for a position of trust in Manitoba. At the time of this election, Clarke was Attorney-General in the Manitoba Cabinet. He claimed that he was motivated to run for the Provencher seat out of sentiments of true friendship for the French Canadians and Metis,⁵⁵ and that he was determined to defeat Riel because Riel's election would greatly embarrass Cartier and other French Canadian Conservatives in Ottawa.⁵⁶ Clarke had the backing of two influential French Canadians: a Dr. Alphonse Paré, who had arrived the previous year from Montreal bearing a letter of introduction to Riel from the author and journalist Eustache Prud'homme,⁵⁷ and Louis de Plainval, who had come to Manitoba with the Quebec Rifles and was Clarke's recent appointee to the post of Chief of Provincial Police.⁵⁸

Dubuc resented intensely Clarke's candidature. He judged Clarke to be a born politician motivated not by Metis needs but by desire for self-aggrandizement.⁵⁹ He

55 P.A.M., Riel Collection, No. 175, Dubuc to Riel, August 15, 1872.

56 Ibid.

57 Ibid., No. 93, Eustache Prud'homme to Riel, June 10, 1871.

58 Ibid., No. 175, Dubuc to Riel, August 15, 1872.

59 Ibid.

resented particularly Clarke's tactics of seeking the votes of the anti-Riel Metis of the constituency.⁶⁰ Any activity that fostered division among the French-speaking population was anathema to Dubuc.

So he redoubled his exertions. During August and September several election meetings were held in Provencher at which both Clarke and Riel were present.⁶¹ The discussions were invariably lively, and at one of them Clarke lost what little self-control he possessed and challenged Riel to a duel. Dubuc vented his indignation at the Attorney-General in the newspaper:

*Comme il est beau de voir le Procureur Général, le représentant de la Couronne dans le département de la Justice, appuyer ses raisonnements d'une balle! Il a déjà donné beaucoup d'autres exemples de scandales, mais nous ne pensions pas qu'il prostituerait sa dignité de ministre jusqu'à employer des arguments de ce genre dans une assemblée de concitoyens respectables.*⁶²

Before the duel could take place, the results of the Federal elections of Quebec reached Manitoba:

⁶⁰ *Ibid.*, No. 174, Dubuc to Riel, August 10, 1872.

⁶¹ P.A.M., *Archibald Papers*, Despatch Book No. 3, Archibald to Cartier, September 7, 1872.

⁶² Joseph Dubuc, editorial in *Le Métis* entitled "L'argument du revolver", issue of September 4, 1872, p. 2, col. 1.

Les élections de Manitoba à cause de la grande distance et des communications lentes, eurent lieu après celles des anciennes provinces. Il était donc connu à Winnipeg que Sir George Cartier avait été défait à Montréal. Riel, après consultation avec ses amis, décida de retirer sa candidature en faveur de Sir George. Tous espéraient que cette démarche aurait encore plus d'effet pour hâter l'amnistie que l'élection de Riel lui-même.⁶³

Clarke also withdrew his candidacy for he could hardly oppose his patron, and on September 14, Cartier was quietly accorded the Provencher seat by acclamation.

In contrast, the elections of the other constituencies were stormy. In his Mémoires Dubuc relates the happenings at Roger Goulet's house, the chief polling station of the Selkirk constituency as he saw them.⁶⁴ The competing candidates were John Wilson and Donald A. Smith. Wilson represented the new element from Ontario, particularly the Orangemen.⁶⁵ Smith, as a Hudson's Bay Company officer, had the support of most of the Old Settlers: Metis, Scottish and English half-breed, and white. (All the Old Settlers shared with the Hudson's Bay Company a common denominator in the fur trade, either as traders, as voyageurs, or as producers of supplies required by the first two groups. The influx from Ontario tended to draw these

63 Dubuc, Mémoires d'un Manitobain, p. 72.

64 Ibid., p. 75-83.

65 Ibid., p. 75.

people closer together in the early seventies.⁶⁶) After two desperate attempts by the Canadians to steal the voting register, and after a gun battle between the Metis and some Ontario rowdies in which Dubuc, who was Smith's representative, nearly lost his life, the Returning Officer declared Smith elected by a large majority. Dubuc was equally pleased with the results in Marquette where Robert Cunningham, an Old Settler, and the editor and joint owner of Lieutenant-Governor's conciliating organ, The Manitoban, got in. In Lisgar, a Canadian stronghold, John Christian Schultz won, as was to be expected.⁶⁷

The lawless violence which had disrupted the voting at Goulet's house during the Selkirk election continued throughout the night. A mob of Canadians invaded Dubuc's office at Le Métis, smashing the presses with hammers and burning all that was inflammable.⁶⁸ Their rage still unspent, thanks to the rabble-rousing talents of Frank Cornish,⁶⁹ they recrossed the river into Winnipeg, and stormed down the dark roads to Cunningham's place. Deaf to the

⁶⁶ R.O. Macfarlane, "Manitoba Politics and Parties after Confederation", Report of the Canadian Historical Association, 1940, p. 45-55.

⁶⁷ Begg, Op. Cit., Vol. 2, p. 101.

⁶⁸ Dubuc, Mémoires d'un Manitobain, p. 83-84.

⁶⁹ Cornish was a lawyer recently arrived from Ontario. In 1874 he became Winnipeg's first mayor.

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tearful pleadings of his wife--Cunningham himself was absent --they left the office of The Manitoban in shambles.⁷⁰ A reign of terror followed:

Le lendemain et les jours suivants, pendant environ une semaine, les émeuteurs se promenèrent dans les rues, le fusil au poing, l'air menaçant, tenant la ville comme dans un état de siège.⁷¹

The conduct of the Ontario element is a measure of their bitter resentment towards those Manitobans who sympathized with the old order.

Lieutenant-Governor Archibald, dejected over the unprecedented violence occasioned by these last elections, was assured by Macdonald that Selkirk had behaved no worse than many another constituency throughout the Dominion.⁷² A few years later Dubuc welcomed Alexander Mackenzie's election reform which introduced the secret ballot.⁷³

During the fall assizes, the Manitoba Court of Queen's Bench held an inquest of the irregularities which had attended the recent elections with a view to prosecuting those who had been guilty of violence and vandalism.

70 Dubuc, Mémoires d'un Manitobain, p. 85.

71 Ibid., p. 86.

72 John A. Macdonald, Correspondence with Lt.-Gov. Archibald, letter dated September 26, 1872, Macdonald Papers, Vol. 521, quoted by F.A. Milligan, The Lieutenant-Governorship in Manitoba, 1870-82, unpublished M.A. thesis, University of Manitoba, 1948, p. 100.

73 Dubuc, Mémoires d'un Manitobain, p. 75.

A large number of eye-witnesses were summoned and examined, but, paralyzed by the reign of terror which still daunted Winnipeg, remained dumb.⁷⁴ Dubuc alone, of all the witnesses called, had the courage to name those whom he knew to be guilty.⁷⁵ His temerity brought him close to the grave. John Ingram, Wilson's chief political supporter and fellow Orangeman, accosted Dubuc on Main Street in front of the Red River Hall, struck him unconscious, and proceeded to beat him unmercifully. He was saved by a bystander, but his head-injuries kept him bed-ridden for months.⁷⁶ Ingram escaped criminal prosecution for brutal assault by fleeing to the United States with the connivance of the Sheriff, a fellow Orangeman.

C. The Provencher By-Election of 1873

Dubuc confidently expected that Cartier, as the representative of the Metis of Provencher through the grace of Louis Riel, would get from the Imperial Government the

74 Ibid., p. 87.

75 Ibid.

76 Ibid., p. 88-92.

77 Ibid., p. 94.

long-awaited and desperately desired amnesty.⁷⁸ Cartier left for England shortly after his election. In May, 1873, news reached Manitoba not of the amnesty but of his death.⁷⁹

So the Provencher seat was vacant again. Dubuc and the Metis did not take long to decide who should fill it. It took Dubuc a little longer to secure the backing of the French Canadian element in Manitoba, but he had it by July, when the leaders solemnly pledged their support:

Ayant appris qu'un grand nombre d'électeurs de Provencher, réunis en assemblée à Saint-Norbert, vous ont demandé de vous porter candidat pour représenter le comté de Provencher aux Communes du Canada, nous désirons vous dire que cette démarche rencontre plainement nos vues et que nous sommes prêts à appuyer votre candidature. Nous croyons que votre présence en Parlement sera utile à toute la Province, et qu'elle sera de nature à amener plus promptement l'accomplissement entier des arrangements de 1870, dont l'Acte de Manitoba a été le résultat et l'expression constitutionnelle et légale.⁸⁰

To this formal invitation to run for Parliament extended to Riel by the French Canadian leaders a note was appended which shows even more strongly Dubuc's influence:

78 Although Macdonald had stipulated that Cartier should be under no obligation to Riel, Cartier himself solemnly pledged his services, so that Archibald for one considered both men beholden to the Metis in the matter of the amnesty. (See Archibald's deposition in Canada Parliament, *Op. Cit.*, p. 164; note also the telegrams Macdonald sent Archibald, September 12 and September 13, 1872, *Ibid.*, p. 166-167.

79 Dubuc, *Mémoires d'un Manitobain*, p. 74.

80 P.A.M., *Riel Collection*, No. 203, Royal, Girard, LaRivière and Dubuc to Riel, July 19, 1873.

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Les Canadiens-Français de Manitoba profitent de cette occasion pour affirmer que jusqu'à ce jour ils n'ont pas eu d'autre ambition que de rester unis à leurs frères les Métis français de la Province, et de les aider par tous les moyens constitutionnels à obtenir les droits de l'Acte de Manitoba. Si votre élection doit être le gage non équivoque de cette union, nous pouvons vous dire que nous serons heureux de faire comme par le passé et d'aider votre élection de toutes nos forces.⁸¹

The community of interests expressed in this exchange of letters between the Metis and the French Canadian leaders would endure only two or three more years. Dubuc and his associates sympathized with the Metis' attachment to their faith and tongue, but not with their attachment to their unsettled way of life. French Canadian immigration soon to begin would help destroy the chief thing the Metis Resistance had sought to preserve: their free living nomadic mode of livelihood based on the buffalo hunt. At this date Dubuc had not yet distinguished between the basic differences in Metis and French Canadian goals. He was a champion of the Metis for religious and racial reasons.

Dubuc did not have to campaign as strenuously for Riel's success in this election as in that of the previous year. In September he informed Riel that the opposition coming from Clarke and William Dease was inconsequential,⁸² and that he had the support of Donald A. Smith, John

⁸¹ Ibid.

⁸² P.A.M., Dubuc Papers, Riel to Dubuc, September 1873.

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McTavish, and A.G.B. Bannatyne.⁸³ In October, Dubuc composed resounding editorials for Le Métis exhorting the people of Provencher to elect Riel by acclamation.⁸⁴ "La bonne cause devra finalement triompher", he assured Riel.⁸⁵ Finally, on October 13 the election took place in Baptiste Tourond's big house, and Dubuc reaped the fruit of his labours.⁸⁶ He sent the certificate of election made out by the Returning Officer to Riel who had prudently remained in hiding,⁸⁷ and with it a letter warning him to stay hidden until he could send him the wherewithal to take him safely to Ottawa.⁸⁸

Dubuc did not rest satisfied with winning the unpardoned Metis a representative to the Federal Government. He also took full responsibility for getting him there.⁸⁹

⁸³ McTavish was a clerk of the Hudson's Bay Company and a Catholic. A.G.B. Bannatyne was a Winnipeg merchant and the postmaster of Fort Garry. Both men were respected.

⁸⁴ Joseph Dubuc, "Aux Electeurs du Comté de Provencher", editorial in Le Métis, issue of October 11, 1873, p. 2, col. 1; "Electeurs de Provencher, votre devoir est d'élire un homme de votre nationalité et de votre langue."

⁸⁵ P.A.M., Riel Collection, No. 218, Dubuc to Riel, October 9, 1873.

⁸⁶ Dubuc, Mémoires d'un Manitoban, p. 122.

⁸⁷ Ibid., p. 121.

⁸⁸ Ibid., p. 122.

⁸⁹ Ibid., p. 123-125; also, P.A.M., Riel Collection, No. 220, Dubuc to Riel, October 17, 1873.

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It was on this occasion that Riel adopted the alias, "David" on Dubuc's recommendation for it was easy to spell and could be either a French or an English surname.⁹⁰ Little did Dubuc suspect that he was providing food for the megalomaniac dreams of a future "prophet"! Riel travelled by American railroad to Keeseville, New York, whence he was escorted to Ottawa by Dubuc's trusted acquaintance, Joseph Tassé, a young Montreal journalist whom Dubuc met in the workrooms of La Minerve.⁹¹

Dubuc got Riel to Ottawa without mishap, but Riel never took his seat. The Pacific Scandal had caused John A. Macdonald to resign his prime ministership, and the Hon. Alexander Mackenzie decided to dissolve Parliament.

D. Federal Elections of 1874

Certain that the railway scandal had discredited the Conservative Party in the eyes of the nation, and that the Liberals stood a favorable chance of winning a working majority in the House of Commons, Mackenzie called an election early in 1874.

As long as the Metis people remained under the shadow of disapproval in which the amnesty delay kept them, so long would Joseph Dubuc work to get their leader elected

90 Dubuc, Mémoires d'un Manitobain, p. 129.

91 Ibid.

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to the House of Commons. So he set himself once more to the arduous task of campaigning:

Nous allons t'élire de nouveau dans Provencher. Le Métis lance aujourd'hui ta candidature. Il y a à craindre qu'elle n'ait pas lieu par acclamation cette fois. Clarke a télégraphié cette semaine d'Ottawa, qu'il part pour Manitoba, et qu'il se présente dans Provencher. Sa Gazette⁹² l'a annoncé. Mais il n'a aucune chance. Il ne pourra réunir 50 voix.⁹³

Clarke himself realized on his arrival in Manitoba that the Provencher population did not trust him. He considered running anyway, hoping that his attempts to get Riel declared an outlaw might succeed and leave Riel's seat for him by default.⁹⁴ But he shortly discovered that Riel's English Canadian enemies had found a rival candidate in the person of Joseph Hamelin, a Manitoba Metis.⁹⁵

Hamelin belonged to the "bourgeois" class among the Metis.⁹⁶ His ancestors, inspired by Cuthbert Grant, had imitated the officers of the Hudson's Bay Company in their industry and appreciation of material wealth more

92 The Manitoba Gazette was popularly believed to be published in Clarke's interests, and its columns became the medium through which Dubuc's insinuations and charges in Le Métis were contradicted and discredited. (Alexander Begg, Op. Cit., Vol. 2, p. 111.)

93 P.A.M., Riel Collection, No. 233, Dubuc to Riel, January 19, 1874.

94 Ibid.

95 Dubuc, Mémoires d'un Manitobain, p. 133.

96 Marcel Giraud, Le Métis Canadien, Paris, 1945, "La Bourgeoisie Metisse", p. 717-722.

than the careless, hand-to-mouth existence of the mass of the Metis.⁹⁷ According to the census of 1849, his father, Salomon Hamelin, had twelve acres of land under cultivation, and owned twelve cattle and two carts.⁹⁸ (The carts enabled him to take part in the annual trading expeditions to St. Paul.) Although in their standard of living these bourgeois Metis came closer to the whites than the rest of their people, they nevertheless remained an integral part of the Metis community until the Resistance of 1869. When Riel set up his Provisional Government, a number of these Metis refused to follow him, partly through jealousy, and partly because they had been bribed by their English friends to remain "loyal".⁹⁹ The persecution which the Metis in general suffered at the hands of the Ontario battalions after 1870 had dampened the ardour of their "loyalty" by 1874, so that Dubuc estimated that

[...] il avait là, dans différents endroits du pays, quelques Métis isolés qui étaient opposés à Riel, mais, à l'exception des habitants de la Pointe à Grouette formant un groupe d'une quarantaine d'électeurs, toute la masse de la population métisse se montrait fiddle et dévouée à Riel.¹⁰⁰

97 Ibid., p. 718.

98 Red River Census, Provincial Library, Winnipeg.

99 Dubuc, Mémoires d'un Manitobain, p. 135-136.

100 Ibid., p. 137-138.

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These "bourgeois" were the Metis from whom Hamelin was assured of support. Dubuc resolved to change their allegiance and to win them over to the support of Riel. In the bitter cold of January, accompanied by his colleague, Joseph Royal, he went from village to village, declaiming, exhorting, beseeching.¹⁰¹ When a lull came during business hours in his Winnipeg law office, he set himself to composing articles for Le Métis.¹⁰² The election took place in mid-February at George Klyne's place.¹⁰³ Dubuc represented Riel at the polling booth. Although he had not won over the anti-Riel Metis, he nevertheless counted two votes for Riel for every one for Hamelin, so his work at the hustings had not been in vain.¹⁰⁴ As in the preceding elections Dubuc worked for the more favorable candidate in the other constituencies. He contributed toward the success of Donald A. Smith in Selkirk and of Robert Cunningham in Marquette.¹⁰⁵ As in the 1872 election, the Metis had three friends in the House of Commons.

101 Ibid., p. 139-145.

102 See his editorials: "Comté de Provencher" in the issue of January 31, 1874, p. 2, col. 1; "Les Elections" in the issue of February 7, 1874, p. 2, col. 3; and "Nomination du Comté de Provencher" issue of February 14, 1874, p. 1, col. 4-5 and p. 2, col. 1.

103 Klyne was a Metis whose home was located on the site of the present day village of Aubigny.

104 Dubuc, Mémoires d'un Manitobain, p. 146.

105 P.A.M., Riel Collection, No. 239, Dubuc to Riel, February 16, 1874.

Dubuc evinced a good deal of optimism about Riel now that he had won the election and was safely in the east. "Vous reverrez votre cher fils jouir de ses droits et exercer son influence et ses capacités au service de son pays,"¹⁰⁶ he wrote Madame Riel in St. Vital on whom, in Riel's absence, he kept a filial and protective eye. This optimism was engendered by the warmth with which Riel was received in Quebec:

Il parle des sympathies qu'il reçoit dans le Bas-Canada, et il est heureux de voir toute la Province de Québec embrasser si énergiquement sa cause, qui est la cause de Manitoba.¹⁰⁷

According to Dubuc, the extraordinary sympathy shown Riel by Quebec was due partly to the friends Riel had in Montreal from his college days: Dr. E.P. Lachapelle, Alphonse Desjardins, the editor of the Nouveau Monde which was Bishop Bourget's ultramontane organ, Dr. Romuald Fiset, M.P., the writer Eustache Prud'homme, and other influential men.¹⁰⁸ But it was due even more to the pity that Riel's career evoked in them:

¹⁰⁶ Ibid., No. 252, Dubuc to Madame Riel, May 17, 1874.

¹⁰⁷ Ibid.

¹⁰⁸ Dubuc, Mémoires d'un Manitobain, p. 147.

Les Canadiens Français, voyant que Riel était poursuivi, traqué par la police de Manitoba, guetté par celle d'Ontario, parce que le Gouvernement avait manqué gravement à son devoir en n'accordant pas l'amnistie promise, étaient très sympathique à l'ancien chef Du Gouvernement Provisoire.¹⁰⁹

Dubuc realized afterward that his hopes for Riel wielding influence as a Member of Parliament were unfounded for he had placed too much confidence in the support Riel was receiving from Quebec. He learned the details of Riel's expulsion from the House of Commons from friends who were eye-witnesses.¹¹⁰ He was particularly revolted at the role played by H.J.H. Clarke in this matter:

Durant le cour de la session, quelques députés d'Ontario soulevèrent la question de l'élection de Riel. Ils prétendirent que le membre élu de Provencher, étant un fugitif de la justice, sous une accusation de meurtre, ne devait jouir du privilège de siéger dans la Chambre des Communes. Une résolution à cet effet fut présentée. Les Députés Français la combattirent de toutes leurs forces. Ils soutinrent que cette accusation partie contre Riel n'était que racontars de journaux, sans que la Chambre fut en possession d'aucune preuve établissant le fait.

On vit alors un spectacle pénible et dégoûtant. Par entente préalable, avec les Orangistes ennemis de Riel, le procureur général, Clarke, parut à la barre de la Chambre et jura que Louis Riel était poursuivi pour meurtre devant les tribunaux de Manitoba, et qu'il s'était enfui du pays pour éviter de subir son procès.

Malgré l'opposition des députés Canadiens français, la résolution comportant l'exclusion de Riel de la Chambre des Communes, et déclarant que le siège du comté de Provencher se trouvait vacant fut adoptée.¹¹¹

109 Ibid., p. 148.

110 Ibid., p. 149-153A.

111 Ibid., p. 150-153A.

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This blow might have shaken Dubuc's determination to keep the Metis chief in the Provencher seat had not a reassuring letter from him arrived six weeks later:

La Chambre m'a expulsé. [...] Mais vous en m'elisant et moi en faisant ce que j'ai fait, nous avons crée sur le Gouvernement et tout le peuple une impression très avantageuse à notre cause. Nos ennemis ont voulu me nuire, étouffer la cause. Ils ont intercepté ma marche, mais pas la marche de la cause. Des événements ont eu lieu qui éclairent l'opinion. En même temps, le flot des sympathies pour nouw n'est trouvé gonflé.¹¹²

Dubuc had already been pondering what his course of action should be in regard to the vacant seat. To Archbishop Taché, in Ottawa again seeking the amnesty from a Liberal Government this time, he wrote:

L'expulsion de Riel a causé une impression des plus pénibles ici. La question est de savoir si nous allons le réélire. J'ai reçu un télégramme d'Ottawa me disant qu'il faut absolument réélire Riel. Mais j'attends de plus sérieuses nouvelles par la malle. Je suppose que tous nos amis qui se trouvent actuellement à Ottawa décideront ce qu'il y aura à faire et qu'on me communiquera la détermination à laquelle on en viendra.¹¹³

E. The Provencher By-Election of 1874

Two factors prodded Dubuc into persevering through yet another campaign: the determination to secure an effective representative for the Metis, and the wave of French Canadian sympathy for the Metis people that Riel's sojourn

¹¹² P.A.M., Dubuc Papers, Riel to Dubuc, May 17, 1874.

¹¹³ A.A.S.B., Dubuc to Taché, April 26, 1874.

in Montreal had aroused.¹¹⁴ While waiting for the session of 1874 to begin, Riel had composed, at the request of his friend Alphonse Desjardins, a Mémoire of his activities of 1869-70 for Le Nouveau Monde. La Minerve and other Quebec newspapers had reproduced it, and the result was a general clamour on Riel's behalf.¹¹⁵ Riel shared this glory with Dubuc: "Pour toi, j'y ai fait connaître ton dévouement et tout ce que tu as enduré depuis que tu es au milieu de nous, tout de que tu as enduré pour notre cause."¹¹⁶ Although Dubuc had not been seeking his own glorification but rather the welfare of the Metis in promoting Riel, he nevertheless was not insensible to the popularity that his devotedness was winning him in the province of Quebec. His colleagues in the Provincial Government, Joseph Royal and A.A.C. LaRivière, had tired by now of the struggle to reinstate Riel and felt that an able French Canadian, one of themselves, for instance, should get the Provencher seat. Dr. Lachapelle let Dubuc know how Quebec felt about this:

114 P.A.M., Dubuc Papers, Riel to Dubuc, May 27, 1874. Also, Dubuc, Mémoires d'un Manitobain, p. 154C.

115 Ibid.

116 Ibid., also, letter dated June 7, 1874.

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Tous ceux à qui j'ai fait rencontrer notre ami pendant son séjour ici sont enchanté de lui, et tous s'accordent à dire que vous devez vous grouper autour de cet homme et en faire le champion de vos droits et de vos libertés. A ce propos, tu me permettras bien, de te dire que Royal et LaRivière ont été assez défavorablement jugés pendant leur dernier voyage ici, et que l'on craint beaucoup que l'ambition ou la jalousie leur fassent prendre une fausse position. J'espère qu'après le combat viendra la victoire et que tu en jouiras d'autant plus que tu auras combattu avec plus de désintéressement.¹¹⁷

Dubuc received no encouragement from Archbishop Taché in the matter of re-electing Riel, perhaps because he was overwhelmed with work and worry over the amnesty¹¹⁸ and other Manitoba business. From Lachapelle, however, he received not only hearty encouragement, but also generous offers of assistance for the coming campaign:

S'il devait y avoir une lutte sérieuse qui nécessiterait des dépenses, ne vous gênez pas en me le faisant savoir, je pourrais vous procurer l'argent nécessaire et même au besoin je pense que je pourrais vous envoyer quelqu'un d'ici pour travailler à l'élection.¹¹⁹

Riel wrote again in July formally requesting his re-election in Provencher.¹²⁰ In August, Dubuc was shaken

117 P.A.M., Dubuc Papers, Lachapelle to Dubuc, June 9, 1874.

118 Ibid., Taché to Dubuc, May 10, 1874. (Alexander Mackenzie called a Royal Commission early in 1874 to ascertain whether or not an amnesty had been promised to the Macdonald government.)

119 P.A.M., Dubuc Papers, Lachapelle to Dubuc, June 9, 1874.

120 Ibid., Riel to Girard, Dubuc, and friends, July 13, 1874.

by some opposition on the home front. A friend and colleague in the cabinet with whom he had always been on good terms, the Provincial Treasurer, R.A. Davis, had some serious objections to Dubuc's campaigning a third time for Riel, the chief objection being that it might injure the Provincial Government in the eyes of the English population of Manitoba.¹²¹ A second letter from Lachapelle appealing to his patriotism steadied him in his purpose:

Courage donc, cher ami, et quelque pénible que puisse être ta position, souviens-toi que la Province de Québec lutte avec vous et pour vous et qu'elle attend de vous autant de dévouement qu'elle en exigeait de ses hommes politiques en 1834 et 1837 lorsqu'elle luttait pour ses libertés religieuses et politiques. N'habituez pas les Anglais au régime des concessions, car plus vous leur en accordez, plus ils voudront en avoir.¹²²

Lachapelle also informed him that the date of the by-election was fixed for September 3, and that Mackenzie had just passed his electoral law.¹²³

A few days later, Dubuc received another letter from Riel.¹²⁴ Like the letter of May 27, it was very long and betrayed the influence that Riel's Montreal friends

121 Dubuc, Mémoires d'un Manitobain, p. 176, 176A.

122 P.A.M., Dubuc Papers, Lachapelle to Dubuc, August 10, 1874.

123 Ibid.

124 Ibid., Riel to Dubuc, August 11, 1874.

were having on him, for it was full of detailed advice on how Dubuc should be dealing with the various problems confronting him as a member of the Provincial Cabinet. Riel had frequently written counsels to Dubuc in the pre-1874 letters, but they had always concerned the Metis people. These letters from Montreal dealt with constitutional matters. They must have been a cause of intense frustration to Dubuc for, although he ardently wanted to preserve intact the privileges accorded the French by the Manitoba Act, he could not take the means suggested by Riel's Quebec advisers. Some compromise with his English-speaking colleagues was necessary, a fact with the Ultramontanists apparently could not understand.¹²⁵ Dubuc must have smiled wily at the closing of the letter cited above: "Mon cher ami, entendons-nous bien. Moi au parlement fédéral, et toi au ministère local, si nous avons les mêmes principes, nous pourrions être utiles."¹²⁶

Lachapelle wrote Dubuc again three weeks before the election:

¹²⁵ This matter will be treated more fully in Chapter III.

¹²⁶ P.A.M., Dubuc Papers, Riel to Dubuc, August 11, 1874.

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Depuis que l'époque de l'Election du Comté de Provencher est fixée, les amis de votre cause ici se préoccupent beaucoup des moyens qu'ils pourraient prendre pour vous venir en aide. Nous avons organisé un Comité de la Cause de Manitoba: il se compose de M.M. Desjardins, Laranger, Taillon, Rivard, Deschamps, et Lachapelle, et Trudel: à la dernière réunion nous avons décidé: 1^o Qu'il est absolument nécessaire que Riel soit réélu dans Provencher.

2^o Que nous devons profiter des prochaines élections locales ici, pour provoquer une manifestation énergique de l'opinion publique dans la Province de Québec, en faveur des droits des Métis consacrés par l'Acte de Manitoba.

3^o Que nous devons prendre les moyens d'envoyer une délégation à Manitoba, pour vous aider à travailler pendant vos prochaines élections locales.¹²⁷

Alphonse Desjardins had just received a letter from Joseph Royal clearly stating that since the report of the Royal Commission called to study the amnesty problem was long acoming, someone who was eligible to sit in the House of Commons should be elected in Provencher. Lachapelle laid on Dubuc's shoulders the responsibility of converting Royal from so foolish an opinion:

Comment se fait-il qu'on ne comprenne pas que la meilleure protestation contre ces retards et la plus forte réclamation en faveur de l'exécution de toutes les promesses contenues dans l'Acte de Manitoba se trouve dans la réélection de celui qui personifie toute cette cause? Comment se fait-il qu'on ne comprenne pas que la réélection de cet homme est la plus forte pression qu'on puisse exercer sur le Gouvernement Fédéral, en lui faisant comprendre qu'il devra rendre justice s'il veut se débarrasser de la question de Manitoba?¹²⁸

127 P.A.M., Dubuc Papers, Lachapelle to Dubuc, August 14, 1874.

128 Ibid.

Dubuc needed no convincing on this score for such were his own opinions on the matter. How, during these trying and overcrowded pre-election days, he found time and patience to put up with the importunities of Desjardins and Lachapelle, answer their numerous questions, and accept with equanimity their well-meaning but not too pertinent suggestions,¹²⁹ the extant correspondence does not reveal.

Meanwhile, troubles were multiplying at home:

Nous apprîmes qu'il y aurait un autre candidat. Le Dr. Bown, espèce d'homme-lige de Dr. Schultz. Il décida de se mettre sur les rangs. Personne, pas même Schultz et Bown eux-mêmes, ne supposèrent pour un instant que le Dr. Bown put obtenir la majorité des suffrages. Le comté de Provencher était habité presque exclusivement par des Métis français. Mais le calcul du Dr. Schultz, député de Lisgar, et du Dr. Bown, était celui-ci: Riel serait de nouveau expulsé de la Chambre, et son opposant, n'eut-il qu'une infime minorité de voix, serait très probablement déclaré élu de Provencher.

Contre une telle perspective, nous ne pouvions rien. Chacun était libre de se porter candidat.¹³⁰

By nomination day, Dr. Bown with the help of John Bruce, the first president of Riel's Provisional Government and now an enemy of Riel's, had collected the twenty

¹²⁹ See for instance the following letters, P.A.M., Dubuc Papers:

E.P. Lachapelle to Dubuc, August 25, 1874;
Alphonse Desjardins to Dubuc, August 31, 1874;
E.P. Lachapelle to Dubuc, September 1, 1874.

¹³⁰ Dubuc, Mémoires d'un Manitobain, p. 176B-177.

signatures needed to back his candidature, and presented them to the Returning Officer. But the ever-observant Dubuc detected a flaw in this list: one name belonged to a man who was not an eligible voter for the district of Provencher.¹³¹ Thanks to the thoroughness with which Dubuc had canvassed the entire Provencher district, neither Bruce nor Bown could secure a single eligible voter to replace the disqualified supporter. So Bown's candidature was declared invalid, and Riel was elected by acclamation.¹³² Desjardins and Lachapelle congratulated Dubuc warmly: "Nous savons que dans cette occasion comme dans toutes les autres c'est à toi qui reviens la plus grand part du mérite de ce beau succès."¹³³

The Federal Parliament opened for its next session in February, 1875. But Riel again did not take his seat. He had been consumed with homesickness for some time,¹³⁴ and in November of the preceding year had left the east for St. Paul where he could receive visits from his friends and relatives.¹³⁵ He did not feel safe here, however, and

131 Ibid., p. 178.

132 Ibid., p. 179.

133 P.A.M., Dubuc Papers, Lachapelle to Dubuc, September 1, 1874.

134 Ibid., letter dated August 10, 1874.

135 A.A.S.B., Riel to Taché, November 23, 1874.

soon returned east to stay with Father Barnabé and the Franco-Americans at Keeseville whence he could make short visits to Montreal which was only a few hours' journey to the north.¹³⁶

During the 1875 session of Parliament, Riel in absentia was solemnly expelled for the last time from the House of Commons. Dubuc did not have to consider re-electing him because on April 23 a partial amnesty was proclaimed at last by the Governor General. It pardoned all who had taken part in the Metis Resistance of 1869-70 except Riel, Lépine, and O'Donoghue. The last names was banished from Canada forever, and Riel and Lépine were sentenced to five years of exile and suspension of civil rights.¹³⁷

4. Conclusion.

Dubuc worked for the Metis people all his life. However, the year 1875 ended the period where most of his energies were directed towards them. After 1875 his concern for the French-speaking element of Manitoba was concentrated on the French Canadians more than on the Metis. There are

136 A.A.S.B., Barnabé to Riel, January 18, 1875.

137 Canada Parliament, Debates of the House of Commons, 1875, proceedings for February 11, 1875, p. 50.

three reasons for this. First, the granting of the amnesty restored to the Metis their rightful place in the community. Secondly, an organized immigration society began bringing in French Canadians from Quebec and the United States in fairly large numbers and Dubuc turned his energies towards them. Finally, between 1870 and 1875 hundreds of Metis families left the province for the hunting grounds to the west and north. Discouraged by the humiliations which had been heaped on them since the erection of the province, unconvinced that their property rights would be respected, incapable of adapting to the new economy, they hoped to continue on the banks of the Saskatchewan the kind of life they had striven to preserve on the banks of the Red by their Resistance of 1870.¹³⁸

The Metis who left were the less adaptable portion of the population; those who stayed associated themselves with the French Canadians in varying degrees.¹³⁹ The superior group of Metis, families like the Riels, Brelands, Hamelins, Goulets, etc., gradually assimilated themselves into the French Canadian community. A second group, comprising the majority of the Metis who remained in Manitoba, less well-developed than the elite group just referred to, continued to associate themselves with the French Canadian

138 Giraud, *Op. Cit.*, p. 1134-1135.

139 *Ibid.*, p. 1231-1237.

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community, but because of an apparent inability to outgrow their aversion for work and education have never been accepted by the French Canadians as an integral part of their society.¹⁴⁰ The lowest class of Metis have, over the years, grown closer to the Indians than to the whites,¹⁴¹ and share today the acute economic and social problems facing the Indians.

During Manitoba's first decades, Dubuc devoted himself more than any other layman to the Metis. He championed their cause in the newspaper, courtroom, political assembly, provincial legislature. But he did not give them assistance in the area where they needed it most: overcoming the difficulties of adapting to the new way of life brought in by the farming immigrants. The Metis suffered keenly from the feelings of superiority evinced towards them by the French Canadians.¹⁴² As Dubuc grew older he manifested less sympathy and more impatience with the Metis for their susceptibility and inferiority in his private correspondence¹⁴³ but not in his public utterance.¹⁴⁴

140 Ibid., p. 1237-1243.

141 Ibid., p. 1243-1250.

142 Ibid., p. 1117, 1241, 1243.

143 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, letters of 1879 and 1885.

144 L.-A. Prud'homme, "Sir Joseph Dubuc", in Revue Canadienne, issues of May and August, 1914. Also, P.A.M. Dubuc Papers, Dubuc to Roger Goulet, (copy), July 15, 1913.

Was Dubuc appreciated by the Metis? He was during the years dealt with in this chapter, 1870-75. He possessed the complete confidence of Riel.¹⁴⁵ Soeur Marguerite-Marie, Riel's Grey Nun sister, thanks Dubuc again and again for the services he rendered to her people.¹⁴⁶ Louis Schmidt, one of the few educated Metis held him in high regard for what he did during these years.¹⁴⁷ Most convincing of all, Roger Goulet, a leader of the Metis community over a period of forty years and the most outstanding Metis of the post-Riel generation,¹⁴⁸ acknowledged Dubuc's work for the Metis during Manitoba's early years:

N'avez-vous pas même agi de concert avec eux dans les luttes qu'ils ont eu à soutenir? A un moment donné, n'avez-vous pas même exposé votre vie pour défendre avec eux des intérêts communs?¹⁴⁹

Goulet was President of the Comité de Surveillance des Intérêts Métis au Manitoba when he wrote those words.

145 P.A.M., Dubuc Papers, Riel to Dubuc, letters between 1870 and 1875, passim.

146 Ibid., Sara Riel, (Soeur Marguerite-Marie) to Dubuc, letters of 1871, 1873, and 1874.

147 A.A.S.B., Louis Schmidt to Riel, June 25, 1872; January 10, 1874.

148 L.-A. Prud'homme, "La Famille Goulet", Mémoire de la Société Royale du Canada, troisième série, 1935, p27-30.

149 P.A.M., Dubuc Papers, Roger Goulet to Dubuc, July 9, 1913.

CHAPTER III

LAWYER

Dubuc progressed from one important post to another during the forty years of public life he gave to Manitoba. He owed this continual progression to his profession more than to any other factor. His career was law at a time when lawyers were the most influential and prominent members of the pioneer communities of Ontario and Manitoba.

1. Dubuc's Role in the Growth of the Courts.

As a lawyer, Dubuc witnessed and participated in the evolution of the Manitoba courts from the primitive system inherited from the Assiniboia era to the complex modern set up which prevailed at his death. The people of Red River had to wait until Assiniboia had become the province of Manitoba to enjoy what is now taken for granted: the separation of the judicial from the legislative functions, a trained and organized legal profession, and judges appointed by the Crown from members of the profession.

Until 1839, all judicial responsibility had been vested in the resident governor appointed by the Hudson's Bay Company and in the fifteen councillors appointed by the governor from among the inhabitants of Assiniboia. Indeed, the primary function of these councillors was not to advise

nor to assist in the management or government of the colony; it was to act as assessors in judicial matters.¹ The law in force at this time was English common law supplemented by statutes applying to Assiniboia.²

In March, 1839, the first judicial officer educated and trained in the law was appointed to Assiniboia with the title of Recorder. He was Adam Thom, editor of the Montreal Herald at the time of the Durham Mission and one of Durham's assistant commissioners, and he came to Assiniboia at the Company's request to supply the lack of legal science in the colony.³ From Thom's appointment on, Assiniboia possessed a simple but effective system of courts. It was divided into three judicial districts, each with a number of magistrates holding courts twice-monthly with summary jurisdiction. The supreme tribunal was the Quarterly Court of the Governor and Council of Assiniboia.⁴

1 E.H. Oliver, The Canadian North-West; Its Early Development and Legislative Records, Ottawa, Canadian Archives Publication No. 9, 1914, Vol. 1, p. 76.

2 W.L. Morton, Manitoba, A History, Toronto, University of Toronto Press, 1957, p. 69.

3 Ibid.

4 Charles Morse, "The Judicial Systems of the Prairie Provinces", in Shortt and Doughty, (eds.), Canada and Her Provinces, Toronto, Glasgow Brook and Co., 1914, Vol. 20, p. 370-371.

Adam Thom proved himself a competent law officer, but he made the French and Metis suspicious of him because he refused to use French in court although he knew it well, and because he was notorious for his savage attacks on the Patriotes of 1837.⁵ His attitude towards the French-speaking created a climate which persisted to Dubuc's time, a generation later. It determined the French element to insist upon having a judicial officer who could and would speak their language. In 1849, Louis Riel's father led the Metis rising which brought free trade to the natives of Assiniboia against Thom as he presided over the Sayer Case. Emboldened by this success, the senior Riel proceeded to have Thom ousted from Assiniboia altogether a few years later.⁶

The next Recorder was Francis Johnson, a competent member of the Quebec Bar who was able to speak French fluently, and who prided himself on his French scholarship.⁷ During an interval of several years in the 1860's Assiniboia had no Recorder because Johnson returned to Montreal to become a judge of the Superior Court of Quebec. But in

5 Morton, Op. Cit., p. 70.

6 G.G.F. Stanley, Louis Riel, Toronto, Ryerson, 1963, p. 15.

7 E.K. Williams, "Aspects of the Legal System of Manitoba", paper read before the Historical and Scientific Society of Manitoba, 1948, Series III, No. 4, p. 54.

1870, after Manitoba was created a province, Johnson returned as Recorder, and Dubuc worked under him for two years.⁸

Johnson created dissatisfaction in Manitoba by being absent from the young turbulent province except for one of the Quarterly Sessions annually. Dubuc was among the lawyers and citizens who petitioned the Federal Government in 1871 for a resident judge.⁹ The Federal Ministry acquiesced and appointed one; the appointee was none other than Johnson himself, much to Dubuc's disappointment.¹⁰ Dubuc disliked Johnson,¹¹ perhaps for the insufferable vanity which on occasion detracted from his dispensation of justice,¹² perhaps for the stormy moods which at times made his court sessions humiliating to young lawyers.¹³

As a Member of the Legislative Assembly at the first session of the first Provincial Parliament, Dubuc worked with other lawyers in the House to replace the ancient

⁸ Joseph Dubuc, Mémoires d'un Manitobain, unpublished manuscript, 1911-12, Dubuc Papers, Public Archives of Manitoba, p. 61.

⁹ Ibid., p. 62.

¹⁰ A.A.S.B., Dubuc to Taché, November 9, 1871.

¹¹ Ibid., October 25, 1871.

¹² Dr. J.H. O'Donnell, Manitoba as I Saw It, Winnipeg, Clark Bros., 1909, p. 51.

¹³ L.O. David, "Le Juge Johnson", Mes Contemporains, Montreal, Sinécal, 1894, p. 157.

Trimestrial Court of Assiniboia with a provincial system of courts. At this session he was elected president of the committee set up to amend the laws, and he personally initiated several important law projects.¹⁴

Dubuc's committee drew up a bill establishing a court of justice to be styled "The Supreme Court" and held by a judge to be styled "The Chief Justice" which was to meet four times a year and at such other times as the Lieutenant-Governor might appoint. The province was to be divided into four counties for judicial purposes. A Sheriff of the Province was to be appointed with a Deputy Sheriff for each county, and a Clerk of the Court, to be styled the Prothonotary. During the debates on this Supreme Court Bill, Dubuc was accused of trying to introduce the laws of Quebec into Manitoba. In fact, rumours to this effect had begun to circulate in the province. Dubuc defended his work by saying that all his accusers had to do was read the Bill to be assured it was English in character.¹⁵ On the other hand, he insisted that the Bill be printed in both languages.¹⁶ This was one of the bills that the

¹⁴ Judge L.A. Prud'homme, "Sir Joseph Dubuc", in the Revue Canadienne, issue of June, 1914, p. 506.

¹⁵ Le Métis, "Revue de la Session", (March 20), issue of June 15, 1871, p. 1, col. 3, 4.

¹⁶ Ibid., p. 2, col. 1.

Lieutenant-Governor signed at the end of the first session.¹⁷

To Dubuc's chagrin, Ottawa's Minister of Justice--that post was held by John A. Macdonald himself--refused to sanction this Act of the Manitoba Legislature creating a Supreme Court in Manitoba on the argument that a single judge does not constitute a court.¹⁸ Dubuc thereupon resigned himself to putting up with Johnson another year.¹⁹ In the second Provincial Session, he helped draw up an amendment to the Supreme Court Act of 1871 which created a court to be styled the "Court of Queen's Bench" instead of "Supreme Court" and was to consist of a chief justice and two puisne judges, any one or more of whom should form a quorum.²⁰ This bill was duly signed and became law.²¹ The influence of Dubuc was apparent in section five of the amendment which provided that no person should be appointed as chief justice, or puisne judge, or prothonotary unless he was able to speak both the French and the English languages.

17 Statutes of Manitoba, 34 Victoria, cap. 2.

18 Dubuc, Mémoires d'un Manitobain, p. 55. Dubuc's original draft had been for a three-judge court, but Archibald had disallowed it on the grounds that three judges were too many for such a small population.

19 A.A.S.B., Dubuc to Taché, October 25, 1871.

20 Dubuc, Mémoires d'un Manitobain, p. 62.

21 Statutes of Manitoba, 35 Victoria, cap. 3.

The first Chief Justice to be named, Alexander Morris from Perth, Ontario, always took care to address the Court in both French and English.²² Indeed, he opened the first assize held in Manitoba with an excellent charge to the Grand Jury in the course of which he expressed his anxious desire to know neither race, creed, nor party, but to administer the laws without fear, favour, or partiality to French or English.²³

Morris was appointed in October, 1872. That same month two puisne judges were named. Dubuc notes that the first, James Charles McKeagney, was a Catholic born in Ireland, educated in Nova Scotia, and a member of the Bar of that province, and that he spoke very little French.²⁴ The other puisne judge was a French Canadian named Louis Bétournay, a graduate of Dubuc's old school, the Collège de Montreal, who had been called to the Bar of Lower Canada in 1849 and had subsequently belonged to the law firm headed by George E. Cartier.²⁵

22 Dubuc, Mémoires d'un Manitobain, p. 63.

23 Williams, Op. Cit., p. 58. (Judge Williams' sources were: 1 Western Law Times, p. 84, and 8 Canadian Law Journal (N.S.), 1872, p. 262.)

24 Dubuc, Mémoires d'un Manitobain, p. 67.

25 Ibid., p. 67-68.

The first counsel to make his appearance before this newly created Court of Queen's Bench was Joseph Dubuc.²⁶

It was a matter of some regret to Dubuc that Judge McKeagney could not speak French well enough to charge a jury in that language.²⁷ In 1873 McKeagney was sitting with a mixed jury. Both counsels addressed the jury in French and English, but the Judge, having charged them in English, was compelled to direct the prothonotary to translate his charge into French for the benefit of the jurors who had not understood him.²⁸ Counsel for the defence Dubuc objected to this procedure on the ground that it was the express duty of a Manitoba judge to explain his meaning to the jury in both languages himself, referring to section five of the Supreme Court Act amendment of 1872.²⁹ This requirement was the subject of much comment and some complaint at the time, one law journal pointing out that it would limit the field for judicial appointment to lawyers from the province of Quebec who were not trained in common law,

26 Williams, Op. Cit., p. 59.

27 A.A.S.B., Dubuc to Taché, undated, probably early 1873.

28 Williams, Op. Cit., p. 59.

29 Statutes of Manitoba, 35 Victoria, Chap. 3.

which was the law in force in Manitoba.³⁰ Shortly after this, on April 14, 1873, Macdonald, in his capacity as Federal Minister of Justice, reported to the Governor-General that the provision requiring judges to speak both languages was not within the powers of the Provincial Legislature,³¹ and it was subsequently annulled. Nevertheless, Dubuc continued to use his influence to get appointed to the superior courts of Manitoba judges who could express themselves in French, although integrity and impartiality were qualities he looked for first.³²

Chief Justice Morris's first and only assize on the Bench in Manitoba was marked by a heated legal debate:

Les causes criminelles furent entendues et décidées sans incident. Un bon nombre de causes civiles étaient inscrites pour audition. Jusqu'à là, les actions avaient été intentées dans l'ancienne cour Trimestrielle d'Assiniboia. La procédure était sommaire et indéfinie. D'après la loi, la procédure anglaise, telle qu'elle existait au moment du transfert, 15, juillet, 1870, devait prévaloir. Elle n'avait pas été régulièrement suivie. Chacun des avocats procédait à sa manière. A l'appel des causes, l'un des avocats prétendit que, d'après la véritable procédure en vigueur, les causes n'avaient pas été régulièrement inscrites, et le procès ne pouvait avoir lieu. L'autre avocat soutenait que l'inscription avait lieu suivant la procédure en usage jusque là, et que cela devait suffire.

³⁰ Williams, Op. Cit., p. 60. The journal referred to was the 9 Canadian Law Journal (N.S.), 1873, p. 279.

³¹ W.E. Hodgins, (ed.), Dominion and Provincial Legislation, 1867-95, Ottawa, 1896, p. 774.

³² A.A.S.B., Dubuc to Taché, March 3, 1879.

Le Juge en Chef Morris dit que cette dernière proposition lue semblait raisonnable, bien que l'autre ne fut pas entièrement dénuée de valeur. Il déclara qu'il était prêt à entendre les causes, malgré la protestation des parties adverses; mais que celui qui insisterait pour procéder le ferait à ses risques et péril, avec la perspective de voir le jugement et toute la procédure mis de côté par la cour complètement organisée.

Personne n'insista. A l'exception des jugements par défaut, toutes les causes furent remises au terme suivant.³³

The pleasure Dubuc evinced at the appointment of Chief Justice Morris in October, 1872, was short lived. Early in December of that same year the latter was named Lieutenant-Governor in the place of Adams G. Archibald who had been recalled. Morris's departure left Manitoba without a chief justice until the appointment of the Honourable Edmund Burke Wood in the spring of 1874.³⁴ In his memoirs Dubuc answers a question asked by many at the time. Why was not one of the two puisne judges promoted to the position of chief justice on Morris's departure?³⁵ He explains that neither was able to effectively contend with Attorney-General Clarke, (Dubuc's long-standing enemy in the Legislature), who not only insulted and berated them as judicial weaklings, but also interfered with their exercise of

33 Dubuc, Mémoires d'un Manitobain, p. 64-65.

34 Ibid., p. 66-68.

35 Ibid., p. 184-185.

justice. Dubuc's condemnation of Clarke was not mere personal antipathy. A contemporary, Dr. John H. O'Donnell, states that as Attorney-General, Clarke "no sooner assumed office than he felt he was the law instead of legal director".³⁶

Chief Justice Wood lost no time in putting Clarke in his place.³⁷ He also brought the court into better repute than it had been enjoying under Judges McKeagney and Bétournay, who, if the newspaper reports are strictly true, were frequently late and even more frequently absent.³⁸

A year before Judge Wood's arrival, during the Provincial Session of 1873, Dubuc helped pass a bill of judicature which greatly diminished the complexities attendant on law practice in Manitoba.³⁹ It stated that for the future all laws concerning property and civil rights would be those in force in England on July 15, 1870.⁴⁰ At the 1875 Session of the Legislature his proverbial love for

³⁶ O'Donnell, Op. Cit., p. 52.

