Forming A Provisional Government

The outcome of the event – the imprisoning of the "Canadian" party – presented the National Committee with a very serious administrative problem. A body of prisoners-of-war had now to be taken care of in a fort that was not designed for such a purpose. Moreover, the prisoners saw themselves as enlisted soldiers of the legal government of the country, and the National Committee's efforts to release them on some sort of parole proved for the most part futile. A truly perplexing state of affairs went on for some time. On one hand the Settlement saw the retention of the Canadians as evidence of Riel's desire to be a dictator, and on the other hand the Provisional Government —for so it called itself after December 8 – did not feel that it could let such men go free without endangering itself. Viewed in this light the imprisonment of Schultz and the Canadians was less a victory than a standoff. Riel and his Committee now had to act simultaneously on three fronts: they must carry on the day-to-day government of the Settlement; they must exercise unceasing vigilance in caring for the Canadian prisoners-of-war; and they must work to broaden the base of their support until they could establish a proper provisional government. While their success was not complete on any front they did remarkably well.

Three proclamations roughly mark the beginning of the period under study. McDougall's proclamation commanding all "public officers and functionaries" excepting the one "at the head of the administration of affairs" to continue to act appeared in Winnipeg on December 9.[1] That same day, J.S. Dennis, for his part, sent a letter and proclamation to A.G.B. Bannatyne ordering "the loyal party in the North West Territories to cease further action under the appeal to arms made by [him]", and called on the French to send a deputation to McDougall.[2] The Métis

Committee had issued its "Declaration of the People of Rupert's Land and the North West" on the previous day.[3]

The "Declaration" is worthy of notice here. When it appeared there were those who thought they saw an American inspiration in it, possibly the hand of Oscar Malmros or of Enos Stutsman.[4] They were not completely wrong in this deduction; neither were they completely right. The language and spirit of the document – like those of the American Declaration of Independence – were derived from John Locke and his great work expressing the moral justification for the Glorious Revolution of 1688.[5] The composers of the Métis declaration wished to give the intended readers – the English-speaking parishes of the Settlement – a glimpse of what Isaac Cowie later called "the true inwardness" of the Métis movement.[6] Cowie later wrote that, at the time it occurred, he regarded the movement as "rank rebellion"[7], and that it had taken "many years"[8] for him to grasp its "true inwardness". In Cowie's experience – Cowie was an Orkneyman – we can get an indication of something that Riel and his Committee may not have had an opportunity to learn. More recent than the Glorious Revolution in the folk memory of the English-speaking parishes - and much more vivid – were the "45" and "Culloden" and the brutal measures taken by the Duke of Cumberland in the days after the battle to stamp out the spirit of rebellion in the Highland clans.[9] The English-speaking parishes viewed with horror anything that resembled rebellion, and the Declaration unfortunately made no mention of the Queen. In the weeks following December 8 Riel and the Committee truly had their work cut out for them as they sought to persuade these parishes that they ought to join a provisional government. Success in this was never complete. It was a tribute to Riel's persuasive powers that it became as complete as it did.

Once the Schultz party was imprisoned in the Fort, arrangements had to be made concerning the Schultz houses, which now stood empty. This involved an unexpected labor, the removal of a large quantity of arms, ammunition and gunpowder concealed in every possible hiding place in the three buildings. It would appear that exhaustion of their supply of firewood was as responsible as anything for the decision of the Schultz party to surrender. Those surrendering, however, had hoped to have the last word. Gunpowder had been hidden in the cold stoves and stovepipes, under cold ash, in furniture, blankets and beds. Begg recorded in his journal that there was enough gunpowder thus hidden to blow up the houses.[10] With the gunpowder removed, Mrs. Stewart was permitted to occupy the house which she claimed her husband, now one of the prisoners, had partly paid for.[11] Mr. Devlin was left in charge of the second house, while a guard was maintained over the building containing the government pork.[12]

The government property at Oak Point was a problem too. A rumor came on December 18 that the warehouse there had been broken into by Indians, and Mr. Snow, the superintendent, requested that Riel take action. Riel and a guard went out to investigate, and found out that the Indians had not broken into the warehouse, but had threatened the man in charge that they would do so if he did not give them some provisions. Riel managed to quiet the Indians, and had the provisions stored in several private houses in the vicinity where they would be safe. Riel tried to persuade Snow to continue with the work on the Lake of the Woods road, but Snow would not agree to this. In early January Snow left for Canada accompanied by Stewart Mulkins and Arthur Hamilton, whose release from prison had been arranged with Riel by A.G.B. Bannatyne.[13]

While Riel was away at Oak Point news came of the death of Thomas Johnson of St. Andrews. According to Begg and the New Nation it at first appeared that he had frozen to death,

but closer examination revealed that he had been shot[14], and reports soon linked his death with Ryder Larsen[15], a Winnipeg photographer.[16] A coroner's inquest was arranged for, and this decided against that individual.[17] Larsen fled to Portage la Prairie[18], where he had previously been in business[19] and where he was safe for the time being. Thus began Larsen's long exile from Winnipeg.