³⁷ Dubuc, Mémoires d'un Manitobain, p. 185.

³⁸ Manitoba Free Press, editorial entitled "Court Business", issue of November 22, 1873, p. 4, col. 1-2.

³⁹ Dubuc, Mémoires d'un Manitobain, p. 159.
Prud'homme, Op. Cit., p. 24-25.

⁴⁰ Statutes of Manitoba, 36 Victoria, Chap. 12,
Sec. 1.

the poor⁴¹ was evidenced in the interest he showed⁴² in getting the County Courts Act passed.⁴³

Dubuc's initial enthusiasm for Judge Wood diminished with the years. It was dampened not so much by the personal vices of drunkenness, debt, and bad manners in court which disgusted most of his colleagues⁴⁴ as by a lack of tolerance and impartiality where French interests were concerned.⁴⁵ Dubuc himself was raised to the Bench three years before the death of Chief Justice Wood and continued over a period of many years to use his legal acumen in defending French interests in Manitoba.⁴⁶

2. Dubuc's Career in Law.

The judicial legislation of the first Provincial Legislature provided that "as far as possible consistently with the circumstances of the country, the laws of evidence and the principles which govern the administration of justice in England shall obtain in the Supreme Court of

⁴¹ Prud'homme, Op. Cit., issue of May, 1914, p. 391-392.

⁴² Dubuc, Mémoires d'un Manitobain, p. 296.

⁴³ Statutes of Manitoba, 38 Victoria, Chap. 13.

⁴⁴ R. St. George Stubbs, "Honourable Edmund Burke Wood", Historical and Scientific Society of Manitoba, Series III, No. 13, 1958, p. 31-34.

⁴⁵ See below, "The Lépine Trial", p. 112-122.

⁴⁶ See below, Chapter VII, Judge, p. 238-303.

Manitoba."⁴⁷ It was thus assured that the law of Manitoba would be English, not French.

Dubuc's legal training at McGill University and his apprenticeship in Montreal followed the lines laid down in the old codified French law.⁴⁸ He became a member of the Manitoba Bar after the first Provincial Session according to the regulations he himself helped draw up:

Any person being a Barrister or Attorney of any Court in the Dominion of Canada, or an Attorney of any Court in Great Britain or Ireland, on fying a satisfactory certificate of his being such Barrister or Attorney at the time of application, and of his good moral character, and also upon proof of his having served as an articled clerk for five years, shall be entitled to be admitted an Attorney and Barrister of this Province.⁴⁹

As a member of the Manitoba Bar, despite his quiet and unassuming manner, Dubuc soon drew attention to himself as a lawyer of deep learning who had mastered the intricacies of English civil law.⁵⁰ Thanks to the extraordinary memory and the devotion to study which had signalized his student days,⁵¹ he quickly acquired a volume of legal

⁴⁷ Statutes of Manitoba, 34 Victoria, Chap. 2, Sec. 38.

⁴⁸ Dubuc, Autobiographie et Lettres, p. 37-40.

⁴⁹ Statutes of Manitoba, 34 Victoria, Chap. 10.

⁵⁰ O'Donnell, Op. Cit., p. 61.

⁵¹ Dubuc, Autobiographie et Lettres, p. 30-35.

knowledge which inspired confidence and caused him to be looked to as an authority.⁵²

Immediately after the first session of the Provincial Legislature, the cards of several legal firms appeared in the newspapers, the lawyers being Messrs. Royal and Dubuc, James Ross, M.A., and D.M. Walker.⁵³ During the next three years the following advertisement appeared on the fourth page of every issue of Le Métis:

M.M. Royal et Dubuc informent le public de Manitoba qu'ils tiennent leur bureau d'Advocats dans le haut de la grande maison McDermot, à Winnipeg, ainsi qu'à l'imprimerie du Métis à St Boniface, où on peut les voir tous les jours depuis neuf heures et demie du matin jusqu'à trois heures de l'après-midi.

M.M. Royal et Dubuc se chargent de faire les actes de vente, reviser les titres de propriété, les préparer pour l'enregistrement, etc., etc., ils donneront également leur attention à toutes les affaires commerciales, collections, etc., dont on voudra les charger.

M.M. Royal et Dubuc suivront les termes des Cours Inférieures et d'Appels dans les divers districts de la Province.⁵⁴

More than enough clients frequented their offices both in Winnipeg and St. Boniface, but they did not make

52 P.A.M., Manitoba Biography, 1909-11, p. 73, clipping from The Telegram, entitled "Chief Justice Dubuc steps down from Bench after Length of Service Unparalleled in History of Canadian Judiciary", issue of Nov. ?, 1909. La Liberté, article entitled "Mort Subite de Sir Joseph Dubuc", issue of January 13, 1914, p. 8.

53 Begg, Op. Cit., p. 38.

54 Le Métis, a French language weekly published in St. Boniface from 1871 to 1881.

very much money.⁵⁵ Dubuc explains that their paltry gleanings were due to the fact that a large proportion of their clientèle were Metis who felt that they had a right to free services since they gave their votes to Dubuc and Royal at the election polls.⁵⁶ It should be remembered that, before the arrival of these Quebec lawyers, most of their business affairs were taken care of by Bishop Taché, who, of course, served them free of charge.⁵⁷

Although Dubuc's income was not large, it was considerably greater than when he shared Eustache Prud'homme's office in Montreal,⁵⁸ for in 1872, he was able to leave the Archbishop's house, build a duplex to be shared by his friend, A.A.C. LaRivière,⁵⁹ on the east bank of the Red near its junction with the Assiniboine,⁶⁰ and spend the remainder of his savings--several hundred dollars--on a round trip to the province of Quebec whither he went to fetch his

55 P.A.M., Riel Collection, No. 168, Dubuc to Riel, June 9, 1872.

56 Dubuc, Autobiographie et Lettres, p. 88.

57 -----, Notes concernant Mgr Taché, p. 56-57.

58 -----, Autobiographie et Lettres, p. 67.

59 Alphonse A.C. LaRivière, like Dubuc and Royal, was a French Canadian patriot in Manitoba. A graduate of the Jesuit college in Montreal, he came to Manitoba in 1872, and for the rest of his life was a member of either the Provincial or Federal Governments.

60 Dubuc, Autobiographie et Lettres, p. 143.

bride.⁶¹ Royal, too, was able to send for his wife and children who had remained in Montreal until he was ready to set up house in St. Boniface.⁶²

Winnipeg in the 1870's was a typical frontier town⁶³ and as such attracted a number of questionable and shady individuals.⁶⁴ Nonetheless, an analysis of the police reports to the city council during this decade shows a predominance of minor crimes like drunkenness, disorderliness, assault, larceny, sale of liquor to Indians, and possession of stolen goods.⁶⁵ After the second sitting of the Court of Queen's Bench in January, 1873, the judges observed with pleasure that the province boasted few crimes of grave character.⁶⁶

It was as barrister and solicitor for Metis and French Canadians charged with this relatively petty type of offence that Dubuc got most of his experience as a criminal

61 Ibid., p. 98-99.

62 Dubuc, Mémoires d'un Manitobain, p. 68.

63 R.O. Macfarlane, "Winnipeg in the Seventies", in the Manitoba Review of the Arts, publication of the University of Manitoba, issue of Spring, 1940, p. 5.

64 Begg, Op. Cit., p. 107.

65 Macfarlane, Op. Cit., p. 10. Also, Le Métis carried a complete record of the cases heard in the Winnipeg court house during the years 1871-76.

66 Williams, Op. Cit., p. 59.

lawyer.⁶⁷ At the Bar he was "fair and honest, and never subtle or endeavouring to get an unfair advantage."⁶⁸ Extremely conscientious, he favoured the settlement of civil law suits out of court, not hesitating to sacrifice the fees accruing from a trial if he could bring about an understanding between the parties involved.⁶⁹ Until his promotion to the judgeship, he did the work of an attorney for Archbishop Taché. Much of their correspondence is taken up with business and legal matters which the Archbishop entrusted to the young lawyer.⁷⁰

In 1873, Barrister Dubuc along with another Manitoba lawyer, John Bain, was appointed by Order-in-Council⁷¹ to investigate settlers' land claims arising over the "hay privilege".⁷²

67 Four times yearly, Le Métis listed the crimes, the accused and their counsel, and the convictions. Dubuc was frequently appointed to defend prosecuted Indians with the help of a Metis interpreter.

68 O'Donnell, Op. Cit., p. 61.

69 Prud'homme, Op. Cit., issue of July, 1914, p. 24.

70 Typical among many examples of such correspondence are A.A.S.B., Dubuc to Taché, letter dated January 21, 1879, and P.A.M., Taché to Dubuc, letter dated March 1, 1879.

71 Department of the Interior, No. 1, Order-in-Council of September 6, 1873, p. 439.

72 Dealt with in Chapter IV, see p. 141-146.

During the first months of 1874 Dubuc held the post of Attorney-General in the Provincial Cabinet.⁷³ A re-suffling of the ministerial positions towards the end of the year suppressed this portfolio:

Le Cabinet n'avait pas de procureur général. Mais il fut décidé que les affaires criminelles seraient confiées à deux avocats qui agiraient conjointement. M.M. D.M. Walker et J. Dubuc furent nommés conseillers de la couronne. Ils étaient aussi chargés d'aviser le gouvernement dans les questions légales qui pourraient surgir.⁷⁴

Crown Counsel was a position of trust and looked upon by his colleagues as a first step towards the Bench.⁷⁵

When Alexander Morris became Lieutenant-Governor of Manitoba and of the North West Territories, the Dominion Government appointed a council to help him govern these territories. Dubuc, who was a member of the council from its creation, was appointed its Legal Adviser in 1874,⁷⁶ a post he held until the North West Territories were re-organized in 1876.

In 1876 Royal retired from the practice of law for a few years in order to devote himself entirely to

73 Begg, Op. Cit., p. 113.

74 Dubuc, Mémoires d'un Manitobain, p. 234.

75 Lecompte, Op. Cit., p. 164.

76 P.A.M., Morris Papers, "Lieutenant-Governor's Collection", Despatch Book for North West Territories, No. 1926.

politics,⁷⁷ and so Dubuc carried on in the law firm alone. In 1877 he joined the newly created Law Society of Manitoba.⁷⁸

The manner in which Dubuc acquitted himself of the various legal and judicial responsibilities placed on him by the Provincial and Federal Governments influenced his promotion to the magistracy in 1879.

His career as Judge is developed in Chapter VII.

3. The Fenian Raid Trials.

By inclination and natural endowment, Dubuc was a solicitor rather than a barrister.⁷⁹ He pleaded little himself and preferred the duties of chamber counsel. However, towards the beginning of his career, he was defence counsel in two history-making sets of trials during which politics played a considerable part: the trials of St. Matte, Villeneuve, and Letendre, accused of taking part in the Fenian Raid on Manitoba in October, 1871; and the trials of Ambroise Lépine and André Nault, accused of complicity in the death of Thomas Scott, March, 1870.

77 L.-A. Prud'homme, "L'Hon. Joseph Royal", Mémoires de la Société Royale du Canada, Vol. X, Section I, Ottawa, 1904, p. 14.

78 Law Society of Manitoba, Records, 1878.

79 Dubuc, Autobiographie et Lettres, p. 163.

When W.G. O'Donoghue organized his attack on Manitoba in the fall of 1871 in conjunction with the Fenian chieftain, General O'Neil, he counted on the support of Louis Riel and the other Manitoba Metis.⁸⁰ As Riel opted for the British side and offered the armed services of his Metis followers to Lieutenant-Governor Archibald,⁸¹ O'Donoghue was left without guides for his raiders on the vast, bleak prairie. In this predicament,

[...] il parvint à embaucher, à Pembina, quelques Métis américains, simples et crédules, qui avaient cru à sa parole. Il en avait mis quelques-uns à la tête de ses Fénians pour les diriger sur le territoire manitobain, et leur aider à s'emparer du poste de la Compagnie de la Baie d'Hudson, situé à une courte distance de la frontière.⁸²

Three of these Metis were subsequently arrested by members of the province's newly created police force, brought in custody to Winnipeg, and indicted for feloniously and unlawfully levying war against Her Majesty the Queen.⁸³

Their capture and trial aroused the most intense passions throughout the community,⁸⁴ following closely as they did

80 Dubuc, Mémoires d'un Manitobain, p. 4B.

81 Ibid., p. 4C.

82 Ibid., p. 43A-43B.

83 Ibid., p. 43B.

84 A.A.S.B., Dubuc to Taché, November 4, 1871.

upon that controversial action of the Lieutenant-Governor when he publicly shook hands with Louis Riel.⁸⁵

In his official capacity as Attorney-General of the province, Henry H.J. Clarke was called upon to prosecute the prisoners. Up to this time Clarke had shown partiality to the Metis, partly because he was a protégé of George E. Cartier, partly because he coveted their votes.⁸⁶ Quite unknown to Clarke at the time, a mob of Canadian loyalists surrounded the magistrate's court, where the prisoners had been brought for the preliminary hearing, ready to hang the Attorney-General if he failed in his "duty" to obtain a commitment for trial.⁸⁷ This threat was unnecessary; Clarke had predetermined to find them guilty. Dubuc attributes this act of injustice on the part of the Attorney-General to his over-weening desire to show himself "loyal".⁸⁸ Clarke even counselled Dubuc against showing sympathy for the prisoners or permitting the other Metis to do so, since it made their own loyalty look doubtful.⁸⁹ This altercation between Clarke and Dubuc was the beginning of a bitter

⁸⁵ See above, p. 28, Chap. I.

⁸⁶ Dubuc, Mémoires d'un Manitobain, p. 101.

⁸⁷ Begg, Op. Cit., p. 96.

⁸⁸ A.A.S.B., Dubuc to Taché, November 17, 1871.

⁸⁹ Ibid., letter dated December 2, 1871.

feud over French Canadian and Metis rights which can be traced over a period of several years in the pages of their respective newspapers: the Manitoba Gazette and Le Métis.

According to Dubuc, it was apparent beyond doubt at the preliminary hearing that all three prisoners were innocent:

André St Matte s'est rendu au Fort de Pembina pour voir, trois heures après que les Féniers l'eurent pris. Il avait son fusil. Ayant été vu là, on veut qu'il soit coupable.

Letendre, Métis Américain, imbécile, qui n'a guère son esprit à lui, comme disent les gens, rencontre, la veille de la prise du fort, Jimmy-from-Cork⁹⁰ en compagnie de deux hommes qu'il ne connaît pas. Jimmy lui demande pour s'engager pour le lendemain pour couper des boulines pour le télégraphe, et l'engage à \$1.50 par jour. Il doit venir les rejoindre le lendemain de grand matin à une certaine coulée. Il arrive, on le fait déjeuner, puis on lui donne un fusil et il est forcé de marcher. Il entre dans le fort, la baïonnette au bout du fusil et en rang avec les Féniers. Des qu'il voit venir les troupes Américaines il est content pour de se sauver, et file.

Villeneuve était arrivé depuis 10 jours du Ranka. Il va voir son frère à Pembina. Il ne parle à aucun Fénien, n'en voit aucun, ne connaît rien de cela, ignore même ce que cela veut dire. Il était à la porte du fort, n'est pas entré, n'avait pas de fusil. Arrivé ici, il se promène à la ville pendant 15 jours, est ensuite arrêté, ne sait pourquoi.⁹¹

It was incomprehensible to Dubuc that any fair-minded person could commit these simpletons to trial. He was hard put to explain such "justice" to the Metis population:

⁹⁰ Jimmy-from-Cork was an Irish American frequently seen in Red River who joined O'Donoghue in the Fenian Raid.

⁹¹ A.A.S.B., Dubuc to Taché, November 17, 1871.

Les Métis disent qu'il y a deux poids et deux mesures. Les briseurs de prison⁹² n'ont eu aucune punition l'hiver dernier. Le crime n'est pas le même, mais ils le trouvent aussi odieux.⁹³

Dubuc found the stand taken by Archibald most puzzling. After having openly thanked Riel for coming to the rescue of the province and not apologizing for this deed in the face of the bitterest censure from Canadians in Manitoba and Ontario, the Lieutenant-Governor declared categorically that the supremacy of the law must be maintained and that these "traitors" must be severely punished.⁹⁴ Archibald's personal sentiments were revealed in a memorandum he wrote at the time:

The trial of these men ... did good service by showing the half-breeds that playing at treason was a dangerous game. They were taught that for things that might have been overlooked in times of trouble and danger, there was no excuse under a settled and established government.

The English element is inevitably destined to prevail in Manitoba.

Immigration will fill it with an English-speaking people, but for this, peace and good order are to be first requisites; with these the future of the country is assured.⁹⁵

92 The reference is to a scandalous incident in the second year of the province's history when a group of Ontario soldiers openly revolted against police authority, broke open the prison, and freed one of their number who had been detained for assault. P.A.M., Riel Collection, No. 81, February 24, 1871.

93 A.A.S.B., Dubuc to Taché, November 4, 1871.

94 Ibid.

95 Adams G. Archibald, "Memorandum Connected with Fenian Invasion of Manitoba in October, 1871", dated November 10, 1871, in Canada Parliament, Report of the Select Committee on the Causes of the Difficulties in the North West Territories, 1869-70, Ottawa, 1874, p. 142.

The trials of the three Metis followed closely upon the inquest. Dubuc and Royal were counsel for the defense, D.M. Walker and W.B. Thibeaudeau were counsel for the Crown. Dubuc concentrated on the case of St Matte. He strove to show that insufficient proof had been brought forward to justify a verdict of guilty. Because the jury could not agree after twenty-four hours--the six English jurymen wanting to condemn him, the six French to acquit him--St Matte was remanded until the next session and finally freed.

Villeneuve's case was dropped because no testimony could be found against him despite the determination of the Attorney-General to find some.⁹⁶

Letendre fared much less well than the other two. He was accused under the provisions of the Canadian Statute of 1867, chapter 14, which decrees death for treason. Royal's energy and Dubuc's knowledge did not suffice to win a favourable verdict from the jury. Letendre was condemned to hang. Dubuc reproached Judge Johnson who, before the trial, had expressed his desire to see "one of them condemned for the good effect it would have on the community".⁹⁷ The condemnation

96 Dubuc, Mémoires d'un Manitobain, p. 43B-43C.

97 A.A.S.B., Dubuc to Taché, December 2, 1871.

[...] n'aurait été qu'à demi-mal, si le juge eut été juste et impartial. Mais il s'est montré brutal dans son interprétation de la loi. Pour Letendre il a prétendu que l'intention n'était pour rien, la lettre de la loi seule devait être considérée.⁹⁸

In the next issue of Le Métis, Dubuc assailed the Judge for taking advantage of one of Her Majesty's unfortunate subjects.⁹⁹ He also started a petition to obtain the commutation of the death sentence to life imprisonment.¹⁰⁰ Archbishop Taché finished this work of mercy by moving Governor-General Lord Lisgar to free Letendre after a year.¹⁰¹

It was only in later years, after the passage of time had calmed the animosities kindled by the transfer, that the public realized that Dubuc's impassioned defence of these Metis was motivated less by the fact that they spoke French than by the fact that they were innocent.¹⁰²

4. The Scott Murder Trials.

If the trials of the Fenian Raiders shook the province, those of the Scott "murderers" rocked the country.

⁹⁸ Ibid.

⁹⁹ Le Metis, editorial entitled "La Justice", issue of December 7, 1871, p. 1, col. 3-4.

¹⁰⁰ A.A.S.B., Dubuc to Taché, December 2, 1871.

¹⁰¹ Dom Benoît, Vie de Mgr Taché, Montreal, Librairie Beauchemin, 1904, Vol. 2, p. 175.

¹⁰² P.A.M., Manitoba Biography, 1909-11, p. 57, clipping from the Free Press entitled "Thirty Years of Judicial Work", issue of October 8, 1909.

A warrant was issued in the autumn of 1873 for the arrest of the Provisional Government's Court Martial who had condemned Thomas Scott to death on March 4, 1870. The belated warrant grew out of Orange indignation at Riel's running for the Commons,¹⁰³ and out of a desire to collect the five thousand dollars reward offered by the Ontario Government for the capture of Scott's killers.¹⁰⁴

The day after the warrant was issued, police officers invaded the house of Riel's mother very early in the morning, but Riel had already left for the United States.¹⁰⁵ Dubuc notes that the two constables, John Ingram and François Dupont, were far from exemplary citizens, Ingram having come close to murdering Dubuc the year before,¹⁰⁶ and Dupont having actually slain a German immigrant named Vogl¹⁰⁷--another example of the prosecuted being more respectable than the prosecutors!

Ingram and Dupont thereupon proceeded to Lépine's house and found him playing with his baby boy. Lépine's

103 P.A.M., Riel Collection, No. 218, Dubuc to Riel, October 9, 1873.

104 Stanley, Op. Cit., p. 191.

105 Dubuc, Mémoires d'un Manitobain, p. 112.

106 See above, Chapter II, p. 64.

107 Dubuc, Mémoires d'un Manitobain, p. 111.

arrest filled the Metis and French Canadians with painful anxiety:

On vit d'inauguration de procédés où la passion jouerait un rôle et qui réveilleraient les conflits des haines des races qui commençaient à s'apaiser. Naturellement l'élément ultra-orangiste jubila. Mais la partie paisible et respectable de la population anglaise en fut affligée.¹⁰⁸

At a mass meeting of delegates of the twelve French electoral districts called "pour prendre en considération l'arrestation de M. Amboise Lepine", Dubuc was elected Secretary, Joseph LeMay of St. Norbert, President.¹⁰⁹ In the next issue of Le Métis there appeared, over Dubuc's signature, a number of strong statements objecting to Lépine's arrest on the grounds that it was unjust, politically motivated, and pregnant with discord for the future of the province, and as many resolutions exhorting the Press and the moderate element of the population to use all their influence in the cause of Lépine's liberation.¹¹⁰

A. The Trial of Ambroise Lépine

At the inquest, presided over by Judge Louis B. Tour-
nay, a number of simple Metis, when called upon as Crown

¹⁰⁸ Ibid., p. 114.

¹⁰⁹ Le Métis, article entitled "Assemblées des Délégués", issue of September 22, 1873, p. 2, col. 2-3.

¹¹⁰ Ibid., "Resolutions", issue of September 29, 1873, p. 2, col. 3.

witnesses, gave quite unknowingly some very damaging evidence against their friend and hero, Lépine. A number of others, bewildered and nervous, swore to statements that were obviously untrue.¹¹¹ Dubuc was entrusted with the defence of Lépine, assisted by Joseph Royal.¹¹²

Je récusai la compétence du magistrat à instruire cette cause, et plaidai à la juridiction de la cour. Je prétendis que l'offense dont on accusait mon client ayant été commise dans un pays qui ne faisait pas alors partie du Canada, ne pouvait ressortir de la juridiction des tribunaux créés et organisés dans la nouvelle province canadienne. C'était la base de mon plaidoyer. Je l'appuyai d'autorités et d'arguments aussi forts que je pus les formuler.¹¹³

When it came to the facts of the case, Dubuc proceeded as follows:

Je représentai que Lépine n'avait pas tué Scott, que toute sa participation à l'affaire était d'avoir présidé la cour martiale instituée par le seul gouvernement existant alors dans le pays, et que, comme tel, il n'avait fait qu'enregistrer et prononcer le jugement rendu par les membres de cette cour martiale. Cela certainement ne suffisait pas pour qu'il fut jugé coupable d'être le meurtrier de Scott.¹¹⁴

After Dubuc had spoken in French, Royal carried on the defence in English so that their arguments would appear in the English press.¹¹⁵

¹¹¹ P.A.M., Riel Collection, No. 218, Dubuc to Riel, October 9, 1873.

¹¹² Dubuc, Mémoires d'un Manitobain, p. 130.

¹¹³ Ibid., p. 131.

¹¹⁴ Ibid., p. 132.

¹¹⁵ P.A.M., Riel Collection, No. 218, Dubuc to Riel, October 9, 1873.

A contemporary states that the counsel for the accused conducted the inquest with remarkable talent.¹¹⁶ Dubuc did not succeed in having his defendant acquitted, however. After hearing Dubuc's contention that, since the alleged offence had been committed before Manitoba's entry into Confederation, the case lay with the Imperial Government, Judge Bétournay decided that he could not determine the question of jurisdiction at that stage of the proceedings, it being merely for him to ascertain if there was a prima facie case against the accused, and if so to send him for trial at a higher court.¹¹⁷ Dubuc did not even succeed in getting Lépine released on bail. Judge Bétournay was too fearful of Attorney-General Clarke. However, Clarke himself obtained bail for Lépine some time later, for political reasons: he wanted to wean the Metis away from Dubuc and Royal and towards himself!¹¹⁸ Dubuc remarked regretfully that the Quebec newspapers, even La Minerve and Le Nouveau Monde, were so engrossed with the Pacific Scandal that they published no more than a short despatch on Lépine's inquest.¹¹⁹

116 Prud'homme, "L'Hon. Joseph Royal", p. 14. Dubuc's defence is reproduced in Le Métis, articles entitled "Affaire Lépine", and "L'Enquête Préliminaire", issue of October 4, 1873, p. 2.

117 Dubuc, Mémoires d'un Manitobain, p. 132.

118 P.A.M., Riel Collection, No. 233, Dubuc to Riel, January 19, 1874.

119 Ibid., No. 218, Dubuc to Riel, October 9, 1873.

When the Court commenced its criminal assizes early in 1874, the country-wide agitation, which by now accompanied the Lépine case, intimidated the other puisne judge, James McKeagney, who was to have presided over it. Despite violent objections from Attorney-General Clarke, he reserved judgment and postponed the hearings until a chief justice should be named for the province.¹²⁰

In March, E.B. Wood of Ontario was named Chief Justice of Manitoba. At the June term of the Court, Dubuc argued the question of jurisdiction again before the new Chief Justice and the two puisne judges. All three concurred in disallowing his objection. Overruled, Dubuc moved for a stay of proceedings to enable the defence to summon its witnesses. So Lépine was not put to the Bar until the fall assizes. This was Chief Justice Wood's first case, and from the point of historic interest, the most important case that ever came before him.¹²¹

During the summer there was question of Dubuc being appointed to the Provincial Cabinet to replace Clarke as Attorney-General. So great was Dubuc's concern for his defendant that he hesitated before abandoning his defense for the ministerial post, and had to be persuaded by his

120 Dubuc, Mémoires d'un Manitobain, p. 155.

121 R. St. George Stubbs, Op.Cit., p. 31. (Court Notes recorded by Prothonotary Daniel Carey), p. 32.

compatriots to accept the latter so as not to deprive the French element of a portfolio. On the other hand, his English-speaking colleagues in the Government did not think it proper that he now begin to prosecute the very case that a few months before he was defending.¹²² So he agreed to abandon the prosecution to Francis Cornish, Winnipeg's first mayor, and the defense to no less a personage than A.A. Chapleau.

If Dubuc had misgivings about Cornish,¹²³ he had boundless confidence in Chapleau.¹²⁴ Riel, who was in Montreal at this time, had taken the opportunity of briefing Chapleau for the trial.¹²⁵ Dubuc had already resolved to give Chapleau all the help he could on the side.¹²⁶

From the first day, the courthouse was packed with spectators.¹²⁷ As the law permitted a mixed jury, along with the six English-speaking, six French-speaking

122 Dubuc, Mémoires d'un Manitobain, p. 187-188.

123 P.A.M., Dubuc Papers, Riel to Dubuc, September 10, 1874.

124 Dubuc, Mémoires d'un Manitobain, p. 188-189.

125 P.A.M., Dubuc Papers, Lachapelle to Dubuc, September 28, 1874.

126 P.A.M., Riel Collection, No. 280, Dubuc to Riel, incomplete and undated, probably September, 1874.

127 Dubuc, Mémoires d'un Manitobain, p. 196.

inhabitants were sworn in, of whom five were Metis and the sixth a French Canadian who had lived in Red River for many years.¹²⁸ The Court sat for fifteen days, hearing seventeen witnesses for the Crown and then for the defence, many of these witnesses being men of position in the community.¹²⁹ Then came the hour for which all the French had been waiting the address to the jury by the counsel for the defense. Such was the reputation of the young Chapleau as early as 1874--"comme talent naturel, Chapleau est, peut-être, l'orateur le mieux doué que le Bas-Canada a produit"¹³⁰--that the courtroom was filled to capacity.¹³¹

It had been decided between Royal and Chapleau that the former, who was not too experienced at court, would address the jury very briefly in English, and that the eloquent Chapleau would continue in French at considerable length.¹³² To the amazement, consternation, and immense

¹²⁸ Ibid., p. 190. Le Métis, article entitled "Cause Lépine", issue of October 17, 1874, p. 1, col. 1.

¹²⁹ The proceedings of the trial are to be found unabridged in Le Métis, issues of October 17, October 24, and October 31, November 7, November 14, and November 21, 1874.

¹³⁰ L.O. David, Mes Contemporains, Montreal, 1894, p. 29.

¹³¹ Dubuc, Mémoires d'un Manitobain, p. 197.

¹³² Ibid., p. 196.

irritation of both Dubuc and Chapleau, Royal held the floor for three solid hours.¹³³ When he finally terminated, at eleven p.m., Chapleau felt almost too enervated to speak:

Je suis démoralisé, me dit M. Chapleau. Mais je vais tâcher de me remonter. Et il y réussit parfaitement. Ses premières paroles, dites avec calme, d'un ton mesuré, mais allant droit au but, dénotaient une fatigue visible. Mais il se ressaisit bientôt. Ses accents vibrants, servis par une voix des plus harmonieuses, soulignés d'un geste noble en même temps qu'expressif, eurent en quelques instants captivé l'auditoire et gagné toutes les sympathies.

Malheureusement, le Juge et les six jurés de langue anglaise ne comprenaient pas le français. Tous cependant l'écoutèrent avec une attention marquée. Son adresse dura près de deux heures. Il s'éleva aux plus hautes régions d'éloquence, et prononça un des plus beaux discours de sa vie.¹³⁴

With the Chief Justice's permission, Chapleau continued his address in English the following morning. He had impressed the gruff Chief Justice from the very beginning, who saw in him a first-class criminal lawyer and a gentleman.¹³⁵ After the Crown Counsels had made their addresses to the jury, Cornish in English, and Stewart McDonald in French, Chief Justice Wood delivered his charge. It was a strong charge,

¹³³ Royal's address is reproduced in Le Métis, "Analyse du discours de l'hon. M. Royal", issue of December 5, 1874, p. 1-3.

¹³⁴ Dubuc, Mémoires d'un Manitobain, p. 199-200. Reproduced in Le Métis, "Analyse du discours de l'hon. M. Chapleau", issue of December 19, 1874, p. 3, col. 1-5.

¹³⁵ Ibid., p. 192-193.

leaning heavily against the defence, and leaving the jury in no doubt as to what verdict he expected it to bring in.¹³⁶

Then, it being about six o'clock, the Chief Justice suspended the Court for dinner in the hope that agreement would be reached by the jury in the course of the evening. He had his own meal brought to him in the courthouse, while Dubuc, Chapleau, and Royal went to the home of J.A.N. Provencher to dine.¹³⁷ They were just about to sit down to table when a very strange thing happened:

Un courier arriva de la cour, annonçant que le Jury avait déjà rendu son verdict, en présence du Juge en Chef, déclarant Lépine coupable.

Une cartouche de dynamite explosant au milieu de nous n'eut pas produit un effet plus saisissant. Tous se levèrent de table abasourdis.

Chapleau en était atterré, consterné. Il quitta la salle à diner, et ne put prendre une bouchée de la soirée.¹³⁸

In spite of the Chief Justice's heavily loaded charge to the jury, Dubuc and his friends had been optimistic as to the outcome of their deliberations:

¹³⁶ Ibid., p. 204. Wood's speech is reproduced in Le Métis, issue of December 26, 1874, "l'Adresse du Juge-en-chef Wood", and issue of January 9, 1875.

¹³⁷ Ibid., p. 204-205. Provencher, a brilliant nephew of Bishop Provencher, came to Manitoba with William McDougall in 1870, and was later appointed Indian Commissioner by Macdonald. Dubuc had worked with him at La Minerve, p. 91.

¹³⁸ Ibid., p. 205.

Nous savions que les jurés anglais étaient bien déterminés à trouver Lépine coupable. Mais comment les jurés Métis, dont quelques-uns avaient été partisans du gouvernement provisoire, avaient-ils pu consentir à rendre un tel verdict?¹³⁹

The English public interpreted this verdict as a proof that

[...] a Manitoba mixed jury can be depended upon to come to a right decision upon evidence and facts. In this case the general impression assuredly was that the jury would not agree, but the evidence and the charge of the Judge was so clear and forcible that disagreement was rendered next to impossible.¹⁴⁰

This mystery of the unanimous verdict--for mystery it was to Dubuc, Chapleau, and Royal--was not unravelled until some days later:

Après le procès, les amis de Lépine avaient demandé aux jurés de langue française ayant servi dans la cause, comment ils en étaient arrivés à rendre un tel verdict.

Ceux-ci, pauvres ignorants, répondirent bêtement: Les anglais ne voulaient pas s'accorder avec nous, il fallait bien nous accorder avec eux!

Ils avaient été sous l'impression erronée et malheureuse qu'ils étaient tenus de s'entendre avec leurs collègues, les jurés d'autre origine.¹⁴¹

Dubuc blames Chief Justice Wood bitterly for injustice and partiality in his conduct of the trial. He claimed that it was incorrect of the Chief Justice to summon the jury to deliver their verdict when the Counsel for the accused was absent.¹⁴²

¹³⁹ Ibid., p. 206.

¹⁴⁰ The Nor'-Wester, "Lepine Trial", November 2, 1874.

¹⁴¹ Dubuc, Mémoires d'un Manitobain, p. 216.

¹⁴² Ibid., p. 207.

Cette précipitation et ce manque d'égards pour la défense dans une cause de cette importance, prêtaient, contre ceux qui voulaient voir Lépine condamné à tout prix, à des soupçons graves et à des commentaires peu favorables. Mais le verdict rendu, accepté par la cour, enregistré, et les jurés congédiés, il n'y avait plus rien à faire.¹⁴³

Although the jury had recommended mercy, the Chief Justice told Lépine that he need not expect any, an act of unnecessary cruelty to Dubuc's way of thinking.¹⁴⁴ The reaction in Quebec and Ontario was immediate and violent, the former province blaming the Federal Government for this judicial tragedy by its delay in granting the amnesty, the latter insisting upon the execution of the sentence.¹⁴⁵

Dubuc immediately started a petition to get the sentence commuted. Taking Lépine's brother, Maxime, as a companion, he combed all the English parishes and secured the signatures of the principal citizens, including the Anglican Bishop Machray, Premier Davis, Minister of Public Works John Norquay, Member of Parliament John Schultz(!) and others.¹⁴⁶ Similar petitions from the province of Quebec resulted in Lord Dufferin's reducing the sentence to two years' imprisonment and loss of civil rights.¹⁴⁷ A few

¹⁴³ Ibid. Also Le Métis, "L'Affaire Lépine", November 14, 1874, p. 1.

¹⁴⁴ Ibid., p. 209.

¹⁴⁵ Ibid., p. 209-210. Also, Le Métis, "L'Affaire Lépine", editorial, November 14, 1874.

¹⁴⁶ Ibid., p. 210-211.

¹⁴⁷ Ibid., p. 215. Also, Begg, Op. Cit., p. 142.

years before Lépine's death, Joseph Royal, then Lieutenant-Governor of the North West Territories, obtained the restoration of his civil rights.¹⁴⁸

During the course of this trial, Dubuc was reproached by the Free Press and the Manitoba Gazette of having interfered in a manner unbecoming his position of Attorney-General. Judge Wood himself testified to the completely honorable conduct of Dubuc. When the accusations continued, he committed his testimony in writing: "Your conduct, Mr. Attorney-General, has conformed to the norms of strictest neutrality and you have proved that you fully appreciate your position."¹⁴⁹

B. The Trial of André Nault

About the time of Lépine's conviction, André Nault, the director of the firing squad at Scott's death, was brought to trial. The proceedings followed much the same pattern as at the Lépine trial, except that they lasted only four days.¹⁵⁰ Chapleau, assisted by Royal, was counsel

148 L.-A. Prud'homme, "Ambroise Didyme Lépine", Mémoire de la Société Royale du Canada, Ottawa, 1925, Vol. 19, Sec. 1, p. 62.

149 Le Métis, "L'Hon. M. Dubuc", November 21, 1874, p. 1.

150 Prud'homme, "André Nault", Op. Cit., 1928, Vol. 22, Sec. 1, p. 109.

for the defence, and succeeded in making as favourable an impression as at the Fall Assizes with his brilliant wit, emotional intensity, and powerful but pleasing voice.

Dubuc had learned a valuable if costly lesson at the first trial. This time he saw to it that the Metis jurymen were properly instructed as to their rights and duties. Chapleau

[...] leur expliqua leur droit, s'ils croyaient a l'innocence du prisonnier, de tenir à leur propre opinion, et d'insister jusqu'au bout pour un verdict d'acquiescement.¹⁵¹

The French Canadians were of the opinion that no justice could be expected from C.J. Wood.¹⁵² The Crown Counsel and the judges spoke in the same vein as at the earlier trial. Then the jury retired and the French section acted on the instructions received from the Counsel for the defence:

Cinq d'entre eux étaient dans le procès de Lépine, des hommes timides, incapables de discuter. Ne pouvant répondre aux arguments des anglais, et trop orgueilleux pour laisser voir qu'ils étaient trop peu intelligents pour apporter des raisons valides à l'appui de leur opinion, il est assez probable qu'ils auraient fini, comme dans l'autre cas, par céder aux instances de leurs adversaires. Mais il y en avait un sixième, intelligent, tenace, pas timide du tout, batailleur à l'occasion, qui tint tête aux jurés anglais. Les cinq autres s'appuyèrent.¹⁵³

151 Dubuc, Mémoires d'un Manitobain, p. 220.

152 Le Métis, "L'affaire Nault", November 7, 1874, p. 1.

153 Dubuc, Mémoires d'un Manitobain, p. 222.

This sixth Metis was Amable Marion, son of Narcisse Marion, a well known figure in Red River history who had sat on the Council of Assiniboia and held other important posts.¹⁵⁴ As the jury came to no agreement that day, they were enclosed for the night.

A un moment donné, vers le matin, les esprits s'échauffèrent. Un des anglais fit menace d'avoir recours à la violence pour intimider les Métis et les amener a ses vues.

--Ah! c'est comme cela, dit Amable Marion. Très bien, j'en suis. Il ôta son habit, se planta devant l'autre et lui dit: A nous deux, maintenant! Au poing, au pied, au couteau, si tu veux! Je suis ton homme. Réglons la question de suite!

L'autre, l'agresseur qu'il était un moment auparavant, s'adoucit, se recula, et ne demanda pas son rente.¹⁵⁵

The next day when the case continued, "the jury came into Court" according to the Prothonotary's book, "and stated by their foreman that they could not agree and that there was no prospect of their agreeing. They were then discharged by the Court." Some months later, on motion of Attorney-General Dubuc, a nolle prosequ was entered in the case of André Nault.¹⁵⁶ Nault, like Lépine retired to his farm and spent the rest of his life a model citizen.¹⁵⁷

154 Marcel Giraud, Le Métis Canadien, Paris, 1945, Institut d'Ethnologie, p. 925.

155 Dubuc, Mémoires d'un Manitobain, p. 223-224.

156 Stubbs, Op. Cit., p. 34.

157 Prud'homme, Op. Cit., p. 109.

At the time of the Scott Murder Trials, Dubuc appeared to the public as a partisan.¹⁵⁸ Time was to prove him to be one of the most intrepid and honest men of law that ever graced the Manitoba Bar.¹⁵⁹

158 Le Métis, "L'Hon. M. Dubuc", November 21, 1874.

159 Free Press, "Chief Justice Dubuc Retires", November 16, 1909, opinion expressed by Lt.-Gov. Daniel McMillan.

Ibid., "Thirty Years of Judicial Work", October 8, 1909, opinion held by Manitoba lawyers and judges.

CHAPTER IV

LAND COMMISSIONER

Dubuc's biographers¹ place great importance on the contributions he made towards solving problems arising out of what was commonly known as "the land question", in Manitoba. Dubuc himself intended devoting a whole section of his memoirs to "la question des terres", but unfortunately, ill-health and death prevented him from getting beyond the introduction.²

Although Dubuc's interest in the land problem stemmed mainly from his concern for the French-speaking section of the population, he was scrupulously fair to all parties involved. His contributions may be outlined under three headings: he helped preserve for the Metis the lands in the province that they had traditionally regarded as theirs; he helped get for all the Old Settlers compensation for the privileges they were foregoing in the loss of the common and hay lands; and he helped solve the thorny

1 L.-A. Prud'homme, "Joseph Dubuc", in Revue Canadienne, Montreal, issues of May, June, July, and August 1914;

Edouard Lecompte, S.J., Un Grand Chrétien, Joseph Dubuc, Montreal, Imprimerie du Messager, 1923, 270 p.

2 Joseph Dubuc, "Les Titres des Terrains", incomplete, undated manuscript, Dubuc Papers, Public Archives of Manitoba, p. 274-280.

problems which arose in the distribution of the half-breed land grant. In the first case, he worked as a lawyer, as Member of the Legislative Assembly and as a journalist. In the second and third cases, he worked as a land commissioner appointed by the Federal Government. His appointment as Land Commissioner was inspired by the interest he had manifested in the land question from the beginning.

1. The Land Situation.

Anxiety over land ownership had been the chief cause of the troubles of 1869-70. It was apparent then that in the new order of agricultural settlement, land would assume an importance it had not possessed in the era of the fur-trade. Hitherto it had been of secondary importance only: half-breed fishermen and fur-traders, or retired Hudson's Bay Company servants used to supplement their proceeds from the trade with half-hearted farming. All had built their huts on the banks of the Red or Assiniboine Rivers, since water and wood were necessities and it was believed that subsistence on the main prairie away from the tree-lined river front was impossible.³

During Dubuc's first decade in Manitoba, the land question was a fundamental issue, for whoever possessed the

³ Dubuc, Op. Cit., p. 275.

soil would give the new province their language, faith, and laws. Before the transfer, land in the District of Assiniboia had been held in one of two ways: either by a 999-year lease from the lordly Company in districts where the Indian title had been extinguished by Lord Selkirk's treaty of 1817, or by squatters' right confirmed by long possession and recognized by the ancient custom of the country in districts where the Indian title had not been extinguished. The Government and Courts of Assiniboia acknowledged possession of land by squatting, and on transfer by sale, compensation was made for improvements only.⁴ When a settler wanted to make a new claim, he had only to indicate his intention by staking.

Thanks to the great importance attached to land ownership by Louis Riel and his clerical advisers, the Manitoba Act contained clauses intended to put an end to the insecurities connected with land ownership under the old order.⁵ It confirmed Hudson's Bay titles and prescriptive titles. It granted 1,400,000 acres to the unmarried children of half-breed families. But, as it did not deal with recent squatters' claims or staked claims, and as it could not, of course, extinguish the Indian title which must await

4 Dubuc, Op. Cit., p. 276.

5 Canada, Statutes, 33 Victoria, Sec. 31, 32.

a treaty, there was ample room left for land disputes after it was passed.

2. Distribution Problems.

In the first session of the Provincial Legislature, Dubuc laid the land question squarely before the House and had a committee named to enquire into the guarantees accorded by the Manitoba Act.⁶ Lieutenant-Governor Archibald moved quickly in order to assuage anxieties and ensure a peaceful and orderly land rush.⁷ By Indian Treaty Number One negotiated in 1871 by Indian Commissioner Wemyss Simpson, all the lands of Manitoba were ceded by the Indians to the Queen in return for reserves, annual presents, and money payments. The surveys interrupted by Riel in 1869 were thereupon resumed and pushed with such energy that within two years all Manitoba was divided into the block survey of townships, each six miles square and containing thirty-six sections of six-hundred-forty acres with road allowances of one chain in width allowed between all sections and townships.⁸

6 Prud'homme, Op. Cit., June, 1914, p. 506.

7 P.A.M., Adams G. Archibald, Correspondence and Papers, 1870-71, passim.

8 Alexander Begg, History of the North West, Toronto, Hunter, Rose, 1894-95, Vol. 2, p. 79-80.

A. The Square Survey System

From the beginning this square survey system met with protests from the Metis and other Old Settlers who desired to continue holding their lands in the manner so long in vogue with them: long narrow strips of six to ten chains in width fronting on the river and extending backward for two or four miles.⁹ To avoid trouble, the Legislature of Manitoba at its first session legalized the Hudson's Bay Company map showing the odd-shaped holdings,¹⁰ so that the owners were not disturbed by the innovations of the modern survey system. Dubuc encouraged and promoted this legislation as a Member of the Legislative Assembly.¹¹

B. Dominion Complications

In spite of the speed with which the surveyors worked and the sane interest in the land situation displayed by Archibald, there was a great deal of anxiety and frustration experienced by all the Old Settlers, especially the Metis, and by their sympathizers. Throughout the 1870's the Manitoban and Le Métis newspapers abounded in incidents relating to the advantages taken by land speculators of the

9 Dubuc, Op. Cit., p. 279.

10 Manitoba, Statutes, 34 Victoria, Chap. 4.

11 Dubuc, Op. Cit., p. 279A.

improvidence of the half-breed, to the seriousness of the land block created by the delay in the allotment of lands in the half-breed reserves, to the conflicting claims in the settlement belt, and to the enigma of the "hay privilege". Dubuc, like his contemporaries, blamed the suffering caused by the land problems on the blundering of the Federal Government, blundering that to his way of thinking could have been avoided.¹² He did not live long enough to see the situation in perspective and realize that, because the Government of Canada was embarking on its programme of national economic integration during the years when the Manitoba land claims were demanding attention, trouble could hardly be avoided.

In the Dominion Government's program of economic integration, the three principal components were the settlement of the North West, the building of the transcontinental transportation, and industrialization by protective tariffs. Manitoba soon felt the impact of the policies devised to implement the program: her lands were the first to be prepared for settlement by the projection of the township survey system, the first to be settled upon under the homestead regulations, and the first to be affected by the railway land reserve policies. As these elements of trans-

12 Dubuc, Op. Cit., p. 279B.

continental development were in the trial and error stage when the half-breed land grant and its related problems needed attention, the results were confusion and conflict.

C. The Half-Breed Land Grant

The huge half-breed land grant of 1,400,000 acres was ceded by the Dominion Government to satisfy a double claim on the part of the half-breed population: their title to the land through their Indian extraction, and their squatter right. The problem which the grant posed for the Dominion Government differed from that posed by most squatters' claims, for in this instance the extent of compensation was the known factor, and the extent and mode of distribution, the unknown factors. The Dominion Government made its first mistakes in trying to resolve these unknowns.

In August 1870, it instructed Archibald, who was to be the Administrator of Crown Lands in Manitoba as well as the Lieutenant-Governor, to find a means of regulating both the selection of sufficient land to satisfy the half-breed grant, and the division of this land among the half-breed heads of families.¹³ In addition, the instructions issued for his guidance required a census to be taken of the half-breed heads of families and of their children respectively.¹⁴

13 Canada, Sessional Papers, 1871, No. 20, p. 7.

14 Ibid., p. 15.

Because population statistics were necessary for the setting up of government machinery in the province, the Lieutenant-Governor set himself immediately to the task of enumeration. He devised a plan which was to serve the dual purpose of providing information relating to half-breeds, and population figures to be used for laying out the districts for representation.¹⁵ Joseph Dubuc was chosen as one of the two enumerators.¹⁶

The attempt to combine objectives in the enumeration plan was only partly successful. It worked as badly for the land needs as it worked well for the government needs.¹⁷ The precise information regarding the numbers of half-breed heads of families and of their children respectively was omitted from the reported census figures. The only significant figure available for purposes of the half-breed grant was that of ten thousand for the total number of half-breeds, French and English. This omission, and the use of the estimated total, caused much of the confusion and delay which followed.¹⁸

15 Ibid., p. 74.

16 Joseph Dubuc, "Autobiographie et Lettres", unpublished manuscript, 1887, Dubuc Papers, Public Archives of Manitoba, p. 87.

17 -----, "Notes concernant Mgr Taché", unpublished manuscript, 1902, Dubuc Papers, Public Archives of Manitoba, p. 46.

18 -----, Titres des Terrains, p. 279C.

D. The Order-in-Council of April, 1871

Early in 1871 an Order-in-Council introduced regulations concerning the public lands in Manitoba. Embodied in these regulations was the mode of distribution of the half-breed grant.¹⁹ Dubuc and Royal reported and explained these regulations with great care in their newspaper's first issue for the benefit of the French-speaking Old Settlers.²⁰ Next, they helped organize parish meetings during which committees were named "pour aller choisir dans les limites de la Province les endroits où chaque arrondissement ira faire sa réserve en bloc".²¹ This selection of great blocks of good land along the banks of the Red and Assiniboine Rivers raised objections in the province, and a protest was made to the Lieutenant-Governor by a delegation of English Members of the Legislative Assembly. At the request of Royal, Dubuc, and other French Members of the Lower House, Archibald defended the right of the Metis to choose their lands wherever they fancied in the province.²² Angered at the criticisms and suggestions on the

¹⁹ Department of the Interior, No. 1, p. 69, Order-in-Council, April 25, 1871.

²⁰ Le Métis, "La Réserve des Métis", issue of May 27, 1871, p. 1.

²¹ Ibid., "Le Choix des Terres de la Réserve", issue of June 8, 1871, p. 1, col. 2.