The killing of Johnson was believed to have resulted from a drinking bout and subsequent quarrel.[20] The National Committee recognized the special part often played by alcohol in such affairs and did its best to minimize it. Early in the Insurrection the taverns were closed to all for a time, but, according to P.G. Laurie, this order was later modified so as to apply to Métis soldiers only.[21] In late December it was learned that a party of Prince's Indians planned to pay a visit to Winnipeg.[22] Rumors circulated that the Sioux were coming to Winnipeg too.[23] It was recognized that a serious situation could develop. Riel sent notes to the local saloon-keepers which read as follows:

> Fort Garry, 27th Dec. 1869. Sir – I do hereby respectfully pray you to let nobody have any liquor at your place, from this date up to the tenth of January next. In doing so, you will grant the country a great favor, and very likely preserve it from great misfortune. Yours very respectfully, Louis Riel. Commander at Fort Garry.[24]

Begg copied this note for his journal.

The National Committee did not cease its preventive measures with this banning of the sale of liquor. The approach of the Sioux created quite an excitement, especially when it became known that there were two parties of them, that they were armed, and that they intended to come right in to Winnipeg.[25] A meeting of the towns-people was called, every man able to carry a gun was armed, and officers were appointed.[26] When the reports regarding the Sioux were confirmed, the volunteers were called out and scouts were sent to reconnoitre. Towards evening

on the 31st the advance party of three Sioux reached the residence of James McKay at Silver Heights. There several National Committee councillors and others were in waiting to meet the Indians and find out their intentions.[27] Begg's journal lists who were present and relates what happened next:

> When the three Sioux entered the house of Mr. McKay, he asked them where the rest of the band were; but Indian like, they endeavored to conceal the truth, and answered that they were camped some distance up the road, where they intended to remain till next day. Hardly had they finished speaking, when the house was surrounded, and Mr. McKay, singling out the chief, immediately proposed a grand council.[28]

This was agreed to. After appropriate ceremonies the councillors spoke, McKay interpreting, telling the Indians that, since there was trouble among the whites in the Settlement, they had better keep away and not mix themselves in it. The Sioux chief replied, saying that they were merely on their annual visit to the Settlement. They meant no harm. They wanted to receive their New-Year's presents. They would go back, but did not want to do so empty-handed. While speaking the chief pointed to his large silver medal with the "Queen's head" on it.[29] They had lived under its protection now for eight years. All present knew that he meant the eight years since the Minnesota massacre. McKay gave him a quantity of tobacco and other things. Riel, who had now entered the council, handed the chief some more tobacco and spoke, advising him not to go on to Winnipeg, but to return to his camp. The council over, the Indians returned to their camp, and Riel and the councillors returned to Fort Garry. Two of the Sioux, however, did visit the town that night, no doubt finding that no liquor could be bought. Begg noted that this was the last "Indian scare" of the season.[30]

As in all societies, people had their petty quarrels under the National Committee, and at least one of these ended up in a judicial trial. Begg recorded the details in his journal. On

December 21 Riel heard Mrs. Rodway and Mrs. Meeken in an assault case.[31] Damages were awarded "all round", ten shillings and twenty shillings respectively.[32]

A man who would later be a member of a Dominion cabinet had reason on December 28 to acknowledge Riel's position as head of the "Council".[33] Dr. Charles Tupper, Member of Parliament for Cumberland, Nova Scotia, paid Riel a visit and arranged to receive the baggage of his daughter, Mrs. D.R. Cameron.[34] The baggage had been in storage in Fort Garry ever since Cameron, in line for an appointment in McDougall's cabinet, had been forced to return to Pembina in October.[35] Begg recorded it at the time and Tupper wrote about it in later years.