²² Ibid., "La Réserve des Métis", issue of June 15, 1871, p. 2, col. 2.

half-breed land grant appearing in the Toronto Globe and reproduced in the Manitoba Gazette, Royal and Dubuc excoriated Ontario for interfering with Manitoba's land question.²³

One feature of this Order-in-Council (of April 25, 1871) is noteworthy for it caused a serious delay in the Metis selection of lands: every half-breed resident in Manitoba on July 15, 1870, and every child of such resident were declared to be participants of the 1,400,000 acres. This feature apparently contravened the terms of Section 31 of the Manitoba Act by declaring that all half-breeds resident in Manitoba at the time of its inauguration were eligible. The Honourable William McDougall of the Federal Cabinet said that this was a "violation of the express conditions of the appropriation and contrary to law".²⁴ Alexander Mackenzie, speaking for the Government, claimed that the term "children of the half-breeds" was meant to include all half-breed descendents, whether of mature age or not.²⁵ This is the view Dubuc held.²⁶

²³ Le Métis, editorial entitled "La Question des Terres", issue of August 3, 1871, p. 2, col. 1.

²⁴ Manitoba News-Letter, "Manitoba Land Policy", issue of May 6, 1871, p. 1, col. 3-4. See also, House of Commons, Debates, 1871, p. 959-962.

²⁵ House of Commons, Debates, 1871, p. 959-962.

²⁶ Dubuc, Titres des Terrains, p. 279D.

E. The Order-in-Council of May 1871

The quarrel over what was meant by "children of the half-breeds" was not settled in 1871. No move was made after June of that year to put the half-breed grant system into effect because it had to await the completion of the township surveys. The Metis would undoubtedly have been tolerant of the unavoidable delay had there not arisen out of it circumstances that they could not tolerate. Settlers were arriving in Manitoba, and the Dominion Government found it necessary to let them take up homestead entries in advance of the survey.²⁷ A large number of the new settlers began taking up lands which the Metis felt were, or would be, theirs. Dubuc immediately took action by preparing a petition.²⁸ His views are best expressed in a memoir he wrote at the time:

En réponse aux demandes qui me sont faites par un grand nombre de citoyens de cette province au sujet d'un ordre-en-conseil en date du 26 mai, 1871, à l'égard des terres de la Province de Manitoba, j'ai à dire que la teneur de cet ordre me paraît entièrement contraire à la 31^{ème} clause du Bill de Manitoba qui accorde aux Métis 1,400,000 acres de terre dans le but d'éteindre les titres des Indiens aux terres de la Province; lequel titre est un titre primitif. De plus cet ordre me paraît une violation des arrangements conclus à Ottawa en mai, 1870, dans lesquels il a été positivement expliqué, compris, et convenu que les Métis prendraient ces terres dans

²⁷ Department of the Interior, No. 1, p. 85, Order-in-Council, May 26, 1871.

²⁸ P.A.M., Riel Collection, No. 98, Dubuc to Riel, June 14, 1871.

toute la Province où bon leur semblerait. Ce privilège de choix primitif a été promis par les ministres qui traitaient avec nous les affaires du Nord-Ouest au nom du gouvernement de la Puissance et par son excellence le Gouverneur-Général et garanti par l'Acte de Manitoba.²⁹

A few days later he went to see the Lieutenant-Governor. Archibald told him that the Metis whose lands were being occupied should put up signs indicating that the property was theirs. He also advised Dubuc to print notices in Le Métis concerning the ownership of these lands. If the strangers still refused to move, Archibald assured Dubuc that once the surveyors had completed their work and the half-breed lands were distributed, they would have to move no matter how many improvements they had made.³⁰ Dubuc left the Governor's house only partly reassured:

Il parle bien--comment agira-t-il? Nous avons lieu de croire qu'il fera exécuter ce qu'il dit. Mais comme tout autre chose, celle-ci est sujette aux éventualités humaines.³¹

In Le Métis he rapped the News-Letter for unscrupulously interpreting the Order-in-Council of May 26, reminding its editors that it was the responsibility of the Lieutenant-Governor, not of the Press, to interpret Orders-

29 Ibid., No. 498, Dubuc to Riel, undated and incomplete.

30 Ibid., No. 95, letter dated June 18, 1871.

31 Ibid.

in-Council.³² He also co-operated with Royal in the composition of resounding editorials in Le Métis warning would-be settlers from Ontario away from half-breed property:

Les immigrants qui arrivent ne sauraient avoir des informations trop exactes sur le droit qu'ils peuvent avoir en s'établissant dans la Province. Un Ordre-en-Conseil, publié dernièrement, déclare qu'au moment des arpentages, les personnes trouvées sur des terres où elles se seront établies de bonne foi la possession de ces terres, soit d'après le droit de pré-emption ou celui de homestead.

Nous conseillerons aux immigrants de bien faire attention aux mots de bonne foi que porte le document en question. Ces mots-là ne sont pas inutiles. S'ils allaient s'établir sur les terres des Métis, telles que définies et publiées dans ce journal, ils ne pourraient plus être de bonne foi, et ne seraient pas considérés comme tels.³³

In answer to accusations by the Manitoba Liberal³⁴ that the French Canadians were trying to give more lands to the Metis than they were entitled to, that they were being oversolicitous for racial and religious reasons, Dubuc calmly and patiently explained the Metis' double claim to territory in the province.³⁵

³² Le Métis, editorial entitled "La Question des Terres", issue of June 22, 1871, p. 2, col. 1.

³³ Ibid., editorial entitled "Les Emigrés", issue of June 22, 1871, p. 2, col. 1. (Every week thereafter, Le Métis carried notices by various Old Settlers that designated lands were not for settlement.)

³⁴ The Manitoba Liberal replaced the Manitoba News-Letter in July, 1871.

³⁵ Le Métis, editorial entitled "La Question du Jour", issue of August 24, 1871, p. 2, col. 1.

F. The Order-in-Council of April, 1872

In April, 1872, the Dominion Government returned to the question of the half-breed land grant.³⁶ The 1870 census figure of 10,000 for the half-breeds entitled to share in the grant was adopted. Ottawa expected Archibald to implement its instructions in the Order-in-Council at once, but he felt he needed more accurate information regarding the land situation as a whole in Manitoba before he could proceed with a selection. During the early summer, settlers were arriving and the question of where they might or might not settle and take up lands was unanswered. The half-breeds, fearful that the pattern of the previous summer would be repeated, and anxious to have their lands reserved, grew restless. In the consequence, the mischief stemming from the delay became increasingly serious, and Archibald found it necessary to set aside certain townships on a temporary basis in areas where trouble was most likely to occur.³⁷

Urged by the Dominion Government to work more quickly, Archibald had fifty-five townships reserved by the

³⁶ Department of the Interior, No. 1, p. 163, Order-in-Council, April 15, 1872.

³⁷ P.A.M., Riel Collection, No. 157, Dubuc to Riel, May 10, 1872.

end of August.³⁸ Instead of selecting the particular areas himself, he waited for the different parishes to take the initiative. The Metis parishes had already been organized for this purpose by their leaders, Dubuc, Royal, and Girard.³⁹ The parishes applied for the area of their choice, and were satisfied with their selected locations.⁴⁰

The next step was the division of the reserves into individual allotments. The second Lieutenant-Governor of the province, Alexander Morris, planned to make the division early in 1873. To help him, the Dominion Government sent Col. J.S. Dennis, now Surveyor-General. The division was delayed, however, by what Dubuc considered a too-narrow interpretation of the Manitoba Act.⁴¹ He took an active part in the debates fought in the Provincial Legislature that year over this and two other land problems: the hay privilege, and the staked claims, which demanded serious consideration.⁴²

38 P.A.M., Archibald Papers, "Letter Book F", Archibald to Secretary of State, July 27, 1872. (In this letter, Archibald acknowledges two telegrams from Ottawa expressing the Government's anxiety.)

39 See above, footnote 21.

40 P.A.M., Archibald Papers, "Letter Book F", Archibald to Secretary of State, August 26, 1872.

41 Dubuc, Titres des Terrains, p. 279E.

42 Prud'homme, Op. Cit., June, 1914, p. 508.

3. The "Hay Privilege".

Shortly after the original selection of the half-breed reservations in 1872, the problem of the hay privilege took on a serious aspect. Under Subscription 5 of Section 32 of the Manitoba Act, the Lieutenant-Governor was authorized to make provisions for ascertaining and adjusting the rights of common and the rights of cutting hay enjoyed by the settlers in the province, and for the commutation of the same by grants of land from the Crown. By including this provision in the Manitoba Act, the Dominion Government confirmed these customary rights which had been recognized by the Laws of Assiniboia.⁴³

The hay privilege was an exclusive right granted to the inhabitants of twelve of the Red River parishes to cut hay on the outer two miles immediately behind their river lots. This outer belt of territory came to be referred to as the "hay privilege". In addition, this hay cutting right was shared by many settlers in common in such areas as the Point Douglas, and St. Boniface Commons. As the hay privilege precluded occupation of the land for any other purpose, it had the effect of becoming the property of the owner of the inner two miles.⁴⁴ Relinquishing this

⁴³ Manitoba, Consolidated Statutes, 1880, Laws of Assiniboia, Nos. X, XI, XII.

⁴⁴ Dubuc, Titres des Terrains, p. 277.

territory would result in real hardship for most of the Old Settlers since it would deprive them of pasturage for their stock.⁴⁵

By late 1872, the Old Settlers had become very restive because newcomers to the province were making entries for homesteads in the outer two miles of their holdings. So the first thing Dubuc did was go to the French parishes and help the Metis settlers to define their rights and to draw up petitions demanding them.⁴⁶ These petitions suggested means and laid down conditions of compensating for the loss of the hay lands. Following is an excerpt from a petition drawn up at St. Boniface with Dubuc's help:

Que cette assemblée considère que ce droit n'est pas égal et uniforme pour tous, mais qu'il varie suivant la quantité de foin dont chaque individu a la jouissance, et qu'une quantité égale ou plus grande de terre dans un autre endroit ne pourrait compenser l'avantage spécial de chacun sur ses deux milles.

Que cette assemblée considère ce droit comme tellement personnel que même si une majorité jugerait à propos d'accepter une certaine commutation générale, tout individu qui se regarderait comme lésé aurait le droit de protester personnellement, et de réclamer équivalence au profit qu'il retire individuellement sur ses deux milles.

Qu'en conséquence, cette assemblée considère que, vu que les habitants ont un droit indéniable à ce privilège de foin, et à ces communes, et tiennent à le conserver, si le Gouvernement veut

⁴⁵ Kildonan Settlers, Petition to Lt.-Gov. Morris, undated, Morris Papers, Lieutenant-Governor Collection, No. 1878, Public Archives of Manitoba.

⁴⁶ P.A.M., Morris Papers, "Lt.-Gov. Collection", No. 60, Dubuc to Morris, January 13, 1873.

faire cesser ce droit de commune, la seule commutation équitable et acceptable serait de le changer en la propriété et d'accorder à chaque habitant la propriété exclusive de ces deux milles, attendu que chaque individu a, dans l'état de chose actuel, tout l'usufruit de ces deux milles comme si c'était sa propriété.⁴⁷

Morris wrote to Ottawa asking that notice be given of Parliament's intention with regard to the hay privilege. He stated that inaction in this regard was being used by political agitators to stir up movements that might disquiet the province.⁴⁸ The agitation he was referring to took the relatively innocent form of parish meetings organized by men like Dubuc, where resolutions were passed and petitions drawn up asking for an early settlement of the right associated with the outer miles.⁴⁹

In February, 1873, both Morris and the Surveyor-General telegraphed Ottawa, and in reply the Government authorized Morris to appoint a board to inquire into and report on the nature and value of the rights in question, and to suggest a means of carrying out commutation.⁵⁰ The

⁴⁷ Ibid., No. 66, January 15, 1873, including petition from St. Boniface.

⁴⁸ Ibid., Letter Book E, Morris to Secretary of State, November 20, 1872. (Leaders among the English-speaking Old Settlers submitted similar petitions from their parishes.)

⁴⁹ Ibid., Box 14, a memorandum by Morris.

⁵⁰ Department of the Interior, No. 1, p. 257, Order-in-Council, February 13, 1873.

board, consisting of Surveyor-General Dennis and Judges McKeagney and Bétournay, submitted its report in March, 1873. It confirmed the existence of the rights of hay and common and recommended that a commission be appointed to investigate the claims individually and to award compensation in full of such claims according to the merits of each case.⁵¹ The commissioners were appointed by Order-in-Council in the fall of 1873.⁵² They were barristers John Bain and Joseph Dubuc. Bain expressed satisfaction that his colleague would be Dubuc. He felt they could work well together.⁵³ They were instructed to investigate individual claims, to hear the evidence under oath, and to award fair and equitable compensation.⁵⁴ They were told, however, that the compensation should not exceed in area the amount of land in the outer strip that the claimant was losing. Scrip was to be issued at the rate of one dollar per acre if the claimant so desired.⁵⁵

51 P.A.M., Morris Papers, "Lt.-Gov.'s Collection", Box 14, February 27, 1874.

52 Department of the Interior, No. 1, p. 439, Order-in-Council, September 6, 1873.

53 P.A.M., Morris Papers, "Ketcheson Collection", No. 50.

54 Department of the Interior, No. 1, p. 439, Order-in-Council, September 6, 1873.

55 P.A.M., Morris Papers, "Lt. Gov.'s Collection", Nos. 473 and 502, Campbell to Morris, September 12 and September 27, 1873.

Dubuc threw himself into the work with his customary energy and thoroughness. Between November and February the Commissioners examined some two hundred claims in the parishes of St. Paul (English) and St. Charles (French).⁵⁶ The rights of hay and common had been fully and generally exercised in these parishes, and in the course of their investigations, the Commissioners learned much of the history of these rights.⁵⁷

Both Commissioners agreed that the hay privileges entailed enough claim on the two-mile outer belt to warrant an absolute right of possession. They recommended that the holder of the river lot be given title to the hay land behind his farm, so that his property would measure four miles in depth.⁵⁸ In cases where the square survey made it impossible to cede the outer two miles to the claimant, Dubuc, who by his experience as Commissioner had learned how valuable the contiguous lands were to the front lot-holders, felt that in all fairness those who were deprived of these lands should receive a liberal share in other lands. So he

⁵⁶ Ibid., "Ketcheson Collection", No. 101, Morris to Laird, February 27, 1874.

⁵⁷ Ibid., "Lt. Gov.'s Collection", Box 14, February 27, 1874.

⁵⁸ Ibid.

recommended that the regulations under which they were working be amended so that those who for any reason could not receive commutation in full of their rights to the outer two miles should receive scrip for half as much more land as they had to forego in these outer two miles. At first Bain was not of accord with Dubuc in this, and Bain was backed by the Lieutenant-Governor. Finally, however, Dubuc's views prevailed.⁵⁹ There was general satisfaction with the work of the Commission, expressed both by the authorities and the settlers.⁶⁰

The qualities of personal integrity and absolute honesty which in later years was remarked by the public in Judge Dubuc was apparent in Commissioner Dubuc during the hay privilege investigation. At this epoch in his life, Dubuc was quite poor. The Commissioners were receiving twenty dollars a day for as long as the investigation lasted. As they had been invited to hear every claimant, the investigation could have continued for many months. But as soon as Dubuc had heard enough cases to formulate a principle, he did not hesitate to submit his recommendations and sacrifice personal gain to the public interest.⁶¹

59 Dubuc, Autobiographie et Lettres, p. 117.

60 Le Métis, "Une Bonne Nouvelle", issue of May 16, 1874, p. 2, col. 1. Also, P.A.M., Morris Papers, "Ketcheson collection", No. 105, Morris to Laird, March 18, 1874.

61 Prud'homme, Op. Cit., August, 1914, p. 102.

4. The Staked Claims.

The Manitoba Act had stated that "all persons in peaceful possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian title has not been extinguished, shall have the right of pre-emption of the same on such terms and conditions as may be determined by the Governor-in-Council".⁶² As the Manitoba Act was passed on May 12, 1870, there was a rush, during the next two months, of Old Settlers as well of more recent arrivals in the province to stake claims by giving some evidence of "peaceful possession", such as a few posts to mark the limits along the river banks, piled-up poles to mark the walls of a house, tree blazes, or a small ploughed patch.⁶³ Although the Federal Government had intimated that a liberal interpretation would be given to the term "peaceful possession", when the question of these staked claims was referred to the Minister of Justice in the summer of 1874, he informed the Minister of the Interior that such claims could not be recognized.⁶⁴

⁶² Canada, Statutes, 33 Victoria, Chap. 3, Sec. 31, Subsection 4.

⁶³ Canada, Sessional Papers, 1886, No. 8, xiii-xiv, (a brief history of these staked claims).

⁶⁴ Ibid.

This decision affected adversely a large number of Old Settlers, but especially the Metis. Due to the nomadic way of life they had pursued before the transfer, their property showed few signs of habitation. Much of the land they were claiming had been used only as wintering ground for their stock.⁶⁵ Now, however, if they were to remain in Manitoba they must earn their living from the soil, and they wanted titles to the land they had staked out. Because these lands were choice, they were being seized by Ontario immigrants as homestead grants. The gregarious French Canadians were also interested in these lands.⁶⁶ If the Metis should choose to sell them, the French Canadians wanted to buy them up so as to keep the French population from being scattered. Dubuc believed that the employees at the Dominion Lands Office,⁶⁷ none of whom spoke French, and especially that J.S. Dennis, when Surveyor-General, were prejudiced against the French section of the population all along.⁶⁸

65 Ibid.

66 A.A.S.B., Dubuc to Taché, May 12, 1874.

67 This was the first Dominion Lands Office of the West and was established in 1872 to handle the enormous and frustrating business of adjusting the titles of old inhabitants, administering the half-breed reserves, and registering the claims of new settlers.

68 P.A.M., Dubuc Papers, Dubuc to Tassé, October 14, 1880.

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During the 1874 session of the Canadian Parliament, an act⁶⁹ was passed, possibly as a result of efforts on the part of Archbishop Taché while in Ottawa, to ameliorate the situation. In reality, it made things worse. It agreed to recognize the staked claims, but only those claims which had been staked by March 8, 1869. This new ordinance would injure not only many Old Settlers, but also many French Canadians whose lands had been bought from Metis who had made their claims between the passage of the Manitoba Act and Manitoba's formal entry into the Canadian Confederation. Faced with this new threat to French Canadian interests, Dubuc had recourse to the means he habitually utilized when trying to rectify an injustice: he composed a petition. Its last paragraph summarizes the demands:

En conséquence, vos Pétitionnaires prient très-humblement votre Honorable Chambre qu'il lui plaise écouter favorablement leurs justes réclamations sur les terres prises et occupées comme susdit, et abroger ou modifier la section 3 d l'acte 37 Victoria chapitre 20, ou adopter telle autre mesure qui permettra aux personnes qui ont pris et occupé de bonne foi de telles terres avant le 15 Juillet, 1870, ou qui ont acheté de bonne foi de telles terres, d'obtenir des Patentés de la Couronne pour icelles; et ils invoquent à l'appui de leur demande: 1^o pour les terres possédées de la manière prévue par la 3^{ème} sous-section de la section 32 de l'Acte de Manitoba, le fait qu'ils ont continué de bonne foi à prendre, posséder et améliorer ces terres jusqu'au 15 juillet, 1870, ou qu'ils les ont depuis achetées de bonne foi, se basant sur la coutume ci-dessus mentionnée, ignorant que cette coutume avait été abrogée: 2^o pour

69 Canada, Statutes, 37 Victoria, Chap. 20, Sec.3.

les terres possédées de la manière prévue par la 4eme sous-section de la section 32 du dit Acte de Manitoba, outre les mêmes inconvénients et désavantages qui en résultent pour eux, ils désirent alléguer que la disposition de l'Acte 37 Vict. Chap. 20, qui a traité à ces terres, est contraire aux et en violation des termes et disposition de l'Acte de Manitoba; et vos Pétitionnaires prient très humblement qu'il plaise à Votre Honorable Chambre faire droit à leur demande, et empêcher qu'ils soient ruinés ou souffrent des dommages considérables comme ceux qu'ils souffriront si des Patentes leur sont refusées pour ces terres qu'ils ont ainsi de bonne foi prises ou achetées et améliorées comme susdit.⁷⁰

The next month, the Federal Department of Justice gave orders to the Minister of the Interior to deal with each case upon its own merits.⁷¹ But before any headway was made in examining individual claims, new legislation was passed modifying the phrase in the Manitoba Act which required only "peaceful possession". The requirement for a title now read "actual occupation".⁷² Then, the following year, an Order-in-Council restricted acceptable staked claims to "lands taken up antecedent to a date six months previous to the transfer of the North West Territories to the Dominion", and stated that "lands alleged to have been taken up, but which were not surveyed or occupied but merely

⁷⁰ P.A.M., Dubuc Papers, "Pétition des Soussignés, habitants de la Province de Manitoba aux Honorables Membres de la Chambre des Communes du Canada, February 1, 1875". Dubuc was the composer of this petition.

⁷¹ Canada, Sessional Papers, 1875, No. 8, p. 13.

⁷² Canada, Statutes, 38 Victoria, Chap. 52, Sec.3.

marked out by the claimants with stakes prior to 15th July, 1870⁷³ were not entitled to consideration.⁷³ A letter from Dennis in Ottawa to Agent Donald Codd of the Dominion Lands Office in Winnipeg stipulated that unless "some really valuable improvements have been made upon the lands ... the parties claiming are not entitled to favorable consideration."⁷⁴

All these orders from the Department of the Interior caused Dubuc to think that those responsible lacked a knowledge of the true situation and insight into the claimants' plight.⁷⁵ During the Mackenzie Administration the situation worsened because some of these undecided areas were being ceded by the Government to the Canadian Pacific Railway to satisfy the conditions of the Pacific Railway Act of 1874. Persons claiming railway lands found themselves billed for five dollars per acre.⁷⁶

In 1878, Dubuc was elected to the Federal Parliament. When in Ottawa, he did not lose the opportunity of doing his utmost for the claimants. Archbishop Taché kept

⁷³ Department of the Interior, No. 2, p. 453, Order-in-Council, April 26, 1876.

⁷⁴ J.S. Dennis to D. Codd, letter dated October 24, 1877, quoted by Begg, Op. Cit., p. 288.

⁷⁵ Dubuc, Les Titres des Terrains, p. 279C

⁷⁶ Begg, Op. Cit., p. 285-286.

him aware of the urgency of particular cases involving areas claimed by the Archdiocese and by specific individuals, and belonging to certain French centres.⁷⁷ Some of these areas were in danger of being sold by auction, others had been unnecessarily infringed upon by surveyors when making allowances for the public highway.⁷⁸ At the first opportunity he secured an appointment with the Surveyor General:

J'ai eu l'autre jour un conférence de deux heures avec l'Arpenteur-Général, Lindsay Russell, au sujet de vos questions de terres, de nos questions, et des questions particulières d'un grand nombre de mes électeurs qui m'ont chargé de voir à leurs Patentes. Il a pris note de tout, et doit me répondre sur chaque point. J'attends cette réponse depuis jours. Je vais y retourner pour presser les choses. J'ai besoin de ces réponses-la pour voir ce que j'aurai ensuite à faire. Je le crois mieux disposé que Dennis, surtout moins hypocrite et moins fanatique.⁷⁹

He also saw Hector Langevin, J.A. Masson, and J.H. Pope, all members of Macdonald's Cabinet at the time, over the land problems.⁸⁰ Archbishop Taché attributed the maddening vexations and delays he experienced in his efforts to safeguard the traditionally French centres from foreign

77 P.A.M., Dubuc Papers, Taché to Dubuc, March 1, 1879.

78 Ibid., letter dated March 15, 1879.

79 A.A.S.B., Dubuc to Taché, March 27, 1879.

80 Ibid.

occupation to fanatic injustice. "It looks bad and smells orange" is how he described the land situation to Dubuc during the session.⁸¹

As the session neared its close, Dubuc realized that he was making little or no headway. He had got in to see the new Surveyor-General, Lindsay Russell, several times, and had also contacted Dennis, but both men claimed that only the Prime Minister could decide his questions.⁸²

As for the Prime Minister, Dubuc found him to be as procrastinating and forgetful as his reputation painted him:

J'ai vu aussi plusieurs fois Sir John qui répond invariablement qu'il lui est impossible d'examiner ces questions pendant la Session. Il doit e'en occuper après. Il veut qu'on lui écrive beaucoup après la Session pour lui mettre l'affaire en mémoire, et le presser. Je comprends assez bien ce que cela veut dire, mais il n'y a guère moyen de faire mieux dans les circonstances. Mes démarches auront au moins pour résultat d'empêcher que le Gouvernement exige l'exécution des règlements passés sous l'autre administration relativement à nos stake claims, terre de la Rivière à \$5 l'acre, etc., etc. Nous gagnons du temps, et c'est déjà beaucoup. Et quand nous serons encore plus avancés avec l'amélioration de nos terres, le Gouvernement n'osera pas nous déposséder.⁸³

81 P.A.M., Dubuc Papers, Taché to Dubuc, April 2, 1879.

82 A.A.S.B., Dubuc to Taché, April 24, 1879.

83 Ibid.

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Finally, in 1881, a definitive ordinance regulated the Staked Claims.⁸⁴ It affected a total of 45,000 acres situated mostly in French Canadian centres, and distinguished three classes of claims. The first, lands which had been lived and worked on: their owners could keep 160 acres free of charge as a homestead grant, and buy up the rest of the claim at a dollar an acre. The second, lands which had undergone no cultivation: the owners received 160 acres as a homestead grant, and could buy up the rest at railway rates, that is, at five dollars an acre. Finally, lands which had been bought up by spectators and which had passed through a number of hands, were referred to a special commission.

The president of this commission was Dubuc, by now a judge on the Court of Queen's Bench of Manitoba, aided by Judge Miller. They were also commissioned to investigate the claims of colonists who had occupied lands in the Settlement Belt, on the Red River between St. Norbert and Pembina, and on the Assiniboine west to Portage-la-Prairie.⁸⁵ An Order-in-Council had forbidden immigrants to settle in this belt, but they had taken up residence before the order was issued.⁸⁶ Many of these occupants were French Canadians

⁸⁴ Department of the Interior, No. 3, p. 535, Order-in-Council, February 25, 1881.

⁸⁵ Ibid.

⁸⁶ Ibid., No.1, p.319, Order-in-Council, March 21, 1873.

who had assiduously cultivated their lands in the hope of being granted them as homesteads, or of buying them when the Government would be ready to sell.

The commission had yet a third category of claimants to examine. An Order-in-Council of 1871 recognized as legal any occupation made before the official survey.⁸⁷ All the occupant had to do was register with the Dominion Lands Office. Now, the first Dominion Lands Agent, Gilbert McMicken, did not open his office until November, 1872, although he dated his appointment from October 9, 1871.⁸⁸ As a result, many immigrants had never had their lands properly registered. A deputation of these people had approached David Mills, the Minister of the Interior, when he passed through Winnipeg in 1877⁸⁹ and had asked him to name a fair price. He deferred the question to Dennis in November of that year, who fixed it at five dollars per acre, of which one third should be paid immediately, and the rest in annual payments at six per cent interest. This would have ruined most of the settlers.⁹⁰ Later, the Lanz-

87 Ibid., No. 1, p. 85, Order-in-Council, May 26, 1871.

88 Begg, Op. Cit., p. 87.

89 Ibid., p. 285.

90 A.A.S.B., Taché to Macdonald, (copy), November 15, 1880.

Goulet commission appointed by the Department of the Interior recommended that the lands of settlers unable to pay be sold at auction.⁹¹ In Dubuc's opinion, neither Lanz nor Goulet had the knowledge nor the judgment necessary for the job, and he referred to their appointment as "une nouvelle saleté de Dennis".⁹² So loud and bitter were the complaints of the hundreds of settlers in danger of financial ruin or of the complete loss of their farms after extensive cultivation and improvements that Ministers Bowell and Aikins acceded to their requests to have Commissioners Dubuc and Miller, who had just solved the Staked Claims problem to the satisfaction of everyone, investigate their claims also.⁹³ The result of the Dubuc-Miller commission was that only one farmer's property was sold, and even in his case, the loss was not permanent, for Archbishop Taché used his influence to have the contract annulled.⁹⁴

Relating the work of the Dubuc-Miller commission, a contemporary concludes:

91 Department of the Interior, No. 3, Report dated August 13, 1880.

92 P.A.M., Dubuc Papers, Dubuc to Tassé, October 14, 1880.

93 Le Manitoba, editorial entitled "Les lois du pays et les employés du Département de l'Intérieur, issue of November 10, 1881, p. 4, col. 1.

94 A.A.S.B., Macdonald to Taché, November 9, 1882.

Les colons se réjouissaient du choix des commissaires et ils présentèrent leurs réclamations devant ce tribunal en toute confiance. Les commissaires visitèrent tous les établissements intéressés. Ils entendirent toutes les plaintes. Le juge Dubuc avait l'avantage de parler la langue du plus grand nombre. Il nota avec soin les témoignages de tous. Le rapport de la commission fut un vrai soulagement pour la population. On l'accueillit comme un règlement équitable et définitif de cette question qui agitait le pays depuis si longtemps. Ce jour-là, l'honorable M. Dubuc avait acquis un nouveau droit à la gratitude publique et rendu un service éminent à nos paroisses françaises.⁹⁵

This commission virtually ended Dubuc's work on and interest in the lands. By 1883, the major land problems had been solved in Manitoba.

⁹⁵ Prud'homme, Op. Cit., August, 1914, p. 100.

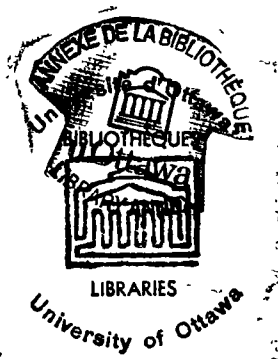
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JOSEPH DUBUC
ROLE AND VIEWS OF A FRENCH CANADIAN IN MANITOBA
1870-1914

by Sister Maureen of the Sacred Heart, S.N.J.M.
(M.M. McAlduff)

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CHAPTER V

MEMBER OF THE LEGISLATIVE ASSEMBLY

In his memoirs Joseph Dubuc gives a fairly detailed account of the sessions of the Manitoba Legislature during the seven years (1871-78) he sat in it.¹ As the political history of Manitoba during these years has already been recounted² and studied³ this chapter will be confined to sidelights thrown on the general picture by Dubuc's correspondence, notes, newspaper articles, and memoirs. As a French Canadian, Dubuc was interested primarily in the fate of his race in the developing Province.

1 Joseph Dubuc, "Mémoires d'un Manitobain", unpublished manuscript, Dubuc Papers, Public Archives of Manitoba, p. 43J-60, 101-108, 155-174, 186-216, 226-238, 291-295, 366-383, and 404-409.

2 Alexander Begg, History of the North West, Toronto, Hunter and Rose, 1895-96, Vol. 2, Chapters 2, 7, 10, 15, and 23.

Chester Martin, "Political History of Manitoba, 1870-1912", in Shortt and Doughty, (eds.), Canada and Its Provinces, Toronto, Glasgow, Brook, and Co., 1914, Vol. 19, p. 97-146.

3 R.O. Macfarlane, "Manitoba Politics and Parties after Confederation", in the Report of the Canadian Historical Association, Toronto, 1940, p. 45-55.

F.A. Milligan, The Lieutenant-Governorship in Manitoba, 1870-82, unpublished M.A. thesis, University of Manitoba, 1948.

1. The First Provincial Parliament, 1871-75.

A. The Organization of the Province

Unlike the five eastern provinces which entered Confederation in full possession of the necessary machinery of government, and unlike the western provinces whose political institutions had been moving steadily toward provincial status, Manitoba, after being legally created, had to be actually made.⁴ In Dubuc's phrase, "Tout était à organiser."⁵

The first Lieutenant-Governor, Adams G. Archibald, found himself confronted with a Province divided by the factional bitterness engendered by the Insurrection. That is why he named a responsible citizen from each faction to perform the initial operation in readying the Province for representative institutions: a general census. Dubuc, friend of Louis Riel, was one of the two chosen.⁶ His results tallied almost exactly with those of the English enumerator, and showed that Manitoba was a province of

4 F.A. Milligan, "The Establishment of Manitoba's First Provincial Government", a paper read before the Historical and Scientific Society of Manitoba, Series III, No. 5, p. 5.

5 Joseph Dubuc, "Notes concernant Mgr Taché", unpublished manuscript, 1902, Dubuc Papers, p. 45.

6 -----, "Autobiographie et Lettres", unpublished manuscript, 1887, Dubuc Papers, p. 117.

11,963 persons of whom 1,565 were white, 558 Indian, 5,757 Metis, and 4,083 English-speaking half-breeds. Of the 1,565 white settlers, slightly less than half were Old Settlers (people born in the North West) and 294 were Canadians.⁷

Acting on instructions from Ottawa which directed him to appoint the executive officers he needed to help him govern until the first elections,⁸ Archibald again showed awareness of the division in the community by selecting one Englishman (Alfred Boyd) and one French Canadian (Marc Amable Girard).

By December, Archibald had the Province divided into the electoral districts provided for in the Manitoba Act.⁹ The division was a clever piece of work showing wise understanding of the Red River community. In his despatch to Ottawa, Archibald took full credit for it himself.¹⁰ Dubuc tells a different story:

7 The Manitoba News-Letter, untitled news article in the issue of February 8, 1871.

8 Canada, Sessional Papers, 1871, p. 4, Despatch No. 371, August 4, 1870.

9 -----, Statutes, 33 Victoria, Chap. 3.

10 -----, Sessional Papers, 1871, No. 20, p. 82-85, Despatch of December 9, 1870.

La loi pourvoyait à la division de la province en 24 Divisions électorales qui devaient élire 24 Deputés à la législature. Le Lieutenant-Gouverneur qui ne connaissait pas les établissements du pays, se trouvait embarrassé pour faire cette division. Il s'adresse à Mgr Taché, et lui demanda son avis. Sa Grandeur lui répondit qu'elle allait s'en occuper. Quelques jours après, Monseigneur lui soumet un projet de division complet. Le recensement montrait que la population se composait d'habitants de langue française et de langue anglaise à peu près en égal nombre, avec un légère majorité en faveur des Français. Ce projet partageait la province en 24 Divisions, douze pour les établissements français douze pour ceux habités par des anglais. Il Fixait les limites exactes de chaque Division. Le Lieutenant-Gouverneur montra le projet à M. Boyd et à quelques-uns des Anglais les plus influents du pays, et il fut adopté sans y rien changer.¹¹

Archibald openly participated in this first electoral campaign as Macdonald had instructed him.¹² This interference on the part of the Lieutenant-Governor did not in the least arouse the disapproval of Dubuc for it resulted in only five members of the Canadian or "Loyal" Party being elected. Archibald wanted as few as possible of these "Loyalists" in the Legislature because their determination to get revenge on the leaders of the Provisional Government would prevent the return of that peace which was so necessary to the development of the Province. Without peace there would be no immigration. Without immigration,

¹¹ Dubuc, Notes concernant Mgr Taché, p. 45-46.

¹² Macdonald to Archibald, letter of November 1, 1870, quoted by F.A. Milligan, The Establishment of Manitoba's First Provincial Government, p. 12.

the Province had no future.¹³ Dubuc shared Archibald's antipathy for the Canadian Party because its members were virulently anti-French and anti-Catholic.¹⁴ Throughout the first sessions of this Legislature, these five members will oppose all Archibald's efforts at conciliation.¹⁵ The other nineteen members represented the moderate elements in the community and supported Archibald. Dubuc refers to these latter as the "Government Party" and to the others as the Opposition, noting, however, that it was several years before the Province had political parties in the usual sense of the word based on party organization.¹⁶ Taché's division of the Province into electoral districts which coincided with the parish boundaries was reflected in the electoral returns: twelve of the new members were French-speaking and twelve were English-speaking. Dubuc notes further that of the twelve French, exactly half were Metis, and of the twelve English, six were half-breeds.¹⁷

13 Canada Parliament, Report of the Select Committee on the Causes of the Difficulties in the North West Territories, 1869-70, Ottawa, 1874, Deposition of Adams G. Archibald, p. 142.

14 P.A.M., Riel Collection, No. 74, Dubuc to Riel, January 21, 1871.

A.A.S.B., J.H. O'Donnell to Taché, November 10, 1871.

15 P.A.M., Riel Collection, No. 88, Dubuc to Riel, April 12, 1871.

16 Dubuc, Mémoires d'un Manitobain, p. 55.

17 Ibid., p. 46.

To sum up: although the Province had been divided along racial lines for the election, the Members of the first Legislature were not divided along racial lines over local issues. The division was rather between Old Settler and New, French Canadians like Dubuc siding with the Old Settlers because they had come to Manitoba to defend the French and Catholic interests of the Metis. The New Settlers (those from Canada who had come to Red River since 1860) led by Dr. John Christian Schultz and supplemented by the arrival of revengeful Ontario volunteers among Wolseley's soldiers, constituted a lawless faction in the community. Hence their leaders in the Legislature banded together in opposition to Archibald who was averse to pursuing Riel or to doing anything that would aggravate the division in the Province.

Once Archibald had finished his preparations for the first session of the Provisional Legislature, he was free to turn his attention to the appointment of the Upper House. He let the Federal Government know whom he wanted on his Legislative Council and the councillors-elect were duly summoned by letters patent on March 10, 1870.¹⁸ Dubuc, who had been waiting with baited breath for some time,¹⁹

¹⁸ Canada, Sessional Papers, 1871, No. 20, p. 4; Despatch 371, August 4, 1870.

¹⁹ P.A.M., Riel Collection, No. 71, Dubuc to Riel, January 21, 1871.

was pleased to see that Archibald had followed the same policy in naming the councillors as he had in naming his ministers and enumerators: all the diverse elements of the community were represented except the Canadian Party. There were three Protestant Old Settlers. The remaining four were Catholics: one Irishman from Ontario, one English half-breed, and two Metis. One of these latter had been a follower of Riel, the other had opposed his Resistance.²⁰

B. The Session of 1871

The first Legislature of the Province was opened March 15, 1871. Dubuc was quite aware that Responsible Government did not obtain under Archibald: "Les ministres²¹ son des marionnettes dociles sous le pouce du Gouverneur. Ils ne parlent même pas. Tout au plus récitent-ils leur leçon."²² Archibald acted as his own Prime Minister, a situation made necessary by the political inexperience of the community and the lack of native leadership:

²⁰ This last named councillor was Salamon Hamelin who later was a rival candidate against Riel for the seat of Provencher in the elections of 1874. See Chapter II, p.

²¹ They were Marc Amable Girard, Alfred Boyd, and Thomas Howard.

²² P.A.M., Riel Collection, No. 88, Dubuc to Riel, April 12, 1871.

Tout était à constituer dans cette Province, et nous étions des hommes nouveaux, sans passé parlementaire, sans expérience législative.²³

Archibald's role of paternal despot was made easier by the fact that at first the Members did not even know each other,²⁴ and also by the fact that those who criticized him most acrimoniously for holding tightly to the reins of government were the discredited element from Ontario.²⁵

Joseph Dubuc had the honour of replying to the speech from the throne in the first session of the first Legislature. He did so in French.²⁶ His biographers did not fail to note the honour thereby accorded their language, nor to see in Dubuc the Lafontaine of Manitoba.²⁷

The quiet courage Dubuc showed on this occasion was to be repeated many times throughout his career as parliamentarian.

23 Joseph Dubuc in reply to the first throne speech of Lieutenant-Governor Morris, February 5, 1873, reviews the history of the Legislature under Archibald. The speech is quoted in Le Métis, "Revue de la Session", issue of February 8, 1873, p. 2, col. 4.

24 Manitoba, Journals of the Legislative Assembly, Vol. 1, 1871, p. 18-19.
Le Métis, "Revue de la Session", issue of June 15, 1871, p. 1, col. 3.

25 A.A.S.B., Dubuc to Taché, October 17, 1871.
P.A.M., Dubuc Papers, Taché to Dubuc, November 9, 1871.

26 Le Métis, "Revue de la Session", issue of June 8, 1871, p. 1, col. 4.

27 L.A. Prud'homme, "Sir Joseph Dubuc", in the Revue Canadienne, Montreal, issue of June, 1914, p. 506.
Edouard Lecompte, S.J., Un grand chétien, Sir Joseph Dubuc, Montreal, 1923, p. 155.

Less popular with the English than Marc Amable Girard, less brilliant than Joseph Royal, less aggressive than A.A.C. LaRivière, he perhaps did more than any of these French Canadian leaders to defend the interests of his race in Manitoba. He attracted less attention than his colleagues because he worked quietly. But he had the courage of his racial and religious convictions, and he struggled doggedly and persistently to defend them. Archbishop Taché, who directly or indirectly was responsible for the advent of this valuable quartet to Manitoba,²⁸ placed most often his confidence in Dubuc.²⁹

The first session was an exceedingly busy one. Archibald set up a number of committees to work on the various areas of legislation. He supervised them carefully, keeping his own private secretary on the floor of the house.³⁰ Dubuc served on more of these committees than any other member; his bilingualism, lawyer training, natural industry, and eagerness to contribute probably being reasons why he

²⁸ L.A. Prud'homme, "Le premier parlement de Manitoba, 1870-74", Transactions, Royal Society of Canada, Ottawa, 1923, Sec. I, p. 170. Prud'homme says these men were "députés de grand valeur [...], de talents peu ordinaires".

²⁹ Archbishop Taché to Rev. J.B. Champereux, (Dubuc's former pastor in St. Michel, Quebec, who had recommended Dubuc to Taché in 1870), letter dated May 21, 1872.

Also, see Taché's correspondence with Dubuc and the other three during the 1870's in the Archiepiscopal Archives of St. Boniface.

³⁰ Manitoba, Journals of the Legislative Assembly, 1871, p. 22.

was appointed to so many. The committees to which he was named included the one on Law Amendments in which he was very interested; Education, in which he followed the directives of Archbishop Taché; Private Bills in which he took the opportunity to have incorporated the Archbishopric of St. Boniface, the St. Boniface College, and the Sisters of Charity. Later, his name was added to the committees on Agriculture and Immigration, Public Accounts, and Library.³¹

Forty-three bills were passed during the two-month session, most of which were necessary to the rounding out of the administrative and judicial machinery.³² Dubuc took an active part in the debates. When the Lieutenant-Governor for reasons of economy opposed the motion of Joseph Lemay, Member for St. Norbert North, that the Speaker retain the services of an assistant (French) Recorder, Dubuc argued: "Ce n'est pas une économie bien entendue que de faire souffrir notablement le service public."³³ He did not argue in vain, for after consultation, the Governor and ministers agreed to let the Speaker use François Chénier, one of the

31 Ibid., p. 21.
Le Métis, "Revue de la Session", issue of June 15, 1871, p. 1, col. 3.

32 Manitoba, Journals of the Legislative Assembly, 1871, p. 73-74.

33 Le Métis, "Revue de la Session", issue of March 23, 1871, p. 2, col. 1.

translators in the Registrar's Office, during the sessions of the Legislature.³⁴

Dubuc also looked to the welfare of the poorer section of the population by introducing a practical amendment to a Bill for the Prevention of Frauds and Perjuries,³⁵ and championed the interests of his own constituency, Baie Saint Paul, during the debate on the Highways Bill by trying (unsuccessfully) to connect Lake Winnipeg to Fort Garry by road.³⁶ To the controversial Bill relating to Deeds by Married Women, he managed to get an amendment added by which they could sign contracts only with their husbands' consent.³⁷

Dubuc and the other French Canadian members put much effort into the School Legislation--the Bill to Establish a System of Education in this Province.³⁸ The result was an Act³⁹ which pleased Archbishop Taché and which

34 Ibid.

35 Manitoba, Journals of the Legislative Assembly, Vol. 1, 1871, p. 36.

Le Métis, "Revue de la Session", proceedings of April 4, 1871, issue of June 22, 1871, p. 1, col. 4.

36 Ibid., proceedings of April 11, 1871, issue of July 6, 1871, p. 1, col. 2.

37 Ibid., proceedings of April 12, 1871, issue of July 13, 1871, p. 1, col. 3.

Manitoba, Journals of the Legislative Assembly, Vol. 1, 1871, p. 39-40.

38 Le Métis, "Bill des Ecoles", issue of August 10, 1871, p. 1, col. 4.

39 Manitoba, Statutes, 33 Victoria, Chap. 38.

inaugurated a school system highly satisfactory to the French-speaking element of the population until it was destroyed by the Manitoba School Act of 1890.⁴⁰ The School Act of 1871 comprised twenty-seven articles and authorized separate schools. It provided for a Board of Education made up of ten to fourteen members, of whom half would be Catholic. For both Protestant and Catholic schools, the Board would choose all the texts except those related to religious doctrine and morals. The Protestant and Catholic sections of the Board would work independently of each other. The Catholic section would see that the French schools had French texts.⁴¹

Although Dubuc was very pleased with all that the Session accomplished,⁴² he was not satisfied with the work of the Cabinet during the remainder of the year.⁴³ He felt that the five ministers by 1872 had very little to show for the two thousand dollars they were making annually.⁴⁴ He had more respect for the industry of Archibald; but he

⁴⁰ L.A. Prud'homme, "Le Premier Parlement de Manitoba", Royal Society of Canada, 1923, p. 172.

⁴¹ Manitoba, Statutes, 34 Victoria, Chap. 38.

⁴² Dubuc, Mémoires d'un Manitobain, p. 43K.

⁴³ A.A.S.B., Dubuc to Taché, October 25, 1871.

⁴⁴ Le Métis, editorial entitled "Notre Condition Politique", issue of January 11, 1872, p. 2, col. 1.

agreed with Royal that Robert Cunningham, editor of the Manitoban, in his New Year's article on the Lieutenant-Governor's accomplishments of the past year, went overboard. The Manitoban gave Archibald credit for everything done in both Houses of Parliament:

Initule de dire que si le soleil a paru, si les moissons ont mûri, si l'eau a continué de couler plus ou moins dans la Rivière Rouge, nous le devons, non au bon Dieu, mais à Son Excellence M. Archibald: c'est au moins ce qu'affirme le Manitoban.⁴⁵

At this time neither Dubuc nor Royal realized, evidently, that the Manitoban was Archibald's organ, and that the leading editorial, "Manitoba, the History of a Year", published anonymously in the issue of January 1, 1872, was Archibald's own composition.

C. The Sessions of 1872 and 1873

In the course of these two short but busy sessions, Dubuc gave evidence of some parliamentary qualities which explain why he was esteemed and appreciated by his French Canadian colleagues. During the debate on the throne speech of January 16, 1872, he had the courage to reproach the Cabinet for having been negligent in implementing the legislation passed in the 1871 session. According to Royal,

⁴⁵ Le Métis, editorial entitled "L'histoire de 1871", issue of January 11, 1872, p. 2, col. 4.

"Les Ministres sont restés muets devant cette sortie pleine de dignité et de vigueur."⁴⁶

From this session on, Dubuc's performance in the House showed a grasp and knowledge of British parliamentary procedure and history beyond that of his fellow members.⁴⁷ He also had a talent for argument: he invariably went to the core of the matter under discussion, separating the essential from the accidental, and drawing logical conclusions.⁴⁸

In 1873 the Speaker's chair was vacant. Dubuc's friends thought they had found the ideal member to fill it:

Qui sera Orateur? Telle est la question à l'ordre du jour. [...] Pour nous, nous n'hésitons pas à dire que le député de la Chambre qui se trouve naturellement désigné par ses aptitudes, ses connaissances légales, son usage des deux langues, et l'honorabilité de sa conduite à occuper la présidence de la Chambre, est M.J. Dubuc.⁴⁹

⁴⁶ Le Métis, editorial entitled "L'assemblée législative", issue of January 18, 1872, p. 2, col. 2.

⁴⁷ The only member of the first Provincial Legislature that had had any previous parliamentary experience was Joseph Royal. See L.A. Prud'homme, "L'hon. Joseph Royal", Mémoires de la Société Royale du Canada, Vol. X, Sec. I, Ottawa, 1904, p. 15.

⁴⁸ See Dubuc's speeches, arguments, and objections in the 1872 Session reproduced in Le Métis under the heading "Assemblée Législative" in the issues of February 3, p. 2, col. 3; February 10, p. 2, col. 1, and March 2, p. 2, col. 2.

⁴⁹ Le Métis, editorial entitled "L'Orateur", issue of January 11, 1873, p. 2, col. 3.

He did not get it in 1873, however, but he did fill that position with honour from 1875 to 1878.⁵⁰

D. The Ministerial Crises of 1874

In the fourth year of the Manitoba Parliament, there were two crises in the Lower House. The first was brought on by a revolt of the French members against their alleged leader, Henry H.J. Clarke. The second was brought on by a revolt of the English members against French preponderance in the Executive Council. In both of these revolts, Dubuc played a major role. On both revolts, the Dubuc Papers give some relevant details.

a) The Fall of Clarke.- The career of Henry H.J. Clarke is probably one of the wildest in the history of the ten provincial legislatures. Writing about him to Ottawa, Archibald more than once expressed the hope that there were not many examples like him in Canada.⁵¹ A French-speaking Irish-Canadian Catholic, and a protégé of George-Etienne Cartier, Clarke was expected to help provide experienced and moderate leadership for the French element in Manitoba,

⁵⁰ See below, p.

⁵¹ Adams G. Archibald to Macdonald, letters dated May 26, 1871, and February 24, 1872, quoted in John T. Saywell, The Office of the Lieutenant-Governor, Toronto, University of Toronto Press, 1957, p. 67.

and thus ensure to it favorable laws from the critical beginning.⁵²

Clarke's forensic ability impressed everyone from the start.⁵³ Archibald made him Attorney-General, and he became Government leader in the House during the first session. That he began his career as a zealous defender of French and Metis rights is proved by the bitter hatred he incurred on that account from the Orange element.⁵⁴ He was regarded as a hero by the Metis for the outrages he suffered in their cause.⁵⁵ During the first session of the Legislature, Dubuc admired him as the only minister who dared stand up to Archibald. "On peut lui faire adopter une idée même contre l'opinion du Gouverneur. Il n'est pas valet de ce dernier."⁵⁶ By 1872 he appeared to have established himself as the most outspoken and enterprising friend the Metis had in the Legislature.⁵⁷

52 Taché to Grandin, December 9, 1870, quoted in Benoît, Vie de Mgr Taché, Montreal, 1904, Vol. II, p. 159.

53 Prud'homme, "Le Premier Parlement de Manitoba", p. 170.

54 Begg, Op. Cit., p. 93-94.

55 P.A.M., Dubuc Papers, Riel to Dubuc, May 27, 1874. (In this long letter, Riel reviews Manitoba history since 1870.)

56 P.A.M., Riel Collection, No. 88, Dubuc to Riel, April 12, 1871.

57 Ibid., No. 133, Louis Schmidt to Riel, February 3, 1872.
Dubuc, Mémoires d'un Manitobain, p. 101.

It was not long, however, before Dubuc detected in him a tendency to play both sides in the struggle between the Loyal Party and the Government Party, and more particularly, between the Orangemen on the one hand and the French Canadians on the other.⁵⁸ By August, 1872, Dubuc is warning Riel that Clarke must not be trusted too far, because he is motivated by personal ambition only, and not by a sense of responsibility to the French and Catholic community.⁵⁹ Clarke's private life--which was anything but edifying--became a matter of ever greater anxiety to the upright and morally fastidious Dubuc⁶⁰ who believed from the beginning of his public life that those who held office in the new Province had as their first duty to be models of clean and sober living.⁶¹

Clarke alienated Dubuc irreparably in 1872 when, as Attorney-General, he avowed his determination to convict the ignorant Metis who had unwittingly become associated with the Fenian Raiders.⁶² Clarke had already had some

58 Ibid., p. 102.

59 P.A.M., Riel Collection, No. 175, Dubuc to Riel, August 15, 1872.

60 Dubuc, Mémoires d'un Manitobain, p. 102-108.

61 -----, Autobiographie et Lettres, p. 77.

62 See above, the account of the Fenian Raid, Chapter I, p. 24-35.

sharp altercations with Joseph Royal who entered the Cabinet that year.⁶³ In 1873, Clarke made no attempt to hide the fact that he wanted to see Riel and Lépine convicted for the "murder" of Thomas Scott, and that he was the mortal enemy of the French Catholics. The French element agreed that success had gone to his head and left him "grisé par le pouvoir".⁶⁴

Before the Session of 1874, Royal and Dubuc came to an understanding together that Clarke must be ousted from the Executive Council.⁶⁵ The Clarke situation had grown steadily worse during the year since Alexander Morris had become Lieutenant-Governor. Archibald in his time had acted as his own Prime Minister and in so doing had kept Clarke under reasonable control, going so far on one occasion as to threaten to dismiss him if he did not submit and behave.⁶⁶ Morris, by temperament and inclination, was unfitted for the role of being a ruling Lieutenant-Governor. Influenced by the liberalism of Ontario whence he hailed, and desirous of throwing on his ministers the onus of responsibility for the numerous thorny problems irking

⁶⁴ Prud'homme, "Le premier parlement de Manitoba, 1870-74", p. 170.

⁶⁵ Dubuc, Mémoires d'un Manitobain, p. 156.

⁶⁶ Adams G. Archibald to Macdonald, letter dated February 24, 1871, Macdonald Papers, Vol. 187, p. 470-471, Public Archives of Canada.

him,⁶⁷ he refused to handle his councillors with the firm hand Archibald had wielded. "Chaque ministre était indépendant de ses collègues et maître absolu dans son département" explains Dubuc, and this situation accounted for those "scènes épiques quand Clarke voulait de l'argent du trésorier provincial, Thomas Howard, pendant lesquelles le pied de Clarke eut une influence frappante dans le débat soulevé".⁶⁸ It is little wonder that Gilbert McMicken, Dominion Lands Agent and personal friend of both Lieutenant-Governor Morris and Prime Minister John A. Macdonald, referred to the members of Morris's Executive Council as "animals".⁶⁹

Getting rid of Clarke promised to be a delicate business. Royal and Dubuc agreed that they should evict him without causing the fall of the ministry.⁷⁰ To effect this, Dubuc consented to do a rather peculiar thing: in replying to the throne speech, he would express confidence in the Cabinet, but state that he had reservations with

67 Saywell, Op. Cit., p. 75.

68 Dubuc, Mémoires d'un Manitobain, p. 104.

69 Gilbert McMicken to Macdonald, February 8, 1872, quoted by Saywell, Op. Cit., p. 76.

70 Dubuc, Mémoires d'un Manitobain, p. 156.

regard to the Honourable Mr. Clarke.⁷¹ This proposal had the desired effect. It saved the ministry long enough to allow it the time necessary to do the urgent business of that year: the preparation of a delegation to Ottawa to ask for better terms for Manitoba.⁷² It also gave the ministers time to ready the Legislative Assembly for the showdown with Clarke. By this time Clarke had made himself extremely unpopular with all parties.⁷³ Hence, when Minister Hay, seconded by Member Dubuc, proposed a motion of non-confidence in the Cabinet, fifteen of the twenty-four members in the Legislature, realizing that Clarke was the offending object, voted for the motion.⁷⁴

Once Clarke was out of the way, both Royal and Dubuc felt it was high time that Responsible Government was introduced.⁷⁵ Since Morris was showing less and less inclination to head the Executive Council himself, "le peuple demandait un changement de gouvernement avec un premier ministre

71 Ibid., p. 157-158; also, Manitoba, Journals of the Legislative Assembly, July 3, 1874, p. 30.

72 Begg, Op. Cit., p. 104.

73 Alexander Begg and W.R. Nursey, History of the City of Winnipeg, Winnipeg, Times, 1879, p. 99-100.

74 Dubuc, Mémoires d'un Manitobain, p. 166.

75 Le Métis, editorial entitled "Responsabilité Ministérielle", issue of August 1, 1874, p. 2, col. 1-3.

responsible."⁷⁶ The vote of non-confidence referred to above gave Morris the opportunity he had been seeking to inaugurate a responsible ministry.⁷⁷ He cast about for a suitable premier. Naturally he could not call upon the leader of the majority party as would a present-day governor, because real political parties had not yet emerged. He looked for a man whom he believed could command a majority in the Legislature. His first choice fell upon Dr. Curtis Bird, an Old Settler who had received his medical education in England⁷⁸ and who had friends among both the French and the English deputies. But as Bird had on a number of occasions been a tool in the hands of the infamous Clarke, the House refused to accept him.

Morris then consulted with the majority group which had ousted Clarke, and they agreed to accept Marc Girard, whom Archibald had chosen as his Provincial Treasurer in the first Session, and who had resigned from the Executive Council in 1872 to become one of Manitoba's two senators. After discussing the matter with Dubuc, Royal, and Archbishop Taché, Girard agreed to become Premier of the

76 Dubuc, Mémoires d'un Manitobain, p. 161.

77 P.A.M., Morris Papers, Ketcheson Collection, No. 121, Alexander Morris to Alexander Mackenzie, July 10, 1874.

78 John J. O'Donnell, Manitoba as I Saw It, Winnipeg, Clarke Bros., 1909, p. 59.

Province.⁷⁹ Thus it was that Manitoba's first Premier was a French Canadian. (There has not been a French Canadian Premier in Manitoba since.)

As Premier, Girard chose his own ministers: Dubuc became Attorney-General, taking Clarke's old post, the most important post in the Cabinet after that of Premier; the other two Ministers were English-speaking.⁸⁰

b) The Fall of Girard.- The Ministerial Crisis of December, 1874, was racial in character. For years the pro-French group had been in office after their numerical strength ceased to justify such a situation. Back in 1870 they had become a vital component of the governing party because they were willing to co-operate with the Old Settlers in supporting Archibald and promulgating his policy of conciliation. Had Schultz and the ultra-Loyalists been capable of compromise, they could have swamped the French from the very beginning by lining up the English groups, old and new, against them.⁸¹ In contrast, Riel, from exile, was declaring optimistically: "Notre parti sera

79 Dubuc, Mémoires d'un Manitobain, p. 167-169.

80 P.A.M., Morris Papers, Ketcheson Collection, Letter Book "G", No. 47, Lt. Gov. Morris to the Sec. of State, July 13, 1874.

81 Macfarlane, Op. Cit., p. 49.

toujours le plus uni, celui, par conséquent, qui commandera le plus d'influence".⁸² Between 1871 and 1875, however, something was happening that would eventually wrest the balance of power from both the French and the Old sections of the Province. Immigration was pouring in, and most of it was from Ontario.

Neutralizing the efforts towards conciliation on the part of the Lieutenant-Governors and the moderate leaders of both races were a series of events which for a year or so prior to the December, 1874 crisis fanned racial and religious animosity: the amnesty question; Lépine's trial, conviction, and reprieve; and Riel's election for the House of Commons.

The manner in which the Province had been divided into constituencies for the first provincial election confirmed the racial division. Once this division into two sets of twelve constituencies had been made, it naturally became the interest of the French group to maintain the status quo. This interest intensified as immigration upset the balance.⁸³ In November, 1873, the English-speaking members of the Legislature backed Clarke in his

⁸² P.A.M., Dubuc Papers, Riel to Dubuc, February 1, 1872.

⁸³ Ibid., May 27, 1874.

effort to pass a Redistribution Bill which would give the English element of the population increased representation.⁸⁴ Royal, though a member of the Government, led the French members in opposing it. It passed the Legislature on an English vote, but did not become law because it was not practicable: it was based on surveys that were not complete. Dubuc realized, of course, that the bill would be amended, probably for the worse.⁸⁵

Once the Girard ministry assumed power in July, 1874, the French both at home and in the east became more optimistic about the maintenance of their balance of power.⁸⁶ Dubuc is pelted with advice from his Quebec acquaintances not on any account to allow any reduction in the number of French seats in the Legislature.⁸⁷ He tries in vain to explain to them that redistribution is inevitable due to the ever-growing difference in population figures, and that compromise in such matters is not a sign of weakness on the

⁸⁴ Manitoba, Journals of the Legislative Assembly, November 8, 1873, p. 17-18.

⁸⁵ P.A.M., Riel Collection, No. 233, Dubuc to Riel, January 19, 1874.

⁸⁶ P.A.M., Dubuc Papers: Lachapelle to Dubuc, August 10, 1874; Riel to Dubuc, August 11, 1874. Also, Dubuc, Mémoires d'un Manitobain, p. 226.

⁸⁷ P.A.M., Dubuc Papers: Lachapelle to Dubuc, August 25, 1874; Desjardins to Dubuc, August 31, 1874; L.F.R. Masson to Dubuc, September 7, 1874.

part of the French Canadian leaders, but rather a necessity; it was the only alternative to losing everything.⁸⁸

The crisis came in December, 1874, when Minister of Public Works, E.H.G.G. Hay of St. Andrew's South, proffered his resignation to Girard. He was unwilling at first to offer any explanation, but pressed by his fellow-ministers, declared that it was prompted by racial feeling--not on his part but on the part of his constituents. These latter considered the Cabinet so absurdly weighted in the French direction that Hay feared to lose their votes in the next elections if he continued to be a member in it.⁸⁹

The other English-speaking Cabinet Minister, R.A. Davis, who was a Catholic and a personal friend of Dubuc's, remonstrated with Hay, trying to convince him that he was letting himself be carried away by "le fanatisme de race", and that he had a much better chance of being re-elected as a minister of their cabinet than as a simple member of the Legislature.⁹⁰ But Hay was not to be won over. Worse, Davis declared to Girard and Dubuc that although he disapproved of Hay's conduct, he too felt constrained to

⁸⁸ P.A.M., Riel Collection, No. 280, Dubuc to Riel (Montreal), undated, probably September 1874.

⁸⁹ P.A.M., Dubuc Papers, Riel to Dubuc, October 10, 1874.

⁸⁹ Dubuc, Mémoires d'un Manitobain, p. 227.

⁹⁰ Ibid.

resign. Otherwise, Hay would publicly accuse him of belonging to the French party and lose him a majority of the votes in his constituency.⁹¹

In a last effort to save his ministry, Girard called a Cabinet meeting to which he invited Lieutenant-Governor Morris. Morris endeavoured to save the political life of his first Premier by coaxing Hay to come back on his decision. But Hay was adamant.⁹² There was nothing left for Girard and Dubuc to do except proffer their resignations to Morris who accepted them and asked Davis to form a new ministry.⁹³ "I part with Girard and Dubuc with regret", Morris confided to the Prime Minister. He concluded from this episode that Manitoba got representative institutions too soon for ministries cannot but be short lived when group antagonisms are so strong.⁹⁴ Dubuc realized that the passing of the Redistribution Bill would now be inevitable, that it would give the English a majority of twenty-four seats, thus ending French domination, and that henceforth the best the French Canadians could hope for was to obtain

91 Ibid., p. 228.

92 Ibid., p. 229.

93 Ibid., p. 230.

94 P.A.M., Morris Papers, Ketcheson Collection, Letter Book "G", No. 137, Morris to Mackenzie, December 5, 1874.

a balance of power between the two English factions by which they could protect their interests.⁹⁵

2. The Second Provincial Parliament, 1875-79.

A. The Davis Cabinet

After accepting the premiership in December, 1874, Davis formed his ministry. He kept the post of Provincial Treasurer for himself, named Joseph Royal as Minister of Public Works and Provincial Secretary, and gave the Old Settler, Colin Inkster, the posts of Speaker of the Legislative Council and President of the Executive Council.⁹⁶ Thus, the Cabinet was reduced from five to three members, of whom one member was French.

This reduction in the number of Cabinet Ministers was part of a policy of retrenchment which Davis announced as his program. By rigid economy imposed on the elected members and on every branch of the civil service, Davis hoped to decrease the provincial deficits which were growing larger every year, and also to win an increase of subsidy from the Dominion Government which was feeling the straightening effects of Depression itself.⁹⁷

95 Ibid., p. 231.

96 Begg, Op. Cit., p. 149.

97 Ibid., p. 149-150; p. 194.

Before summoning Parliament for a session, Davis decided to go to the polls, because the first Manitoba Parliament was beginning its fifth year. Early in 1875, the second Provincial Elections were held. In the French constituencies an interesting development had taken place since the first elections. Back in December, 1870, all the French candidates had been elected by acclamation in contrast to the English candidates who competed, Old Settler against New, in many districts. In 1875, there were only two elections in French districts by acclamation. In the remaining districts, the contests were usually between French Canadians and Metis.⁹⁸

Dubuc ran in St. Norbert North this time, at the urgent request of its inhabitants. He left his old constituency of Baie St. Paul, which was farther away, less civilized, and poorer, to a Metis. He beat Joseph Lemay, an Old Settler, with a majority of two to one.⁹⁹ Dubuc notes that E.H.G.G. Hay, who had upset the Girard Ministry, got his deserts in this election by being defeated in his

98 Le Métis, "Elections", February 6, 1875, p. 3, col. 1.

99 Dubuc, Mémoires d'un Manitobain, p. 235-238.

own constituency.¹⁰⁰ Apart from Hay, Davis's Ministry was returned intact.

Although Davis had been voted in by the anti-French group, he soon found his support coming from the French members, and the Opposition which was led by John Norquay was left stranded. For Dubuc and his colleagues, backing Davis was simply a matter of choosing the lesser of two evils.¹⁰¹ This situation was one of the vagaries of Manitoba politics resulting from a lack of organized parties.¹⁰²

Soon after the first session of the Second Legislature had begun, a Speaker had to be chosen. Dubuc was unanimously elected.¹⁰³ From the start he had difficulty with the aggressive lawyer, Frank Cornish, a member of the Opposition, and Winnipeg's mayor:

Lorsqu'un point d'ordre était soulevé, et que les prétensions contradictoires avaient été exposées, l'orateur, s'appuyant sur un texte de May's Parliamentary Practice, ouvrage qui fait autorité en ces matières, décidait la question. Les décisions étaient souvent à l'encontre des vues du Député Cornish, et cela le contrariait beaucoup. Il en exhale un jour sa mauvaise humeur en ces terms: 'Faut-il donc nous soumettre aux dictées du fauteuil présidentiel basées sur des règles arbitraires qu'il puise dans un livre que nous ne connaissons pas?'

100 Ibid., p. 234.

101 Ibid., p. 291.

102 Macfarlane, Op. Cit., p. 50; Dubuc, Mémoires d'un Manitobain, p. 294-95.

103 Dubuc, Mémoires d'un Manitobain, p. 291.

La plupart des anciens députés sourirent et l'un d'eux lui suggéra d'étudier son catéchisme parlementaire, avant de s'insurger contre la doctrine et les principes de procédure suivis par toutes les législatures siégeant sous le parlementarisme britannique.¹⁰⁴

He enjoyed the respect of the House during the four years he occupied the Speaker's chair.¹⁰⁵

B. Abolition of the Legislative Council

The next bulwark of French rights to be levelled was the Legislative Council in 1876. In the course of 1875, the Manitoba Government had approached the Federal ministry of Alexander Mackenzie with a request to increase the subsidy to Manitoba. One condition demanded of Manitoba by Mackenzie before giving financial help was the abolition of the Legislative Council. Davis introduced a bill to that effect in the first session of the Second Legislature, April 30, 1875.¹⁰⁶

This Bill became immediately a matter of intense concern to the French Canadian and Metis members of both Manitoba Houses. The Legislative Council had been created by the Manitoba Act for the purpose of safeguarding the rights of the minority, because it had been foreseen that

104 Ibid., p. 293-294.

105 Prud'homme, "Sir Joseph Dubuc", p. 511.

106 Begg, Op. Cit., p. 195.

the French proportion would soon diminish once the Province was thrown open to settlers. Dubuc and his French Canadian colleagues went into caucus to discuss the problem.

Some agreed with their English colleagues in the Government party that the Legislative Council was an unnecessary expense and a cumbersome piece of useless machinery which the Province would be better without.¹⁰⁷ Dubuc reminded the French members who shared this opinion of the reasons why the Council had been created in the first place:

[...] pour reviser et au besoin modifier une législation trop hâtive de l'Assemblée Legislative; ensuite pour à un moment donné protéger les droits de la minorité future--quelle qu'elle put être--contre les empiètements éventuels d'une majorité d'occasion dans la chambre populaire.¹⁰⁸

On the other hand, they had to be realistic. Though they had always declared themselves opposed to its abolition, and never seemed as badly in need of it as in 1876 when they had fallen sadly behind in the population race, they could see that holding on to it in the face of Federal disapproval would deprive their Province of the subsidy increase it needed so badly for the opening of roads, building of bridges, and other urgent necessities.¹⁰⁹ They

107 Dubuc, Mémoires d'un Manitobain, p. 366.

108 Ibid., p. 367.

109 Ibid., p. 368-369.

sat on the horns of a dilemma:

Abolir le Conseil, c'était enlever à la minorité une garantie sur laquelle elle croyait pouvoir compter. Refuser d'accéder aux exigences du gouvernement fédéral, c'était, par manque de ressources, retarder le développement normal du pays.¹¹⁰

At this point, their English-speaking colleagues began assuring them that the rights of the French Catholic minority would always be faithfully respected by the majority. "Nous avons raison de croire," notes Dubuc, "que ceux qui parlaient ainsi étaient sincères, mais comment pouvons-nous compter sur leurs successeurs dans le gouvernement et à la Chambre?"¹¹¹

Finally, after re-examining the question from every angle, and consulting their compatriots in the Province and in the east, they came to the conclusion that they would be no farther ahead if they determined to hold on to the Executive Council. Such tenacity could bring about the fall of the Davis Cabinet which depended on French support. And the alternative government, the present Opposition, would pass the Bill through the Lower House without French support. So Dubuc and his colleagues decided in favour of abolition of the Executive Council.¹¹²

110 Ibid., p. 371.

111 Ibid., p. 372.

112 Ibid., p. 373-375.

Dès que les députés français eurent décidé de ne plus s'opposer à l'abolition du Conseil, et que leur décision fut annoncée en Chambre, les députés de langue anglaise en furent enchantés, et des flots d'éloquence coulèrent de leurs bouches.¹¹³

The foregoing account explains how it was that prominent French members supported the Bill which abolished the Upper House.¹¹⁴

Reminiscing on this drama thirty years afterward, Dubuc stated that some of the English M.L.A.'s remained true in after years to their promises to protect French rights.¹¹⁵ He singled out for special mention W.F. Luxton, Member for Rockwood and founder and editor of the Winnipeg Free Press. When the Greenway Government sought to destroy the Catholic school system a decade later (1890), Luxton used his newspaper to defend, in season and out of season, the institutions so vital to French national life. Luxton's fidelity to his promise of "fair play" to the French lost him his popularity with the English majority, and eventually the paper. His political opponents bought up controlling shares in it until they were powerful enough to fire him.¹¹⁶ This explains why it is that the Winnipeg

¹¹³ Ibid., p. 376.

¹¹⁴ Manitoba, Journals of the Legislative Assembly, January 26, 1876, p. 27.

¹¹⁵ Dubuc, Mémoires d'un Manitobain, p. 377-378.

¹¹⁶ John W. Dafoe, "Early Winnipeg Newspapers", Historical and Scientific Society of Manitoba, 1947, Series III, No. 3, p. 22.

Free Press became a fanatic crusader for public schools in 1893. (It has remained so to the present day.)

C. The Legislation of 1877

Since the Redistribution Act of 1874 which re-allotted the electoral districts in order to give representation to the recent settlers at the expense of the French minority, immigration continued to flow into the Province. Thus, the French proportion continued to dwindle. As the 1877 Session opened, rumours of legislation dangerous to French interests began to circulate. There was a movement abroad among the Ontario immigrants to get increased representation and also to introduce public schools.

In the face of this grave danger, Le Métis issued the only directive it could, under the circumstances, to the French representatives in the Legislature. It was Dubuc's favourite theme:

Encore une fois nous conseillons à nos députés de rester unis et de s'entendre ensemble sur une action commune, énergique, et sage.¹¹⁷

French interests might have suffered more than they did during the Session if the French did not enjoy the sympathy and support of the English-speaking Old Settlers in the Cabinet and Legislature. The Manitoba Old Settlers

117 Le Métis, February 8, 1877, p. 2.

were almost as reluctant as the French to give any leeway to the Ontario element whose noisy democracy frightened them. The headway that the Opposition failed to make in the House, due to Speaker Dubuc's strict adherence to the Parliamentary Regulations, they succeeded in making in the city. Mass meetings were the order of the day, and topics like representation by population and public schools were the intoxicating stimulants which attracted the crowds.

Mayor Cornish was the Danton of Winnipeg:

Le parti ministériel, français et anglais, est très uni, très compacte, et bien décidé à ne pas se laisser entamer par MM Cornish et Cie qui [...] agitent toute la ville.¹¹⁸

The Public Schools Bill made little headway in the Legislature.¹¹⁹ It got only far enough to show Dubuc and his colleagues in what direction the political wind was blowing.¹²⁰ The Redistribution Bill, on the other hand, passed. But it did not pass in the radical shape in which the Opposition wanted to see it. Instead of introducing representation by population, it simply gave eight of the Province's twenty-four seats to the New Settlers, leaving

118 Le Métis, February 22, 1877, p. 2, col. 1.

119 Ibid., "La Session", February 1, 1877, p. 2, col. 1.

120 Dubuc, Mémoires d'un Manitobain, p. 295 A.

the remaining sixteen to be shared evenly by the French and English Old Settlers.¹²¹

Looking back at the shoals from which they had steered clear, the French-speaking Members of the Legislative Assembly congratulated themselves. For the first time the Government Party had had to contend with an Opposition that was systematic, an Opposition that was even beginning to be organized.¹²² They had succeeded by their efforts at co-operating with the amenable English element without compromising their essential interests. In this, Dubuc was gifted:

Un des faits les plus saillants de la Session qui vient de finir est l'union qui s'est opérée entre les députés anglais nés dans le pays et les députés français. Les uns et les autres ont compris que leurs intérêts avaient une foule de traits communs, et nous augurons les meilleurs résultats de ce rapprochement.¹²³

They did not realize in 1877 that this wave of immigration was not on the wane, that it would continue to gain momentum until the interests of all the Old Settlers, French and English, had been drowned out. Manitoba was being colonized by Ontario, and Manitoba would become another Ontario in taste and outlook before the end of the century.

¹²¹ Manitoba, Journals of the Legislative Assembly, 1877, p. 100.

¹²² Le Métis, "Fin de la Session", March 1, 1877, p. 2, col. 1.

¹²³ Ibid.

D. Lieutenant-Governor Cauchon

At the end of the third year of the Second Provincial Legislature, an appointment of extreme interest to all Franco-Manitobans was made: Joseph Cauchon was named to replace Alexander Morris whose term of office expired in December, 1877. Cauchon became Manitoba's third Lieutenant-Governor. The accession of a French Canadian to the highest appointive office of the Province shot a ray of hope across the clouding horizon of the French-speaking Manitobans. Archbishop Taché wrote that "la nomination d'un Catholique et d'un Canadien-Français est aussi extraordinaire que l'arrivée du chemin de fer".¹²⁴

Nevertheless, the news of Cauchon's nomination was received with some trepidation on the part of Joseph Dubuc.¹²⁵ Cauchon was a Liberal at a time when good Catholic French Canadians belonged to the Conservative Party. Dubuc differentiated, however, between politics in Quebec and politics in Manitoba at that era. Liberalism in Manitoba would be much less offensive:

¹²⁴ Taché to Père Aubert, January 10, 1877, quoted in Dom Benoît, Vie de Mgr Taché, Montreal, Librairie Beauchemin, 1904, Vol. II, p. 325.

¹²⁵ Dubuc, Mémoires d'un Manitobain, p. 404.

La division des hommes s'occupant des affaires publiques entre deux grands partis: les conservateurs et les libéraux, qui prévalait dans les plus anciennes provinces, n'avait pas encore été adoptée au Manitoba. Le cabinet provincial était un gouvernement de coalition, composé de conservateurs et de libéraux. Aucun groupe n'ostracisait un homme parce qu'il appartenait ou était censé d'appartenir à un groupe différent.¹²⁶

Despite the fact that the Manitoba political machinery was less developed, more primitive than that of Quebec, Dubuc thought that it functioned better. He had a mixture of pity and of contempt for the way fine intellectual energy was wasted in the French province by internecine bickering. He privately censured his Quebec compatriots for their over-indulgence in the vice of party politics.¹²⁷

Cauchon arrived in Manitoba with a reputation for authoritarianism.¹²⁸ Here again, Dubuc exonerated him. Although the tone of Dubuc's remarks about Cauchon leave the reader with the impression that he did not like Cauchon as a person,¹²⁹ nevertheless, he defended him against those who accused him of imposing his will as Lieutenant-Governor on the Government:

126 Ibid., p. 294-295.

127 Ibid., p. 295.

128 Ibid., p. 408.

129 Ibid., p. 404-408.

Il a été un Lieutenant-Gouverneur vraiment constitutionnel, laissant--comme c'était son devoir d'ailleurs--la gouverne des affaires à ses ministres. Je n'ai jamais remarqué qu'il ait cherché à intervenir dans les choses politiques, et faire prévaloir ses propres opinions.¹³⁰

Dubuc also defended Cauchon against Quebec journalists who accused him of the opposite fault: of not going far enough in the exercise of his executive power. The accusation arose after the 1879 crisis in the Manitoba government¹³¹ in the wake of which the English members of the Legislature, united momentarily against the French members, took advantage of the situation to pass a bill which dispensed with the printing of public documents in the French language. Editorials in the east denounced Cauchon's failure to protect French interests. They claimed he did not go far enough in simply reserving the Bill, that he should have peremptorily refused to sanction it on the grounds that it affected the privileges guaranteed to the French minority by the Manitoba Act, and so went beyond provincial powers.

In a treatise of some length, Dubuc refuted the position of his Quebec acquaintances and exposed his own reasoning on this constitutional issue:

¹³⁰ Ibid., p. 409.

¹³¹ See below, Chapter VI, p. 200ff.

Permettez-moi de vous dire que je diffère d'avec vous sur le rôle de Cauchon dans cette affaire. Je pense que c'était son devoir de réserver le bill pour la Sanction du Gouverneur-Général. C'est d'ailleurs la pratique toujours suivie en pareil cas dans les législatures provinciales. Je ne sache pas qu'un Lieut. Gouverneur dans aucune des Provinces de la Confédération ait encore refusé péremptoirement sa sanction à un bill. Les bills auxquels la sanction n'est pas donnée sont toujours réservés pour la signification du plaisir de Sa Majesté, pour employer l'expression technique. Et comme il s'agit d'une question constitutionnelle douteuse, il devait la référer à l'autorité supérieure. Maintenant, eût-il pu refuser la sanction par lui-même, je crois qu'il était plus à propos à la référer à Ottawa pour que la question soit examinée par les officiers en loi de la Couronne, et décidée par les aviseurs du Gouverneur-Général qui sont responsables au peuple, plutôt que par le Lt. Gouverneur qui ne l'est pas.

Lui mettant son veto à une mesure adoptée par la législature, et pour laquelle ses aviseurs seuls sont responsables au peuple, aurait pu encourir le blâme sincère de ceux qui désiraient la voir passer, et constitutionnellement, le Gouverneur ne doit pas s'exposer à tel blâme lorsqu'il peut s'en dispenser.

J'irai même plus loin. Si le Gouvernement d'Ottawa renvoyait la mesure ici pour être décidée par le Lt. Gouverneur, je suis d'avis que le Gouverneur devrait suivre l'avis de ses ministres et sanctionner le bill, parce qu'eux seuls sont responsables, et il n'a pas droit de substituer son opinion à celles de ses ministres responsables.

La question est de la compétence de notre Législature ou elle ne l'est pas. Si elle est, la Législature est dans ses attributions en passant le bill; le ministre a droit d'aviser sa sanction; et le Lt. Gouverneur la refusant, se substituerait à la volonté du peuple constitutionnellement exprimée. Si notre législature n'a pas droit de passer ce bill, il vaut beaucoup mieux que la décision concernant ce droit vienne du pouvoir supérieur fédéral.¹³²

¹³² P.A.M., Dubuc Papers, Dubuc to Elie Tassé, September 26, 1879.

A year later Dubuc wrote to Montreal again to defend Cauchon against another false accusation--that of interfering in the provincial elections. The Montreal journalists had misinterpreted Joseph Royal's attempt at humour: "Le mot cauchenaille a été mis dans Le Métis seulement pour faire un jeu de mots", explained Dubuc.¹³³

Cauchon's wife died four days after his inauguration as Lieutenant-Governor, an event which threatened his chances of success, as social activities were extremely important to a provincial governor's popularity in those days. The situation was saved, according to Dubuc, by the late Madame Cauchon's sister, Mademoiselle Nolan, who took over the duties of hostess at Government House with great tact and distinction.¹³⁴ Two years later, Cauchon entered into a third marriage with Emma Lemoine of Ottawa whose magnificent receptions and amiable courtesy towards all made her and her husband extremely popular from a social viewpoint.

Dubuc remembers Cauchon best for the mistakes he made as a land speculator.¹³⁵ During the boom years of 1880 and 1881, Cauchon entered into a number of fortunate

133 Ibid., letter dated October 14, 1880.

134 Dubuc, Mémoires d'un Manitobain, p. 406.

135 Ibid., p. 407.

transactions. He confided to Dubuc one day that he had made a half-million dollars. But he began the construction of a huge building which he was unable to finish before the crash came. Following that, his lands suffered a severe deprecation in value, and by 1882, he was ruined. At the termination of his tenure of office, he removed to his son's farm in Saskatchewan where, shortly afterward, he died.¹³⁶ Dubuc's sympathy for Cauchon arose largely from the fact that he was himself reduced to real poverty by the crash of 1881-82.¹³⁷

It is hard to understand why Dubuc defended so consistently a man like Cauchon who apparently does not have great merit. The only conceivable reason for his sympathy for Cauchon is that the latter was, like himself, a French Canadian holding office in a Province where the French position was becoming increasingly precarious.

136 Ibid., p. 408.

137 Dubuc, Autobiographie et Lettres, p. 119-122.

CHAPTER VI

MEMBER OF PARLIAMENT

After seven years of provincial politics, Joseph Dubuc, now thirty-eight years of age, decided to exchange the cramped Manitoba field for the broader federal arena.

1. The Federal Elections, 1878.

A. Provencher

Dubuc was encouraged thereto by the influential electors of the county of Provencher, which comprised the two sides of the Red River from St. Vital south to the international boundary.¹ These electors had two reasons for selecting Dubuc. The first was the desire to have a French-speaking representative. More French Canadians inhabited Provencher than any other county. If Provencher did not send a French representative to Ottawa, all four Manitoba members of Parliament would be English-speaking. Provencher's last representative had been A.G.B. Bannatyne, a friend of Riel and of the French-speaking, but not a compatriot. Their second reason for selecting Dubuc was

¹ Joseph Dubuc, "Mémoires d'un Manitobain", 1912-13, unpublished manuscript, Dubuc Papers, Public Archives of Manitoba, p. 430.

in recognition of the efforts he had made to get Riel elected on four different occasions.² Riel's Metis followers--those who had not left for Saskatchewan--lived mostly in this county.

As was his wont in serious undertakings of this nature, Dubuc consulted his best friends: Archbishop Taché, and Father Ritchot, and a few laymen.³ On their warm recommendation, he announced his candidacy which was received with such spontaneous approval from new French-speaking settlers and old alike that he was assured of success.⁴

It was understood that Dubuc ran as a Conservative. The Franco-Manitobans were all Conservative in Federal politics for a generation after Confederation. There are several reasons for this. Dubuc, Royal, and Girard were all nominees of George-Etienne Cartier. They all looked to Archbishop Taché as their mentor, and Taché's relatives and friends in the West were Conservatives. They were all fer-

2 See Chapter II, p. 36-85.

3 Dubuc, Op. Cit., p. 431.

4 Gilbert McMicken, prominent Winnipeg businessman, confided to his friend Alexander Morris that he could not understand Archbishop Taché for supporting Dubuc in place of Bannatyne who had always been friendly to French interests. P.A.M., Morris Papers, Ketcheson Collection, No. 278, McMicken to Morris, January 12, 1878.

vent, practising Catholics and disapproved of the Liberal Party's tenet concerning the separation of Church and state.

Dubuc did not get the Provencher seat unchallenged. A Liberal candidate by the name of A.F. Martin rose up to oppose him in every way. Martin was from Emerson and an Irish Catholic. He was the third of his race and faith to cross the path of Dubuc's public life and obstruct his work for his nationals. The first was Clarke whose name has appeared in every chapter of this thesis so far. The second was Dr. John H. O'Donnell, the Justice of the Peace who issued the warrant for Riel's arrest as Scott's murderer. There is no apparent explanation for the antipathy these men bore their co-religionists of another tongue except their resentment of the strong patriotism of the great Archbishop Taché whom they found otherwise very admirable.⁵

Dubuc's description of his campaign for this election⁶ gives an excellent idea of what these hustings dramas meant to the pioneers of Manitoba. Political combats were the favourite entertainment of the frontier. Every night before election day the homesteaders would join the villagers in some schoolhouse or hall to hear the rival

⁵ See Dr. O'Donnell's correspondence with Archbishop Taché, 1870-73, Archiepiscopal Archives of St. Boniface.

⁶ Dubuc, Op. Cit., p. 432-437.

candidates engage in high debate on the issues of the day. (Dubuc's encounters with Martin sometimes lasted from eight in the evening until three in the morning.) During the day, the candidates followed the prairie trails in the creaking Red River carts, interviewing the electors, strengthening the faith of their adherents, trying to shake the perversity of their opponents. Through these campaigns, Dubuc revealed a resourcefulness in exposition and a tirelessness in argument that would shortly make him noteworthy on the Bench.

At Morris, an Orange stronghold on the Red River, Martin attacked Dubuc on two grave points. First, he accused him of being a slavish tool in the hands of Archbishop Taché. Martin acknowledged the Archbishop's right to be authoritative in matters of religion, but expressed his desire to be like the Orangemen present: independent in political matters. Second, Martin reminded the Orangemen that Dubuc had arrested fifteen of their number recently for menacing and mistreating newly-arrived French immigrants in the district.

Amid the cat calls and floor thumpings that Martin's accusations rained down upon him, Dubuc endeavoured to defend himself and outline his program. Too truthful to deny his intimacy with Archbishop Taché (whom he and the other French Canadian leaders consulted on every

problem), Dubuc proceeded instead to describe for them the qualities of the great prelate, so they would see that he was consulted not because he was a priest, but because his extraordinary knowledge of and love for the people of the Province made him a pre-eminent authority even on political matters.

For the second accusation, Dubuc employed a different tactic. He admitted prosecuting the disturbing Orangemen, but argued that he was merely carrying out the duties of his calling:

Vos amis, m'ont-ils chargé de leur cause? Non. Ils avaient leurs avocats. Lorsque j'ai été admis au barreau, j'ai prêté un serment d'office: j'ai juré de consacrer mes connaissances légales au service de ceux qui auraient recours à moi comme avocat. Les colons du canton Taché vinrent à moi et mirent leur affaire entre mes mains. J'ai fait tout ce que j'ai pu pour leur obtenir justice, et, par une conséquence nécessaire, pour faire arrêter ceux qui les avaient assaillis et chassés violemment de leurs propriétés. N'était-ce pas mon devoir de le faire?--Supposez, maintenant, que j'aurais agi d'autre façon: que, au lieu de prendre l'intérêt de mes clients, je les aurais sacrifiés pour aider et couvrir leurs agresseurs. Que penseriez-vous de moi? N'aurais-je pas violé mon serment? Vous pourriez alors me considérer comme un traître, me mépriser comme un renégat. Pourquoi donc m'en voudriez-vous d'avoir accompli mon devoir? Je fais appel, Messieurs, à votre loyauté, à votre sens du droit et de la justice. Si vous tenez quand même à me blâmer, soit, je préfère votre haine à votre mépris.⁷

⁷ Dubuc, Op. Cit., p. 440.

This frank appeal to their sense of justice so surprised the hostile assembly, that they were won over. On Nomination Day, Martin did not turn up.⁸ So Dubuc got the seat by acclamation after all.

B. Selkirk

The electoral division of Selkirk, comprising Winnipeg, St. Boniface, and several other important localities, was the scene of the wildest disorders before the secret ballot was introduced.⁹ For the Federal election campaign of 1878, Selkirk was a centre of interest for another reason: Donald A. Smith, who had held the seat as a Conservative since 1871, was challenged by no less a person than the former Lieutenant-Governor, Alexander Morris. The idea of Morris, who had held the lofty position of Chief of State in Manitoba, lowering himself to the labour of running as a Liberal candidate against the redoubtable Smith caused a flurry of excitement among the Manitobans. The heated but dignified battle between these two intelligent fighters provided superb entertainment for men like Dubuc who loved a fine debate.¹⁰

⁸ Ibid., p. 435.

⁹ See Chapter II, p. 36-85.

¹⁰ Dubuc, Op. Cit., p. 425.

When the rival candidates met in St. Boniface, Morris hit upon an almost irresistible popularity tactic: "Il prit la parole en français." Dubuc noted that "il pouvait s'exprimer dans notre langue d'une manière passable bien que non correcte."¹¹ This delighted the citizens of St. Boniface and threw Smith and his supporters into a quandary. What should Smith do? It was generally known that he did not know French. But after listening to Morris conclude his fifty-minute speech by thanking his listeners for allowing him to address them "dans leur belle langue"¹² he decided that to save his seat, he must do the impossible:

Lorsque (M. Morris) reprit son siège, M. Smith se leva. A la grande surprise de tous, il prit la parole en français. C'était un français pitoyable, horrible, abracadabrant, entrecoulé de mots anglais. Cependant, il parvint à exprimer ce qu'il voulait dire, et réussit à se faire comprendre. Ses partisans l'applaudissaient à faire crouler le plafond. Les adversaires admirant sans doute les efforts que faisait ce vieil Ecossais pour parler leur langue, restaient cois. Il parla ainsi pendant une vingtaine de minutes; puis continua son discours en anglais.¹³

Smith was rewarded for his simplicity by once more securing a majority of the votes on Election Day. Dubuc retained a pleasant memory of the attempt at bilingualism:

11 Ibid., p. 426.

12 Ibid., p. 427.

13 Ibid., p. 428.

Nous revînmes de l'assemblée de la meilleure humeur du monde, enchantés d'avoir assisté à cette performance (sic) passablement cocasse, et flattés tout de même de voir les efforts faits par ces deux étrangers pour nous parler dans notre langue maternelle.¹⁴

C. Riel

After winning the Provencher seat in the 1878 elections, Dubuc decided to stop at Pembina on his way to Ottawa to visit Provencher's former and most famous incumbent.

Riel had recently returned to the West after being discharged from the Beauport Asylum, and had settled just south of the Manitoba boundary to wait out the expiration of his term of banishment. Dubuc had been reluctant to renew the friendship and had prodded himself into doing so only after Archbishop Taché had told him he should.¹⁵ Madame Dubuc accompanied her husband as far as Pembina where Riel was staying with a Metis friend. Louis was there himself to meet them, and comported himself towards both Dubuc and his wife with the charming courtesy characteristic of him.¹⁶ At first encounter, Dubuc found his old friend "tout à fait comme auparavant, ... bien portant,

¹⁴ Ibid., p. 429.

¹⁵ A.A.S.B., Dubuc to Taché, January 21, 1879. In this letter, Dubuc thanks Taché for having urged him to visit Riel.

¹⁶ Dubuc, Op. Cit., p. 322-334.

plein de force et d'enthousiasme".¹⁷ As the day wore on, however,

Riel manifestait des tendances à s'exciter; mais je vis qu'il se contenait et restait maître de lui-même. Il me posait des questions auxquelles je répondais. Il exprimait des idées, parfois hardies, et proposait des plans d'action pour tâcher de définir ce qu'il pourrait y avoir de mieux à faire dans l'intérêt de la population métisse du pays.¹⁸

Then, quite by chance in the course of the conversation, Dubuc asked a question and tossed off a remark which instantly relieved Riel of the pall of humiliation which had weighed him down since his incarceration, restored his wounded vanity, and set him in the frame of mind which nourished the seeds of the 1885 rebellion:

Il revenait souvent sur le sujet de son internement. 'Je suis d'un asile; je viens de chez les fous; quel cas fait-on des paroles d'un pauvre fou!'

Ces expressions-là étaient souvent interjetées dans ses plus emphatiques tirades. A un moment je l'interrompis et lui demandai; 'Pourquoi reviens-tu si souvent sur ce sujet?'

--C'est un fait bien connu, dit-il. Il est inutile d'essayer de le dissimuler.

--Ce n'est pas, repris-je, ce que pensent tes gens.

Je m'aperçus aussitôt que cette remarque l'avait profondément impressionné. Il s'arrêta, me regarda dans les yeux, cherchant à lire dans ma pensée. Puis il se ressaisit, et continua la conversation. Je sentai qu'il allait revenir sur le sujet.

En effet, après environ une demi-heure de causerie apparemment indifférente, il se tourne vers moi, et les yeux plongeant dans les miens, il m'adressa

17 A.A.S.B., Dubuc to Taché, January 21, 1879.

18 Dubuc, Op. Cit., p. 325-326.

cette remarque: Qu'astu voulu dire tantôt par la remarque: Ce n'est pas ce que tes gens croient?

--Je vais te dire, repris-je, exactement ce qui en est. Tous tes amis savaient que tu as été interné dans un asile. Mais l'opinion générale parmi eux est que tu n'as jamais été fou. Ils croient de deux choses l'une: ou que le gouvernement t'a fait arrêter et interner pour se venger de ce que tu leur as résisté et tenu tête; ou bien que tu as toi-même simulé la folie.

A ces remarques, Riel poussa un long et profond soupir de soulagement. Tous ses traits se détendirent dans une espèce de rayonnement de délices. Je ne me rappelle pas, dans toute mon existence, d'avoir jamais prononcé des paroles qui furent autant de bien dans l'âme et au coeur de celui à qui elles étaient adressées. Et ces paroles étaient vraies. Je n'inventais rien; je ne mentais pas. C'était exactement ce que pensaient la grande majorité des Métis.

Je m'étais bien gardé de lui dire ce que j'en pensais moi-même.¹⁹

Dubuc spent the remainder of the day with an elated and exultant Riel. Before Dubuc departed at eleven that night, Riel returned to the subject of his madness. He had never been out of his mind at all, had only pretended to be so that the British and Canadian Governments would forgive him his Resistance and have mercy on his people!²⁰ Soon Riel would come to believe his own story, and no one would be able to convince him otherwise.²¹

19 Ibid., p. 327-330.

20 Ibid., p. 333-334.

21 See below, Chapter VII, "The Riel Case", p.

Standing by that evening, absorbing Riel's vindication of his sanity to Dubuc, were Ambroise and Maxime Lépine, "plongés dans l'extase, buvant ses paroles comme les oracles de la plus grande divinité des temps modernes".²² Soon the Metis population of the entire North West would adopt this version of Riel's illness and no argument to the contrary proffered by white men would be strong enough to move them from it.²³

As for Dubuc, the short visit had stirred the old affection:

Je me réjouissais d'avoir pu, par une charitable restriction mentale, faire tant de bien, et causer une joie si douce et si intense à mon povere ami dont l'âme avait été abreuvé de tant d'amertume.²⁴

It would be interesting to know just how great a contribution Dubuc's apparently harmless mental reservation made to the 1885 rebellion. It certainly played a major role in restoring Riel's confidence in himself, and his followers' confidence in him.

2. The Federal Session of 1879.

The Fourth Canadian Parliament was solemnly opened February 13 by Canada's new young Governor-General, the

²² A.A.S.B., Dubuc to Taché, letter dated February 20, 1879.

²³ Ibid., May 31, 1885.

²⁴ Dubuc, Op. Cit., p. 335-336.

Marquis of Lorne. The work of the Session had hardly begun when Dubuc was thrown into a quandary by a renewal of the Riel question. Dr. Romuald Fiset, Liberal Member from Rimouski, decided to embarrass Macdonald by asking him if the Government had solicited or recommended the pardon of Riel, or if it intended to do so.²⁵

Dubuc privately favoured letting Riel live out quietly the one year remaining to his sentence of banishment and he had no desire to support the Liberal Opposition in anything. But after wrestling with the question, he came to the decision that, if a complete amnesty for Riel were put to the vote, he should join the other French Canadians in the Lower House to support it.²⁶

Archbishop Taché backed Dubuc in this resolution:

Quant à l'amnistie, vous ne pourrez pas voter autrement que dans le sens de son octroi, qu'elle vienne de l'Opposition ou non. J'espère que vos amis en feront autant, autrement ils nous feront bien tort parmi nos gens.²⁷

Characteristically, Macdonald waived the question for the time being, and after Fiset repeated it a few days later, postponed it for the duration of the Session.²⁸

²⁵ Canada Parliament, Debates of the House of Commons, 42 Victoria, 1879, Vol. 1, p. 42.

²⁶ A.A.S.P., Dubuc to Taché, February 20, 1879.

²⁷ P.A.M., Dubuc Papers, Taché to Dubuc, March 1, 1879.

²⁸ Debates of the House of Commons, 1879, p. 66.

Not long after the Session began, Dubuc was introduced to Sir Mackenzie Bowell, Minister of Customs in Macdonald's Cabinet.²⁹ Bowell treated the Provencher Member with unfeigned cordiality, and enquired warmly after "our friend, Riel".³⁰ Dubuc was unable to hide his astonishment at Bowell's solicitude for the man he had done everything to unseat and disgrace in the last Parliament. Bowell, assuming a paternal tone, chided the younger M.P. for his simplicity. Could Dubuc not see that, as Master of the Orange Lodge, Bowell had no choice but to hound Riel? The persecution of the Metis Chief was a political tool, a vote-getter. Bowell even confessed to a personal admiration for Riel's virility. It was some time before Dubuc recovered from the shock:

Ces paroles m'ouvrirent tout un horizon. Je compris qu'en politique, chez certains hommes, ce qu'on voyait à la surface jurait quelquefois avec ce qui faisait le fond de leurs convictions intimes. Tels qui se montraient publiquement féroces et intraitables sur certaines questions le faisait parfois uniquement pour la frime, et y étaient plutôt sympathiques dans leur for intérieur. Ceci était du nouveau pour moi, et évidemment j'étais un naif. Cependant, je crois devoir rester attaché à ma naïveté. Il m'aurait fallu faire une trop grande violence à ma nature trop inculte, sans doute, pour penser d'une manière et agir d'une autre.³¹

29 Dubuc, Op. Cit., p. 508.

30 Ibid., p. 509.

31 Ibid., p. 510-511.

A. The Letellier Affair

Somewhat more embarrassing than the Riel question for Dubuc, although it touched him much less personally, was "L'Affaire Letellier".³² Dubuc was a little disgusted that the whole unsavoury business was resolved on a strictly party vote.³³ On the other hand, he was glad that the debates of the most severe constitutional crisis since Confederation³⁴ were fought out in his hearing. In comparison to his compatriots of Quebec, Dubuc had a greater objective interest in the British Constitution, and a less partisan attitude toward Luc Letellier de St. Just.