Visitors like Dr. Tupper might well have agreed with "Justitia's" observation of a few days later that the "Provisional Government" appeared to be "gaining ground".[36] However, behind the scenes the situation was not so placid as might appear on stage. The logic of the situation in the Settlement simply could not be denied. It was very expensive for the National Committee to maintain the necessary guard at Fort Garry, and it was not possible not to maintain it there. Caring for the Canadian prisoners absorbed the energy and the attention of many men, making these men almost as much prisoners as were the Canadians themselves. This work was hardly the kind of thing the typical Métis had volunteered for. Camping out on the prairie at a road barrier and checking the credentials of passers-by was one thing; accompanying Canadians to the toilet was quite another. In mid- and late December, moreover, it appeared that this situation could go on forever. Grumblings began to be heard. It is clear that matters came to a head just before Christmas. On one hand the long-drawn-out negotiations for the establishment of a newspaper favorable to the Métis cause appeared to be reaching fruition. For a consideration of five hundred fifty pounds Robinson and Stutsman were to buy the press and use the office of Mr. Coldwell, without, however, purchasing the proposed circulation and

advertisements of his Pioneer.[37] On the other hand, with the holiday season approaching there was a demand for some sort of pay for the men doing the thankless and boring – sometimes galling – work of guarding the prisoners and patrolling the streets. Something must be done about finances. On the evening of December 22 Riel went with a guard of men into the office of the Hudson's Bay Company and demanded the Company's cash from the accountant John McTavish. McTavish, of course, refused, and also refused to give up the necessary keys. Riel had McTavish searched, and the keys were taken from him. McTavish refused to give up the combination of the safe, and O'Donoghue worked for a long time before succeeding in opening it and getting the money. The money was carefully counted, and the safe was taken away to Riel's office in another part of the Fort.[38] Riel had previously asked Governor Mactavish three times for a loan, but with no success. Both Begg and Mactavish recorded the incident, Begg in his journal and Mactavish in a letter written soon after it. On the 24th John Bruce, president of the National Committee, took a considerable quantity of goods from the Hudson's Bay Company's sales shop to pay the soldiers[39], keeping a "full account" of what was taken.[40] Begg found it to be a "singular coincidence"[41] that the appropriation of the Hudson's Bay Company safe should have taken place on the same day that Major Robinson made the deal with Mr. Coldwell and, indeed, there were reports that Company money was used to pay Coldwell for the printing press. The money, Begg stated, was not paid to Coldwell until after the seizure.

These acts not only caused great excitement in the Settlement but created a rift in the National Committee itself. The day after Riel and O'Donoghue took the money from the Company Pierre Léveillé and Ambroise Lépine decided to leave Riel's party, saying that he had gone "too far".[42] This was not the first time, nor was it to be the last, that Riel was to hear this charge. Charles Nolin was reported to have withdrawn his support on Christmas Eve.[43] There

could be no turning back, however, if Riel's purposes were to be accomplished, and somehow he was able to persuade these men to maintain their support for him. Charles Nolin, for example, was with the group who met with the Sioux at McKay's on New-Year's Eve.[44]

In late December of 1869 Riel was fighting for the idea of the "Provisional Government". He never really knew from one day to the next which councillor would leave his government, telling him that he had "gone too far." Yet there was nothing he and the remaining councillors could do but continue to perform the functions of government while attempting to release the prisoners on parole and try to persuade people who held back to join the "Provisional Government". Riel may not have paid particular attention to the arrival, on December 27, of Donald Smith of the Hudson's Bay Company and his brother-in-law Richard Hardisty. Governor Mactavish was a very sick man, after all, and it was not unexpected that the Company should send someone to assist or replace him. The arrival was seen by many in this light.[45] What Riel and his council found mystifying was that men should be arriving from Canada with very indefinite mandates. Grand Vicaire Thibault had arrived at Fort Garry on Christmas Day,[46] and Colonel de Salaberry was known to be at Pembina.[47]

Donald Smith was not so much an appointee of the Canadian government as he was a representative of the Hudson's Bay Company who, after he had decided to go to Red River, was given a commission by the Canadian government.[48] This, more than anything else, explains the ease with which he crossed the international boundary and was admitted to Fort Garry. Only when he was in Fort Garry did Smith mention that he had a commission from the Canadian government. Smith reported on his reception there in this way:

> [Riel] requested to know the purport of my visit, to which I replied in substance that I was connected with the Hudson's Bay Company, but also held a commission from the Canadian government to the people of Red River, and would be prepared to