The debate opened on March 11 when L.F. R. Masson moved

[...] that the dismissal by the Lieutenant-Governor of Quebec of his ministers on the 2nd day of March, 1878 was under the circumstances unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of Responsible Government to the British North American Colonies.³⁵

Dubuc evinced little sympathy for the unregenerate old Rouge of long memories who was by natural temperament too

32 A.A.S.B., Dubuc to Taché, March 3, 1879.

33 Dubuc, Op. Cit., p. 521.

34 W. Stewart MacNutt, Days of Lorne, Fredericton, Brunswick Press, 1955, p. 18.

35 Debates of the House of Commons, 1879, p. 270.

partisan and too authoritarian to behave constitutionally.³⁶ Under any circumstances, Letellier would have found it difficult to limit himself by anything other than the letter of a commission and in danger of encroaching upon the boundaries of common sense and of gentlemanly convention. Dubuc questioned Alexander Mackenzie's wisdom for having made him the incumbent of Spencer Wood when the Provincial Administration was headed by not simply a Conservative, but an Ultramontane Conservative--Charles Boucher de Boucherville--and at a time when the Province was in severe financial straits.³⁷ (Letellier's doubts concerning his Government's honesty had been coupled with the conviction that he himself could save the Province.³⁸ Hence his dismissal of his ministers.)

Dubuc condemned categorically this dismissal by a Lieutenant-Governor of his Cabinet. His argument was well thought out. No matter how flagrant the behaviour of a responsible ministry, it is not up to the Federal Officer himself to discipline it.³⁹ He may at most report the

36 A.A.S.B., Dubuc to Taché, March 3, 1879.

37 Dubuc, Op. Cit., p. 530A.

38 John T. Saywell, The Office of the Lieutenant-Governor, Toronto, University of Toronto Press, 1957, p. 117.

39 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, September 26, 1879.

situation to the Federal Cabinet and allow the people's representatives on the Federal level to take the disciplinary action.

User d'un droit absolu produit souvent, sinon une injustice réelle, du moins une atteinte sérieuse de la justice. Et cette maxime-là est encore plus vraie au point de vue constitutionnelle. D'après la lettre de la constitution, le Lt. Gouverneur a droit de renvoyer ses ministres, s'il croit que l'intérêt public l'exige. C'est une des prérogatives de la Couronne. Mais, d'après l'esprit et les principes constitutionnels, il ne peut les destituer s'ils sont appuyés par la Chambre. C'est en usant de ce droit absolu, contrairement à l'esprit que Letellier a violé cette même constitution. D'après les vrais principes constitutionnels, Letellier devait suivre l'avis de ses ministres, même s'ils menaient la Province à la ruine, pourvu que leur action n'affectât pas les droits fédéraux. Et si elle affectait les droits fédéraux, il devait référer la question au pouvoir supérieur, d'après le principe qu'il n'était pas responsable au peuple du Bas-Canada, mais au pouvoir fédéral.⁴⁰

Emotionally involved in the long debate over Letellier's removal were some of Dubuc's Conservative acquaintances, men with whom he had corresponded over Riel's candidature in the last Parliament: Alphonse Desjardins, Senator F.X. Trudel, L.F.R. Masson, Aldéric Ouimet, Joseph Tassé; there were also some whom he met for the first time: L.F.G. Baby, Hector Langevin, Dr. Joseph Blanchet.⁴¹

Quebec Rouges appeared to hold together whether in triumph or in adversity; there was a close cohesion between the

⁴⁰ Ibid., October 24, 1879.

⁴¹ Dubuc, Op. Cit., p. 507, 513.

members of the party whether they were in the federal or in the provincial field. Beneath the stilted terms of the parliamentary debate,⁴² Dubuc sensed the waves of boiling emotions in this conflict of Gallic verve with English constitutionalism.

Dubuc also grasped the seriousness of the constitutional problem involved.⁴³ Since the Parliament of Canada during its 1878 Session had vindicated Letellier against charges of constitutional conduct, and since the people of Quebec had done the same by returning Henri Joly de Lotbinière and the Liberals after Letellier had dismissed the de Boucherville ministry, it was unjust, judged Dubuc, to press for Letellier's head in a new Parliament. A Lieutenant-Governor or any other official should not be led to expect dismissal by reason of a change in the composition of Parliament. Dubuc evinced both sympathy and amusement at the attempts of the wily Macdonald and the cool Lorne to avoid the issue by referring it to the Colonial Office.⁴⁴ He condemned the extremism of the younger Conservatives who were threatening to overturn the Government if Letellier

⁴² Debates of the House of Commons, 1879, p.251-409.

⁴³ A.A.S.B., Dubuc to Tache, March 27, 1879.

⁴⁴ Ibid.

were not sacked, and admired Macdonald's consummate skill in calming the tempest.⁴⁵

When it came time to vote, Dubuc, along with the other above-named Conservative Members, supported the Resolution.⁴⁶ However, Dubuc's condemnation of Letellier was inspired, not by Quebec party passions, but by his interpretation of the British constitution.⁴⁷

B. The National Policy

The month-long debate on the tariff was the second major item of business in the 1879 Session. On April 24 Dubuc gave in detail his reasons for supporting the Government on this issue.⁴⁸ He realized that his own province of Manitoba would be considerably affected by the new tariff. Being a young Province which possessed no manufactories and whose industries were still in their infancy, Manitoba imported nearly everything and exported very little. Hence the new tariff would raise the price of imported goods and might be considered unfavourable to the Province.⁴⁹

45 Ibid., April 17, 1879.

46 Debates of the House of Commons, 1879, p. 407.

47 A.A.S.B., Dubuc to Taché, April 24, 1879.

48 Debates of the House of Commons, 1879, Vol. 2, p. 1519-1521.

49 Ibid., p. 1519.

On the other hand, he believed that the National Policy would have a satisfactory effect on other parts of the Dominion. Not so optimistic as to believe it would bring immediate wealth to every home, he nevertheless had reason to hope that it would lessen the evils of depression and bring back the prosperity for which everyone longed. He therefore found himself on the horns of a dilemma: should he sacrifice the interests of the Dominion for the welfare of his Province, or vice versa?⁵⁰

As a representative of Manitoba, he saw himself as especially entrusted with guarding the interests of that Province. But he must never forget that he was first of all a citizen of Canada. More, he was in Ottawa as a Member of the Federal Parliament, and this Parliament must legislate for the whole Dominion. So anything touching the general welfare of his country was of prime interest to him. By opposing the National Policy out of concern for the immediate interests of Manitoba, he would be exhibiting a spirit of exclusiveness uncongenial to his Canadian spirit. Having been an eye-witness of the want and desolation caused by business stagnation in the more populous centres of the country, he could not in conscience suffer its

⁵⁰ Ibid., p. 1520.

continuance just in order to spare the comfortable people of Manitoba some sacrifices.⁵¹

How seriously would Manitoba be hurt by the new tariff impositions? Not as prejudicially as might at first be supposed. Manitobans would have to pay a little dearer for imports. But the duty on wheat was in their favour and protected them. Indeed, it would enable them to compete with the Western States, at least in the Canadian market, and therein they would find compensation for the price increase in other articles. This compensation would encourage agriculture which was the principle industry, the most promising industry, of western Canada.

Furthermore, if the National Policy increased wealth and brought prosperity to eastern Canada, this wealth and prosperity would soon find its way westward. The capital amassed in the East would be invested in the West. Owing to it, Manitoba would soon boast her own industries which would in turn enjoy the protection inherent in the new system.

Of the immense resources of the West, Dubuc had no doubt. All they needed in order to be tapped was a little capital. Manitobans had expected this capital in the form of subsidies from the Dominion Government. But due to the

51 Ibid.

poverty caused by the depression, that Government had not been able to grant its prairie province the sums she needed so badly for development. Now, however, with the new national wealth that would undoubtedly accrue from Macdonald's tariff, the needed subsidies would be forthcoming, and in this way, Manitoban interests would be better served than under the old system and the inadequate subsidy.⁵²

Finally, whether Dubuc voted for the measure or not, National Policy was going to win. What point would there be in opposing it except the base popularity that might come from some provincial Manitobans who put their own prosperity ahead of their country's?⁵³

C. Provincial Business

Dubuc, who on his own admission was neither a business man nor a politician, could be accused by posterity of having unwittingly sacrificed Manitoba's development to eastern commercial interests by his support of the National Policy. But he could not ever be accused of indifference towards or negligence of the needs of his fellow Manitobans. "J'ai commencé à faire quelques interpellations au Gouvernement," he wrote to Riel towards the beginning of the Session. "Je vais tranquillement aborder les questions

52 Ibid., p. 1521.

53 Ibid.

vitales de notre Province. Je veux y aller posément, énergiquement, et sûrement."⁵⁴

The chief of Manitoba's problems which occupied him during the Session were the railways, the immigrants, the lands, and the customs.

The railway policy of the Mackenzie Government had exasperated all four Manitoba representatives and most of the people of Manitoba.⁵⁵ They were not enthusiastic about Mackenzie's plan to use the navigable waterways in order to lessen the intolerable debt that would result from an unbroken rail route from sea to sea, but they were resigned to it because of his promise to build immediately a Pembina Branch. The people of Manitoba would then be able to travel eastward by rail on the American side of the border. Until such time as it would take to complete the main Canadian line, Manitobans could transfer at Pembina to the St. Paul and Pacific Railway.

However, to the great consternation of these Manitobans concentrated in Winnipeg and St. Boniface and to all those living south of the Assiniboine and west of the Red, Mackenzie announced his intention of running the main line

⁵⁴ P.A.M., Riel Collection, No. 362, Dubuc to Riel, March 5, 1879.

⁵⁵ Alexander Begg, History of the North West, Toronto, Hunter, Rose, 1894-95, Vol. II, p. 255-281.

westward to a point a score or so miles north of Winnipeg and thence northwestward to Lake Manitoba. As Dubuc explained it,⁵⁶ this route would have bypassed many settled areas including the two chief towns, and would have cut across a hundred miles of marshy plains quite unfit for cultivation. Dubuc went to see the Minister of Public Works, Charles Tupper, several times over this question. He also worked in close co-operation with his former enemy, Dr. John Schultz, Member for Lisgar, over the railway question.⁵⁷

With his habitual fire, Schultz was pushing a railway scheme of his own: he introduced a bill to incorporate the Saskatchewan Colonization Railway Company.⁵⁸ Archbishop Taché encouraged Dubuc to continue backing the Schultz scheme as long as it did not leave St. Boniface in the shade.⁵⁹ Schultz's argument that his railway would not only colonize the rich lands west of the Province of Manitoba but also feed the national line and its Pembina Branch won its passage.⁶⁰ But the passage of this Act, instead

56 Debates of the House of Commons, 1879, p. 1521.

57 A.A.S.B., Dubuc to Taché, March 27, 1879.

58 Debates of the House of Commons, p. 71, 73, and 108.

59 P.A.M., Dubuc Papers, Taché to Dubuc, April 2, 1879.

60 Canada, Statutes, 42 Victoria, Chap. 66.

of ending temporarily the railway battle for Dubuc, opened out a new area of struggle for him. Schultz planned to have the line cross the Red River at Point Douglas. Taché saw immediately that if it did not cross a mile or so farther up the river, St. Boniface would never grow. As the Session ended before the bridge's location was settled, Archbishop Taché went east himself during the summer to plead the cause of his episcopal city. He secured a promise from cabinet minister Hector Langevin that the bridge would be built to Favour St. Boniface.⁶¹ In the end, after Dubuc had sent several letters to his journalist friend, Elie Tassé, anonymous for publication in the Quebec newspapers,⁶² the Dominion Government did build the bridge at Point Douglas, but pacified the citizens of St. Boniface by connecting that city's main street, Provencher Avenue, with Winnipeg's Broadway Avenue by another bridge.⁶³

Dubuc also brought to the attention of the Government the needs of the immigrants who were pouring into Manitoba by the thousand each year. The Government was moved to make arrangements with the St. Paul and Pacific

61 P.A.M., Dubuc Papers, Taché to Dubuc, August 9, 1879.

62 Ibid., Dubuc to Elie Tassé, September 4, 13, and 30, 1879.

63 Ibid., May 10, 1881.

Railway to facilitate the transportation of passengers from St. Vincent, Minnesota to St. Boniface,⁶⁴ and to build emigrant sheds at Emerson and possibly also at St. Boniface.⁶⁵ The Government further agreed to Dubuc's request for a statement showing the number and nationality of the immigrants who had come to Manitoba under the auspices of the immigration agents up to the year 1878.⁶⁶

Letters from Archbishop Taché kept reminding Dubuc of various land problems that had to be seen to.⁶⁷ When Dubuc moved the House for an examination of the Order-in-Council of November 14, 1877, which reserved for immigrants large tracts of land in the vicinity of Ste. Agathe and St. Norbert where French Canadians and Metis had been settled for years, Macdonald told him to come to his private office--the two of them could solve the problem better outside the Chamber!⁶⁸ This was simply another example of the Federal Government legislating for a West it did not know. Dubuc also asked about some Squatters' Lands and Settlers'

64 Debates of the House of Commons, 1879, p. 74.

65 Ibid., p. 111.

66 Ibid., p. 180.

67 P.A.M., Dubuc Papers, Taché to Dubuc, March 1, March 15, and April 2, 1879.

68 Debates of the House of Commons, 1879, p. 232-233.

Claims,⁶⁹ and ascertained from Sir Mackenzie Bowell that a Customs House office for collecting the new tariff would be built at Emerson.⁷⁰

Dubuc, who never missed one of the House's sitting hours, was a little surprised at Donald A. Smith who was absent oftener than present.⁷¹ Dubuc was even more actively engaged when the House was adjourned. He had to see Mackenzie Bowell often about the Customs, and marvelled each time at the warm friendliness with which he was received, and at the prompt response he got to the favours he asked for his electors.⁷²

The three French Canadian ministers treated Dubuc as a friend from the very first.⁷³ He did not have much official business with Baby, Minister of Internal Revenue, nor with Mason, Minister of Defence, but he felt very much at home with the latter who was the Member for Terrebonne, Archbishop Taché's family home, and also a personal friend of the Archbishop and of Louis Riel. With Langevin,

69 Ibid., Vol. 2, p. 1755. This land question is dealt with more fully in Chapter IV. See above, p.145-157.

70 Ibid., Vol. 1, p. 827.

71 A.A.S.B., Dubuc to Taché, March 27, 1879.

72 Dubuc, Op. Cit., p. 511.

73 Ibid., p. 512.

Postmaster General, Dubuc needed considerable time in order to remedy the postal grievances in his county. But at each attempt to see Langevin, Dubuc found twenty or thirty petitioners, deputies, etc., crowded into the waiting room of his office. Finally, in desperation Dubuc tried to make an appointment by going to Langevin's seat in the House during a session. After some coaxing, Langevin agreed to see him the next morning at ten o'clock.

Once in the Postmaster General's office, Dubuc was amazed at the clear-headedness, efficiency, and despatch with which Langevin dealt with the dozen or so claims he presented. He agreed with Langevin's acquaintances, both partisan and enemy, who declared him the most business-like administrator ever to head a government department.⁷⁴

Getting to know the Prime Minister was an experience in itself for the Member from Provencher. Sir John was always very kind to the French Canadian member from out West:

Quand je le rencontrais dans les corridors de la Chambre, il avait toujours un bon mot, une phrase agréable, accompagné d'un sourire bienveillant. On sentait en lui le fascinateur, le meneur d'hommes. Il savait refuser une demande de faveurs avec une bonhomie et une maestria admirables, vous assurant combien il regrettait de ne pouvoir l'accorder. Il était sur ce point un virtuose consommé.⁷⁵

74 Dubuc, Op. Cit., p. 514-518.

75 Ibid., p. 512.

D. Party Patronage

Every letter Dubuc received from Archbishop Taché contained requests for positions of one kind or another. All manner of alleged Conservatives, French and English, besought the Archbishop for help, and he in turn, burdened his devoted son who dutifully did his best for the individuals concerned in the various government departments at Ottawa.

One of these errands was on behalf of a Liberal. It deserves some mention for Dubuc considered his success in accomplishing it quite a victory over party passions. It was on behalf of Edouard Richard, former Member for Mégantic and founder of the Journal d'Arthabaska wherein he had pledged himself to defend Wilfrid Laurier's principles of English Liberalism.⁷⁶ To save his failing health, Richard, during the last Parliament, had decided to quit politics for the civil service. Mackenzie had promised him the post of Sheriff of the North West Territories, a position created by the Liberal legislation of 1878. But when the Liberals lost the elections of that year, Mackenzie's delicate conscience forbade him to make so important an appointment, and poor Richard, already in Winnipeg, found himself

⁷⁶ Robert Rumilly, Histoire de la Province de Québec, Montreal, Valiquet, 1940-58, Vol. II, p. 94.

"assis entre deux chaises".⁷⁷ As Richard had always been on friendly terms with Baby, Dubuc approached that Minister on Richard's behalf. "Nos adversaires politiques ne nous ont pas habitués à faire des faveurs à ceux des nôtres qui se trouvaient dans l'embarras" was Baby's retort.⁷⁸ It took a number of interviews and some correspondence after Dubuc was back in Manitoba to break down the Minister's reluctance to help a compatriot and friend of the opposite party. When the appointment was finally made, Baby wrote Dubuc: "Dites à notre ami, M. Richard, que nous sommes des conservateurs libéraux dans le vrai sens du mot".⁷⁹ Dubuc thought the politicians of Quebec carried party politics to the extreme.

3. The Provincial Crisis, 1879.

Summoned by telegram, Dubuc left Ottawa for Manitoba two days before the Federal Session ended. The telegram had been sent by Premier John Norquay who wanted to offer a portfolio to Dubuc in the Provincial Government. This offer came as a result of a cabinet upheaval caused by Joseph Royal.

77 Dubuc, Op. Cit., p. 523-524.

78 Ibid., p. 525.

79 Ibid., p. 529.

A. The Cabinet Upheaval

On Premier Davis's retirement from public life in 1878, the Scottish half-breed, John Norquay, took over the leadership of the Manitoba Government. Because of the redistribution bills of 1874 and 1877, the French members were in a decided minority for the first time. Nor did they have too much hope of continuing to influence the Government because of the abolition of the Legislative Council and the prospects of rapid immigration. Joseph Royal, the leader of the eight French-speaking members in the Legislature, saw only one way to continue French influence: through the precarious expedient of "double majority". He attempted to ensure this advantage by resigning from Norquay's Cabinet in the hope of forming a new ministry in partnership with Captain Thomas Scott, the leader of the Opposition. But his plan backfired. The two rival groups of English members, between whom the French had held the balance of power before Royal's resignation, united temporarily against the French and took advantage of their helpless condition to pass some really damaging legislation: a bill dispensing with the printing of public documents in French (which was reserved by Lieutenant-Governor Cauchon because of its doubtful constitutionality),⁸⁰ and

⁸⁰ Manitoba, Statutes, 42 Victoria.

a bill to provide for the equitable redistribution of electoral divisions (which further reduced the French allotment to six members).⁸¹ Once this legislation had been passed, Norquay made peace with the French and re-admitted them to the Cabinet. But they no longer held the balance of power; their vote in the House was never again a menace to the governing party nor a power to be courted by the Opposition.⁸² The favoured position which Royal's coup lost them was never regained.

B. Royal's Coup

On the judgment of his contemporaries and of many Manitoba historians, Joseph Royal was the most brilliant and most practical of the French Canadian politicians, and perhaps of all the politicians of nineteenth century Manitoba. This is why newspapermen and historians were at a loss to account for his tactical error in the Provincial Session of 1879. Dubuc, on returning from Ottawa in May, got the story first hand from Royal himself and recounted it by mail to his friend Elie Tassé, and much later committed it to posterity in his memoirs.⁸³ It follows.

81 Ibid.

82 Begg, Op. Cit., p. 348.

83 Dubuc, Op. Cit., p. 531-569.

Under the Norquay administration, Royal was Minister of Public Works and the leader of the French element in the Legislature. He had the unanimous support of the Minister of Agriculture, Maxime Goulet, and of the other six French-speaking members of the House. On the other hand, Norquay had the support of his two English-speaking Cabinet Ministers and of only three members of the Legislative Assembly. The Opposition claimed the remaining nine members. Thus, out of fourteen Government supporters, eight were French. It was the French group headed by Royal who maintained the Government.

This state of affairs annoyed the predominantly English province. To think that a decidedly English majority was being ruled by a French Government!⁸⁴ Fearing that this situation could not last and that a ministerial failure would work to the detriment of the French party, Royal decided to take the initiative and approached the Opposition leader, Captain Scott. He thought that Scott would jump at the opportunity of forming a government. Royal reasoned that since Scott's acquisition would be due to his conniving, Scott would feel obligated to protect French interests. He also thought he could trust Scott farther than Norquay,

⁸⁴ Ibid., p. 531-536.

"ce gros animal sans scrupule, sans vergogne, déjà traître à ses ennemis".⁸⁵

Royal might have come to this perilous decision less rashly had not a danger of fissure not arisen within the French ranks. Four of the eight French members were Metis. These four, angered at a recent Government decision over a contested election at Ste. Anne which gave the seat to the French Canadian Lapointe instead of to the Metis Charles Nolin, were conspiring to punish their French Canadian colleagues by joining the English Opposition on their own. (At this point they had no idea of Royal's plans.)

The Metis conspiracy was being organized by the Lépine brothers and Dubuc suspected that the inspiration for this campaign of Metis versus French Canadian had come from Riel whom Ambroise Lépine had lately visited at St. Joe.⁸⁶ A letter written by Riel to Dubuc during the recent Federal Session to congratulate him on the work he was doing at Ottawa for Provencher only thinly veiled the former's disappointment, not to say jealousy, at not occupying the Provencher seat himself.⁸⁷

⁸⁵ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, June 1, 1879.

⁸⁶ Ibid.

⁸⁷ Ibid., Riel to Dubuc, April 7, 1879.

Judging that nothing could be more disastrous to French welfare than French disunity, Royal decided to forestall the Metis coup by calling a caucus of the eight French members and soliciting their support in his plot to abandon Norquay for Scott.⁸⁸ The timid Metis complied and he was ready. He first was shrewd enough to sound out Scott before turning his back on Norquay. Without solemnly committing himself, Scott had let it be seen that he was deeply interested.⁸⁹ The remainder of the story is common knowledge: Scott and Norquay united temporarily and passed legislation which harmed French interests permanently.

Royal's coup came near to changing Dubuc's future. Norquay realized that his "mariage de convenance" with Scott would end sooner or later in divorce, and was most eager to get back a French minister in his Cabinet and the support of the French bloc in the Legislature. That was why Dubuc had been summoned home from Ottawa, for naturally, Norquay refused to accept back Royal. Norquay offered Dubuc the portfolio of Attorney-General or any other he cared to choose.⁹⁰ Dubuc found the offer extremely tempting.

88 Ibid., Dubuc to Elie Tassé, July 3, 1879.

89 Dubuc, Op. Cit., p. 537-538.

90 A.A.S.B., Dubuc to Taché, June 6, 1879.

He was quite poor at the time; his sessional indemnity as federal representative barely covered his Ottawa trip and expenses; the provincial post would augment considerably his annual income. It would further spare him the yearly absence of several weeks from his ever-growing family, an absence which caused him anxiety and acute homesickness.

Dubuc resisted the temptation to accept a ministerial post under Norquay. He hoped thereby to force Norquay to take back Royal under whose strong and clever leadership French interests were safest.⁹¹ But Norquay had other than personal reasons for refusing Joseph Royal in his Cabinet. Royal's reputation was suffering grievously at this time in the English newspapers where he was being accused of graft in some questionable contracts with the Federal Government. Dubuc claimed that although Royal's activities looked very suspicious, he had not been guilty of embezzlement.

Dubuc explains⁹² that Royal, through his friend, J.A.N. Provencher who was Indian Agent at Winnipeg, had received a contract from the Federal Government to supply a large number of Treaty Indians with cattle annually. As it appeared hardly fitting for a Cabinet Minister to be

91 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, September 4, 1879.

92 Dubuc, Op. Cit., p. 544-548.

moonlighting as a cattle merchant, Royal, instead of signing the contracts himself, had them signed by various other people. Once the cheques for the orders were issued by the Government to Provencher, the latter handed them over to Royal who had them endorsed by the people who had signed the contracts for him. As time went on, Royal took to endorsing the cheques himself; his handwriting was recognized; Clarke's newspaper, the Manitoba Gazette, published photographs of the apparently forged cheques; and both Provencher and Royal were accused of fraud. Provencher lost his position, and Royal lost the confidence of the English ministers. Dubuc contended to his dying day that neither Provencher nor Royal had been guilty of cheating either Government or Indians: the contracts were fulfilled to the letter and the Indians got all their cattle. "Mais allez donc réagir contre l'opinion publique emballée."⁹³

It was obvious by September that Royal would not be readmitted to the Cabinet and that Norquay would redouble his overtures to Dubuc. To prepare himself for the encounter with the Premier, Dubuc called a meeting of responsible French Canadians:

Je discutai la question avec eux. J'insistai sur l'importance du principe en jeu. Si nous cédions en ce moment, si nous permettions au premier ministre de nous imposer celui qui devrait représenter

93 Ibid., p. 548.

l'élément français dans le cabinet, nous nous trouvions par la même à accepter le nouveau programme du Gouvernement, qui retranchait certain de nos droits relativement à la langue française. C'était un sacrifice qu'on nous imposait. Qui nous garantirait qu'encouragés par ce premier succès remporté sur nous et après y avoir pris goût, les anglais n'en viendraient pas, dans trois mois, ou dans dix mois, à formuler de nouvelles exigences et à nous imposer de nouveaux sacrifices?⁹⁴

All the French Canadians including Archbishop Taché approved Dubuc's line of thought. Several weeks passed with the Government still without a French Minister. Finally, Norquay decided to call a general election. He first went to visit Archbishop Taché and begged him to pressure the French-speaking M.L.A.'s into agreeing on a suitable choice for Cabinet Minister. He readily acquiesced to the Archbishop's suggestion of Marc Amable Girard (who had been for some time on his property at Varennes, Quebec).⁹⁵ Dubuc was as loathe to see Girard return to the Cabinet as Norquay was eager to welcome him.⁹⁶ Over the next year, Dubuc worked persistently to have Girard, whom he considered too conciliatory to the English, replaced by an energetic young French Canadian who had recently arrived from Montreal: A.A.C. LaRivière.⁹⁷

94 Ibid., p. 556-557.

95 Ibid., p. 566-569.

96 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, October 24, 1879.

97 Ibid., October 14, 1880.

But long before the next year had expired, Dubuc had made a much weightier decision than whether or not he should accept a provincial portfolio. He had decided to leave politics permanently in favour of the Bench.

CHAPTER VII

JUDGE

1. The Appointment.

On November 13, 1879, an Order-in-Council raised Joseph Dubuc to the Court of Queen's Bench in the Province of Manitoba. Dubuc's appointment to the Bench ended his career in politics but not his influence on the French-speaking population of Manitoba. On the contrary, his influence over his own people was enhanced and continued to grow through the years by reason of the distinction with which he acquitted himself of his high office. His virtues of honesty, patriotism, devotedness to duty, and dedication to the public good were held up as qualities to be emulated.¹ His opinions on public questions were solicited and came to carry more and more weight.

Dubuc succeeded Louis Bétournay, the first French-speaking Manitoban Judge. It had been apparent for some months prior to Dubuc's appointment that Bétournay had not long to live, and Franco-Manitobans had been pressuring Dubuc to write to Ottawa and apply for the position before some ambitious Quebec lawyer secured it. "Il est temps",

¹ Edouard Lecompte, S.J., Un Grand Chrétien, Joseph Dubuc, Montreal, Imprimerie du Messager, 1923, p. 180-181.

they said, "que la banc se recrute dans le barreau de la Province."² As the fastidious Dubuc objected to seeking a position the incumbent of which was still alive, energetic and ambitious Joseph Royal sent in an application for it.

Bétournay died on October 30.³ Dubuc's delicacy and patience were rewarded on November 6 when Archbishop Taché sent for him and told him that he had been recommended to Sir John A. Macdonald as a worthy successor to Judge Bétournay. "Ce n'est pas la simple bienveillance," the Archbishop assured him, "Nous sommes tous intéressés à ce que ce poste soit occupé par quelqu'un en qui nous avons confiance."⁴

A week later Sir John sent Dubuc a telegram: "Will you accept Bétournay's post? What will happen in Provencher?" to which Dubuc replied, "I accept readily. Provencher will elect a Conservative, probably Royal."⁵

Several factors explain Dubuc's willingness to abandon his political career for the judgeship. The first was

2 Joseph Dubuc, Mémoires d'un Manitobain, 1913, unpublished manuscript in Dubuc Papers, Public Archives of Manitoba, p. 572-573.

3 Dubuc almost succeeded Bétournay into the next world instead of onto the Bench. As pall bearer at the funeral, he undertook to transport the corpse across the Red River to St. Boniface Cathedral on ice that was scarcely solid enough for human crossing. Ibid.

4 Ibid., p. 576-577.

5 Ibid., p. 579.

financial. The small indemnity for the Federal Session scarcely paid the bills incurred by his family in his absence at Ottawa. Despite the fact that his friend Tassé⁶ boarded him for nothing at the Capital, he found himself so "excessivement gêné" on his return that he was reduced to borrowing money to build a store on the corner of his property which he hoped to rent for thirty dollars a month.⁷

A second reason for preferring the Bench to a seat in Ottawa was Dubuc's conviction that the former was better suited to his tastes and gifts:

Quant aux choses de la politique, la lutte en elle-même me plaisait assez. Combattre pour faire prévaloir les idées et les causes qui me paraissaient justes et saines avait un attrait pour moi. Mais les ficelles, les intrigues, les bassesses auxquelles avaient recours certains politiques me répugnaient souverainement. Je me garderai bien de dire que ces défauts sont l'apanage ordinaire de tous ceux qui s'occupent de politique. Mais j'étais bien aise de sortir de la tourmente des luttes politiques pour entrer dans l'atmosphère digne et calme de la magistrature, et d'ailleurs, plus conforme à mes goûts.⁸

Dubuc felt at home on the Bench from the very beginning of his career as judge.⁹

⁶ Joseph Tassé, Conservative Member of Parliament for Ottawa, and brother of Elie Tassé, a newspaperman employed by La Minerve with whom Dubuc corresponded regularly.

⁷ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, July 7, 1879.

⁸ Dubuc, Mémoires d'un Manitoban, p. 585-586.

⁹ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, December 3, 1879.

Two important results of Dubuc's departure from politics were Royal's election to Provencher whence he defended Franco-Manitoban interests until his promotion to the post of Lieutenant-Governor of the North West Territories in 1888, and A.A.C. LaRivière's gradual ascendancy in the Manitoba Legislature. Both these men were stronger and livelier politicians than Dubuc.

As Puisne Judge for twenty-four years and Chief Justice for nine years, Dubuc won for himself an enviable reputation for wisdom and justice.¹⁰

2. Puisine Judge under Wood.

Dubuc's first years on the Bench were very full. As Chief Justice Wood was occasionally absent and frequently not sober enough to carry on the business of the Court,¹¹ and as the successor of Puisne Judge McKeagney, who had died early in 1879, was not appointed until 1883 in the person of T.W. Taylor,¹² Dubuc found himself heavily burdened:

¹⁰ John H. O'Donnell, Manitoba as I Saw It, Winnipeg, Clark Bros, 1909, p. 61-62.

L.-A. Prud'homme, "Sir Joseph Dubuc", in Revue Canadienne, July, 1914, p. 29-30.

¹¹ Roy St. George Stubbs, "Honourable Edmund Burke Wood", in the Historical and Scientific Society of Manitoba, Series III, No. 13, 1958, p. 31, 42, 44.

¹² E.K. Williams, "Aspects of the Legal System of Manitoba", paper read before the Historical and Scientific Society of Manitoba, 1948, Series III, No. 4, p. 60.

J'ai toute la justice de la Province sur les épaules. Le Juge en chef ne vient guère à la Cour. J'ai hâte de voir le banc au complet.¹³

Every weekday saw him in the Court House on the corner of Main Street and William Avenue, a frame building erected in 1874 at a cost of thirty-five thousand dollars to the taxpayers. Every night he carried work home with him and begrudged even a quarter hour for any business other than the trials for which he prepared with assiduous study.¹⁴ From time to time his health was imperilled from overwork, but all in all he was happy in his new position.¹⁵ Devotedness to duty and scrupulous attention to the rights of all parties were characteristics later recalled of him from this period of his life.¹⁶

His vice of intemperance notwithstanding, Chief Justice Wood was esteemed by the English-speaking population of Manitoba both as a man of law and as a man of learning.¹⁷ It took a great deal of tact and a great deal of courage on

¹³ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, July 22, 1880.

¹⁴ Ibid., October 14, 1880.

¹⁵ Dubuc, Mémoires d'un Manitoban, p. 583.

¹⁶ Manitoba Free Press, "Thirty Years of Judicial Work", article written at the time of Dubuc's retirement, October 8, 1909.

Also, Prud'homme, Op. Cit., May, 1914, p. 39.

¹⁷ O'Donnell, Op. Cit., p. 102.

Dubuc's part to oppose the Chief Justice when the rights of Manitoba's French-speaking citizens were imperilled. One example of this had to do with the seeling of land given by the Federal Government to Metis children. The improvident Metis were only too ready to sell their children's rights to avaricious land buyers, and Dubuc believed they should be protected against their own irresponsibility.

Il avait été entendu entre les juges que la Cour ne permettrait plus titres ventes: ceci avait lieu en mai ou juin. Dernièrement le Judge en Chef a signé des ordres autorisant la vente de 30 ou 40 de ces droits d'enfants métis, achetés par son fils Reginald pour son fils Melville et préparés par son fils Edwin comme avocat. Les Métis accouraient à Winnipeg vendre leurs droits au fils du Juge en Chef; on leur disait que personne autre ne pouvait en faire passer à la Cour. D'autres noms étaient en certains cas insérés dans les documents; mais c'était la même affaire. Quelques capitalistes fournissaient l'argent et avaient aussi une part des bénéfices.¹⁸

Dubuc and the other Puisne Judge, Miller, asked for an inquest to put an end to the business.

Another prolonged battle was over the claim of French-speaking Manitobans to a mixed jury. One such case arose in 1880 over an assault indictment involving two Metis. In the case in question--the Queen versus Maxime Lépine, March 4, 1880--the accused was plainly guilty of common assault, but was not convicted because the French

¹⁸ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, November 25, 1880.

half of the jury gave a verdict of Not Guilty. Chief Justice Wood suspected that Lépine's fellow Metis on the jury had agreed beforehand to do this. He thereupon waived the Canadian custom by which every accused person of French or English origin had the right to half the jury skilled in the language of the defence. He stated that in his opinion such a provision was neither in the interest of the public nor in the interest of the administration of justice. He contended that it served to create a notion in the minds of the jury that one half are on one side and one half are on the other, whereas English juries had been distinguished from ancient times for their extreme impartiality in trying any foreigner for an offence. The new jury empanelled by Judge Wood quickly brought in a verdict of Guilty.¹⁹

The case was a minor one, Lépine was plainly guilty, but the claim to a mixed jury was precious to the French Canadians. On March 4, 1881, exactly a year after Lépine's first trial, Joseph Royal presented a petition to the House of Commons setting forth various charges against Chief Justice Wood including the grievance just recounted.²⁰ It

19 Roy St. George Stubbs, "Honourable Edmund Burke Wood", paper read before the Historical and Scientific Society of Manitoba, Series III, No. 13, 1958, p. 40-41.

20 Dubuc played a discreet but important role in the drawing up of this petition. P.A.M., Dubuc Papers, Dubuc to Elie Tassé, March 25, 1881.

also accused Judge Wood of having changed the dates on certain documents and records, thereby procuring the illegal outlawing of Louis Riel; of having prepared a list of half-breeds who were enemies of Ambroise Lépine to serve on the jury which tried him for the murder of Thomas Scott; of having declared in his charge to the grand jury at the spring assizes of 1880 that he had no confidence in the oath of any French native in the Province.²¹ In 1882 the House of Commons ordered a departmental investigation into these and other charges against Chief Justice Wood, but he died before the investigation was completed and, as a result, the matter was dropped.

For a decade after this, the right of the accused to a jury speaking his language went unchallenged. Then, during a case in 1891, it was debated by two eminent lawyers: R.A. Bonnar, the Counsel for the Defence, and J.D. Cameron, the Crown Prosecutor. Dubuc, who was the presiding judge, handed down a detailed defence of the right to a mixed jury. He began by establishing the fact that the law dealing with the manner of choosing and summoning jurymen for criminal cases comes under the jurisdiction of the federal parliament; that the latter provided that any Canadian of French or English speech could insist on at least six members of the jury speaking his language; that no

²¹ Stubbs, *Op. Cit.*, p. 44.

provincial legislature had the power to modify this legislation. In the course of his reasoning, Dubuc recalled that in England for more than five hundred years any foreigner had the right to be judged by a jury made up of at least six people of his tongue. With much more reason, then, should a Franco-Manitoban have this privilege in a land that had been discovered and evangelized by his ancestors.²²

3. The Riel Case.

In 1885 a drama of nationwide interest was enacted which involved Dubuc emotionally as a friend and professionally as a judge: the rebellion, trial, and execution of Louis Riel. Although Dubuc played only minor and passive roles throughout these heated and heat-producing events, they are recounted here in considerable detail. The reason is that his correspondence at this time reveals his most intimate views and some perspicacious observations on a crucial period of Canadian history.

As stated in Chapter I, Dubuc's compassion for Riel when he was the undeserving victim of Orange obloquy gradually turned to censure during the last ten years of Riel's life. He who had been Riel's strongest defender after the Manitoba Resistance of 1869-70 became one of his harshest

²² Prud'homme, *Op. Cit.*, July, 1914, p. 29.

critics over the Saskatchewan Insurrection of 1885:

Quand j'ai fait allusion à la folie de Riel, ce n'était pas que je le crusse fou irresponsable. Je pense que son ambition et son orgueil effrénés le rendent maniaque et lui font parfois croire qu'il est réellement inspiré. C'est de la surexcitation plus ou moins naturelle chez lui. C'est comme l'homme qui se grise pour mal parler ou mal faire: son ivresse ne l'excuse ni moralement ni légalement.²³

The metamorphosis worked in their relationship had two agents: one emanated from Riel, the other from Dubuc. As Riel grew older, he displayed with ever-growing bombast the characteristics of the megalomaniac. As Dubuc grew older and more conscious of his constantly improving position in the community, he became increasingly wary of what-ever might taint his respectability.

At the prorogation of Parliament in March, 1879, Dubuc sent Riel copies of the session's records which he had obtained with considerable difficulty as only a limited number had been printed.²⁴ He must have sent them with some misgivings as Riel on his discharge from Beauport had been expressly warned by his doctors to keep his mind unstimulated by politics. Riel's thank you letter of one month later had in it the ring of warm friendship which had pervaded their earlier correspondence. He asked Dubuc to

23 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, June 15, 1885.

24 P.A.M., Riel Collection, No. 362, Dubuc to Riel, March 5, 1879.

greet affectionately his ultramontane friends: Alphonse Desjardins, Senator Trudel, Dr. Fiset. And he expressed his gratitude to the last named for the courage he had shown in resuscitating the amnesty subject and for having "prononcé en pleine Chambre le nom de celui qu'Ottawa s'est aliéné."²⁵

This is the last communication between Dubuc and Riel until 1883 when Riel returned to Manitoba in the hopes of selling some of his St. Vital property in order to extricate himself from financial difficulty.²⁶ In the interval Riel had become an American citizen, married a young Metis, fathered a boy and a girl, and more or less settled down in Sun River, Montana, as a school teacher at the Jesuit Mission. He was Dubuc's guest several times during the weeks of his sojourn in Manitoba, but gave no indication of intending ever again to settle in Canada.²⁷

A. On the Banks of the Saskatchewan

During Riel's brief visit to Manitoba in the summer of 1883, he learned from the unhappy and hopeless Metis of their failure to adapt to the new way of life which had

²⁵ P.A.M., Dubuc Papers, Riel to Dubuc, April 7, 1879.

²⁶ Dubuc, Mémoires d'un Manitoban, p. 336. Winnipeg Free Press, "City and Province", June 28, 1883, p. 8.

²⁷ Dubuc, Mémoires d'un Manitoban, p. 336.

transformed Red River after its entry into Confederation. He also learned from Napoléon Nault²⁸ that their relatives who had emigrated in large numbers to the Saskatchewan Valley had the same grievances against the Federal Government that he had militated against in Red River in 1870.²⁹ Riel carried home to Montana a deep sense of their distress, and left in Manitoba a re-awakened trust in himself. It is not surprising, then, that the Saskatchewan Metis, despairing of redress from the Dominion Government, sent a delegation to seek him out in the summer of 1884, nor that this delegation found him not unwilling to once more espouse the cause of his people.

When Riel left for the Canadian North West in the autumn of 1884, he had every intention of returning to Montana as soon as he had done his best to secure scrip and land patents for the Saskatchewan Metis.³⁰ Furthermore, he had every intention of using none but moderate and constitutional procedures in procuring them.³¹ But a mystic

28 Napoléon was the son of André Nault, one of Riel's most stalwart and trustworthy aides during the time of the Provisional Government and during the Fenian Raid.

29 A.G. Morice, Dictionnaire des Canadiens de l'Ouest, Montreal, 1908, xi-329 p., "Napoléon Nault", p. 207.

30 G.F. George Stanley, Louis Riel, Toronto, Ryerson, 1963, p. 250.

31 Ibid., p. 274-291.

sense of religious and political mission, a highly excitable temperament, and pronounced mental instability destroyed the precarious equilibrium he had maintained since his discharge from the asylum and drove him headlong into a resort to arms, bloodshed, and apostasy.

As the rebellion into which Riel plunged the North West was coming to an inglorious end, Joseph Dubuc wrote a confidential report on its causes to his friend, Elie Tassé:³²

D'abord la cause de l'insurrection. Nul doute que les Métis avaient à se plaindre. Les agents du gouvernement les ont traités haut la main. Ils demandaient que leurs terres qu'ils occupaient depuis dix, quinze, ou vingt ans leur fussent octroyées de la manière qu'ils possédaient dans leurs établissements. Ils écrivaient, envoyaient pétitions sur pétitions, délégations; on ne leur répondait même pas. Mgr Grandin est allé à Ottawa, le Père Leduc s'y est rendu aussi; on faisait des promesses, puis c'était tout. Et les arpenteurs officiels carrantaient (sic) en superbes quarts de section les terres qu'ils cultivaient. Les sauvages aussi se plaignaient de se faire voler par les agents. Ils s'agitaient et devenaient mençants. Sauvages et Métis se concertaient et s'exaspéraient. Mgr Grandin, plusieurs missionnaires, et des particuliers avertissaient le Gouvernement de ces agitations et des troubles qu'ils appréhendaient. Tout allait au panier. Rien ne venait. Cependant, les Métis auraient patienté, ne se seraient pas soulevés s'ils n'avaient été poussés par le Chef, Riel.³³

³² Elie Tassé was a Montreal newspaperman and the brother of Joseph Tassé, author and Member of Parliament for Ottawa. Elie had solicited the "inside story" of the Saskatchewan Rebellion from Dubuc for La Minerve. (See the letter from Dubuc to Tassé dated May 31, 1885, Dubuc Papers: "Vous désirez que je vous renseigne. Et ce ne sont pas des nouvelles que vous voulez; les journaux vous en donne à foison. Vous aimeriez à voir le dessous des cartes, les raisons des choses. Je vais tâcher de vous satisfaire un peu.")

³³ P.A.M., Dubuc Papers, Dubuc to Tassé, May 31, 1885.

Dubuc's version of the Rebellion's causes coincides with those of the most reliable historians.³⁴ But his arraignment of Riel at this time is harsher than that of any impartial student of Riel's conduct. It is bitter with the disillusion and disappointment of erstwhile friendship:

Riel est fou sans doute comme il l'a toujours été. Mais est-il plus fou que méchant, ou plus méchant que fou? C'est un maniaque d'un genre très dangereux. Je crois que la malice est le fond de sa folie. C'est la rage de faire parler de lui, et de se venger du Gouvernement qui lui fait perdre la carte. Pour satisfaire cette belle rancune, il a mis le pays en émoi, fait un tort immense à Manitoba et au N.O., et plongé des centaines de familles dans le deuil, même de ses Métis. Peu lui importe; il a fait le mal qu'il voulait faire. Et il est content.³⁵

As for Riel's followers, Dubuc practically exonerated them of any responsibility for the uprising:

Les Métis sont dignes de compassion. Un très petit nombre voulurent s'insurger. Mais Riel les a forcés. [...] Comme Riel désirait moins l'obtention des droits de ses gens que de faire du bruit et du mal à son profit, il organisa la prise d'armes. Riel, le grand Riel, voulait se venger de l'Angleterre et du Gouvernement Canadien. Vous avez un de ses premiers discours: 'L'Angleterre est occupée au Soudan; c'est le temps le frapper.' Pauvre Angleterre, comme elle a du avoir la chair de poule!

[...] Sa cause doit être séparée de celle des Métis. Ils sont plus à plaindre qu'à blâmer. Ils se sont battus en braves, et se sont faits tuer ou blesser en grand nombre. De plus, ils ont été ruinés

³⁴ See Stanley, *Op. Cit.*, p. 252-273; and E.H. Oliver, "Saskatchewan and Alberta", in Shortt and Doughty, (eds.), *Canada and Its Provinces*, Toronto, 1914, Vol. 19, p. 207-210.

³⁵ P.A.M., *Dubuc Papers*, Dubuc to Elie Tassé, May 31, 1885.

complètement, leurs maisons sont démolies, et leurs propriétés pillées et dévastées.³⁶

When Dubuc wrote his Mémoires nearly thirty years later, he attributed Riel's political and religious crimes at the time of the North West Rebellion to mental imbalance for which Riel was only partially responsible. But in 1885 he was too emotionally involved to judge Riel dispassionately, and while considering him blameworthy for all the misfortunes he had brought on his people. condemned as diabolic and unpardonable his treatment of the clergy and his inauguration of a new religion.³⁷

B. At the Regina Courthouse

The Metis and Indians fought valiantly for six weeks after Riel opened fire at Duck Lake. Thanks to the military talents of their commander, Gabriel Dumont, they held out with amazing success against the force of nearly eight thousand troops mobilized and despatched by the Canadian Government under General Frederick Middleton. Lack of ammunition crippled their chance of victory, however, and the Batoche battle was their last. On May 15, Riel, who personally had not fired a shot throughout the entire war, limply surrendered. Dubuc censured Riel as severely for his comportment during the fighting as he had for his having caused it in the first place:

³⁶ Ibid.

³⁷ Ibid., letter dated June 15, 1885.

Comme il est vil, et comme il est lâche! Après la bataille de Batoche, il lui restait ou à se livrer ou à se sauver. S'il se fut livré dignement il aurait conquis encore quelques sympathies; mais non, il se laisse prendre bêtement, platement, lâchement.³⁸ Il donne à sa religion la tournure protestante³⁹ pour s'attirer le bon vouloir des Protestants et essayer par là de sauver sa carcasse. Voilà le grand homme!⁴⁰

Tassé was intensely curious to know the general attitude of the Franco-Manitobans towards Riel's venture. Dubuc confided that they all, including Archbishop Taché,⁴¹ held the same views that he himself held. The Archbishop kept his impressions to himself because he gravely feared the loss of the whole Metis population to the Catholic Church. He warned Alphonse LaRivière, editor of Le Manitoba,⁴² to

³⁸ After the Battle of Batoche, Riel wrote to General Middleton, volunteering to surrender himself on condition that the General would protect his life. Middleton saw in him a man of intense personal vanity and extraordinary self-love. (See Stanley, Op. Cit., p. 339.)

³⁹ From his prison cell in Regina, Riel wrote to Sir John A. Macdonald explaining his attitude towards the Roman Catholic Church:--his separation from Rome did not mean that he was abandoning the Christian faith; on the contrary, he broke with that politician, Leo XIII because he wanted to improve the relationship between all denominations and nationalities. (See Stanley, Op. Cit., p. 344.)

⁴⁰ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, May 15, 1885.

⁴¹ Taché, remembering what sad use the Manitoba Metis had made of their land patents of 1870, had disapproved even of Riel's peaceful agitation for land grants for the Saskatchewan Metis. (See P.A.M., Riel Collection, Taché to Riel, October 4, 1884.)

⁴² Le Manitoba replaced Le Métis in 1880, as the voice of the French-speaking section of the population.

be extremely circumspect in his remarks on Riel:

Les Métis pour qui il est un fétiche ne croient pas qu'il a été aussi loin, et qu'il est aussi misérable, de même qu'ils n'ont jamais cru qu'il a été fou à Beauport. Ils sont encore nombreux dans le pays et si vous touchez à leur idole, plus vous le démolirez, moins ils ne le croient tel qu'il est, et vous vous les aliénez à jamais dans les élections. Qu'ils viennent un Clarke, ou un Orangiste quelconque vous attaquer sur ce point, ils s'enflammeront immédiatement contre vous. [...] Ils apprendront la vérité sur Riel de la bouche de leurs gens qui ont été entraînés par Riel dans la guerre, la dévastation, et la ruine, et ils se formeront leur opinion d'eux-mêmes.⁴³

One third of the troops which had formed the expedition to Saskatchewan had come from the province of Quebec. These men had no temptations whatever to sympathize with the Metis, let alone to fraternize with them; they had undertaken the suppression of the rebellion with patriotic enthusiasm.⁴⁴ Evidently these French Canadians were criticized for not doing their share, for Dubuc refers to letters in La Minerve defending them.⁴⁵ These letters were written by, of all people, Henry H.J. Clarke, the malicious enemy of Dubuc, Riel and the Franco-Manitobans in general. Why,

⁴³ A.A. Taché, "Conservation with A.A.C. LaRivière", in P.A.M., Dubuc Papers, quoted by Dubuc in a letter to Elie Tassé, May 31, 1885.

⁴⁴ Robert Rumilly, Histoire de la Province de Québec, Montreal, Éditions Valiquette, 1940, Vol. V, p. 21.

⁴⁵ At Batoche, General Middleton had praise only for the English Canadians among his troops. (See Mason Wade, The French Canadians, Toronto, Macmillan, 1955, xiv-1136 p., p. 411.)

asks Dubuc of Elie Tassé, did La Minerve publish letters written by Clarke? "Après des Canadiens Français, nos militaires n'avaient pas besoin d'être défendus. Et après des Anglais, être défendu par Clarke, c'est presque un indice de culpabilité." Obviously, the demagogue Clarke was again aiming at the Provencher seat for the next Federal elections.⁴⁶

Dubuc was painfully aware of the harm that could befall the French cause in Canada as a result of Riel's criminal resort to arms in the North West. When Tassé asked him what attitude should be taken by La Minerve towards Riel in his trial, Dubuc found himself on the horns of a dilemma. When he considered Riel himself, he wished to see him hanged, because he held Riel responsible for his folly. But when he considered French Canada, he wished to see Riel exonerated, for Riel had been for too long a time a symbol of the French struggle for survival in the West:

Les ennemis de notre race, qui aiment tant à nous humilier, qui croient que nous sympathisons avec Riel, sans oser le faire ouvertement, vont-ils triompher un peu de pouvoir dire: votre homme, votre héros, vous. Sans épouser sa cause comme cause nationale, si les particuliers qui vont le défendre réussissaient à le sauver au moyen de la question d'insanité, ne serait-ce pas bien de le faire?⁴⁷

⁴⁶ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, May 31, 1885.

⁴⁷ Ibid., June 15, 1885.

Riel's trial for high treason opened at Regina on July 20, 1885. As it proceeded, agitation mounted in Ontario for the execution of a twice-guilty traitor, and in Quebec for the acquittal of an irresponsible victim of Ottawa's sloth and neglect. For many of the articles submitted to the Quebec press by L.-O David's defence committees, who regarded Riel as the spiritual heir of the 1837 Patriotes, Dubuc had exasperated disapproval:

Quelle boursoufflure! quel fatras populacier!
 Quelle blague! grand Dieu! quelle blague! Comme
 on est bouffi de patriotage dans ces quartiers-là.
 Vraiment il fait peine de voir que ces Don Quichotte
 de la plume trouvent un public pour gober de
 semblables inepties.⁴⁸

The French-speaking Manitobans were kept abreast of how the Riel drama was affecting their brethern in Quebec by Le Manitoba which published weekly during the month of August, 1885, excerpts from half a dozen Quebec newspapers.⁴⁹ More than any other newspapers, L'Electeur and La Patrie, aroused Dubuc's wrath for what he considered senseless and emotional patriotism.⁵⁰

At his trial, Riel was at the mercy of a jury composed entirely of Anglo-Saxon Protestants. On the other

⁴⁸ Ibid., August 20, 1885.

⁴⁹ Ibid., September 25, 1885. (See Le Manitoba, Vol. 14, No. 42, issue of August 13, 1885, p. 2, col. 4, 5, 6; also No. 43, issue of August 20, 1885, p. 3, col. 1, 2, 3; and No. 44, issue of August 27, 1885, p. 3, col. 3, 4, 5.)

⁵⁰ Ibid., August 20, 1885.

hand, he had defending him three excellent lawyers provided by the province of Quebec: François Lemieux, Charles Fitzpatrick, and J.N. Greenshields. All three were active members of the federal Liberal Party.

Dubuc approved of the proceedings adopted by Riel's counsel.⁵¹ As they could not deny that he had led an armed rising into the North West, and could offer only some arguments in extenuation of that fact--a difficult thing to do as it was Riel and not the Canadian Government that was on trial--they concluded that the only line of defence left them was to prove Riel insane. Of this, they were themselves convinced; a few hours' conversation with their client had sufficed to show them that his views and attitudes were not those of a normal person.

Dubuc did not approve, however, when the counsel refused Riel the permission to cross-question the witnesses, a privilege which, though irregular, had been accorded the defendant by the Crown lawyers and approved by the presiding judge.⁵² Dubuc believed that this refusal put Riel at a decided disadvantage, since the most damaging testimony came from turncoat Metis which the Crown had summoned as witnesses:

51 Ibid.

52 Ibid.

Il est bien certain que Riel, sans être aussi habile qu'eux, pouvait interroger les témoins avec beaucoup plus d'avantage. A chaque réponse d'un témoin hostile, comme Nolin,⁵³ par exemple, dont il connaissait la conduite et les agissements, il aurait pu lui vriller une question qui l'aurait transpercé de part en part.⁵⁴

It is generally held that Riel's lawyers silenced their client out of concern for his own good. Dubuc, while conceding that they sincerely desired to save Riel, and while admitting that they were very devoted, slyly imputed another motive to their conduct in this matter:

Si on eut laissé Riel transquestionner lui-même les témoins, ses avocats auraient été trop éclipsés, n'auraient plus joué dans le procès qu'un second violon. Et quand on est envoyé de si loin, à grand renfort de trompette, comme virtuoses transcendants, ce n'est guère amusant.⁵⁵

When the jury declared Riel guilty and Judge Richardson sentenced him to hang, Dubuc evinced less sympathy for his old friend than for the Metis followers whose heroic if naive fidelity drew sentences ranging from three to seven years in the penitentiary.⁵⁶ He agreed with his

⁵³ In 1870, Charles Nolin had been one of the few Metis who had refused to support Riel in the formation of the Provisional Government. By 1884, he had removed to Saskatchewan and had begun by staunchly backing Riel in his struggle with the Federal Government, but subsequently withdrew his support out of repugnance for armed violence. Riel had treated Nolin harshly for this "disloyalty". Nolin gave the most damaging evidence against Riel and did so deliberately and belligerently.

⁵⁴ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, August 20, 1885.

⁵⁵ Ibid.

⁵⁶ Ibid.

friend, Alphonse LaRivière, in his comments on the stiff sentences meted out to the hapless Metis:

Quand un gouvernement s'est rendu coupable de le négligence qui a eu lieu dans le Nord-Ouest au sujet des règlements des droits des Métis, ce gouvernement a perdu le droit d'être sévère.⁵⁷

C. To the Court of Queen's Bench

Outraged by what they considered cruelty and injustice on the part of the judge and jury who had convicted Riel despite his insanity, while acquitting Riel's English-Canadian accomplice, Henry Jackson, because of insanity, Riel's Quebec supporters immediately appealed the case to the Court of Queen's Bench in Manitoba. Because the jury's verdict had been accompanied by a recommendation for mercy, Riel's chief counsel, François Lemieux, was persuaded that the jurymen privately held Riel's sanity suspect, and that the appeal had every chance of success.⁵⁸

As a judge on the Queen's Bench, Dubuc was to have presided over these sittings. The prospect threw him into a quandary. How could he supervise the trial of a man whom everyone knew to have been, not many years back, a very close friend? No matter how impartially Dubuc conducted the proceedings, if Riel should be acquitted, Ontario would accuse him of partisanship, and if Riel should be condemned,

⁵⁷ A.A.C. LaRivière, "La Sentence", editorial in Le Manitoba, issue of August 20, 1885, p. 2.

⁵⁸ Stanley, Op. Cit., p. 362.

Quebec would accuse him of bending over backwards so as not to appear biased.⁵⁹ Under such circumstances, he decided that escape provided the only solution, and set out for Montreal on the pretext of having to attend an alumni reunion at his old Collège.

The major newspapers in both Ontario and Quebec took issue with Dubuc's decision to absent himself during Riel's re-trial. The Toronto Globe accused him of ulterior motives, while its Conservative opponent, the Toronto Mail, challenged the Globe to find on the Canadian Bench a judge of greater integrity than Joseph Dubuc.⁶⁰ L'Electeur, Quebec's leading Liberal journal, thrashed Dubuc mercilessly for "cowardice",⁶¹ and even counsel Lemieux communicated his displeasure at Dubuc's departure to the Quebec newspapers.⁶²

Dubuc's reaction to these censures of the Press is in marked contrast to his comparative indifference to personal abuse of a decade earlier. Gone is the crusading spirit of the youthful adventurer who was ready to risk all in the new Manitoba because he had nothing to lose. Here is

59 T.A. Bernier, "M. le Juge Dubuc et ses détracteurs", editorial in Le Manitoba, Vol. 14, No. 47, issue of September 17, 1885. Dubuc's friend Bernier analyzes his position and defends it.

60 Ibid.

61 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, September 23, 1885.

62 Bernier, Op. Cit.

the cautious spirit of the man who has "arrived" and who does not want to lose what he has gained. When engaged in active politics, Dubuc regarded public criticism as simply part of the game, and took it in his stride. Now, as a judge, he has become supersensitive to any faultfinding which might cast a shadow on his reputation. He wrote his friend, Elie Tassé, begging him to come to his defence in La Minerve, but to do so discreetly without letting it be guessed that he had requested to have himself defended.⁶³

The judges of the Manitoba Court could not be persuaded by either the eloquence of Lemieux or the ardour of Fitzpatrick that Riel was legally insane. The Judicial Committee of the British Privy Council ruled out the defence contention for a re-appeal. So the date of Riel's execution was again set, this time for October 22.

Meanwhile, the excitement in Canada increased. The Prime Minister was besieged with demands from Ontario that Riel should die since he was guilty, and with demands from Quebec that his sentence should be commuted since he was insane. Macdonald had already determined that Riel should die, for he realized that any clemency would lose him the vote of English-speaking Canada. But faced with the hundreds of signatures on the petitions pouring in from Quebec, he began to fear lest he lose the support of his French

63 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, three letters dated September 23, October 22, and December 13, 1885.

Canadian colleagues in the Cabinet, and to wonder what disaster would befall his party and the Dominion if that should happen. Consequently, as a concession to Chapleau and Langevin, he appointed a special commission to inquire into Riel's mental state.⁶⁴

The commissioners were three doctors: A. Jukes, a surgeon of the Mounted Police force on duty at Regina prison; Michael Lavell, Warden of Kingston Penitentiary; and F.-X. Valade of Ottawa. Their report stated that on matters other than religion and politics Riel could distinguish right from wrong and hence was legally sane. So Riel must die. Dubuc believed this commission to have been little more than a political sop:

La prétendue commission médicale a été une véritable farce. Cependant, il paraît que le Dr. Valade aurait envoyé de Regina in télégramme au Gouvernement le déclarant véritablement fou. Pour le Dr. Lavell, il était du même avis, mais il aurait envoyé un rapport hermaphrodite, disant qu'il était fou, et qu'il ne l'était pas. Il fallait bien respecter l'opinion des rageurs d'Ontario qui réclamaient sa pendaison.⁶⁵

While awaiting the report of the medical commission the Government postponed the date of execution from October 22 to November 16. Right up to the last moment Dubuc

⁶⁴ Donald Creighton, The Old Chieftain, Toronto, Macmillan, 1955, p. 432-434; also, Stanley, Op. Cit., p.366.

⁶⁵ P.A.M., Dubuc Papers, Dubuc to Elie Tassé, November 29, 1889.

expected a telegram from Ottawa declaring a commutation of the sentence.⁶⁶ He could not believe that Riel would really hang, convinced as he now was that Riel was helplessly insane:

Ses écrits et ses actes jusqu'au dernier moment l'ont prouvé au delà de tout doute ... C'est incroyable de voir la conduite insensée, la conduite le véritable halluciné qu'il a montré jusqu'à la fin.⁶⁷

Naturally, the execution had a profound effect on the French-speaking people of Manitoba, both Canadian and Metis. They had been under severe strain ever since the preceding March when they first heard news of the insurrection. Riel's fate was of intense interest to every Canadian, but of much more pertinent interest to the Franco-Manitobans.

L'exécution a produit un malaise sérieux. Tout le monde en était saisi, péniblement impressionné. Je parle des Canadiens. Quant aux Métis, je suis persuadé qu'ils en ont été très profondément affectés. Mais vous les connaissez. Ça n'y paraissait pas. Le jour de l'exécution, pendant que tout le peuple, pour ainsi dire, à Québec, Montréal, Ottawa, Toronto et ailleurs, encombrait les rues aux portes des journaux pour s'assurer, avec des motifs divers si l'exécution avait lieu, pas un Métis ne s'est intéressé assez pour se déranger pour venir à Saint-Boniface ou à Winnipeg, voir ce qui en était, pas même ses parents de Saint-Vital et d'ailleurs. Ils s'attendaient, peut-être à un nouveau sursis; mais l'occasion, il me semble, était assez importante pour venir au moins se renseigner.

66 Ibid.

67 Ibid.

Il n'y eut par conséquent ni démonstration, ni tapage comme on en a fait ailleurs. J'expliquerai la chose comme ceci: c'est que la douleur ici, comme toute douleur vraie, était calme et recueillie et non tapageuse et désordonnée.⁶⁸

At first Riel's body was placed in a small enclosure below the gallows in Regina. But at the request of Archbishop Taché, who like Dubuc, believed that Riel was irresponsible, though a criminal, it was removed to St. Boniface and buried in the cathedral churchyard. Dubuc was astonished at how well preserved it was after twenty-five days.⁶⁹

While the French Manitobans accepted the execution calmly and sadly, Quebec worked herself into an agitation which became a political revolution. Dubuc assessed the Quebec unrest as a "torrent qui se précipite, et dans sa course effrénée paraît devoir tout renverser, la solide comme l'éphémère, les meilleurs hommes comme les nullités. C'est un véritable affolement."⁷⁰

68 Ibid.

69 Ibid., letter dated December 13, 1885. To this day a legend persists that Riel's body never reached St. Boniface and that it was buried by his faithful followers at Duck Lake. So strong is this belief among the Metis of Manitoba and Saskatchewan that scholars and archivists question the veracity of the official account. Dubuc's story would seem to confirm the assertion that Riel really is buried in St. Boniface.

70 Ibid., letter dated November 29, 1885.

In a deliberate attempt to be detached and impartial, Dubuc reviewed the whole Riel controversy and came to the conclusion that Riel's champions in Quebec were largely responsible for his execution:

Examinons les choses de sang froid. Considérons d'abord la cause de ce mouvement malheureux, l'exécution de l'infortuné Riel.

Il y avait pourtant d'excellentes raisons de lui épargner l'échafaud.

1^o On ne devrait plus pendre pour offenses politiques; et de fait on ne pend plus.

2^o Il a violé les lois sans doute en prenant les armes, mais il servait une cause juste; son mouvement constitutionnel était parfaitement justifiable, et on peut dire qu'il a été entraîné par les circonstances. C'est moins grave que s'il se fut révolté tout d'abord sans cause suffisante.

3^o Il était certainement détraqué; ce n'était pas un idiot tant s'en faut; mais il avait le cerveau dérangé sur les affaires religieuses et politiques.

4^o Le jury avait accompagné son verdict d'une recommandation à la clémence.

5^o Toute une population importante et loyale demandent que sa sentence fut commuée.

Mais hélas! de quelle manière l'a-t-on demandé! Au lieu de supplier au nom de l'humanité comme on devait le faire, des forbans politiques en ont fait une question de race et de religion, et ont forcé la main à ceux qui avaient son sort entre leurs mains.

.
Les Orangistes son sans doute fanatique à l'égard de ce qui est français et catholique. Mais pourquoi soulever, fomenter ce fanatisme et provoquer ses représailles quand c'est une faveur qu'on veut réclamer? N'est-ce pas là un autre fanatisme mal inspiré? Une autre attitude n'aurait peut-être pas sauvé Riel, mais il y avait eu au moins huit chances sur dix de plus d'arriver au résultat désiré.⁷¹

⁷¹ Ibid.

As the storm mounted, Dubuc's anxiety increased. He could see no good which could accrue from it to the province of Quebec, and gravely feared serious, if not disastrous consequences for the other provinces of the Dominion.⁷² Joseph Royall wrote a paper on the situation entitled L'écrasement des minorités which Dubuc recommended to Elie Tassé for publication in the Quebec journals. It was a masterly evaluation of the Quebec movement and might have served to show Honoré Mercier and his followers the harm they were doing their nationality in the country by the ultra-nationalist stand they had taken over the Riel case.

As a former journalist, Dubuc had particular contempt for the immaturity and irresponsibility manifested by journalists throughout Quebec.⁷³ After reading the pamphlet, Louis Riel, Martyr du Nord-Ouest, printed by La Presse, he made the following observations:

Comme littérature à sensation, pour que ça vende, procédé Zola, c'est parfaitement réussi. Mais comme relation historique, c'est plus que pitoyable. ... L'auteur suit l'ordre des faits et les rapporte à sa manière, ajoutant, dénaturant amplifiant à un endroit, supprimant, altérant, et travestissant ailleurs. Et dire que ce boursofflage chauffé à blanc sera de l'histoire, servira à l'écrire. Oui, plus tard des historiens de bonne foi s'appuieront sur cette brochure publiée dans le temps, à la

72 Ibid., December 13, 1885.

73 Ibid., December 28, 1885.

barbe de ceux qui auraient pu la contredire. En lisant de pareilles rapsodies données en pâture au peuple sur le compte des Ministres, on se demande si pauvre Néron, de brûlante mémoire, n'a pas été un politicien malheureux ayant affaire à une opposition affamée et sans vergogne.⁷⁴

The ministers in question, Sir Hector Langevin, Sir Adolphe Caron, and J. Adolphe Chapleau, won from Dubuc the sympathy and understanding they failed to win from the majority of French Canadians in their own province. Dubuc agreed with Tassé that if they had chosen to resign from the Cabinet after Macdonald had refused to commute the death sentence, they would have won for themselves an immense popularity. Their decision to stay at their ministerial posts in order to avoid a split in the government along purely racial lines which would have put the country in danger of civil war was truly patriotic and even heroic in Dubuc's opinion.⁷⁵ On the other hand, for those who were indoctrinating the entire province with hatred for the anti-Riellists, he had a scathing denunciation:

Ceux qui ont préparé le peuple et l'ont amené à l'état où nous le voyons aujourd'hui sont-ils sincères? Quelques-uns le sont, peut-être. D'autres n'ont vu dans toute cette affaire qu'un moyen d'avancer leur intérêt politique. A tout prix, ils veulent monter; et, à défaut de vigueur suffisante pour gravir d'une enjambée les hauteurs convoitées, ils s'aident d'une corde, d'une corde de pendu. Qu'importe! pourvu qu'ils atteignent ce qu'ils cherchent.⁷⁶

⁷⁴ Ibid.

⁷⁵ Ibid., November 29, 1885.

⁷⁶ Ibid.

The fact that he himself was being attacked from time to time by these people lent sharpness to his denunciation of them.⁷⁷

4. The Schools Case.

After the execution of Louis Riel in 1885, the next major historical event to affect Dubuc as a judge and as a French Canadian in Manitoba was the school legislation of 1890. The Dubuc Papers contain three lengthy documents written by Judge Dubuc during the years in which the Schools controversy raged through the Legislatures and the Courts. One is a thirty-five page brief entitled "La Difficulté Scolaire". Undated, it gives a careful history and analysis of the first seven years of the controversy, and must have been written in 1897. The other two are copies of very long, formal letters written by Dubuc to Archbishop Langevin⁷⁸ at the latter's request. In the first epistle, dated 1896, Dubuc gives his opinions on, and recommendations concerning the Remedial Bill which had been drawn up by the Federal Government. In the second letter, dated 1898,

⁷⁷ Ibid., December 28, 1885.

⁷⁸ At his death in 1894, Archbishop Taché was succeeded by Adélarde Langevin, O.M.I.

Dubuc gives his criticisms of the Laurier Greenway Compromise. In addition to these three manuscripts, there is, of course, the record of proceedings of the Court of Appeal containing Dubuc's noteworthy judgment on the Manitoba Schools Case: Barrett vs. the City of Winnipeg, February 2, 1891.⁷⁹ Finally, there is correspondence between Dubuc and Archbishop Taché in both the Archiepiscopal Archives of St. Boniface and in the Public Archives of Manitoba.

Dubuc was in the centre of the maelstrom which resulted from the school legislation. Yet, he was not too close to the actual events of the drama to perceive the connection between the Riel treason case and the rise of Honoré Mercier who built his Parti National on Riel's grave; between the activities of the Mercier administration in Quebec and the growing gallophobia and no-popey in Ontario Orange circles; between the passage of Mercier's Jesuit Estates Act and Dalton McCarthy's crusade against the Separate School Systems of Ontario and Manitoba.⁸⁰ His reflections on the political aspects of the Manitoba Schools question reveal a good deal of perspicacity. On the other

⁷⁹ Judicial Committee of the British Privy Council, On Appeal from the Supreme Court of Canada in the Matter of Certain Statutes of the Province of Manitoba Relating to Education, No. 51 of 1894, Record of Proceedings, London, 1894. (Hereafter, this document will be abbreviated to "Record of Proceedings".)

⁸⁰ Archiepiscopal Archives of St. Boniface, Dubuc to Taché, letters of 1890-1891.

hand, he shows an incomplete knowledge of the problems and motives of the English Protestant leaders who were responsible for the legislation which destroyed the French Catholic school system. He thought that they were motivated only by bigotry--which was not lacking. He did not appear to realize that the whole situation was very complex and needed drastic solutions. This is probably because, like other Franco-Manitobans of his time, he had for years been so pre-occupied with defending the French position in the province that he was scarcely aware of the economic and social developments and of the crises which they were engendering.

The Liberal Party which destroyed the French Catholic schools in 1890 took over the government as a result of the elections of 1888. This was the first time that a Liberal Party won power in Manitoba, and it won the elections only because of French support, a support which the campaigning Liberals secured by promising the French voters that there would be no danger of their losing either seats in the Legislature or language or educational privileges.⁸¹ Furthermore, they promised the French element a compatriot in the Cabinet, something they had not enjoyed since the Royal "coup" of 1879.⁸² Dubuc was exceedingly bitter over

⁸¹ W.L. Morton, Manitoba, A History, Toronto, University of Toronto Press, 1957, p. 229-230.

⁸² See Chapter V below, p.158ff.

the violation of these election promises. He believed that when Thomas Greenway and his Liberal followers made these promises they had no intention of keeping them.⁸³ Actually, a recent and dispassionate study of the Greenway Papers⁸⁴ has revealed that the Liberal leader at the time of the elections was not at all committed to the destruction of French rights and privileges, and that subsequently, by the pressure of events, he was led from one position to another, until he ended by betraying colleagues he had never intended to betray, and abolishing constitutional rights he had never intended to abolish.⁸⁵

A combination of circumstances and a series of events precipitated that destructive legislation.⁸⁶ The

83 P.A.M., Dubuc Papers, Dubuc to Langevin, October 6, 1896; also, A.A.S.B., Dubuc to Taché, January 2, 1891.

84 P.A.M., Greenway Collection, Correspondence and Papers, 1888-1898, 11,830 items.

85 Morton, Op. Cit., p. 230, 246.

86 Manitoba, Statutes, 53 Victoria, Chap. 37, 38, 14. This is the "destructive legislation" that is referred to. By the first named Act a Department of Education and an Advisory Board were created which received full authority for education in the province. The second Act repeated all former statutes relating to education, and provided that the public schools be free and non-sectarian. The third Act swept away the previous provision under which either French or English might be used in the debates of the Legislature, and which required that the records and journals be printed in both languages.

passage of the Jesuit Estates Act by the Mercier Government in Quebec provoked Dalton McCarthy to lead the Ontario Orangemen's Equal Rights Association in a crusade against the allegedly growing political power of the Catholic clergy in Canada. In the summer of 1889, the excitement spread to Manitoba where the special position of the Catholic schools and the official status of the French language were vulnerable targets for the "British loyalty" of the Orangemen. By August of 1889, Manitoba was bone-dry from the summer heat and ready for the Orange sparks.

The Liberal Party was no longer dependent on French support to maintain a majority because Greenway's success in deterring the Federal Government from disallowing Manitoba's new railway charters had made him so popular in his Province that a new election (June, 1888) returned the Liberals with a huge majority. There was nothing to prevent the Party from carrying out the remaining points of its program: enforcement of economy in the government service and expenditures, and the redistribution of the electoral districts on the Ontario Grit principles of representation by population and manhood suffrage.⁸⁷

Dalton McCarthy's agitation for "abolition of privilege" dovetailed with the Government's preoccupation with

⁸⁷ Morton, Op. Cit., Chap. 9.

economy and democracy. Thousands of Ontario immigrants who had entered the Province of late years were short on schools and on government representation. The increase in the English-speaking population had resulted in the French getting somewhat more than their share of the school taxes and of being somewhat over-represented in the Legislative Assembly. Greenway's Attorney-General, Joseph Martin, relapsed Catholic and rabid Orangeman, Dubuc's political enemy of former years,⁸⁸ and friendly admirer of Dalton McCarthy, had the dubious distinction of setting the spark to the passions of race and creed in the hearts of Manitoba's British majority, and of using these highly explosive commodities to realize the Government's objectives of greater economy and more democracy. In fiery speeches, he recommended the abolition of the dual school system and of the official use of the French language. Once roused, the Ontario Protestant majority in Manitoba could not be pacified until it had swept away dualism entirely in the legislation of the 1890's. English Protestant Manitobans claimed that they were doing only what was necessary for the common good, and that the French Catholics were suffering no injustice since what was being taken from them was unnecessary privilege.⁸⁹ French Catholic Manitobans claimed that

88 See Chapter VI, p. 201-205.

89 Morton, *Op. Cit.*, p. 247.

they were being deprived of their most sacred rights, constitutionally guaranteed by the Manitoba Act.⁹⁰

A. Barrett and Brophy vs. Winnipeg

After the Schools legislation had been enacted, Archbishop Taché, who had all his life been greatly concerned with education, began the struggle to have the new laws struck from the books. He was backed by the English-speaking Catholics of Manitoba in the interests of their faith, and by the French-speaking Catholics for the sake of both their faith and their culture. As was usual in such crises, the Archbishop took counsel from the educated members in his flock. Among the most eminent, because of his learning, experience, and zeal, was Judge Dubuc.⁹¹

In a series of powerful letters to the Free Press Archbishop Taché demonstrated eloquently that at the time of union with Canada the Catholics had been in a majority, that they consented to union only after both Imperial and Canadian authorities had given assurances that their rights and privileges as they existed at the time of the Transfer would be continued by Canada, and that the "List of Rights",

90 A.A. Taché, A Page of the History of the Schools in Manitoba during Seventy-Five Years, St. Boniface, 1893, p. 14.

91 Lecompte, Op. Cit., p. 181ff.
Prud'homme, Op. Cit., July, passim.
Dubuc, Notes concernant Mgr Taché, p. 20-21.

carried by Father Ritchot as the official delegate of Riel's Provisional Government to Ottawa in May, 1870, to be the basis of agreement for union, contained a clause demanding separate schools.⁹²

The struggle for the schools touched Judge Dubuc very personally, not only because he had children of school age, but also because it had been entwined into all his public activities as a French Canadian in Manitoba. The man who had argued him into going West in the first place was Father Ritchot, and he had first met Father Ritchot on the latter's historic mission to Ottawa in May, 1870, with the fourth "List of Rights" containing a term assuring French and Catholic schools. The argument of those who wanted to rid the province of Catholic schools on the grounds that the school clause had been inserted underhandedly and as an afterthought nauseated Dubuc, for when he accompanied Father Ritchot from Montreal to Red River in June, 1870, they had stopped at Ottawa and spoken to Cartier and Macdonald. These latter had accepted the school clause in the last "List of Rights" while in complete possession of all the facts that accompanied its insertion.⁹³ After arriving

⁹² These letters were later printed in the pamphlet entitled A Page of the History of the Schools in Manitoba during Seventy-Five Years. See note 90.

⁹³ Dubuc, Autobiographie et Lettres, p. 76-78, 82-85, 88.

in Red River, the young Dubuc heard from Louis Riel himself how the Manitoba Act had evolved from the four lists of rights while he was the guest of the Provisional Government's President at Fort Garry.⁹⁴ And that autumn, when Dubuc went to live with Bishop Taché, he heard many a conversation on the prelate's concern for Catholic and French schools, and the measures he had taken to have them constitutionally and permanently guaranteed.⁹⁵

As a Member of the Provincial Parliament, Dubuc had helped draw up the Education Act of 1871 in the first session of the first Legislature, an act which safeguarded the teaching of religion and of French by preserving the denominational system.⁹⁶ As Superintendent of Catholic schools, Dubuc made recommendations for the amendment and improvement of the 1871 Education Act, but stipulated that the schools remain separate.⁹⁷ In 1876, he had participated in the debates in the Legislative Assembly when the dual school system was attacked and the Legislative Council was abolished.⁹⁸ And while a Member of Parliament in 1879, he was

94 See Chapter I below, Section 2, "The Manitoba Act" p. 7-11.

95 Dubuc, Notes concernant Mgr Taché, p. 8-9.

96 See Chapter V below, p. 168-169.

97 Manitoba, Journals of the Legislative Assembly, 1871-2-3, "Report of the Superintendent of Catholic Schools", Appendix to the third section, p. xxvii.

98 See Chapter V below, p. 187-190.

called home from Ottawa by the crisis arising out of the attempt to limit the official use of French.⁹⁹ Now, in the year 1890, he is the father of eleven children, for all of whom he wants a French and Catholic education, and the two school acts of that year have made that kind of education impossible.

Dubuc's first hope had been that the Lieutenant-Governor would reserve the odious legislation, so disastrous to the future of French in Manitoba, so contrary to the spirit which had prompted Confederation in the first place, and Manitoba's entry into it.¹⁰⁰ Eleven years previous, he had witnessed Lieutenant-Governor Cauchon reserve the bill to dispense with the printing of public documents in the French language.¹⁰¹ He had hoped temporarily that the same action might be taken by the Lieutenant-Governor of 1890. But the present incumbent of Government House was John Christian Schultz, former leader of the Canadian Party against the Provisional Government, bitter enemy of Riel and Dubuc during Manitoba's infancy,¹⁰² and although his antagonisms against the French Catholics had cooled with

99 See Chapter VI below, p. 228ff.

100 Dubuc, La Difficulté Scolaire, p. 1A.

101 See Chapter V below, p. 196-197.

102 See Chapter I below, p. 20ff.

the years, other considerations pushed him to sign the school bills: the rising demand for economy in administration, the need for a more effective educational system, and the fact that Ontario and British immigration was shrinking the French to an ever-diminishing minority.¹⁰³

Next, Dubuc pinned his hopes on disallowance.¹⁰⁴ The British North America Act had given the Federal Government the right to disallow provincial legislation, and Prime Minister Macdonald had made use of this clause quite often. At first Dubuc and his friends urged Archbishop Taché to appeal to the Federal Government against this provincial law so prejudicial to a minority interest. But a little time and reflection was sufficient to make them realize that disallowance had already been used too frequently in connection with Manitoba governments, and that after refusing to disallow the Jesuit Estates Act of Quebec in 1885, it could hardly disallow the Public Schools acts of Manitoba in 1890.¹⁰⁵

There remained a third possibility: to test the constitutionality of the 1890 school laws. As an experienced

103 Alexander Begg, History of the North West, Toronto, Hunter, Rose, 1894-95, Vol. III, Chapter XV.

104 Dubuc, La Difficulté Scolaire, p. 4C.

105 Ibid., p. 4D-4E.

lawyer and learned judge, Dubuc was of the opinion that this was not a valid piece of legislation, that it was not within the power of the Provincial Government. Did not Clause 22 of the Manitoba Act state that "Nothing in any such law shall prejudicially affect the right or privilege with respect to denominational schools that any class of persons have by law or practice at the time of the union"? So plans were laid to bring the case to the courts.¹⁰⁶

Accordingly, Dr. J.K. Barrett, a citizen of Winnipeg and a parishioner of St. Mary's Church, whose three children had been attending St. Mary's parochial school for five years, refused to pay his school taxes as levied by the City of Winnipeg on the grounds that the enabling legislation of 1890 was unconstitutional. The case came up before Mr. Justice Killam of the Court of Queen's Bench, and he ruled against Barrett. Judge Killam stated that the people of Manitoba could not have possessed "by law" any right or privilege to denominational schools at the time of union because, unlike the four older provinces, Manitoba had not an established government: the document regulating the government of her people was the Hudson's Bay Charter. Did this right or privilege exist "by practice"? Mr. Justice Killam argued that "practice" indicates a constant habit, and that as the Catholic schools prior to the union were

106 Ibid., p. 4F-4G.

supported by fees and donations given sporadically by the Hudson's Bay Company, their support did not constitute a "practice".¹⁰⁷

Backed by the Roman Catholics of both languages, Barrett immediately appealed his case which was re-heard the following February by three judges of whom Dubuc was one. The other two were Chief Justice C.J. Taylor, and Judge John Bain, with whom Dubuc had been associated on the Land Commission some ten years before.¹⁰⁸ Alone of the three judges, Dubuc upheld Barrett's claim. Dubuc's argumentation at this case was reputed by his contemporaries to have made up

... un de ses plus remarquables jugements. Comme méthode d'exposition, comme clarté, comme vigueur des arguments et comme science légale, ce document passera à l'histoire.¹⁰⁹

His compatriots were very proud of him,¹¹⁰ and judged his argument to have been much superior to that of the other two judges.¹¹¹

107 Record of Proceedings, Judgment of J. Killam, November 24, 1890, p. 46-60.

108 See Chapter IV below, p. 126-157.

109 Prud'homme, Op. Cit., July, 1914, p. 25.

110 P.A.M., Dubuc Papers, Taché to Dubuc, February 6, 1891.

111 Lecompte, Op. Cit., p. 197.

Dubuc began by summarizing the school legislation of Manitoba from 1871 to 1890 and showing the denominational character of the schools. The Catholic section of the Board of Education was responsible for the organization of its schools, the formation of school districts, and the choice of textbooks. Its Protestant counterpart had identical responsibilities. Public taxes were divided between the two School Boards in proportion to their school-age population. Under no condition could a Catholic be forced to support a Protestant school or vice versa. Now the two School Acts of 1890 have completely done away with the dual system and substituted a system of public schools according to the desires of the Protestant section of the former Board of Education.¹¹²

Next, Dubuc proceeded to the legal heart of the dispute. Section 22 of the Manitoba Act said explicitly that the Catholics of Manitoba had a right to such schools as they had "by law or practice" at the time they confederated with Canada. Such schools, they had since enjoyed for nearly twenty years, supported by local taxes and provincial grants. As Judge Killam had contended that the Catholics had enjoyed public support for their schools as a privilege rather than as a right, and that they had a right only to private schools supported by themselves,

¹¹² Record of Proceedings, Judgment of J. Dubuc, February 2, 1891, p. 74-78.

Dubuc set out to prove that what they held after 1870 was virtually what they had held "by practice" prior to 1870. The argument turned on what was meant by the term "by practice". First he established the point that when a phrase is open to several interpretations, its significance must be sought in the spirit of the law itself, the purpose of that law, and the events which led to the passing of that law. Then he proceeded to show that the school term had been inserted into the Manitoba Act to guarantee the French Catholic population in Red River something that they had and that they would not enter Confederation without: an opportunity to educate their children in their own faith and language. Finally, he stated that the schools which existed in Manitoba prior to 1870 were by practice denominational schools, so the Catholics of Manitoba had a right to continue in tax-supported denominational schools.¹¹³

To Chief Justice Taylor's contention that the only privilege enjoyed by Catholics before the union of 1870 and secured by the words "by practice" was the privilege of having denominational schools sustained by themselves as private schools, and that under the new school law they may have the same privilege still, Dubuc replied that:

... the privilege of being taxed for the support of schools from which, according to their conscience and the principles of their faith, they could

113 Ibid., p. 78-83.

derive no benefit, and of taxing themselves besides for the only schools to which they could conscientiously send their children, would be a very strange privilege indeed.¹¹⁴

Forthwith, he plunged into an exploration of the House of Commons' intention in adding the words "or practice" to the words "by law" in the Manitoba Act.

The right of any person or class of persons to have and support private schools is a primordial right, as the right to breathe air or eat bread. Supposing the legislature of a province, having full power to do so, would pass a Public School Act with compulsory attendance, which all rate payers would be bound to support, that would not affect the natural right of a citizen to teach his own children in his own house, before school time in the morning, between school hours in the middle of the day, or after the closing of the public school in the afternoon, and so to have and conduct a private school in his own premises. Nothing would even prevent him from having his neighbour's children attending such teaching, or having such teaching done by his daughter, or any other person. This would be a private school which no one would by law be bound to support, a school of the same nature as those stated to exist before the union. Such a natural right does not need any legislation to protect it. Can we, therefore, suppose that the only thing which was aimed at and intended by the Dominion Parliament in adding the words 'by practice' was to protect and ensure the minority of the future the natural right to have such schools? Can we, reasonably, assume that the Federal Parliament, anticipating and fearing that the Manitoba Legislature might, against all natural justice and fairness, deprive a whole class of persons of such primordial right, inserted the words 'or practice', for the only purpose of guarding and protecting the minority that might be, against such unjust and oppressive legislation? That surely could not have been anticipated, and the enactment could not have been intended to prevent such imaginary mischief.¹¹⁵

114 *Ibid.*, p. 85-86.

115 *Ibid.*, p. 86.

To those who would quash Barrett's claim on the grounds that if the Roman Catholics were entitled to be secured in the continuance of the denominational schools, then the various other denominations could claim the same privilege, Dubuc had a two-pronged retort:

I do not see that this is an objection at all. the provision speaks of any class of persons having by law or practice any right or privilege with respect to denominational schools. As it is established that the schools existing at the union were denominational schools, respectively controlled by the Roman Catholics and by the various Protestant denominations, I see no reason to doubt that, if the first sub-section of the 22nd section of the Manitoba Act is to be taken alone and independently of the other sub-sections the adherents of the English Church, the Presbyterians, the Episcopalians, and any other denominations of Protestants who had by practice denominational schools at the time, would be entitled, under this provision, to keep and maintain them as such. That is one aspect of the question.

The other aspect appears when we look at the other sub-sections in the British North America Act, and in the Manitoba Act. Christians who, for centuries have been in all Christendom divided into two great classes, Roman Catholics and Protestants, and designated as such, are also in the above-mentioned sub-section, for the purpose of denominational schools, divided and designated as Roman Catholics and Protestants. It being an elementary rule that construction of a statute is to be made of all its parts together, and not of one part only, we must look to these different provisions applying to the subject-matter, and, in doing so, we are led to the conclusion that the legislature, in speaking of any class of persons in respect to denominational schools, intended to refer to the Roman Catholics as a body, and to Protestants as a body, and to apply the protection to either one or the other who might happen to be in the minority.¹¹⁶

¹¹⁶ Ibid., p. 89.

The preceding paragraphs contain the more salient points of Dubuc's argumentation which flowed on in logical sequence expressed in classically clear English. Referring to it some twenty-three years later, another eminent judge declared: "On ne pouvait mieux mettre en pleine lumière les droits scolaires garantis aux catholiques par la constitution du pays."¹¹⁷

The division in the Manitoba Court of Appeal was two to one against Barrett. The matter was then referred to the Supreme Court of Canada. There the five judges moved unanimously for Barrett, arguing that the legislation of 1890 was ultra vires. It was beyond the powers of the Provincial Government to legislate as it had by virtue of Section 93 of the British North America Act, as well as by virtue of Section 22 of the Manitoba Act. In the Supreme Court of Canada the argument followed Dubuc's vein: that legislation in which financial support was removed did prejudicially affect rights. The right and privilege which had been prejudicially affected was the right of the minority to have a religious education conducted under the supervision of their Church, administered in schools which they were compelled as a matter of conscience to attend, while at the same time they were compelled to support another set of schools.¹¹⁸

¹¹⁷ Prud'homme, Op. Cit., p. 25.

¹¹⁸ Record of Proceedings, Judgment of the Supreme Court of Canada, October 28, 1891, p. 105-131.

The jubilation experienced by the Catholics of Manitoba and the optimism expressed by Dubuc as regards the final outcome of the school case¹¹⁹ were short-lived. The case was appealed by the City of Winnipeg to the Judicial Committee of the British Privy Council which reversed the Supreme Court's decision on the following grounds: that education is the exclusive right of the provinces as defined by Clause 92 of the British North America Act; that as long as the provincial legislation does not forbid the existence of parochial schools or force Catholic children to attend the public schools, it does not interfere with the rights that the Catholics held before the union; that to allow the denominational system to continue would hinder the Province's efforts to give an adequate schooling to an immigrant and widely scattered population.¹²⁰

Dubuc and his fellow Catholics were abashed but not crushed by the judgment of the Privy Council.¹²¹ The Court had upheld the constitutionality of the Manitoba Public School Acts of 1890, but had also admitted that Catholics

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120 Record of Proceedings, Judgment of the Judicial Committee of the British Privy Council, August 15, 1893, p. 152-158.

121 Dubuc, La Difficulté Scolaire, p. 2.

and Anglicans who are compelled by their consciences to support denominational schools while at the same time being taxed for the public school system are in a less favourable position than those Manitobans enjoying the free schools.¹²²

So the next step was to appeal to the Federal Government for remedial legislation under sub-sections 2 and 3 of Clause 22 of the Manitoba Act. Sub-section 2 gives an "appeal", as it is termed in the Act, to the Governor-General-in-Council from any act or decision of the legislature of a province, or of any provincial authority "affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education". Sub-section 3 reserves certain limited powers to the Dominion Parliament in the event of the Provincial Legislature failing to comply with the requirements of the section or the decision of the Governor-General-in-Council.

The Catholics of Manitoba backed Mr. Brophy of Winnipeg in his appeal to the Governor-General-in-Council against the 1890 law as affecting Roman Catholic minority rights in education. Dubuc agreed with his fellow lawyers that the appeal should be based on part 2 of Section 22 of the Manitoba Act in which a right acknowledged by a piece of Provincial legislation--the Education Act of 1871 which

122 Record of Proceedings, p. 157.

had established denominational schools--was prejudicially affected.¹²³

The Conservative Party of 1894 could not afford to be embarrassed by such a problem, the solution of which would lose it either its Ontario or its Quebec supporters. So again, the case went to the courts. The Supreme Court of Canada decided that the Federal Government had no such right because the 1890 legislation was constitutional. But when Brophy carried the case to the Privy Council, the latter once more reversed the judgment of the Supreme Court of Canada. By its decision of 1895 the Canadian National Government had a duty to do something about the situation in Manitoba.

B. The Federal Government's Remedial Bill

The Federal Government, headed by the Conservative Prime Minister, Mackenzie Bowell, thereupon issued a remedial order which urged the Manitoba Government to restore to the Roman Catholics the right to build, maintain, and operate their schools; to restore to them a just proportion of tax money for the support of these schools; and to exempt Roman Catholics from taxation for the public schools. The Manitoba Government refused to accept this remedial order, arguing that the Barrett Case had proved their 1890

123 Dubuc, La Difficulté Scolaire, p. 10A.

legislation constitutional, that their first responsibility was to their own electorate which had returned them with a large majority in the 1892 elections, and that a dual school system would be detrimental to their public welfare.

There remained a final possibility for redress of grievances, according to Section 22 of the Manitoba Act: remedial legislation by the Government at Ottawa. The popular Charles Tupper was recalled from London to head the Government and implement this Remedial Bill. It naturally aroused excited opposition inside and outside of Manitoba. Dubuc at the time attempted to analyze and refute the arguments used against it.

The first argument was that although the Privy Council decided that the Manitoba Catholics had been deprived of their rights and made to suffer real wrongs, there was no obligation to remedy the injustices:

En principe, cette proposition est une hérésie constitutionnelle. Un grief fondé, un droit enlevé, impliquent un remède, une restitution. Autrement la protection garantie par la constitution devient une déception.

Au point de vue du droit positif en l'espèce, c'est une iniquité. Cela revient à dire: 'La majorité a commis une injustice, à l'égard de la minorité; qu'importe! Laissons la majorité jouir en paix du bénéfice de son acte injuste, et que la minorité subisse sans recours la spoliation de ses droits.'

On invoque contre nous le passage suivant du jugement du Conseil Privé:

'Il n'est certainement pas essentiel de rétablir les lois abrogées par l'acte de 1890 ni de remettre en vigueur les dispositions mêmes de ces lois. Le

système d'instruction publique contenu dans les actes de 1890 satisfait aux désirs et aux besoins de la grande majorité des habitants de la Province.'

Nous admettons cela, et nous en comprenons l'importance. Nous ne réclamons pas non plus le rétablissement intégral de ces lois. Et nous disons comme nous avons toujours dit: Que la majorité protestante ait les écoles qu'elle voudra: cela ne nous regarde pas; mais qu'elle nous laisse aussi la liberté d'avoir nos écoles catholiques.

Mais le passage du jugement qui vient d'être cité ne doit pas être séparé de celui qui vient immédiatement après dans le même paragraphe, et qui le complète en l'interprétant. Il se lit comme suit:

'Toute cause légitime de plainte disparaîtrait si ce système avait pour complément des dispositions propres à faire cesser les griefs sur lesquels est fondé l'appel, et s'il était modifié de façon à donner effet à ces dispositions.'

C'est là uniquement ce que nous réclamons. Qu'on ajoute aux lois actuelles certaines clauses n'ayant d'application qu'aux écoles établies et fréquentées par les catholiques, et rétablissant en substance les droits possédés par eux avant 1890. Rien de plus, mais rien de moins.¹²⁴

The second argument raised by the Manitoba majority against the Federal Government's attempt to pass remedial legislation was that the Province of Manitoba should be allowed to regulate her own problems and that outside interference should not be tolerated:

A ces clameurs de nos adversaires, ne dirait-on pas que ce sont les catholiques qui cherchent à empiéter sur les écoles protestantes et voudraient y enseigner forcément leur catéchisme? Chacun sait pourtant que c'est tout le contraire qui a lieu.

Quel travestissement des principes, des idées, et des choses! C'est toujours le loup qui reproche à l'agneau étanchant sa soif au bas du courant de troubler son breuvage.¹²⁵

124 Ibid., p. 6A-6D.

125 Ibid., p. 7.

Finally, there was the argument of Catholics belonging to the Liberal Party, mostly from Quebec, who claimed that the Remedial Bill did not do enough for the Manitoba minority, and that if they got into power, they would make a more complete restitution of minority rights. Disturbed by this last argument which came from Wilfrid Laurier and the Quebec Liberals, Archbishop Langevin, who had at first welcomed the Bill, began to have misgivings, and asked Dubuc his opinion on the Remedial Bill.¹²⁶ In a carefully prepared answer¹²⁷ Dubuc began by describing the straits that the Greenway Laws had left the Manitoba Catholics in, then outlined the ameliorations to this situation offered by the Remedial Bill, and finally, drew his conclusions.

The lot of Catholic parents in 1896 was not an enviable one:

Depuis six ans nous n'avions plus d'écoles reconnues par la loi. Après 1890, les écoles catholiques qui existaient auparavant furent d'abord maintenues par des contributions volontaires. Dans les localités où des écoles publiques étaient déjà établies, ou le furent par la suite les catholiques ont été taxés pour le soutien de ces écoles et se sont ainsi trouvés soumis une double charge. Ces écoles publiques, soi-disant non-professionnelles n'étaient en réalité que des écoles protestantes. La chose a été clairement démontrée et elle a d'ailleurs été admise par des protestants honnêtes et de bonne foi. Au bout de deux ou trois ans, un certain nombre d'écoles catholiques dans les districts ruraux

¹²⁶ Ibid., p. 7-8.

¹²⁷ P.A.M., Dubuc Papers, Dubuc to Langevin, October 6, 1896, (copy).

ont du être fermées fautes de ressources pour les maintenir. Un peu plus tard dans ces dernières années, les contribuables de certains districts plutôt que de voir leurs enfants grandir dans l'ignorance, se sont cru justifiables d'accepter les offres du gouvernement Greenway et ont consenti à l'établissement parmi eux d'écoles publiques. Cette nouvelle phase de la question fut considérée comme déplorable. Outre qu'elle mettait en danger la foi des enfants qui fréquentaient ces écoles, elle fournissait au gouvernement provincial et aux partisans des écoles non catholiques un argument qui ne manquait pas d'une certaine plausibilité. La masse des catholiques, disaient nos adversaires, est en faveur des écoles publiques, la hiérarchie seule y oppose. Si au lieu d'être pressés et harcelés par les évêques et les prêtres, les catholiques étaient laissés à eux mêmes, ils s'empresseraient d'accepter les écoles du gouvernement et la question scolaire se trouverait réglée. Laissons faire encore quelque temps et tenons bon, tous finiront par se soumettre au nouveau système scolaire. Comme on peut le penser, cet argument avait du poids auprès de la plupart des politiciens. C'est dans de telles circonstances que fut proposée la loi réparatrice.¹²⁸

In his effort to judge the merits of the Remedial Bill, Dubuc drew up two questions. The first asked if it was efficacious, that is, sufficient to restore to the Catholics their schools.