> produce my credentials as soon as they, the people, were willing to receive me.[49]

Smith was then asked to "take an oath not to attempt to leave the fort that night, nor to upset their government, legally established". Smith refused to take this oath, but said that, being very tired, he had no desire to go outside the gate, and promised "to take no immediate steps forcibly to upset the so-called 'Provisional Government', 'legal or illegal as it might be, without first announcing [his] intention to do so'".[50] Smith, always most punctilious in his use of words, kept his word while privately laying stress on the words "immediate" and "forcibly". It seems clear that, in fact, he did little else at Fort Garry but strive to "upset" the "Provisional Government". He later wrote of being virtually a "prisoner within the Fort, although with permission to go outside the walls for exercise, accompanied by two armed guards...."[51] Smith was allowed to stay with Dr. Cowan,[52] under conditions that must have suited Smith's purposes admirably, since he was at the very centre of affairs in the Settlement and could receive visitors.[53] He came very near causing a civil war in the Settlement.

In 1874 Smith, then before the Select Committee of the House of Commons, alluded to what he had been doing at Fort Garry. He had been empowered by the Canadian government to spend five hundred pounds while at the Fort. This money was to be given "to the loyal half-breeds, whose assistance [was] absolutely necessary in [his] position as Canadian Commissioner in 1869 and 1870".[54]

Louis Schmidt, who served the Provisional Government as secretary in 1870, was more specific regarding Smith's activities when he prepared his memoirs in 1912. "Donald Smith," he wrote, "was not only an old trickster, he was also a Hudson's Bay Company man, of which he became governor a little later, if he were not so already at that time. As such he had very great influence on the old settlers who had served the Company in such great numbers.

> Closely confined as he was...he contrived to spin some intrigues. He attempted to detach as many Métis as possible from the popular cause and he used for that purpose the means which succeed so often with weak spirits, even when they are not mercenary: money, which he did not lack. It was then that the true patriots were to be recognized, and the well tried men.[55]

According to Smith's commission he was empowered to

> inquire into the causes, nature and extent of the obstruction offered at the Red River...to the peaceable ingress of the Honourable William McDougall...to inquire into the causes and discontent and dissatisfaction alleged to exist in respect to the proposed union...to explain to the inhabitants of the said country the principles on which the Government of Canada intends to administer the government of the country...to take steps to remove any misapprehensions which may exist in respect to the mode of government...to report...the result of such inquiries and on the best mode of quieting and removing such discontent and dissatisfaction...to report on the most proper and fitting mode for effecting the speedy transfer of the country and government from the authority of the Hudson's Bay Company to the Government of Canada with the general consent of the inhabitants...to consider and report on the most advisable mode of dealing with the Indian tribes in the North-West Territories.[56]

A comparison of Smith's Report with this commission forces one to question whether Smith acted according to these official instructions or, rather, followed instructions given verbally by Macdonald and Cartier with a quite different intent.[57] Be that as it may, it would certainly appear that there was at least an unwritten instruction to the effect that Smith was not to recognize the "Provisional Government"[58], but was to work to undermine that government and "restore law and order"[59], to use the expression used by Joseph Howe. It was fortunate for Red River and for Canada that Smith was not successful in this.

Riel began the new year by visiting Oak Point and addressing a large meeting there, pledging himself to work for union with Canada "on proper terms".[60] It would appear that his efforts along this same line were winning support in the Lower Settlement. William and Robert

Tait spoke to the French council on January 5.[61] As a result of this visit William Tait and Alexander Begg paid a visit to John Sutherland with a view to influencing him to work for unity in Kildonan.[62] Riel's efforts to persuade A.G.B. Bannatyne to join the "Provisional Government" reached fruition on January 8 when that gentleman was sworn in as postmaster and head of the courts. He joined with the understanding that an effort was to be made to negotiate with Canada.[63] Two days later William and Robert Tait reported success in their endeavors to get the people of the Lower Settlement to join the "Provisional Government". Begg expressed annoyance at hearing that there was talk of reviving the "executive council" idea that had been given serious consideration in late November.[64] The idea refused to die, however, and was proposed again on January 12 at a meeting of Kildonan and St. John parishes. On the 13th John Fraser went down to the Stone fort to discuss the idea there.[65] By January 14, when the Taits, William Fraser and Robert Morgan met in Bannatyne and Begg's office, discussions had matured to the point where Wednesday, January 19, was chosen as the "day appointed by the English delegates to meet those from the French side".[66] We are indebted to Alexander Begg for recording these political moves in his journal.

On January 11 Riel had to arrange for doctors to operate on the frostbitten feet of Walton F. Hyman, a prisoner who had been recaptured after making his escape on the 9th. Riel was present at the beginning of the operation, but had to leave the room at the sight of what was being done. He afterwards remarked to a friend, "I pitied that young man – what a position mine is to have to bear all this – but I cannot help myself".[67] At first it was feared that Hyman would have to have his toes amputated, but the doctors were able to save the toes.[68]

It was remarkable how much trouble the "Provisional Government" had with prisoners in January of 1870. William Nimmons was the first prisoner to escape, doing so on January 2.[69]

Frank LaRose escaped in the night of January 7-8.[70] Shortly after this twelve prisoners escaped, and among the prisoners never recaptured was Thomas Scott.[71] In January of 1870 the "Provisional Government" was better at recapturing prisoners than it was at keeping them in confinement. It is impossible not to suspect the work of Donald Smith in this, since we know he had money at his disposal for bribery. But it must also be remembered that Ambroise Lépine, the adjutant-general and in charge of the force at the Fort, had wavered in his allegiance to the Riel party immediately after the Hudson's Bay Company cash was taken. He remained with the "Provisional Government", but morale among his men may not have been good. A.W. Graham, one of the prisoners, recorded that on December 23, the day of Lépine's indecision, "most of the guard [were] drunk".[72] Begg recorded an unusual event on December 27: "The clerks of the Company," Begg wrote, "got on a spree and disarmed the guard at the gate – they then marched to the town and back again with the guns of the men they had disarmed. The guard must have been weak and lax in their duties."[73] When Frank LaRose escaped Begg commented that Casimer, "an idiotic boy that was on guard", had been bribed.[74]

When Donald Smith arrived at the Fort on December 27 the clerks of the Company were still talking about the prank they had played on the "Provisional Government" the previous evening. In the days that followed it must surely have occurred to Smith that some carefully distributed gifts could work wonders at releasing what he called "political prisoners" being kept in the Fort. Nothing can be proved, of course, but the possibility cannot be ruled out, particularly when Smith is known to have used gifts to good advantage to secure partisans for other purposes.

The "Provisional Government" had still another conspicuous failure in its treatment of the prisoners. It gave John Christian Schultz preferred status as a prisoner-of-war. For much of December Mrs. Schultz had been permitted to be with him in the home of J.H. McTavish.[75]

Then on Christmas Eve the two were separated, and Schultz was put in a room by himself.[76] While he and Mrs. Schultz tried various ruses to make possible an escape,[77] it was not until January 23 that he had success.[78] Certain circumstances of this escape – now a well-known part of Manitoba history – make it appear that more than the famous gimlet was involved.[79] Schultz was reported to have requested the guard to leave the room while he changed clothes. With the guard out of the room Schultz is supposed to have cut his robe in strips, tied the strips together to form a long "rope", and put the "rope" out the window with the end secured to a gimlet bored firmly into the wooden window casing. Are we to believe that all this cutting and tying could be done in the time taken for a man to change clothes? There must surely have been collusion of some kind on the part of the guard. The New Nation reported that "strange cutters" had been seen passing through the town in the night, suggesting that another party or parties participated in the escape.[80] Then A.W. Graham recorded that at the time of Schultz's escape Schultz "left word with the guard to treat all prisoners with rum at his expense. The guard passed it in pails through all the rooms".[81] One is left wondering how Schultz "left word" with the guard. And how was it that Schultz's wishes were honored, and rum issued to the prisoners? We can only assume that security was not all it could have been at the time. This slackness of security in Schultz's case – as in that of Mair and Scott – would have very serious consequences for the Métis National Committee's cause.

We have seen how the "Provisional Government" performed a variety of functions at various levels of government activity while at the same time working steadily to broaden its base of support. We have noted that at a certain point in early January a date was set for delegates from English parishes to meet with those from the French. We must now see how this meeting suffered a sea change, becoming not a convention of twenty-four delegates but a great outdoor

concourse of hundreds, and how the Settlement narrowly escaped a civil war. In so doing we must become better acquainted with the three Canadian commissioners.

The Canadian government could hardly have chosen three more suitable men to negotiate with the people of Red River than Colonel de Salaberry, Donald Smith and Rev. J.-B. Thibault – that is, if negotiation was the point desired. The three men possessed a massive pool of experience on which to draw in dealing with people of a frontier area.