He carefully reviewed the provisions of the Bill. It called for a Catholic school board composed of nine persons belonging to the Roman Catholic faith to be named by the Provincial Cabinet. One of these nine was to be appointed superintendent of schools. The board, assisted by the superintendent, was responsible for the administration of the Catholic schools, including the interviewing

¹²⁸ Ibid.

of teachers, the choice of textbooks, the building plans, the levying of taxes, the election of school trustees, and the appointment of inspectors. Then he stated his impressions:

Cette loi qui apportait à nos griefs un remède efficace, qui nous garantissait des écoles véritablement catholiques, ne devait-elle pas être acceptée malgré certaines lacunes? Quand les catholiques de Manitoba voyaient avec peine une proportion notable de leurs écoles fermées faute de ressources, une autre proportion assez considérable de ces écoles passée déjà sous le système scolaire de la loi Greenway avec le danger de voir cet exemple suivi et devenir peut-être général, n'était-il pas opportun pour Votre Grandeur de chercher à faire cesser le mal déjà accompli et empêcher le mal imminent en acceptant la loi réparatrice?¹²⁹

In his second question, Dubuc asked, if despite its weaknesses, the Remedial Bill was acceptable. He examined separately each of the objections raised and commented on them. The first was the clause which stipulated that the members of the Catholic school board be named by the Provincial Government, that the inspectors appointed by this school board be approved by the Government, and that these inspectors be authorized to close schools which were not meeting acceptable standards.

D'abord le gouvernement ne pouvait nommer comme membres du conseil d'instruction que des personnes appartenant à la religion catholique romaine. Parmi les hommes ayant la compétence requises pour être membres de ce conseil, nous connaissons à peine un ou deux mauvais catholiques hostiles aux écoles

129 Ibid.

séparées. Quant aux inspecteurs, c'est au bureau scolaire qu'il appartenait de les nommer, sauf approbation du lieutenant-gouverneur-en conseil. On doit naturellement croire que le bureau scolaire aurait choisi des hommes compétents et bien disposés, et ce serait une exagération de prétendre que le lieutenant-gouverneur-en-council aurait refusé tous les hommes ayant les qualités requises pour remplir cette fonction. Il n'y a donc rien de réellement sérieux dans ces deux chefs d'objection.¹³⁰

A second objection was Section 28 of the Remedial Bill which allowed a Catholic to support the public school system instead of the Catholic schools if he so wished. Dubuc could not understand why such a hue and cry had been raised by Catholics against this provision.

Cette disposition basée sur une interprétation exagérée de la liberté de conscience pourrait sans doute dans certains cas particuliers produire un résultat qu'il serait désirable d'éviter. Nous aurions certainement préféré qu'elle fut omise. Mais en réalité, comporte-t-elle des dangers immédiats et si redoutables?

En premier lieu, nous avons tout lieu de croire que les cas de ceux qui, contrairement à leur conscience, se prévaudraient de cette clause seraient très rares. En second lieu, nous ne pouvons oublier que les catholiques sont en minorité dans la province de Manitoba et dans la confédération du Canada. Cette loi a été préparée par un protestant. L'importance que les protestants attachent à la liberté de conscience est bien connue. Il nous fallait bien compter avec ce sentiment-là et nous n'étions pas maîtres de la situation.¹³¹

In Dubuc's opinion, by far the gravest objection to the Remedial Bill was that, even if it was passed by the

130 Ibid.

131 Ibid.

Federal Government it could not oblige the Manitoba Government to grant any subsidy to the separate schools.

C'est là certainement une lacune importante dont nous comprenons toute la portée; il y a sur ce point une difficulté constitutionnelle extrêmement sérieuse. La législature provinciale a la juridiction exclusive des subventions qui peuvent être accordées aux écoles. Il n'y a rien dans la constitution qui confère au gouvernement fédéral le pouvoir de contraindre une législature provinciale à voter telle ou telle somme d'argent pour une fin quelconque. Une semblable disposition dans la loi réparatrice l'aurait rendue inconstitutionnelle. Le pouvoir du parlement du Canada sur ce point se bornait à une déclaration de principe.¹³²

Dubuc then asks how, considering this grave objection, the Manitoba Catholics could be encouraged to accept the Remedial Bill, and proceeds to answer his question:

Il y avait deux sources d'où la subvention pécuniaire nous pouvait venir. En cas de refus d'agir par le gouvernement provincial, le gouvernement fédéral devait assumer la mise en opération de la loi. Ou le gouvernement provincial aurait consenti à faire fonctionner la loi, ou il aurait refusé. Dans le premier cas il n'aurait pu raisonnablement exiger de nos écoles un degré d'efficacité égal à celui des écoles publiques, sans nous donner les moyens de les mettre sur le même pied. Dans le second cas, si le gouvernement provincial eut refusé d'agir, le gouvernement fédéral comme la loi y pourvoyait, aurait pris en mains la mise en opération de la loi et aurait trouvé le moyen de nous accorder une subvention pécuniaire en affectant à cette fin une partie des terres fédérales situées dans la province et réservées dans chaque canton pour les fins de l'éducation.¹³³

132 Ibid.

133 Ibid.

The judge concludes this very long letter by assuring the Archbishop that under such circumstances the Manitoba Catholics would have been foolish indeed to have refused to accept the Remedial Bill in order to put their trust in the good will of the Manitoba Government leaders who had formally declared only too often that they would never re-establish Catholic schools.

C. The Laurier-Greenway Compromise

All Dubuc's analysis of the Federal Government's proposed remedial legislation went for no practical purpose because the parliamentary term expired before the Remedial Bill could be passed. The 1896 elections returned the Liberals under Laurier, who, true to his promises to respect provincial rights, left the Manitoba public school system untouched. On behalf of the Manitoba Catholics, he negotiated a compromise with Premier Greenway whereby religion could be taught one-half hour daily after school hours, a Catholic teacher could be hired for every forty students in urban districts and every ten students in rural districts, and teaching could be done part of the day in the mother tongue of the pupils if a sufficient number warranted this concession.

For this Laurier-Greenway Compromise, Dubuc had the gravest misgivings. "Pour toute l'administration scolaire, nous restons à la merci d'une majorité hostile

qui nous a traités comme l'on sait depuis sept ans."¹³⁴ It is true that in accepting the Compromise, the Catholics would no longer be overburdened financially, "mais, devrions-nous pour ce plat de lentilles, sacrifier notre droit à des écoles vraiment catholiques, droit sacré, et, pour de vrais catholiques, droit réellement inaliénable?" he asked.¹³⁵

Dubuc's first quarrel with the Laurier-Greenway Compromise was the manner in which it had been worked out:

Le règlement d'une affaire contentieuse, pour être équitable et acceptable, doit se faire sinon par les parties intéressées elles-mêmes, du moins avec leur consentement, et en tenant compte de leurs légitimes réclamations. Dans une cause en litige, la partie qui a obtenu jugement a, dans l'ordre naturel des choses, le droit de dicter les conditions.

Qu'avons-nous vu ici?

Nous, la partie lésée, ayant un jugement en notre faveur, nous avons été complètement ignorés dans la transaction. Le gouvernement fédéral a traité uniquement avec le gouvernement provincial qui était notre partie adverse.

Au lieu de nous consulter pour savoir ce que nous consentirions à recevoir, on a négocié avec nos adversaires et on a accepté comme suffisant et final ce qu'ils ont bien voulu concéder. Bien plus, on a permis à ceux-ci, avant d'accepter le règlement, de consulter différents groupes orangistes de leurs amis. Ce n'était qu'après la déclaration de ces derniers que le règlement était satisfaisant pour eux qu'il fut agréé par les deux gouvernements, puis finalement adopté par la Législature.

Après les déclarations au parlement, après les promesses faites à l'électorat de Québec, ce règlement, n'est-il pas une triste parodie de la justice réclamée par la minorité catholique?¹³⁶

¹³⁴ Dubuc, La Difficulté Scolaire, p. 9.

¹³⁵ Ibid., p. 10.

¹³⁶ Ibid., p. 12-13.

His second quarrel was with the concessions that the Laurier-Greenway Compromise granted the Catholic minority. Dubuc claimed that it conceded practically nothing:

Que nous offre le règlement? Des écoles absolument neutres. Dieu et la religion en sont exclus pendant tout le temps de l'école proprement dite. Après la classe, à 3h.30 alors, que les enfants seront fatigués et anxieux de sortir pour jouer ou retourner chez leurs parents, on permettra une demi-heure d'enseignement religieux à ceux qui en voudront. Et même pour cela il faudra des formalités, présenter des pétitions, et dépendre en grande partie du bon vouloir de la majorité des commissaires d'écoles.¹³⁷

He then grapples with the acute problem of whether or not the Catholic minority of Manitoba should accept this Compromise:

On nous conseille de faire l'épreuve du règlement, de l'accepter comme un commencement de restitution de nos droits, de compter sur la bonne volonté du gouvernement provincial qui en fera l'application avec bienveillance.

N'est-ce pas vouloir se moquer de nous que de nous parler de la bonne volonté et de la bienveillance du gouvernement? Ce gouvernement qui nous a dépouillés en 1890, qui nous persécute impitoyablement depuis sept ans, --pourquoi n'a-t-il pas montré au moins une parcelle de bonne volonté dans les termes mêmes du règlement?

Puisqu'aucun de nos droits ne nous est restitué par le règlement qui est devenu loi, ce qui pourra nous être concédé par la suite ne le sera que comme simple faveur. Comment pouvons-nous, dans les circonstances, espérer des faveurs gratuites d'un gouvernement qui nous refuse la plus élémentaire justice?¹³⁸

137 *Ibid.*, p. 13-14.

138 *Ibid.*, p. 16-17.

As far as he could make out, the strongest reasons for accepting the Laurier-Greenway agreement were that the Provincial Government would not concede anything further, and that there was no other way of bettering the situation.¹³⁹

Yet, he was loathe to give in, because he hoped that some future government might be less hostile, and he feared that "nos adversaires pourraient, alors, avec une apparence de plausibilité, considérer que nous n'avons plus rien à réclamer, et que la question est effectivement réglée."¹⁴⁰

In his opinion, the weak points of the Laurier-Greenway Compromise far outweigh its advantages:

Le fameux règlement viole nos droits et, nos consciences, fait peser sur nous une odieuse injustice, consacre le principe que la force de la majorité prime le droit, nous humilie dans notre dignité de catholiques et de citoyens d'un pays libre, expose nos enfants et ceux des générations futures à perdre ou à voir affaiblir leur foi.

Ce règlement est inacceptable et il y aurait danger sérieux pour nous à en faire l'essai.¹⁴¹

As these views of Dubuc's were shared by the other Catholics of Manitoba and by the hierarchy at home and in Quebec, the Manitoba minority would have probably continued the struggle against the Government, were it not for papal interference. Pope Leo XIII wrote an encyclical letter¹⁴²

139 Ibid., p. 20.

140 Ibid., p. 21.

141 Ibid., p. 29.

142 Affari vos, December 9, 1897.

to the Catholics of Manitoba instructing them to make continued efforts to remedy their situation, but to be content with limited gains and to cause no further disturbance.

Four months after the appearance of the encyclical, Archbishop Langevin requested Dubuc to give his opinion on whether or not the Archbishop should relinquish to the Government the Catholic schools which had managed to remain open in return for the concessions which the Manitoba Government agreed to make: a place for the Archbishop on the Advisory Board, Catholic representation on the Board of Examiners, Catholic inspectors, teachers, and textbooks.

Dubuc's first concern was whether, in accepting these conditions, the Catholics would lose the rights acquired by the Remedial Order of March 19, 1895, from the Judicial Committee of the British Privy Council.

En principe, avec la réserve de revendications futures dûment exprimée, je suis d'avis que les droits acquis par le 'Remedial Order' subsisteraient dans leur intégrité.

En pratique, l'acceptation des concessions aura certainement pour effet de fournir des arguments aux adversaires des écoles catholiques et de rendre plus difficile l'obtention de ces mêmes droits.

Le Gouvernement Fédéral, ou le Parlement, auquel s'adresseraient les catholiques, pourrait répondre, non sans plausibilité: Le 'Remedial Order' a été passé après audition de votre appel sur l'état de choses alors existant; avant que nous agissions, il vous faut nous démontrer que vos griefs d'alors existent encore, ou que vous en avez d'autres requérant notre intervention.

Ceci pourrait nécessiter un nouvel appel et de nouvelles procédures.¹⁴³

As to the concessions themselves, Dubuc considered them to be of very little worth. He considered the two most substantial of them to be Catholic teachers and Catholic textbooks.

As a loyal son of the Church, Dubuc believed that the Manitoba Catholics should follow the Holy Father's directives in Affari Vos to accept in a spirit of "moderation, of meekness, of brotherly charity" partial concessions so as to pacify the majority and in hopes of arousing better sentiments in them. Perhaps this compromise on the part of the Catholics would improve the climate of public opinion and pave the way to a complete restoration of their rights. Dubuc could not be so optimistic:

Nous en avons eu une preuve bien frappante après le jugement du 29 janvier, 1895. Nos adversaires étaient forcés d'admettre que le Conseil Privé avait déclaré nos griefs fondés, et reconnu notre droit d'appel au Gouvernement Fédéral; mais ils ont prétendu, avec force arguments et clameurs à l'appui de leur prétention, qu'il n'y avait pas d'obligation de faire disparaître ces griefs, et de nous rendre justice. C'était fouler aux pieds les plus élémentaires principes de justice, de la morale, et de la logique, puisqu'il est bien connu qu'un droit ne peut exister sans un devoir correspondant de respecter ce droit; mais nos adversaires ne se sont pas laissé embarrasser pour si peu [...] Nous pouvons juger par là de ce qu'ils feront quand nous voudrons essayer de revendiquer la somme totale de nos droits.¹⁴⁴

¹⁴³ P.A.M., Dubuc Papers, Dubuc to Langevin, April 29, 1898.

¹⁴⁴ Ibid.

He terminated his letter by telling the Archbishop that, whether he accepted or repudiated the concessions in question, there was very, very little to hope for.

It is rather surprising that in all his writings of the School Question, Dubuc does not once express anxiety over the large and ever-growing numbers of Catholic children who were remaining completely uneducated as a result of Catholic refusal to send their children to public schools. In this own opinion, it was preferable to remain out of school than to attend the free schools.

Comme juge depuis plus de seize ans dans la magistrature, comme père de famille sincèrement catholique, (je suis) intéressé à ce que mes enfants et ceux de mes compatriotes et co-religionnaires ne soient pas exposés à voir leur foi et leur croyance s'amoindrir dans des écoles où des principes de notre religion son ignorés ou fausement représentés, où nos pratiques religieuses sont parfois tournées en dérision.¹⁴⁵

When the hierarchy accepted the Laurier-Greenway Compromise, Judge Dubuc sent his children to the grade schools of St. Boniface. These were public schools supported by public taxation, but staffed with Catholic teachers, both lay and religious, since St. Boniface was a completely Catholic community with both school trustees and pupils all Catholic. For high school his children attended St. Boniface College for boys, or St. Mary's Academy, a

¹⁴⁵ Ibid., October 6, 1896.

girls' school in Winnipeg. As these are both private institutions, he had to pay tuition for them.¹⁴⁶

After this so-called settlement of the Manitoba School Question, Judge Dubuc realized that Cartier's dream of another Quebec in the West--which he himself had shared for many years--was doomed forever. He saw that French Canadians stood on a basis of equality with their English compatriots only in Quebec. He saw that for French Canadians in the West, constitutional guarantees did not avail against the oppression of the English majority.

5. Chief Justice.

On August 8, 1903, Judge Dubuc became the sixth Chief Justice of Manitoba. This honour was attributed to the distinction with which he had acquitted himself of his duties as puisne judge over a period of fourteen years.¹⁴⁷ It was a popular appointment:

De fait, comme grandeur morale, l'hon. M. Dubuc a sa place marquée parmi les hommes distingués dont notre race s'honore. Depuis qu'il est sur le banc, il est devenu l'idole du barreau, qui admire en lui le sens inné de la justice et de l'équité et la clarté de ses décisions. Aussi, la population de l'Ouest, sans distinction de nationalité ni de religion,

¹⁴⁶ Verbal testimony of Miss Eugénie Dubuc, daughter of Joseph Dubuc's brother, Eugène.

¹⁴⁷ Prud'homme, Op. Cit., July, 1914, p. 29.

a-t-elle salué avec satisfaction et applaudi de tout coeur sa récente nomination au poste si honorable de juge en chef pour Manitoba.¹⁴⁸

The appointment was long in coming. All his friends had expected him to succeed Chief Justice Taylor who retired in 1898. Dubuc's record had been impeccable and the quantity and quality of his service was outstanding. He was considered "pre-eminent as a judge of fact".¹⁴⁹ And he had had the honour of being the first member of the Manitoba Bar to be raised to the Bench.¹⁵⁰ The reason for his being passed over was purely political.¹⁵¹ He was a former Conservative; his rival, Judge Killam, was a former Liberal. The Manitoba Liberals who came into power in 1888 backed Killam at Ottawa.

The Manitoba legal system, of which Dubuc became the head in 1903, had been revised the year before.¹⁵² The Court of King's Bench now consisted of five puisne judges as well as of the Chief Justice. It possessed "all such powers and authorities as by the laws of England are

¹⁴⁸ L.-A. Prud'homme, "L'hon. Joseph Royal", transaction of the Royal Society of Canada, Vol. X, Ottawa, 1904, p. 13-14.

¹⁴⁹ O'Donnell, Op. Cit., p. 61-62.

¹⁵⁰ E.K. Williams, "Aspects of the Legal History of Manitoba", paper read before the Historical and Scientific Society of Manitoba, 1948, p. 60.

¹⁵¹ Lecompte, Op. Cit., p. 219.

¹⁵² Manitoba, Statutes, 1902, Chap. 40.

incident to a supreme court of record of civil and criminal jurisdiction."¹⁵³ In 1906, the Manitoba Court of Appeal was created.

Dubuc left his imprint on Manitoba's legal history. "His decisions are to be found in almost all the records", testified Attorney-General Isaac Campbell at the time of Dubuc's retirement in 1909.¹⁵⁴ He is praised again and again for his faithful and efficient service, his judgment and erudition, his unimpeachable integrity.¹⁵⁵ "Even in retirement his counsels are at the command of his fellow citizens in matters requiring ripened judgment and the wisdom of long experience", declared Lieutenant-Governor Daniel McMillan when Dubuc was knighted in 1912.¹⁵⁶

Those who knew him most intimately admired him less for his learning and honesty than for his charity and humility. They recognized in him the true Christian gentleman, who took advantage of the public trust to become a servant of the people, especially the poor.

153 Charles Morse, "The Judicial System and Courts of Manitoba", in Canada and Her Provinces, Vol. 20, p. 375.

154 Manitoba Free Press, "Chief Justice Dubuc Retires", issue of November 16, 1909.

155 P.A.M., Manitoba Biography, 1909-11, scrapbook of newspaper clippings on the provinces's great men, p. 57, 74, 92.

156 The Telegram, Winnipeg, "Well Merited Honour", issue of June 17, 1912.

Sorti du sein du peuple, où il avait coudoyé la grande et noble armée des travailleurs du sol, et parvenu par un rude labeur au sommet de l'échelle sociale, il se rappelait facilement, à l'occasion, les pénibles efforts du laboureur et du manoeuvre pour se créer une modeste aisance. Il savait que quelques-uns, l'âme ulcérée par l'insuccès, découragés au milieu de la carrière, se laissent entraîner par le torrent des passions et deviennent de tristes épaves de la société. Sa parole, caressante comme la main d'un enfant, s'efforçait de relever ces pauvres malheureux. Il se penchait jusqu'à eux afin de rallumer en leur âme l'amour du devoir et l'espérance en des jours meilleurs. Combien d'existences ont ainsi été sauvées par un sourire ou par une bonne parole, parce que celui auquel on les adresse, sent que, derrière cette parole ou ce sourire, se trouve un coeur qui comprend ses misères et sympathise à sa souffrance ... Il était le magistrat idéal.¹⁵⁷

On three different occasions during the six years that Dubuc served the province as Chief Justice, he performed the office of Administrator in the absence of the Lieutenant-Governor.¹⁵⁸

¹⁵⁷ L.-A. Prud'homme, "Sir Joseph Dubuc", in the Revue Canadienne, May, 1914, p. 391-392.

¹⁵⁹ Lecompte, Op. Cit., p. 220.

CHAPTER VIII

CITIZEN OF ST. BONIFACE

St. Boniface has ever been the capital of French-speaking western Canada. First the parish church bore that name, then the diocese, then the village appeared and grew into the city. The first church, built by Father Norbert Provencher in 1820, became the episcopal headquarters of the apostolic vicariate of the North West in 1822 when Father Provencher became Bishop of Juliopolis. In 1853 the bishopric of St. Boniface was canonically erected. Until 1859, when the diocese of St. Boniface was divided, it stretched from the Lake of the Woods to the Pacific Ocean, and from the International Boundary to the Arctic. Even after the division, even to the present day, St. Boniface, with its Basilica and its college, its library, radio and television stations, and other cultural institutions, is the French Catholic cultural capital of the Canadian West.

From his arrival in 1870 to his death in 1914, Joseph Dubuc was truly a citizen of St. Boniface. He remained a citizen in spirit even when health and business reasons caused his removal to Winnipeg for the last ten years of his life. He deserves the title "Citizen of St. Boniface" because by heredity, upbringing, and education he was a French Canadian Catholic; in his words and deeds he

was a model of what the typical French Canadian aspired to be;¹ and throughout his forty-four years in Manitoba, in both public and private life, he strove to perpetuate the French Canadian community in the Canadian West.

1. Pioneer.

A. The Home

The first house to be built in St. Boniface after Manitoba became a province was the home of Joseph Dubuc.² Completed in October, 1874, on property purchased from Archbishop Taché, it stood on what is now the corners of Taché and Notre Dame streets. A whitewashed frame building, two storeys high, it was larger and more sophisticated than the log cottage of the Metis with their single partition. As his family increased--and it did every eighteen months or so--he added to it.

The young Dubuc couple had spent the first two years of their life together in a two-roomed log cabin which they shared with A.A.C. LaRivière and his youthful wife. Dubuc described it in a letter to his wife before they were married:

1 L.-A. Prud'homme, "Sir Joseph Dubuc", in Revue Canadienne, issue of July, 1914, p. 387.

2 Joseph Dubuc, "Autobiographie et Lettres" 1887, 170-page manuscript in Dubuc Papers, Public Archives of Manitoba, p. 109.

Ce ne sera pas un palais; mais j'espère que vous le trouverez convenable. C'est une des meilleures et des plus confortables maisons du pays. Elle est située sur la rive Est de la Rivière Rouge, vis-à-vis l'embouchure de la rivière Assiniboine, en face du Fort Garry et tout près de la traverse. Elle se trouve à St. Boniface, à quatre ou cinq arpents du couvent, de la Cathédrale, et de l'évêché. On voit de nos fenêtres le Fort Garry et la petite ville de Winnipeg située un peu à droite, un quart de mille plus loin.³

St. Boniface at this time did not deserve to be called a village. It consisted of the cathedral, the archbishop's house, the college, the hospital, the boarding school, and the Grey Nuns' convent. Three or four native cabins were the only dwellings in sight.⁴ Little wonder that Dubuc's friends had counselled him to marry a Manitoba Metis instead of risking a Quebec girl in this wilderness. He hesitated long and painfully before returning to Montreal to fetch his first love.

Annie était prête à venir à Manitoba. Mais, accepterais-je son dévouement, son sacrifice? Avec les avantages physiques qu'elle possédait, douée des plus beaux dons du coeur et de l'intelligence, appelée probablement à jouir de la vie sous ces aspects les plus séduisants dans la brillante société de nos villes canadiennes, elle viendrait pour moi s'enfuir dans ce pays nouveau à peine ouvert à la civilisation. Ne serait-il cruel de ma part de consentir à un tel enfouissement?⁵

³ P.A.M., Dubuc Papers, Dubuc to Annie Hénault, April 10, 1872.

⁴ P.A.M., Dubuc Papers, "Notes concernant Mgr Taché", manuscript written by Dubuc on Taché and his environment, 1902; p. 10-11.

⁵ Dubuc, Autobiographie et Lettres, p. 89.

Mutual attraction eventually overcame anxiety, and neither Mr. nor Mrs. Dubuc ever seemed to have regretted that it did. No hardship, no emergency, was beyond Annie. She carried the traditional strengths of the French-Canadian homemaker into the West.

Elle a montré constamment un rare et précieux talent comme mère et comme ménagère, tenant ses enfants et sa maison toujours dans un ordre admirable, et dans la plus parfaite propreté.⁶

Her children were all healthy, happy, and well-mannered. She was a good cook, a clever seamstress, a talented musician. Anything she had received by way of education or natural endowment, far from being wasted in the pioneer community of St. Boniface, was utilized to the utmost.⁷

About the time that Dubuc and Annie took up residence in St. Boniface, Royal, Girard, LaRivière, and a few other French Canadians arrived with their wives and sisters from the East.⁸ They immediately formed a strata of society that was distinguishable from that of "les vieux Canadiens". These latter were those French Canadian voyageurs, ex-employees of the former North West Company, who had settled in Red River two generations earlier, married Indian women,

⁶ Ibid., p. 112.

⁷ Ibid., passim.

⁸ Joseph Dubuc, "Mémoires d'un Manitobain", 600-page manuscript in Dubuc Papers, P.A.M., 1912-13, p. 43D-43G.

and fathered a numerous progeny.⁹ One of the first innovations that the newcomers effected was a change in headdress:

On voyait dans l'église pour la première fois des femmes coiffées de chapeaux. De temps immémorial, les femmes du pays, lorsqu'elles sortaient de leurs maisons, portaient sur la tête en guise de chapeau, de longs châles noirs qui couvraient les épaules et descendaient en bas de la taille, jusqu'aux genoux. Cela ne manquait pas d'élégance. Ces châles étaient désignés sous le nom de couvertes. C'était la mode; et comme leurs soeurs des contrées plus avancées, elles suivaient la mode et portaient la couverte. Elle tenaient cette mode de leurs aieules, les femmes des aborigènes, et ne voulaient pas en dévier. Cependant, avec l'arrivée de nouvelles canadiennes portant le chapeau, la mode changea au bout de quelques années.¹⁰

The Dubucs' social life will be treated more fully in Section 6 of this chapter.

B. The Grasshoppers

The hardships of pioneering in a rigorous climate are not to be written off lightly. But no grief was comparable to that caused by the grasshoppers which repeatedly ravaged Red River crops in the 1870's. Having been an eyewitness of the mode and the result of their operations, Dubuc is well qualified to render an account of the grasshopper plague.

Elles venaient du Sud, des plateaux du Missouri, les jours de soleil, volant par myriades, à des hauteurs considérables, et les champs où elles s'

⁹ Ibid., p. 255-256.

¹⁰ Ibid., p. 43H-43I.

abattaient, étaient bientôt dévastés. On a dit qu'elles se tenaient serrées dans leur vol et formaient comme des nuées qui obscurcissaient l'atmosphère. C'est là une exagération. Je les ai vues arriver trois fois entre 1870 et 1874. Elles étaient très nombreuses et occupaient une espace assez grande du firmament; on distinguait à plusieurs centaines de pieds de hauteur, leurs ailes diaphanes scintillant aux rayons du soleil, sans en assombrir l'éclat.

En 1870 elles causèrent du dégât aux endroits du pays, où elles descendirent. Puis elles déposèrent leurs oeufs dans le sol. Le plus grand dommage résultant de leur apparition se faisait surtout sentir l'année suivant. À peine écloses, les petites sauterelles, grosses d'abord comme des grains d'avoine, dévoraient les céréales, et les jardinages qui se trouvaient à leur portée, ou qu'elles rencontraient sur leur passage. Elles ne volaient pas, mais se traînaient sur le sol, en rangs serrés, comme une armée bien disciplinée. Arrivant au bord d'un champ, elles s'y avançaient lentement, détruisant tout, finissaient par le traverser, puis continuaient leur marche dans la même direction. J'en fis moi-même l'expérience.¹¹

The first summer after their marriage, Dubuc and Annie had put in a little kitchen garden. One morning they saw the grasshoppers arriving. By evening they had finished their walk through the garden and were disappearing in the distance. But they did not leave a single radish, onion, cabbage, carrot, lettuce-leaf in their wake. And strangely enough, they did not touch a single weed. During each invasion they laid eggs which hatched the next year, causing equal damage. The last year Dubuc experienced the plague was 1875.¹²

¹¹ Ibid., p. 259-260.

¹² Ibid., p. 260-262.

After several years of such devastating visitations, the lack of seed grain threatened disaster. The Federal Government came to the rescue in 1875 and 1876 by advancing loans.

Chaque colon signait une demande de secours qui était enregistrée et, créait une charge sur son terrain. Le remboursement de cette somme devait se faire dans un certain nombre d'années, avec intérêt à un taux minime.

Une commission fut composée pour faire la distribution, et voir à ce qu'aucun abus ne fut pratiqué par les colons ayant plus d'ambition que de scrupules.

Inutile de dire que Mgr Taché fut choisi comme un des principaux commissaires; qu'il se mit à cette besogne ingrate et difficile avec son zèle ordinaire et qu'il y joua un rôle prépondérant. Sa justesse de vue et ses idées pratiques furent vivement appréciées de ses collègues.¹³

The phenomenon of the grasshoppers disappeared with the influx of settlers.

C. The Railway

To settlers who were loathe to have their farms mortgaged in payment for the seed-grain destroyed by the grasshoppers, the Federal Government offered an alternative. They could work at building the embankment for the railway that was to be laid between St. Boniface and the American border--some sixty miles along the east bank of the Red. A good number of French Canadian farmers took advantage of this offer, working through the summer with their horses.

¹³ Ibid., p. 297.

Indirectly, this was a boon to professional men like Dubuc, for as a result the farmers had cash to pay for their newspapers, and for lawyer and medical services.¹⁴

This railway--the Pembina Branch of the St. Paul and Pacific--did not reach St. Boniface until 1878. In 1874 the Federal Government had voted \$650,000 to build it. But delay in completing the St. Vincent branch which would bring the American road to the border retarded the project. Needless to say, it was awaited with intense eagerness by the Red River community.

Il fallait une locomotive pour la pose des traverses et des rails. Le gouvernement en fit acheter une aux Etats-Unis et elle dut être transportée par bateau de Fargo à St. Boniface. Les journaux signalèrent sa venue, son déplacement jour par jour.

Enfin, on annonça qu'elle arriverait le lendemain matin vers dix heures. Cette annonce créa un immense émoi dans Winnipeg, St. Boniface, et les campagnes voisines.

Cette machine de fer arrivant sur nos bords signalait l'aurore d'une ère nouvelle pour Manitoba. Nous allions enfin être reliés par communication rapide avec le reste du monde civilisé.

Un parti notable des habitants du pays,--ceux qui n'étaient jamais allés à St. Paul, Minnesota, n'avait jamais vu de locomotive. Il vint des gens de dix, de quinze, de vingt milles de distance pour contempler ce merveilleux engin dont ils avaient entendu parler.¹⁵

The reactions in the St. Boniface area to the arrival of the engine varied with the groups which composed it.

14 Ibid., p. 298-299, 355.

15 Ibid., p. 356-357.

The "vieux Canadiens", who had left Lower Canada before the railway era, had never laid eyes on a locomotive and had to have explained to them how it worked.¹⁶ The new French Canadians were delighted with anything that improved mail or passenger service to Quebec. On the other hand, many Metis hid their feelings of insecurity by affecting a supreme indifference for this symbol of the new era, not deigning to bestir themselves to look at it.¹⁷

When the Canadian Pacific Railway was built a few years later, it proceeded south from Selkirk, through Winnipeg, to link up with the Pembina terminal at St. Boniface, thus assuring these three pioneer communities a permanent place on the map.

2. Colonizer.

As a citizen of St. Boniface, committed by inclination and conviction to the preservation of dualism in the West, Dubuc was always interested in increasing the French Catholic population of Manitoba, and he contributed to French immigration from Quebec and from the United States in various ways.

The first two colonists he was responsible for bringing into the Province were his fourteen-year-old

16 Ibid., p. 257.

17 Ibid., p. 361-365.

brother, Agénor, and his bride, Annie Hénault, whom he went to fetch in 1872.¹⁸ For the next few years he contented himself with trying to attract newcomers by letters to his friends and acquaintances in which he expounded the beauties and the opportunities which the country afforded.¹⁹ He had many questions to answer on his first return to Quebec in 1872. On this and on succeeding visits he took advantage of opportunities to speak on the province of his adoption.²⁰ At one point, his circle of Ultramontane friends²¹ promised to work to find colonists for Manitoba as soon as they had succeeded in winning the amnesty for Riel.²²

A. The Colonization Society

Worried at the steady stream of new settlers from Ontario while only a few French Canadians were trickling in from Quebec, Dubuc and other prominent citizens of St. Boniface decided in 1875 to found a colonization society.

18 P.A.M., Dubuc Papers, Dubuc to Annie, April 10, 1872; also Autobiographie et Lettres, p. 108.

19 Dubuc, Autobiographie et Lettres, p. 101-102, 106.

20 Ibid., p. 122-123.

21 Cf. Chapter V, p. 180.

22 P.A.M., Dubuc Papers, Alphonse Desjardins to Dubuc, August 31, 1874.

Known as "La Société Manitobaine de Colonisation", its first president was A.A.C. LaRivière, and its directors were Joseph Dubuc, Joseph Royal, and Thomas Spence. Royal and Dubuc had several terms each as president. Being above all a patriotic society, it subsisted by voluntary contributions and received no governmental assistance whatsoever.²³ The members met frequently and discussed the best means to be taken in order to attract their compatriots to Manitoba's fertile plains. Publicity suggested itself as the most pressing need. They began by publishing articles in Le Métis which described the new province's resources, and they asked the French newspapers of Quebec and of the United States to reproduce these articles.²⁴

Notre mouvement fut en général favorablement accueilli. Mais dans certains milieux, on nous accusa de vouloir dépeupler la province de Québec au profit du Manitoba. Nous répondîmes à ces accusations en déclarant que nous nous gardions bien de conseiller aux bons cultivateurs de notre province natale qui se trouvaient bien de leur sort actuel, de quitter leurs paroisses pour venir s'établir parmi nous. Mais, il y avait un fait patent, indéniable: c'est que, chaque année, un nombre considérable de nos compatriotes quittaient la province de Québec pour s'en aller aux États-Unis. A ceux-là, nous disions: Venez au Manitoba; vous y trouverez beaucoup d'avantages, plus que dans les manufactures américaines. Nous faisons également appel à ceux des nôtres déjà établis dans la grande république voisine.²⁵

23 Le Métis, editorial entitled "Immigration canadienne-française", April 25, 1878, p. 2, col. 1.

24 Dubuc, Mémoires d'un Manitobain, p. 276-277.

25 Ibid., p. 277-278.

The next step taken by the Société de Colonisation was to request the Federal Government for two townships of vacant lots which would be reserved by the Society exclusively for French Canadian colonists. The Government responded by an order-in-council which stated that the newcomers could either take up their lands by homestead or purchase them in accordance with the Dominion Lands Act. It posed but one condition: that all lots fit for settlement be granted or sold within four years.²⁶ By setting aside these blocks of land for ethnic groups, the Federal Government was carrying into land settlement the racial compromise which was at the foundation of both the British North America and the Manitoba Acts.

Ever since his sojourn in the United States as a youth who could not find a means of livelihood in Quebec, Dubuc had been deeply concerned with the thousands of French Canadians who every year forsook their native province and risked both their faith and their national identity in the manufacturing towns south of the border²⁷ It is not surprising then, that the townships of Letellier and Taché,

²⁶ Department of the Interior, Order-in-Council, March 15, 1875.

²⁷ Dubuc, Autobiographie et Lettres, p. 11, 17.

reserved by the 1875 Order-in-Council, were intended primarily for the repatriation of Franco-Americans.²⁸

Still another project of the Colonization Society that first year was a carefully prepared meeting at St. Boniface College one autumn evening:

Un point de vue spécial des ressources de Manitoba pour les Canadiens français fut assigné à chacun de ceux qui devaient y prendre la parole. On eut donc plusieurs discours préparés d'avance, traitant, chacun, d'un aspect particulier des avantages que Manitoba offrait aux colons. On y entendait de bons discours pratiques. Ces discours furent imprimés sur une feuille spéciale, tirés à plusieurs milliers d'exemplaires qui furent adressés par les membres de la Société aux journaux français de l'Est, aux sociétés nationales, et à des particuliers influents dans les principaux centres canadiens des Etats-Unis.²⁹

Dubuc was one of the speakers.

That same year, the Colonization Society persuaded the Federal Government to name as immigration agents some French Canadians, both priests and laymen, who would give conferences in the French centres of the United States.³⁰ Dubuc also used his own influence with his journalist

28 Dubuc, Mémoires d'un Manitobain, p. 279.

29 Ibid., p. 280-281.

30 Ibid., p. 281-282.

friends to encourage the production of literature for the promotion of immigration.³¹

The first fruits of the Colonization Society appeared in 1876 when Immigration Agent Charles Lalime arrived with four hundred French-speaking settlers from New England. Dubuc attributed this "magnifique résultat" to the advertising done by the Society.³²

B. The Immigrants

As a director of the Society (every year that he was not president), Dubuc had more work and expense after the arrival of the colonists than he had in order to get them to come.

Le Gouvernement Fédéral avait fait érigés à Winnipeg des Emigrant Sheds, bâtisses destinées à recevoir les émigrants de tous pays. Nous savions que nos compatriotes, un peu susceptibles, n'aimeraient pas à être traités comme les émigrants ordinaires des pays européens, et parqués avec eux dans les bâtisses érigées à cette fin. Pour éviter aux nôtres cette première impression qui ne pourrait être que défavorable, dix des principaux membres de la Société de Colonisation s'entendirent pour parer à cet inconvénient.

31 P.A.M., Dubuc Papers, Dubuc to Elie Tasse, March 4 and December 31, 1880.

Elie Tassé, La Province de Manitoba et les Territoires du Nord-Ouest, Ottawa, 1880, 72 p.

Joseph Tassé, Les Canadiens de l'Ouest, Montreal, Imprimerie Générale, 1886.

T.A. Bernier, Manitoba, Champ d'Immigration, Ottawa, 1887, 144 p.

32 Dubuc, Mémoires d'un Manitobain, p. 283, 338.

Après avoir obtenu de Mgr Taché la jouissance d'un terrain à St. Boniface, à l'angle des rues du Collège et La Vérendrye, nous souscrivîmes entre nous dix, une somme suffisante pour la construction d'une grande bâtisse pouvant loger au delà de trois cents personnes. Elle était destinée à recevoir et abriter temporairement les nouveaux colons et leurs familles en attendant qu'ils eussent choisi les endroits où ils désiraient se fixer. C'était naturellement un édifice temporaire à deux étages, dont les murs consistèrent en un lambris en bois, divisé aux deux étages, en chambres de dimensions variées pour les différentes familles, avec des tables, des sièges, des couchettes rustiques. Nous y installâmes aussi des poêles de cuisine et certains ustensiles (sic) des plus nécessaires, avec du bois de chauffage pour les premiers jours.³³

The first batch of newcomers arrived at the end of May, 1876, after a three-week journey by coach, train, and boat in cold and discomfort. The whole of St. Boniface turned out to welcome them, and many couples followed the example of the Dubucs by bringing immigrant families into their homes for refreshment and rest. Annie Dubuc, probably because she had two babies at the time, sought out families with young children and saw that they had an abundance of milk for their little ones.³⁴

Some of the colonists went immediately to the country and got settled on their farms. Others, who had exhausted their savings on the trip, stayed in St. Boniface in order to look for work. Dubuc and his neighbours helped

33 Ibid., p. 340-342.

34 Ibid., p. 343-345.

these men find jobs, and even provided employment themselves when none other was available.³⁵

Members of the Colonization Society dutifully visited the new settlements, making the rounds of all the farms. Dubuc was surprised year after year at the industry and resourcefulness of the immigrant farmers. Despite the harshness of climate and the hardships of pioneering, they were, with few exceptions, very happy about their new homes in Manitoba. It was a joy to see these hardy, cheerful folk dot the parklands along the Red River, and build the lovely flourishing parishes of St. Jean-Baptiste, St. Joseph, St. Pie, St. Malo.³⁶

In the long run, was the Colonization Society a success? In some ways it was. There is no comparison between the number of annual arrivals before and after its foundation.³⁷ It compensated numerically for the loss suffered by the emigration of Metis to the North West Territories during the 1870's. In addition, it succeeded in keeping the French-speaking settlers together in the same

35 Ibid., p. 346.

36 Ibid., p. 348-350.

37 Soeur M. Jean-Augustin Schimnowski, SNJM, Douze Années d'Immigration au Manitoba, 1870-1882, unpublished MA. thesis, Ottawa, 1950, see table III, p. 117.

districts. This enabled them to exercise considerable influence in municipal and political affairs, an influence, indeed, that far out-weighed their numbers. Dubuc reports that these French immigrants showed a particular good spirit by habitually sacrificing favourable locations in order to avoid dispersing themselves among strangers, thus losing their solidarity. When one family did leave a French centre, it was generally to move into unoccupied territory, and once installed, it would invite relatives and friends to come and join it.³⁸

Possibly the greatest contribution that the Colonization Society made to French Manitoba was the example of its leaders: men like Dubuc, Royal, LaRivière, who, although burdended with the duties of important posts and with the expenses of growing families, put a great deal of their limited time and limited funds into it.

The Colonization Society fell far short of accomplishing what Dubuc had hoped it would: it did not keep pace with English-speaking immigration to the point of being able to preserve Manitoba as a dual province. There were over fifteen thousand French immigrants during the Society's first fourteen years. But there were twenty times as many English during the same period, most of them from Ontario.³⁹

38 Dubuc, Mémoires d'un Manitobain, p. 352-353.

39 Soeur Jean-Augustin, Op. Cit., p. 117.

Dubuc perceived the result before the turn of the century:

Il était facile d'apercevoir que la physionomie caractéristique de la nouvelle province serait un décalque de la grande soeur ontarienne. La plupart des statuts adoptés par la législature étaient des lors d'Ontario. Lors de la formation des municipalités, le système d'Ontario fut introduit. La manière de construire les maisons et de les meubler, de former une société commerciale ou agricole, d'organiser une assemblée publique, et d'y discuter les affaires, tout cela était copie de la grande province voisine. Les relations sociales elles-mêmes étaient celles qui prévalaient à Ontario.⁴⁰

This growing domination of English Canadians in Manitoba, coupled with their desire for uniformity rather than diversity of culture, eventually deprived the Franco-Manitobans of the constitutional guarantees that George-Etienne Cartier had written into the Manitoba Act.

3. Educator.

For a period of thirty-nine years, Joseph Dubuc occupied key posts in the field of education. Between 1872 and 1874 he was the Superintendent of Catholic Schools. In 1877, when the University of Manitoba was created, he was appointed to its twenty-eight member governing council. From 1888 until his death he was voted Vice-Chancellor of the University every year. In all these positions his

⁴⁰ Ibid., p. 264.

deepest concern was to preserve the French Catholic culture which had been introduced into the West by its earliest missionaries, and to extend, develop, and intensify it.

At no time did Dubuc receive any professional training as an educator. His only preparation was the education he himself had received as a youth, an education all the more appreciated because it had been interrupted for ten long years. A young man who begins his secondary education at the age of twenty is likely to be in earnest and to profit by it more than his younger classmates.

The particular education that Dubuc had received goes a long way towards explaining the influence he had over his Franco-Manitoban associates, and the esteem in which he was held by all the cultivated people of his acquaintance. He had attended the Collège de Montréal, that venerable old institution founded in 1767 by the Sulpicians and responsible for the education of G.E. Cartier and so many other distinguished French Canadian gentlemen. While there he followed the eight-year Classical Course and was impregnated with the piety and patriotism that characterized his professors. There he associated with the elite, for only a minority of Quebeckers in that day could enjoy education beyond the primary level, and these were the children of the upper classes, destined for the priesthood, or for the professions of medicine or law.

Joseph Dubuc was a gracious and learned person, quite free of the narrow and limited outlook sometimes characterizing products of those educational systems where early specialization or overemphasis on technical studies prevails, and his charm and culture are attributable primarily to the humanistic disciplines of the classical college he attended.⁴¹

Designed to meet the special needs of French Canadians as they were understood at the time, the emphasis of the classical course was on broad general culture, on real human values, and on the spiritual rather than the material aspects of living. During the first four years, the students received a solid grounding in Greek, Latin, French, and English grammar. This linguistic foundation prepared them to enjoy in the original the classics of ancient and modern times, and thereby to come into intimate contact with some of the greatest minds that civilization has produced. In belles-lettres, the fifth year, the students encountered the lofty ideas of the great writers. In the sixth year, rhétorique, they got practice in developing, expressing, exchanging, and defending ideas of their own. In the two final years, they came to grips with philosophy: first logic, then ontology, theodicy, psychology,

⁴¹ L.-A. Prud'homme, "Joseph Dubuc", in Revue Canadienne, June, 1914, p. 501.

metaphysics, and other branches of the Thomistic school, and finally, readings from various other systems. Nor were the practical sciences altogether neglected, for Dubuc reports on taking chemistry, physics, geometry, algebra, botany, zoology, and cosmology.⁴²

This cours classique was expected to prepare the man not so much for a livelihood as for life. It assumed that every noble being bears within himself a potential and an appetite for greatness which seeks outlets in aspirations after knowledge, art, heroism, dedication to some worthy cause, sanctity. The men in whom these aspirations are the strongest will lead their fellows.⁴³

This long description of the classical course will throw light on the following account written by Judge Prud'homme to explain Dubuc's extraordinary influence as a citizen of St. Boniface:

Après avoir été formé et entraîné par ces méthodes, [...] Joseph Dubuc a établi par son exemple, comme tant d'autres du reste, qu'il avait été à bonne école. Pendant près d'un quart de siècle, en qualité de surintendant de l'éducation, ou encore de vice-chancelier de l'Université manitobaine, il a occupé par son influence sur notre vitalité sociale une place absolument prédominante. L'aurait-il pu, s'il n'avait pas eu l'admirable

42 Dubuc, Autobiographie et Lettres, p. 32, 33.

43 A. Bernier, "L'Humanisme Classique", in R.C. Lodge, (ed.), Manitoba Essays, Toronto, 1937, p. 151-189.

entraînement des études classiques? Nous ne craignons pas de répondre: Non, assurément non. C'est au collège de Montréal qu'il s'outilla pour l'avenir; c'est au collège de Montréal et à ses fortes études classiques qu'il doit sans contredit, d'avoir été ce qu'il a été.⁴⁴

Perhaps the one disadvantage of such an education is that, forming as it did a distinctive mentality, it tended to thicken the wall between the French Canadians who received it and the English Canadians with whom they had to work. Dubuc and his educated compatriots elicited respect and often esteem from their English colleagues, but rarely exerted influence on them. The French members with their organized Latin minds based their arguments on enunciated principles, and were accused of stereotyped thinking, of too rigid a logic, of being intransigent and uncooperative, of blinding themselves to the common good. The Anglo-Saxon mentality, given to utilitarianism, to pragmatism, was condemned by the Franco-Manitobans as tending to shallowness, and to unprincipled expediency. Over every controversial issue, while the French leaders developed logical arguments to defend their rights, the English leaders concentrated on winning to their point of view the good will of the majority. In the Legislative Assembly and in less formal gatherings, there was much talk between English- and French-speaking Manitobans, but little real dialogue.

⁴⁴ Prud'homme, Op. Cit., p. 502-503.

A. As Superintendent of Catholic Schools

The school system which Dubuc was appointed to superintend in 1872 came into being by the Separate Schools Act of April, 1871.⁴⁵ Dual in character, it consisted of two separate boards, one Catholic and one Protestant, under a provincial Board of Education. Each board was composed of seven members who operated under their superintendent. The two superintendents served as joint secretaries to the provincial Board of Education. Although this central Board determined the textbooks for the secular subjects, each of the two Separate Boards prescribed the books for religious and moral instruction. School districts were organized at the local level and were coterminal with parish boundaries.⁴⁶ Hence, Dubuc's work was to decide on curriculum changes, supervise the organization of new school districts, and inspect the performance of the Catholic teachers of Manitoba.

In 1872 we find him inspecting the progress of 824 children in eighteen schools scattered over an area of two hundred square miles.⁴⁷

⁴⁵ Manitoba, Statutes, 34 Victoria, Chap. 38.

⁴⁶ Ibid.

⁴⁷ Manitoba, Journals of the Legislative Assembly, 1873, Report of Joseph Dubuc, Superintendent of Catholic Schools, dated February 1, 1873, Appendix, p. xx-xxvii.

As at this time Dubuc was a Member of the Legislative Assembly, he was particularly interested in observing how the Education Act of 1871, which he had helped compose,⁴⁸ was working out in practice. He reported that this Act had had the good effect of increasing the number of children in regular attendance at school, but that it needed some amendments. Chief among these concerned the School Trustees who, it was felt, should form a corporation and be granted powers and duties which would enable them to get co-operation from all the people in their school district, and not just from those who appreciated the importance of general education. Dubuc warned, however, that any amendments to the 1871 Act must preserve the principle of separate schools:

The law admits the principle of separate schools. In the amendments suggested, this principle is laid down and has received more extension. It has been understood that in a thing of the importance of the educating of children, it was desirable to respect the liberty of conscience in the largest degree. Taking into consideration the possibility and even probability of unequal increase in population, the proposed Bill provides for the distribution of the Government grant between the Catholics and Protestants, according to the aggregate of the average attendance of children at the schools of the respective denomination.⁴⁹

⁴⁸ Dubuc, Notes concernant Mgr Taché, p. 49.

⁴⁹ Manitoba, Journals of the Legislative Assembly, 1873, p. xxvii.