Colonel Charles-René-Léonidas de Salaberry was 49 years of age in 1869. The son of the famous hero of Châteauguay, he had accompanied the Dawson Expedition which surveyed the area between Thunder Bay and Red River in 1857-8, being in charge of the commissiariat. A cultured French-Canadian with military training, he was admired and respected by all Red River people who knew him.[82]

Donald Alexander Smith was also 49 in 1869. Born in the Scottish county of Elgin – formerly Morayshire – Smith had left home at the age of eighteen to join the Hudson's Bay Company. He was posted to the Company's Labrador operations where he spent thirteen years. He showed promise, received several promotions, and in 1868 was chosen to be chief executive officer of the Hudson's Bay Company in North America, stationed in Montreal. A stranger to the western operations of the Company, Smith had received a visit from William Mactavish, the Governor of Assiniboia, earlier in 1869, and it must be assumed that he was conversant with Company affairs as they stood at the time of the seizure of the Fort by the Métis National Committee.[83]

Rev. J.-B. Thibault had spent his entire adult life in the North-West. Born at St. Joseph de Lévis in Lower Canada in 1810, he had studied theology in preparation for work in the North-West, where he was ordained in September of 1833. He had taught at St. Boniface College and,

in the absence of Monseigneur Provencher, had been in charge of this mission in 1836 and 1837. He served as priest at St. Francis Xavier and at various points farther west, studying the Cree language as he worked. In 1842 he travelled as far west as the Rocky Mountains. He founded the mission at Manitou Lake or Lac St. Anne in 1844. He visited La Loche Portage in 1845,[84] and became a familiar figure wherever missionary work was to be done.[85] In 1852 he returned to Red River, where he remained until his return to Canada in 1868.[86]

Considering the talent and experience of the three men, it is remarkable that they were given so little power to do anything when they came to Red River. We have already seen that Smith's instructions empowered him to do little more than "inquire" and "report". Thibault's instructions were even less specific, describing his errand as a "mission of peace and conciliation".[87] They may be found in the Sessional Papers for 1870. The Métis council listened to their presentation with "attention" and "respect". Riel expressed sorrow that their papers gave them no authority to treat with the Red River people. De Salaberry and Thibault went beyond their instructions to the point of suggesting that a "delegation" be sent to Canada. Riel's reaction to this proposal was non-committal, but, fortunately, at the end of the meeting, he made a remark which encouraged the two men to delay their return to Canada: "Colonel," said [Riel],

> don't be in a hurry to leave, it is probable I may entrust you with a commission which cannot but be agreeable to you.[88]

De Salaberry and Thibault delayed their departure, and continued to preach peace and conciliation. They also did something which may well have been the real object of their mission to Red River. They distributed and discussed a document which purported to deal in point form with several alleged grievances of the Métis. One of these, point five, is of especial interest to us, emphasizing, as it did, that "under Confederation each province has the control of Public Lands and all monies arising from the sale of Crown Lands, mines, minerals, etc., etc. In the

United States the Federal Government takes all the money obtained by the sale of public lands".[89]

Meanwhile Donald A. Smith had decided to go beyond his written instructions.[90] It may well be that the obvious weakness of the "Provisional Government" at the time of his arrival encouraged him to think that he could overturn it with ease. A few days later the pro-American tone of the first New Nation editorials may have underlined to him the importance of acting decisively. Whatever his reasons, Smith increased his distribution of what he called "assignats".[91] These were carefully written notes, usually for amounts not exceeding ten pounds sterling, and redeemable at Pembina or any Hudson's Bay Company post. He was assisted in this delicate matter by his brother-in-law Mr. Hardisty, who was not under the same surveillance that Smith was. These "assignats" were given – along with certain promises and statements – to members of the "well affected French party". These promises and statements led these people to believe that Smith had power to completely satisfy them in their concern about their rights under the Canadian government.[92] It began to appear to many of this party that Riel and his adherents stood in the way of a peaceful settlement with Canada, and a number of these people withdrew their support from him, saying that he had gone too far, and insisting that he allow Mr. Smith to be heard by the people of the Settlement.

About January 13 matters came to a head when Riel called on Smith and asked to see his commission. Smith, of course, replied that his commission was not in his possession, but was in the care of Mr. Provencher at Pembina. Arrangements were then made to have Richard Hardisty go to Pembina for the documents and bring them back to Smith.[93]

The next several days was a time of extreme peril for Riel personally, for the "Provisional Government" and for the Settlement generally. Smith later reported that, if the ill-fated Portage

movement had occurred at this moment, the "Provisional Government" could have been toppled, and "order—restored" and this may well have been true.[94] Once again we are indebted to Alexander Begg for an account of what happened. Begg's familiarity with the details suggests that either he was a witness to the events or that he was told about them by someone who was.[95] Few of the events redound to anyone's credit, least of all Riel's. There can be no doubt that Riel was under extreme pressure at this time, having to renew arrangements for the retention of the prisoners, take care of the day-to-day duties of administration, and cajole councillors to stay with him just at the time when it began to appear that, at long last, the cautious English parishes were going to join the "Provisional Government". This is not to excuse Riel's mid-January conduct, but to explain it. It was an over-wrought Riel who strode into Smith's bedroom with a guard between two and three o'clock on the morning of January 15 and demanded a written order for the delivery of Smith's papers.[96] It was, moreover, a foolhardy and stupid Riel who left his post at the Fort on the 17th to personally superintend the capture of Smith's papers.[97]

The story of these perilous days may be summarized as follows: Hardisty had set out secretly for Pembina on the morning of the 13th, accompanied by an escort supplied by Riel.[98] When John F. Grant, Angus McKay and Pierre Léveillé heard of Riel's nocturnal visit to Smith they left Fort Garry with the object of intercepting Hardisty on his return and conveying the papers safely to Smith. One of the Nolins was left behind to arrange for a large group of the "well affected" to join them when they returned. Grant and his companions camped at Scratching River to await Hardisty's return. When Hardisty arrived he was surrounded, Riel's guard was made a prisoner, and McKay searched Hardisty and took the papers from him. Riel, upon hearing that the three had left Fort Garry, also set out with a group of supporters. These events coincided with a wedding party being held at the house of Laboucan Dauphinie. All those

people who intended to join Grant, McKay and Léveillé were there waiting for them. Eventually Grant's party and Riel's party all arrived at Dauphinie's house, and Riel tried unsuccessfully to get the papers from the Grant party. At this point Riel could easily have shot Léveillé, but kept himself under control. The next day a procession of six or seven sleighs filled with people set out to accompany the Grant party to Fort Garry. Before long they were joined by more people, and the cavalcade of "over a dozen" sleighs filled with people made its way through the "blustering" weather. Riel, in a cutter by himself, tried to pass the party, but was prevented from doing so. Before they reached La Rivière Sale they met Father Ritchot, who tried to speak to Léveillé, but Léveillé cut him off short, saying that the road was no proper place to speak. When they reached La Rivière Sale the party stopped, proposing to have a consultation at Joseph Hamelin's house. Riel again attempted to pass, but was ordered to stop by Léveillé. Riel got out of the cutter, and a scuffle ensued. Léveillé drew his revolver and was pointing it at Riel's head when he was prevented from firing by some of those with him. It was agreed that all would then proceed to Fort Garry. Since Riel's horse had given out Riel rode in Grant's cutter, eventually transferring to Elzéar Lagimodière's sleigh. Fort Garry was reached without further incident.[99]

In the meantime it had become common knowledge in the French parishes that there was dissension in the ranks of the "Provisional Government", and the arrival of the long procession of sleighs leaded with armed men was watched with fear and apprehension. Not long before the arrival of this large party Father Lestanc, Colonel de Salaberry and Rev. Thibault arrived at Fort Garry and confronted Smith with the report that he "had been endeavoring to incite the different parties to hostile collision". Smith, of course, "repudiated any such charge" and "explained that [he] had acted only in the cause of peace and order, and with the desire of making the people, both French and English, fully acquainted with the liberal views of the Canadian Government, so

that a peaceful transfer of the Territory might be affected." Smith added that "there was every likelihood this would speedily be accomplished".[100] Judging by their subsequent acts the two commissioners were not entirely convinced, but, with the arrival of Grant and his large party, went outside.