A comparison of the reports of Joseph Dubuc, Superintendent of Catholic Schools with those of Cyprian Pinkham, Superintendent of Protestant Schools, reveals one striking difference. While Pinkham is more concerned with the quality of the instruction being given in his schools, Dubuc is more concerned with the preservation of the dual system legislated in 1871. As early as 1872 the French Catholics were on the defensive and they became more so with the years. The steady increase in the proportion of non-French Manitobans made the 1871 Education Act more and more unpopular. These latter condemned it for inefficiency on the grounds that in districts where Roman Catholic children were in a minority, they refused to send their children to Protestant schools, and vice versa. As a result, more and more children were growing up with no education.⁵⁰

The Catholic schools had two interesting characteristics. A few in the larger centres like St. Norbert and Winnipeg had a number of English-speaking children. In these schools the instruction was bilingual. For example, at St. Mary's Academy in Winnipeg, Dubuc found fifty-three youngsters reading well, or learning to read, in both French and English. Also, in the schools taught by the Sisters, a good deal of extra-curricular instruction was given in art, music, and needlework.

⁵⁰ A.B. Baird, "History of the University of Manitoba", *Manitoba Essays*, p. 18.

Dubuc's 1874 Report⁵¹ contains a long preliminary on the new School Act of March 8, 1873, comparing its operations and dispositions with the previous Act of 1871. Although it entails more formalities and gives more work to the superintendent, he finds the new system an improvement on the old because it increases the responsibilities and powers of the school trustees, and gives the superintendent more control over teachers and pupils:

I am satisfied that after two or three years' experience, our present school system will be better appreciated, will recommend itself by its efficiency and bring about the best results.⁵²

One of the first results of the new Act was a jump in school attendance. Dubuc now had twenty schools attended by 945 children of whom 504 were boys and 441, girls. He remarked that the journal of attendance was carefully kept in every class. The average attendance, though, was only 507. This he attributed to the inclemency of the weather, the difficulty of crossing the river at certain seasons, and the fact that some schools opened very late in the school year. He also regretted that in too many instances, children were withdrawn from school as soon as they had mastered the rudiments of reading and writing.

⁵¹ Manitoba, Journals of the Legislative Assembly, 1874, Report of Joseph Dubuc, Superintendent of Catholic Schools, March 1, 1874, Appendix, p. xl-1.

⁵² Ibid., p. 1.

His greatest concern was the five districts which had no schools:

The want of schools in these localities is not owing to the indifference or the lack of zeal of the trustees or the ratepayers, but to the difficulty experienced in procuring teachers.

In general, throughout the different provinces of the Dominion, the profession of teacher is not remunerative, and this obstacle prevents men of a certain education to embrace that career. But here in Manitoba, the scarcity of good teachers is still the more felt, and with even the offer of a good salary, teachers are not to be engaged.⁵³

The twenty schools operating in his part of the province were in the charge of three married women, four girls, five men, six Sisters (Grey Nuns), and three Christian Brothers.

Only one school district had to be defined and organized during Dubuc's short tenure of office, that of Springfield, south of St. Boniface.⁵⁴

As Superintendent of Catholic Schools, he received a salary of six hundred dollars a year.⁵⁵ He resigned this position when he entered the Cabinet as Attorney-General in the summer of 1874.⁵⁶

53 Ibid., p. xliv.

54 P.A.M., Morris Papers, "Lieutenant-Governor's Collection", No. 219, Dubuc to McKeagney, May 15, 1873.

55 A.A. Herriot, "School Inspectors of the Early Days in Manitoba", paper read before the Historical and Scientific Society of Manitoba, 1947, p. 26.

56 P.A.M., Morris Papers, "Lieutenant-Governor's Collection", No. 803, Dubuc to Morris, July 8, 1874.

B. On the University of Manitoba Council

The school system constituted in 1871 and treated in the preceding section took care of elementary education only. Higher education was left to the denominational colleges which had developed from the Red River missions. They were three in number: the Roman Catholic College of St. Boniface, the Anglican St. John's College, and the Presbyterian Manitoba College, dating from 1820, 1849, and 1869 respectively.⁵⁷ All three had been incorporated by the Provincial Legislature during its first session in 1871.⁵⁸

In 1877, Lieutenant-Governor Morris took the initiative towards uniting the three colleges to form the University of Manitoba. The colleges themselves were wholly occupied with their own affairs and felt no need of such a union.⁵⁹ St. Boniface College in particular feared any amalgamation that would tend to dilute the type of culture to which it was dedicated, for it held that education and religion are inseparable. Archbishop Taché insisted that the proposed university be a degree-conferring institution only, that all teaching be left to the colleges.⁶⁰

57 Baird, Op. Cit., p. 10, 13, 16.

58 Joseph Dubuc, M.P.P., introduced the Bill for the incorporation of St. Boniface College. See Chapter V., p. 167.

59 Baird, Op. Cit., p. 20.

60 Dubuc, Notes concernant Mgr Taché, p. 51.

It was plain to Morris that any plan for a university must have the freely given co-operation of the colleges, and that it could be won only by assuring them that their rights and privileges would be preserved intact, that the university demanded only the freedom to set desirable standards.⁶¹ So he set about the matter tactfully. The first step was a number of meetings of the professors of the three colleges to bring about some agreement as to the basic curriculum and the type of examination. The experience and tradition of the staff of St. Boniface College were very different from those of the staffs of the two English colleges. In a series of meetings held at St. John's it was decided to adopt the curriculum of the English colleges. St. Boniface undertook to introduce more mathematics and natural science, and Manitoba College to give greater emphasis to classics. Although Father Forget, Rector of St. Boniface College, sought to have the stereotyped method of oral examination used in Quebec adopted, he did not succeed, and the system of written examinations used in the English colleges was made official for the proposed university. What prevailed as a result of these meetings of professors was the English stress on mathematics and the sciences with the written examination, over the French

⁶¹ Baird, Op. Cit., p. 14, 15.

emphasis on classics and oral examination on a list of prepared questions.⁶²

Joseph Royal, Attorney-General at the time, introduced the bill for the incorporation of the University of Manitoba, the wording of which betrays the lack of enthusiasm felt by himself as a French Canadian: "The Government thinks the Bill premature, but have been so repeatedly urged that they have brought it down."⁶³ The Bill passed and was hailed as a fine example of denominational cooperation for the common good.⁶⁴ By this act of incorporation, the university was to receive only \$250 annually from the Provincial Government.⁶⁵

Dubuc and the other six Catholics appointed to the twenty-eight member University Council believed from the first that it was understood by all that the university would never become a teaching institution.⁶⁶ When some non-Catholic members of the Council brought up the idea of

⁶² W.L. Morton, One University, History of the University of Manitoba, 1877-1952, London, McClelland and Stewart, 1957, p. 34-35.

⁶³ Manitoba, Journals of the Legislative Assembly, 1877, September 7.

⁶⁴ Manitoba Free Press, "Manitoba University", September 29, 1877, p. 3; and October 13, 1877, p. 3.

⁶⁵ Manitoba, Statutes, 40 Victoria, Chap. 10.

⁶⁶ Dubuc, Notes concernant Mgr Taché, p. 51; and Mémoires d'un Manitobain, p. 385, 393.

attaching chairs to the university and getting it endowed, Archbishop Taché resigned in disgust at what seemed to him a breach of promise, leaving Dubuc as the most prominent spokesman for French interests.⁶⁷

According to Dubuc there was no real necessity for endowing the university or giving it teaching powers. In his opinion the colleges were doing commendable work, and the public was being properly served. The students of St. Boniface college were winning distinction in the annual examinations, especially after the Jesuit Fathers took over the teaching in 1885.⁶⁸ The urge to change the setup came from the Protestant colleges:

Voyant qu'ils étaient obligés de payer leurs professeurs, ministres ayant des femmes et enfants, des salaires beaucoup plus élevés que ceux alloués aux Pères Jésuites, les collèges protestants comprirent que cette dépense considérable les mettait, sous ce rapport, dans une position désavantageuse vis-à-vis du collège de St. Boniface. Ils proposèrent de créer des chaires de science sous le contrôle de l'Université.⁶⁹

Friends of the university, on the other hand, argued that as long as it was overshadowed by the affiliated colleges it would never make any appeal to the public

67 Dubuc, Notes concernant Mgr Taché, p. 54.

68 -----, Mémoires d'un Manitobain, p. 388-392.

69 Ibid., p. 392-393.

imagination as an object of material benefaction. Their complaints grew louder after each request to the Federal Government for funds went unnoticed. At the same time demands for emancipation from ecclesiastical control increased with the growing secularism in the province. And a need for larger and better facilities of higher education became more and more apparent with the rapidly growing population.⁷⁰

In 1885 the Dominion Parliament enacted the Better Terms Act whereby the University of Manitoba was to receive one hundred fifty thousand acres "for its maintenance as a University capable of giving proper training".⁷¹ Thereafter discussions in the University Council on the proposal to establish teaching became even more prolonged, even more intense.⁷² The personal relationships between the Members of the Council remained, nevertheless, as amiable as before. "Il faut dire que ces discussions, étaient toujours courtoises, et qu'une bonne entente régnait entre les membres du conseil."⁷³

70 Baird, Op. Cit., p. 29-31.

71 Canada, Statutes, 48-49 Victoria, Chap. 50.

72 Baird, Op. Cit., p. 33.

73 Dubuc, Notes concernant Mgr Taché, p. 52.

CITIZEN OF ST. BONIFACE

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C. As Vice-Chancellor of the University

In 1888 Judge Dubuc was elected Vice-Chancellor of the university. He was re-elected each of the twenty-five succeeding years until his death. The first Chancellor was the Anglican Archbishop, Robert Machray. For several years before his death in 1904 he was too ill to do his work which fell to the Vice-Chancellor, Joseph Dubuc. For four years after his death, the university had no chancellor at all. So again, Dubuc had to shoulder all the duties of administration. He attributed the long delay in appointing a successor to Archbishop Machray to rivalry between the four Protestant colleges.⁷⁴ (Wesley College had been incorporated for the Methodists in 1877.) A contemporary claims that Dubuc himself should have been called to that post and intimates that the only reason he was not was a very unworthy one: prejudice against his race and faith.⁷⁵ The chancellor was appointed for a term of three years by the Lieutenant-Governor-in-Council. He was head of the university and chairman of the Council. In his absence or disability, his duties were discharged by the vice-

74 Dubuc, Mémoires d'un Manitobain, p. 387, 397.

75 J.H. O'Donnell, Manitoba as I Saw It, Winnipeg, Clarke Bros., 1909, p. 77-78.

chancellor who was elected annually by the Council. By 1901, the membership on the Council has risen to fifty.⁷⁶

During the second year of Dubuc's vice-chancellorship, a motion was introduced by Councillor F.C. Wade and seconded by Councillor W.R. Mulock:

Resolved that in the opinion of the Council of the University, the time has come when teaching should be undertaken by the University and that a committee be appointed to ascertain the best method of accomplishing this object; said committee to report the results of its investigation, and the conclusion it may arrive at, at the next meeting of this Council.⁷⁷

This is what Dubuc had been dreading. If the university became a teaching body, not only the influence, but the very existence of the colleges was jeopardized. And in case of St. Boniface College, an entire culture was in danger of being lost. For

[...] cette grande institution [...] a été élevé sur les bords de la Rivière Rouge comme la forteresse inébranlable de l'idée française et de la foi catholique dans les grandes plaines de l'Ouest Canadien.⁷⁸

In a letter to Archbishop Taché, then in Montreal for health reasons, Dubuc describes what transpired at the meeting after Wade's motion:

⁷⁶ Morton, Op. Cit., p. 29, 56.

⁷⁷ University of Manitoba, Minutes of the University Council, Vol. I, October 8, 1889.

⁷⁸ Joseph Bernier, "Prominent Figures of St. Boniface College", in the University of Manitoba Quarterly, December 1927, p. 27.

Wade a appuyé sa motion d'un discours plus convaincu que convainquant. J'ai demandé que la motion fut divisée: ce qui fut accordé. Le Rev. M. Cherrier a ensuite, dans un discours de vingt à vingt-cinq minutes présenté nos vues avec beaucoup d'habileté et de force. Le P. Lory a ensuite dit quelques mots. Puis j'ai parlé aussi une vingtaine. Notre attitude ferme, énergique, a produit ou au moins a paru produire, une assez bonne impression. D'autres ont ensuite parlé, exposant leurs opinions, mais répondant peu à nos arguments.⁷⁹

At the next meeting of the Council, one week later, an amendment was made to Mr. Wade's resolution by a Catholic Councillor, James Fisher:

That without now committing itself to any expression of opinion as to the desirability of making the University a teaching body at present, the Council is of opinion that a committee should be appointed to make inquiries and report as to the feasibility of taking such action in the near future, and as to the extent to which teaching should be introduced, regard being had to the present position of the Province.⁸⁰

This motion was carried by a vote of nineteen to sixteen.

Dubuc was quite relieved at the amendment and its acceptance, both of which he attributed to the forcefulness with which he and his colleagues had opposed Wade's motion at the previous meeting. It did not remove the probability of a teaching university, but it gave some hope that St. Boniface College might survive as an institution, nonetheless.

⁷⁹ Archiepiscopal Archives of St. Boniface, Dubuc to Taché, October 11, 1889.

⁸⁰ University of Manitoba, Minutes of the University Council, Vol. I, October 15, 1889.

La plupart de ceux qui ont pris la parole aujourd'hui ont exprimé les meilleurs sentiments à l'égard du collège St. Boniface, et manifesté l'intention la plus formelle d'avoir égard à notre position, et de nous faire justice. Sans doute, le fait même de fonder des chaises nous sera préjudiciable; mais, s'il faut en juger par les discours, ils iront aussi loin qu'ils pourront pour nous rendre la situation acceptable.⁸¹

About this time Dubuc made a discovery which left him abashed. His strongest argument in opposing the introduction of a teaching university was that such a change would be unconstitutional since St. Boniface College had joined the university on the distinct understanding that it be an examining institution only. Dubuc had been a member of the Legislative Assembly when the bill to create a university had been drawn up. The bill had been introduced by his colleague, Joseph Royal, who was a member of the Cabinet then, and Dubuc distinctly remembered what it contained. But the friends of the university claimed with equal conviction that the Act did make provision for endowing the university and providing it with chairs. Recourse was then had to the sources. The record in the St. Boniface archives stated: "The bill only provides for a University to grant degrees and for graduating purposes, but it will not be a teaching institution."⁸² The record in the Free Press⁸³

⁸¹ A.A.S.B., Dubuc to Taché, October 15, 1889.

⁸² Dubuc, Mémoires d'un Manitobain, p. 394.

⁸³ February 10, 1877.

had the words "at present" inserted after "teaching institution" in the above quotation. Dubuc went further. He asked to see the original notes of the Session in the Parliamentary Archives. There, in the margin of the notebook, the words "at present" had been added in a handwriting distinctly different from that of the clerk who had recorded the original. These two words were included when the document was officially printed.⁸⁴ Archbishop Taché's only comment was "ab inimicis libera nos Domine".⁸⁵

In spite of this hole in their defenses, the French members of the University Council succeeded in keeping the status quo until 1900 when the staff requirements for the teaching of science made the amalgamation of the three Protestant colleges for that purpose necessary. A gift from Lord Strathcona to the University of Manitoba enabled the university to set up chairs for the teaching of science and to take that subject over entirely by 1904.⁸⁶ The Jesuit Fathers at St. Boniface thereupon had some of their own staff trained in that discipline and had their students admitted to the university examinations with continued success.⁸⁷

⁸⁴ Dubuc, Mémoires d'un Manitobain, p. 393-395.

⁸⁵ P.A.M., Dubuc Papers, Taché to Dubuc, October 28, 1889.

⁸⁶ Baird, Op. Cit., p. 38.

⁸⁷ Dubuc, Mémoires d'un Manitobain, p. 396.

Due to the zeal of Joseph Dubuc and the other Council members, clerical and lay, who wished to preserve the French and Catholic culture in the West, St. Boniface College survived and continued offering its degree course in Latin Philosophy. As the years passed, however, the number of students interested in availing themselves of an excellent course of studies in the humanities dwindled. More and more French Canadians opted for an English institution where they would be better prepared to earn a gainful livelihood in a commercial and technical society.

Lest it be thought that Dubuc's role in higher education was limited to a defensive one, it should be recorded that he also gave lectures at St. Boniface College over a period of some years. A generation later his former students vividly recalled the success he had in instilling in them an understanding of the British Constitution.⁸⁸

When Dubuc was knighted in 1912, English Manitoba stated that "Sir Joseph's interest in the cause of education has been untiring and of the widest possible value."⁸⁹

⁸⁸ Bernier, Op. Cit., p. 28.

⁸⁹ The Telegram, Winnipeg, article entitled "Well Merited Honour", issue of June 17, 1912.

4. Councillor of the North West Territories.

A. His Appointment

From 1870 to 1876 the North West Territories were ruled by governors who were at the same time lieutenant-governors of Manitoba. This means that, in addition to administering an infant province, they had to supervise an area the size of an empire bounded on the west by the Rocky Mountains and on the north by the Arctic Ocean. In December 1872, an Order-in-Council appointed eleven councillors to aid Alexander Morris in his capacity of Lieutenant-Governor of the North West Territories. One of the appointees was Joseph Dubuc.⁹⁰

Dubuc had been recommended for this duty as early as 1871 by Lieutenant-Governor Archibald.⁹¹ The selection of councillors was a difficult matter due to the circumstances prevailing at the time. The best councillors would have been residents of the area, but it was impractical to name any because of the difficulty they would have in attending meetings in Winnipeg, and because the Hudson's Bay Company

⁹⁰ P.A.M., Morris Papers, "Lieutenant-Governor's Collection", No. 40, Howe to Morris, January 2, 1873.

⁹¹ P.A.C., Macdonald Papers, Archibald to Macdonald, November 23, 1871, quoted by L.H. Thomas, in The Struggle for Responsible Government in the North West Territories, Toronto, University of Toronto Press, 1956, p. 53.

mail service was only bi-annual. Archibald believed that "the best men the Country affords" for the job were the Catholic and Anglican bishops of Manitoba, Taché and Mach-ray, whose knowledge of the North West, gleaned from visiting their far-flung missions, was unmatched.⁹² But as the Federal Cabinet refused to include these two clergymen on the Council, Archibald settled for men who would enjoy the confidence of the respective Bishops. Thus, Dubuc was selected as "the mouthpiece" of Bishop Taché.⁹³

Although Dubuc was pleased at his own appointment, and at the appointment of his colleague, Marc Amable Girard; of the Metis, Pascal Breland; and of his friend, A.G.B. Bannatyne; he was disturbed by the fact that only three of the eleven councillors were French and Catholic, whereas ten-elevenths of the population in the North West were Roman Catholic.⁹⁴ He criticized Ottawa's obtuseness in the newspaper,⁹⁵ and shared Archbishop Taché's indignation at the appointment of Dr. Schultz, that leader of the Canadian Party and bitter foe of the Metis.⁹⁶ Ottawa's

92 P.A.C., Macdonald Papers, Archibald to Macdonald, February 15, 1871.

93 Ibid., November 23, 1871.

94 Dubuc, Mémoires d'un Manitobain, p. 285.

95 Le Métis, "North West Council", editorial, January 11, 1873, p. 2, col. 1.

96 Canada, Journals of the House of Commons, 1874, Appendix 6, p. 49-50, Taché to Macdonald, January 25, 1873.

opinion was that, although the French and Catholic element was under-represented, it gained in quality what it lacked in quantity, since Girard, Dubuc, and Breland were competent and influential spokesmen.⁹⁷

Nevertheless, the complaints voiced by Dubuc and other French Canadians bore fruit, for new appointments made by Macdonald before the end of the year contained three French-speaking Catholics on five nominees.⁹⁸ Dubuc highly approved of the appointment of James McKay and of Pierre Delorme. Like Pascal Breland, they had Indian blood in their veins, had hunted buffalo across wide expanses of prairie in the North West, enjoyed the confidence of the Indians there, and were French-speaking Catholics.⁹⁹

Lieutenant-Governor Morris's opinions were in contradiction to Dubuc's. He wanted nominations culled from the Ontario element in Manitoba, for he believed that the future of the North West Territories lay, not with the French and English half-breeds, but with the Ontario immigrants.¹⁰⁰

⁹⁷ P.A.C., Files of the Department of the Interior, No. 66292, Howe to Girard, January 2, 1873, quoted in Thomas, Op. Cit., p. 55.

⁹⁸ P.A.M., Morris Papers, "Lieutenant-Governor's Collection", No. 531, Macdonald to Morris, October 24, 1873; and No. 534, October 25, 1873.

⁹⁹ Dubuc, Mémoires d'un Manitobain, p. 286-287.

¹⁰⁰ P.A.M., Morris Papers, "Ketcheson Collection", No. 85, Morris to A.A. Dorion, December 15, 1873. This letter was headed "Strictly confidential memorandum for the Privy Council".

The new North West Council constituted in 1876, after the enforcement of the North West Territories Act of that year, contained only three members, not one of whom was a half-breed. Failure to give the Metis element a voice on the Council, despite the fact that the major Metis settlements along the Saskatchewan River had set up councils of their own for local self-government, and had petitioned the Federal Government for representation, was, in Dubuc's opinion, one of the causes of the 1885 Rebellion.¹⁰¹

B. His Activities

Ce conseil était désigné sous le nom de Conseil du Nord Ouest. Le Lieutenant-Gouverneur le convoquait de temps à autre. Leurs fonctions étaient de passer des ordonnances pour le gouvernement des régions de l'ouest non comprises dans les provinces existantes, et, après qu'elles avaient été approuvées par le Lieutenant-Gouverneur, de les faire exécuter. Ils étaient donc investis des pouvoirs législatifs et exécutifs sur un territoire d'une immense étendue.¹⁰²

The Councillors received no remuneration but enjoyed the title "Honourable" since they belonged to a legislative and executive body appointed by the Crown. The former farm-boy from Quebec did not hide his pleasure at being addressed in this manner.¹⁰³

101 P.A.M., Dubuc Papers, Dubuc to Elie Tassé, May 31, 1885.

102 Dubuc, Mémoires d'un Manitobain, p. 286.

103 Ibid., p. 289.

The job was not a sinecure. Joseph Dubuc always took any responsibility earnestly. Most of the legislation concerned the liquor trade, American toughs, seed-grain relief, Indian administration.¹⁰⁴ But Dubuc's chief interest lay in the Roman Catholic mission schools, hospitals, and orphanages that dotted the North West, as his correspondence with Soeur Marguerite-Marie (Louis Riel's Grey Nune sister, Sara) who was stationed at Ile à la Crosse, shows.¹⁰⁵ In the first year that Dubuc was councillor, the Federal Government voted to grant three hundred dollars annually to the Roman Catholic schools,¹⁰⁶ and promised to consider endowing an orphanage at the Metis settlement of St. Albert.¹⁰⁷ The next year the Federal Government was prevailed upon to aid the Indian schools in the North West by reducing the number of pupils required for a grant from sixty-five to twenty-five.¹⁰⁸ It is not possible to state how much this legislation was due to the zeal of Dubuc and

104 See the Morris Papers, Letter Books "G", "J", and "K", dealing with the North West Territories, March 10, 1873 to November 30, 1876.

105 P.A.M., Dubuc Papers, Sister Riel to Dubuc, five letters between 1873 and 1876.

106 P.A.M., Morris Papers, "Ketcheson Collection", No. 109, W.T. Urquhart to Bishop Grandin, November 26, 1873.

107 Ibid., No. 108, Urquhart to Rev. Leduc, November 29, 1873.

108 Ibid., No. 162, Urquhart to Bishop Grandin, Rev. Nesbit, Rev. Young, dated April 21, 1874.

how much was due to letters written by Bishop Grandin of St. Albert to the Federal Government.

At its very first session, the Council of the North West Territories passed an act authorizing the appointment of Justices of the Peace. But as Prime Minister Macdonald had misplaced the proceedings of this meeting and had considerable trouble finding them,¹⁰⁹ it was not until October that the Federal Government replied. It disallowed the Council's legislation, while admitting that it had been intra vires, on the grounds that it contained no French names.¹¹⁰ Morris immediately wrote, stating that Dubuc and Girard had already been named justices of the peace and had been serving the North West in that capacity for some time.¹¹¹ Indeed, the Government Records already contained affidavits and other documents reporting on cases of murder, assault, and other disorders, to which the signature of Joseph Dubuc, J.P., had been affixed.¹¹²

109 Ibid., Campbell to Morris, September 24, 1873.

110 Ibid., "Lieutenant-Governor's Collection", No. 543, telegram from Campbell to Morris, October 28, 1873.

111 Ibid., "Ketcheson Collection", No. 74, Morris to Campbell, October 29, 1873.

112 For example, the Cypress Hill Massacre, Morris Papers, "Lieutenant-Governor's Collection", No. 1947, September 18, 1873; and the Gordon-Clarke assault case, Ibid., No. 1635, September 29, 1873.

In 1874 Dubuc became the legal adviser of the North West Territories Council. His chief duty now was to prepare the legislation in proper form and send it to the Dominion Government for approval.¹¹³ As the legal adviser was an employee of the Federal Government, Dubuc received a salary while he held that post.¹¹⁴

After the Council was re-organized in 1876, Dubuc no longer served the North West Territories in any official capacity, but as a citizen of St. Boniface he remained interested in the French Catholic settlements. Like all his compatriots, he was gratified at the appointment of Joseph Royal as Lieutenant-Governor of the North West Territories in 1888.¹¹⁵ And although there is no record of Dubuc's personal feelings on the matter, he must have been bitterly disturbed, as were all his compatriots, when in 1905 Clifford Sifton succeeded in putting crippling restrictions on the separate school clause of Laurier's Autonomy Bills which were to establish the provinces of Alberta and Saskatchewan. The two new prairie provinces, like their elder sister Manitoba, were to be English rather than English and French.

113 Canada, Order-in-Council, September 22, 1874.

114 Dubuc, Mémoires d'un Manitobain, p. 290.

115 Ibid., p. 598.

5. Speculator.

On his own admission, Dubuc had never been a business man. He had no talent whatever for making an easy dollar, and very little desire to do so. He was frankly uninterested in business enterprises.¹¹⁶

This attitude toward the commercial world was typical of the St. Boniface elite. With few exceptions, they were fine lawyers, doctors, civil servants. Their ideals and ambitions lay with politics or the professions. It was quite otherwise in the busy town across the Red River. The most outstanding Winnipeggers were business men: aggressive, shrewd, practical, and industrious, wasting no time in developing the province commercially while enriching themselves financially.

Manitoba sextupled her population in the first decade of her existence, and in the exhilaration of her bounding youth, plunged into the land boom of 1881-82. The forerunner and immediate cause of the boom was the advent of the railway. The Pembina Branch began operating in 1879 and construction of the Canadian Pacific Railway started the next year. This made land values skyrocket and launched the speculative boom. In the spring of 1881, land

116 Prud'homme, Op. Cit., May, 1914, p. 392.
Dubuc, Autobiographie et Lettres, p. 122.

prices began to soar, and for the next twelve months Winnipeg and the surrounding towns tossed in a frenzied upheaval of speculation.¹¹⁷

For many months Dubuc watched this madness with detached interest.

Tout le monde s'y lança avec une espèce de frénésie et une extravagance insensée. Des propriétés achetées pour quelques centaines de piastres étaient revendues pour des milliers, et changeaient de mains deux ou trois fois par semaine. On se bousculait tous les soirs dans les salles d'ancien pour devenir propriétaire de quelques-uns des lots mis à l'enchère. De Winnipeg et les autres centres, la fièvre s'étendit à la campagne. On organisait des villes en faisant diviser en emplacements des terrains vacants, et les lots se vendaient. C'était un véritable affolement. Les capitalistes affluaient d'Ontario, de Québec, des États-Unis, d'Angleterre, d'Écosse, et de partout. Dans cette espèce d'agiotage, les millions circulaient, semblaient se multiplier, jaillissaient de tous côtés en pluie d'or. On se serait cru en pleine réalisation des contes des mille et une nuits. Les têtes des plus sages, des plus sérieux, des plus modérés étaient comme fascinées et tournées par cette éblouissante cascade dorée.¹¹⁸

Before 1881 he had bought a piece of property from time to time when he had the money to do so, more to humour a friend than for any other reason, knowing that he could readily sell it if ever he needed cash. He showed considerable interest in land buying in St. Boniface, but this

¹¹⁷ W.L. Morton, Manitoba, A History, Toronto, University of Toronto Press, 1957, p. 198-208.

¹¹⁸ Dubuc, Autobiographie et Lettres, p. 122-123.

was because he cared about who was going to settle there; the interest was racial rather than financial.¹¹⁹

Then, one day, a friendly acquaintance chided him for not taking advantage of the tremendous opportunities every day was offering of getting very rich very quickly. For his children's sake, Dubuc decided to join his friend in a transaction. The friend would see to all the business end of it; Dubuc had only to contribute four thousand dollars. Six weeks later, the property was resold, and Dubuc had made a tidy profit of five thousand dollars. Encouraged by this initial success, he entered into more such deals. He also began to encourage and advise his friends to do likewise.¹²⁰ His next two enterprises were for twenty-two thousand dollars and thirty-five thousand dollars respectively. He had to pay a few thousand down, and the rest was to be paid in installments later. This was when the boom was at its zenith, the early summer of 1882. Both enterprises proved disastrous. The crash came with a terrible suddenness, leaving him with lands worth next to nothing, debts that were all but crippling, and a young family that was steadily becoming larger.¹²¹

119 P.A.M., Dubuc Papers, Dubuc to Tassé, October 7, 1881.

120 Ibid., letters dated May 21 and May 28, 1882.

121 Dubuc, Autobiographie et Lettres, p. 122.

Ayant à coeur de remplir tous mes engagements et de ne faire perdre un sou à qui que ce soit, j'ai réussi jusqu'à ce jour à rencontrer toutes mes obligations. Le revenu que je reçois de quelques loyers et une forte partie de mon salaire¹²² ont été employés à payer des intérêts, des taxes, des assurances, et autres charges. Il nous a fallu pour cela économiser, réduire nos dépenses à leur plus simple expression, et retrancher presque sur le nécessaire.

Je ne suis pas le seul, il est vrai, à souffrir de la même cause. Une foule de gens qui ont brassé des milliers et des centaines de milliers de piastres, ont vu leur monceaux d'or s'engloutir dans le même effondrement. Mais le mal des autres ne guérit pas celui dont on souffre.¹²³

For months following the crash, all that saved Dubuc from a complete breakdown was his faith in God and the boundless cheerfulness and ingenuity of his wife. He finally acquitted himself of the ruinous debts, but he never became even moderately wealthy, despite the important positions he always held. Years later, he decided it was just as well that they stayed poor.

C'est peut-être pour notre plus grand bien. Quand mes garçons auront fini leurs études, sachant que je n'ai rien à leur donner, ils comprendront qu'il leur faudra compter sur leurs propres ressources. Comme moi, ils ne pourront faire leur chemin qu'à force de travail et de bonne conduite. Ce pourra être une sauvegarde en même temps qu'un stimulant pour eux.¹²⁴

¹²² His salary as puisne judge was four thousand dollars a year. (Sessional Papers, Canada, No. 1, 1883, 46 Victoria, p. 93.)

¹²³ Dubuc, Autobiographie et Lettres, p. 123.

¹²⁴ Ibid., p. 124.

As the years passed, Winnipeg and St. Boniface became more and more disparate in character: Winnipeg ever more bustling, noisy, populous, aggressive; St. Boniface, in contrast, remained dignified, self-possessed, somewhat aloof.

6. Socialite.

From his very first year in Manitoba, Joseph Dubuc was socially prominent. He made his début into Manitoba society by attending the ball that Lieutenant-Governor Archibald threw four days after his arrival--September 6, 1870. And thereafter, he was a frequenter of the dinner parties and other entertainments that this gracious Governor enjoyed hosting every Thursday evening, and which brought together active Manitobans of very different background and outlook.¹²⁵

In 1872 when Dubuc's bride-to-be was preparing her trousseau, she asked his advice. His reply betrayed more judgment than one might expect from a bachelor.

Vous me parlez de votre toilette, et vous me demandez mon opinion. Je vous assure que je ne suis guère compétent sur cette question-là. Je ne m'y connais pas assez pour vous donner une opinion sur les articles dont vous pourriez avoir besoin. La seule chose que je puisse vous dire,

125 O'Donnell, Op. Cit., p. 79, 147-152.

c'est que la société que nous verrons, tout en n'étant pas nombreuse, sera de première classe. Et malheureusement, l'orgueil n'est pas plus banni de Manitoba que des pays plus anciens.¹²⁶

If Dubuc was welcome in Winnipeg society before his marriage, he was doubly so after he had become the husband of the beautiful and delightfully resourceful young Montrealer, Annie Hénault.

Annie ne tenait pas aux riches et somptueuses toilettes. Il m'aurait été difficile d'ailleurs de lui en donner. Mais elle savait si bien tirer parti de ce qu'elle avait; elle s'arrangeait avec tant d'art et avec une telle habileté innée chez elle, qu'elle paraissait toujours d'une manière avantageuse et même brillante. Un bout de ruban ici, une boucle là, un peu de dentelle adroitement disposée, une fleur placée à propos, donnaient à ses peu dispendieuses toilettes un cachet d'exquise fraîcheur et de bon goût vraiment remarquable. Tout cela était rehaussé par une figure enjouée, souriante, gracieuse. Quand elle paraissait dans quelque réunion, les hommages ne lui manquaient pas, et je m'en réjouissais. Un jour, dans une brillante soirée à Winnipeg, où elle était la seule Canadienne Française, un officier, un Canadien, de nos amis, ci-Devant avocat de Québec, lui dit en ma présence: --Madam, vous portez haut le drapeau Canadien-français parmi toutes ces Anglaises. Nous sommes fiers de vous.¹²⁷

Of course, the fact that Dubuc was a professional man holding important posts in a pioneer community is the chief reason why the doors of the rich and the mighty were never closed to him.

¹²⁶ P.A.M., Dubuc Papers, Dubuc to Annie, March 23, 1872.

¹²⁷ Dubuc, Autobiographie et Lettres, p. 118.

Quand j'arrivai avec ma femme in 1872, je n'étais pas millionnaire, comme je l'ai mentionné déjà. Cependant, par ma position d'avocat et de député de la Législature, et par les autres occupations que trouvés à être partie intégrante de ce qui constituait l'élite de la société manitobaine, le dessus du panier. Aux divers bals et autres réceptions chez le Lieutenant-Gouverneur et chez les officiers de la garnison, aux bals des citoyens, ou soirées particulières dans les premières familles, nous étions invariablement invités. Dans toutes les démonstrations publiques ou réceptions officielles, nous avons toujours notre place au premier rang. Ce ne sont pas, sans doute, ces choses-là qui font le bonheur. Mais quand on est jeune, on ne peut demeurer étrangé aux distractions et divertissements qui se présentent dans le milieu où l'on vit. Vivant dans le monde, on ne reste pas insensible aux petits succès que l'on peut remporter, ou à la considération dont on est l'objet dans les hautes sphères de la bonne société.¹²⁸

The events which he recalled most vividly when he came to write his memoirs were the visits of the Governors-General. In 1877 the young province of Manitoba received Lord Dufferin and his Lady, the former Princess Louise. By their affability and eloquence they won all hearts, and not least the hearts of the French Canadians. In the country parishes where he was read addresses in French, Lord Dufferin "fit sans préparation préalable, de magnifiques réponses dans le même langue".¹²⁹

Monsieur and Madame Dubuc did not miss out on any of the exciting and numerous receptions, balls, entertainments, and outings that were planned for the noble couple

¹²⁸ Ibid.

¹²⁹ Dubuc, Mémoires d'un Manitobain, p. 402-403.

during their two-month stay.

Son Excellence et la Comtesse Dufferin se montrèrent dans plusieurs circonstances pleins d'égards et de bienveillance pour Annie et pour moi.¹³⁰

Five years later, Manitoba was enlivened by the visit of Lord Dufferin's successor, the Marquis of Lorne. He was much less popular with Manitobans than were Lord and Lady Dufferin, but Dubuc found him very friendly.

Dans un dîner qu'il donna à Silver Heights, il conduisit lui-même Annie à la table. Dans plusieurs autres occasions, il causa et badina familièrement avec nous comme avec des amis.¹³¹

Dubuc must have left a lasting impression on the Marquis of Lorne, because thirteen years later, when Dubuc was abroad for his health, the Marquis, hearing he was in London, invited him to dinner at Kensington Palace. Like most Franco-Manitobans, Dubuc was in the habit of speaking English to English-speaking people. But Lorne would have none of it, and they had a delightful visit together, conversing in excellent French.¹³²

If on the one hand the Dubucs came to feel more and more at home in high provincial society, on the other they never felt they could do so without their warm intimate

130 Dubuc, Autobiographie et Lettres, p. 118.

131 Ibid.

132 Lecompte, Op. Cit., p. 214.

circle of French Canadian friends. Annie loved to entertain; she enjoyed being hostess as much as being a guest, and many a night her house parties danced and sang until dawn.¹³³

Sometimes when they were having a celebration for some special occasion, they invited their English-speaking friends:

Ceux-ci appréciaient la gaieté, l'entrain, la vivacité prime-sautière du caractère français. Ils se complaisaient dans ces réunions, et s'y amusaient beaucoup. Nos chansons populaires devinrent très en vogue chez eux. La joyeuse exubérance de Jean-Baptiste déridait le sérieux phlegmatique des fils de John Bull.¹³⁴

One of Dubuc's principles had always been to keep up good social relationships with his English-speaking neighbours, even when the School Acts and other controversial legislation strained them to the utmost.

Il croyait que nous ne devions pas nous isoler du reste de la population de Manitoba; qu'il importait d'entretenir avec elle des relations sociales et de rechercher son commerce afin de faciliter des rapprochements désirables entre les divers groupes de notre province. Il était persuadé qu'il ne fallait pas négliger ces réunions de famille dans lesquelles, par un contact plus intime, on apprend à mieux se connaître et partant à s'estimer davantage; que c'était en faisant un appel constant à nos frères séparés, qu'on finirait par dissiper les malentendus ou les préjugés, créer une mentalité généreuse et établir des courants de sympathie.¹³⁵

133 Dubuc, Autobiographie et Lettres, p. 119.

134 -----, Mémoires d'un Manitobain, p. 266-267.

135 Prud'homme, Op. Cit., p. 393.

His conduct in this regard helps explain the phenomenon that on the social level there has always been genuine cordiality between the French and English in Manitoba.¹³⁶

7. Patriot.

When Joseph Dubuc died, La Presse of Montreal carried the notice of his death:

En Sir Joseph Dubuc disparaît un Canadien français, natif de notre province, qui a su faire honneur à sa race.¹³⁷

Archbishop Langevin, who delivered the funeral oration to a St. Boniface Cathedral packed as never before with people of every walk of life, from the greatest dignitaries of the province to the poorest among the poor, praised publicly "cet homme juste, bon, patriote, et foncièrement catholique"¹³⁸ for the signal services he had rendered the French Catholic cause in Manitoba.

In every chapter of this work, Joseph Dubuc, the patriot, has emerged: loyal to the British connection and wisely appreciative of the British constitutional heritage, sincerely attached to his young country which came into

¹³⁶ Morton, Op. Cit., p. 240-241.

¹³⁷ Quoted in La Liberté, Winnipeg, "Mort subite de Sir Joseph Dubuc", January 13, 1914, p. 8.

¹³⁸ Quoted by La Liberté, "Imposantes Funéraires", January 20, 1914, p. 8.

being and took on the proportions of a demi-continent during his lifetime, but most of all, committed to the survival of French Canadianism in this corner of the British Empire.

A. The St. Jean-Baptiste Society

First founded in the province of Quebec, 1834, by that hot-headed Patriote, Ludger Duvernay, as an antidote to the oppression and derision of the Château-Clique, the St. Jean-Baptiste Society has ever since rendered great service to the national cause of the French Canadians. It has George-Etienne Cartier as its first secretary and some time later, as its president, and over the years, received into its membership, almost every French Canadian of note.¹³⁹

Patriotic demonstrations every June 24 became customary throughout the Province of Quebec.

The year after Dubuc arrived in Manitoba, he and other young French Canadians decided to get together and organize a committee for the celebration of St. Jean-Baptiste Day that year. The committee included a number of Metis.¹⁴⁰ This celebration fixed the pattern that was adhered to during Dubuc's lifetime, except that it gradually became more elaborate as means and population increased.

¹³⁹ Robert Rumilly, Histoire de la Province de Québec, Montreal, Valiquet, 1940-58, passim.

¹⁴⁰ Le Métis, "Fête de St. Jean-Baptiste", June 22, 1871, p. 3.

Grand messe à la cathédrale, adresse du président à Mgr. Taché; réponse éloquente et patriotique de Sa Grandeur; puis procession vers le petit bosquet situé en arrière de la maison du père Galarneau. Là rafraîchissements abondants à même une barrique d'eau de la Rivière Rouge, et discours patriotiques prononcés par MM Girard, Royal, Dubuc, Ls Schmidt, Georges Roy, et quelques autres. Le soir, réunion joyeuse et bruyante à la maison du père Galarneau, agrémentée de chansons patriotiques et gaies, et d'autres amusements divers où un entrain charmant ne cessait de régner.¹⁴¹

On December 8, 1871, a convention of all the Franco-Manitobans was held at St. Boniface for the purpose of creating a western branch of the St. Jean-Baptiste Society. Even Riel emerged from exile to contribute to the organizing.¹⁴²

Une constitution et des règlements furent adoptés; et la première société nationale de l'Ouest était fondée, sous le nom de Société St. Jean Baptiste de St. Boniface. La fête nationale fut célébrée à St. Boniface régulièrement depuis lors.¹⁴³

In 1875 Dubuc was elected president. That year the celebration was more brilliant than ever before, with banners and ensigns paraded through decorated streets in the course of the day, and an outdoor concert followed by fireworks in the archbishop's garden that evening.

141 Dubuc, Mémoires d'un Manitobain, p. 269-270.

142 Le Métis, "Société St. Jean Baptiste", December 14, 1871, p. 3.

143 Dubuc, Mémoires d'un Manitobain, p. 273-275.

Because the St. Jean-Baptiste Society boosted the morale and stimulated the zeal of the Franco-Manitobans, Dubuc remained a member all his life. At his death he was honorary president of the Winnipeg extension.¹⁴⁴

B. The French Language Congress

During his lengthy public career, Dubuc had and took countless opportunities of affirming his attachments to his maternal tongue. He never spared himself in the losing battle to keep it on a par with English in the Legislature, in the printing of public documents, and in the schools. It is not surprising then that he hailed with enthusiasm the idea of holding at Quebec a general convention of all the French-speaking groups on the North American continent with a view to planning means of preserving the French culture and language on this hemisphere.

Old and frail though he was, Dubuc attended in person, was elected one of the vice-presidents, and accepted an invitation to give the address at the first general meeting at Laval University on June 25, 1913. The sentiments he expressed on this occasion are those that inspired and informed his activities as a French Canadian in Manitoba over a period of forty-four years.

¹⁴⁴ La Liberté, "Mort Subite de Sir Joseph Dubuc", January 13, 1914, p. 8.

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Nous sommes Français d'origine et de coeur, mais en même temps nous sommes Canadiens. Nous sommes loyalement et fidèlement attachés aux institutions britanniques qui nous régissent. Avec notre langue maternelle, nous nous faisons un devoir d'apprendre et de parler l'autre langue officielle de notre pays. Mais nous tenons absolument à conserver et à cultiver le doux parler que nous avons appris sur les genoux de nos mères.¹⁴⁵

145 Prud'homme, Op. Cit., August, 1914, p. 106.

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Joseph Dubuc came to Manitoba in 1870 to foster and defend the French-speaking population. Since the daring of Louis Riel and the diplomacy of Bishop Taché had already fructified in the Manitoba Act which guaranteed French interests, the responsibility falling to Dubuc and the other new French Canadians lay in preserving that Act in its integrity. For the next forty-four years, Dubuc worked unremittingly in public and private to ensure an official and abiding place in Manitoba for the French Catholic culture.

Typical of the French Canadian elite who came at Manitoba's birth to help it grow up in the image of Quebec, Dubuc was well educated, competent, and zealous. That Manitoba became a replica of Ontario instead of Quebec lay with factors outside his realm of control.

The first blow to the French cause in Manitoba came with the exodus of the Metis. Their leaving for the North West in such large numbers was due partly to hostility evinced towards them by the new Ontario element in Manitoba, partly to the Federal Government's remissness in implementing the land clauses of the Manitoba Act, and mostly to their inherent inability to adapt to the new agricultural and industrial civilization that union with Canada imposed

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Dubuc combatted the first cause fairly effectively in the newspaper and in the legislature, remedied much of the harm caused by the second by his work as lawyer and land commissioner, but was incapable of doing anything about the third.

The next blow to the preservation of duality in Manitoba was immigration. While several hundred thousand settlers poured in from Ontario, only one-twentieth as many appeared from Quebec. Dubuc and his colleagues did their utmost to encourage French immigration by their colonization society, by their speeches, newspaper articles, visits to Quebec and New England, and other forms of advertising--all to little avail. The immigration of the seventies and eighties resulted in a population overwhelmingly desirous of making Manitoba a British Canadian province, where uniformity rather than duality of culture prevailed.

The final demolition of the Quebec image in Manitoba was effected by legislation which resulted logically from the population shift in a country governed by majority rule. First the old Grit principle of representation by population reduced the proportion of French seats in a series of Redistribution Acts. Then the English-speaking majority in the legislature swept away the official use of the French language in the Legislative Assembly, the civil service, government publications, and the provincial courts. Finally, the School and University Acts gravely impaired

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these arsenals of French Canadian culture. And what glimmers of hope remained on the constitutional scene were extinguished by the triumph of provincial rights. As a member of the Legislative Assembly, as a member of the House of Commons, as a judge of the Court of Queen's Bench, as Superintendent of Schools, and Vice-Chancellor of the University, and as a private citizen who made it a duty to remain on good terms with all, Dubuc fought every destructive measure.

But the situation worsened instead of ameliorating. The heavy European influx after 1896 posed the problem of assimilation. At Dubuc's death these newcomers numbered 100,000 in a population of 500,000 of which only 30,000 were French. Compulsive school attendance suggested itself as the most effective crucible for canadianization, and the acts enforcing it destroyed the bilingual clause of the Laurier-Greenway Compromise, the last constitutional support of French culture in the province. By 1916, every term of the Manitoba Act that Dubuc had set himself to preserve had been abrogated.

Was Dubuc a failure? Did he and his fellow French Canadian pioneers work and struggle in vain? It would be easy to draw the conclusion that "they who would live by the constitution will perish by the constitution". The truth is, however, that although the constitutional

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safeguards of the French nationality in Manitoba have been gone for fifty years, the French element, though small, is still vigorously alive and has maintained its percentage of the population for four decades. That it has survived is attributable to the spirit which animated Joseph Dubuc and his colleagues and which they have bequeathed to their descendants. Not that the danger of extinction is non-existent--it does exist, and for the past twenty years, families who leave the French centres for the metropolis of Winnipeg have been anglicizing at an alarming rate. Yet, despite the terrible inroads being made on French culture centres by English communication media, the French will to live is dynamic in Manitoba. The leading citizens of St. Boniface today, the intellectual and social elite, are struggling for the same principles as Joseph Dubuc and the first Franco-Manitobans; for bi-culturalism, for duality in the province.

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Role and Views of a French Canadian in Manitoba
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Solicited by his former classmate, Louis Riel, and also, indirectly, by Bishop Taché of St. Boniface, a thirty-year-old Montreal lawyer named Joseph Dubuc came to Red River one month before it formally entered the Canadian federation as the Province of Manitoba. Riel wanted Dubuc to foster the cause of the Metis. Taché coached him to represent the whole French-speaking element in the Province's nascent institutions. These two apparently complementary roles sometimes conflicted, thus aggravating the problem of defending French rights and interests against the encroachments of an ever-growing English majority.

French Canadian and Roman Catholic by birth and conviction, Joseph Dubuc wished to preserve and cultivate in the new Province the fruits of faith and culture which fifty years of missionary toil had produced among the French-speaking inhabitants of the North West. As the Manitoba Act had guaranteed the French element titles to their lands,

¹ Sister Maureen of the Sacred Heart, S.N.J.M., Master's thesis presented to the Department of History of the University of Ottawa, Canada, 1966, xxiii-381 p.

denominational schools, and equal language rights, it was up to Dubuc as an educated man to help the backward Metis and the new French Canadian settlers to assume the role in the Province that their numbers--half of the population in 1870--warranted.

Dubuc began by concentrating his energies on the Metis people, informing them of their rights by his newspaper articles, agitating for the amnesty which would absolve them from the odium brought on by Riel's resistance and the execution of Scott, campaigning through every election whether provincial or federal to win them sympathetic and responsible representation.

As emigration thinned the ranks of the Metis and immigration dotted the Red River with new French Canadian parishes, Dubuc's attention shifted gradually from the old to the new inhabitants. He served both groups as a lawyer, a land commissioner, and a representative in first the provincial and then the federal legislatures. With the passing of the years, which altered drastically the proportion of French to English in the province thus imperilling the duality written into the Manitoba Act, Dubuc worked ever more diligently, but ever more unavailingly to maintain the French position.

Dubuc's career was not restricted to a defensive role; he served the whole province as legislator, as judge,

as educator, and by his talents, industry and justice, won the esteem of the entire population. As his reputation grew, however, his primary objectives lost ground. It was when he was at the zenith of his public life that he suffered the greatest disappointments of his career: the legislation which blotted off the face of Manitoba all traces of the Quebec image.

One of several French Canadians with more than ordinary education, ability, and zeal who came west to second the great Archbishop Taché in the task of keeping Manitoba a French and English province, Dubuc could not have devoted himself more generously than he did to the interests of his race. His failure on the constitutional level would seem to indicate that minority privileges constitutionally guaranteed are not safe when objected to by the majority. Time has yet to show whether or not the Franco-Manitobans inspired by the ideals of a racial hero like Joseph Dubuc, but deprived of all constitutional supports, can maintain their identity indefinitely.