The subsequent sequence of events cannot be accurately reconstructed from the available sources. According to Begg, "Dr. Cowan's house – the passage and mess room – were filled with men", and this must be true if the "sixty or eighty" men reported by Smith to be in the procession all came into the Fort and took part in events. There was an angry scene in which Riel and O'Donoghue "vehemently protested against the action now being taken, while the ex-councillors accused them of treason to the Imperial Crown, and of using every effort to bring about the annexation of the country to the United States". Riel replied that "that was only supposing the people desired it, but that he was willing the question should be submitted to them". Father Lestanc spoke warmly in favor of the "President", who, he said, "had acted so as to meet the gratitude of his countrymen" and begged them still to place confidence in him.[101]

At some point in all this Smith insisted that he be "relieved from all restraint and be permitted to communicate with the people", and Riel had no option but to allow this. Judge Black was present, and opened the documents just brought in so that they could be verified by Smith. It was decided that, in view of the fact that a number of people were already going to meet at the Fort on the 19th – the next day – this meeting should be expanded to be "public to the whole settlement". Messengers were sent throughout the Settlement to acquaint the people with this decision. Many of those present now dispersed, but a guard of forty men remained at Dr. Cowan's house, "to ensure the safe-keeping of the documents". According to Begg the

excitement of the day had moved some of the Winnipeg businessmen to "shut up" their shops. Everyone now looked forward to the events of the morrow.[102]

The "Provisional Government" had been forced to change its direction, but it had not been upset. Two sets of guards were now on duty inside Fort Garry, one to guard Dr. Cowan's house and its precious papers, the other to keep the Fort secure. Those who hoped to see the "Provisional Government" toppled may well have expected that it could happen the next day. That it did not – and no bloodshed resulted – is probably due to the nocturnal work of three men, Father Lestanc and the two Canadian commissioners Colonel de Salaberry and Rev. J.-B. Thibault. For these men there was far more involved than the "transfer" of land from one jurisdiction to another. Men whom they knew – men who would soon be fellow-citizens in a greater Canada – had been led to run the risk of falling into civil war. As the three men saw it, an "unlooked for occurrence" had caused them temporarily to "lose all hope", but no blood had been shed and there was still a chance that they could prevent violence. Early in the morning of January 19, the first day of the great outdoor gathering, the three men paid a visit to those guarding the Cowan house on what Pierre Léveillé later described as a "mission of peace", to use their "influence in preventing any collision or bloodshed." Donald Smith reported that "their visit occupied three or four hours, and resulted in the defection of a majority of the party, which of course had its effect on many outside". Smith was of the opinion that only Thibault had accompanied Lestanc, but Thibault's report implies that de Salaberry was with them too. It is to be noticed that Smith used the words "defection of a majority of the party". He was not entirely correct in this. Léveillé was determined that the documents should be produced, and he did not waver in this. He and his men, however, must have assured the three peacemakers that they would not come to blows with Riel's supporters.[103]

When the great outdoor "mass meeting" began to come to order on the 19th, Riel's motion that Thomas Bunn take the chair was seconded by Pierre Léveillé. This was a sign to all who cared to notice that the disagreements between the two men had been at least partly resolved. If this was a disappointment for Smith a more serious disappointment came a few moments later when Colonel de Salaberry proposed that Riel be interpreter.[104] Colonel de Salaberry had told Smith that he would act as interpreter himself.[105] It was soon the part of Pierre Léveillé to be disappointed, for the reading and translation of Smith's instructions showed clearly the limited nature of his powers. Léveillé had been led to believe that Smith's powers "were of such nature as to completely satisfy the people whom [Léveillé] represented". Léveillé's thought was later published in the New Nation as follows:

> After finding that such was not the case, I immediately entered the council the following morning, to offer my explanation and regret for any breach between myself and the other leaders: and we then became united stronger than ever to support the cause in securing our rights.

There can be no doubt about Pierre Léveillé's motives in either joining Riel's movement or in giving temporary support to Mr. Smith:

> For my part, had Mr. Smith's commission granted "our rights", I had no wish to continue in the cause of opposition against Canada; but until they were secured, we determined to unite, as with one heart, feeling assured that England would protect us as loyal subjects, although "rebels" to the unjust cause of Canada.[106]

In his report Smith complained that at the beginning of the first mass meeting no one had acted on his suggestion that the chairman and those near him

> begin by insisting that all arms should be laid down, and that the flag then flying (fleur de lis and shamrock) should be replaced by the British ensign....[107]

Léveillé, in his letter, had a few words to say concerning the symbolism involved in this suggestion:

> I would state that Mr. Smith deceived himself very much if he thought it was the intention of myself and the leaders with whom I was associated, to lay down our arms, or haul down the flag which we had hoisted to obtain our rights as British subjects, - we considering that it was time to do so when the object was attained for which the people had taken up arms.[109]

Léveillé became one of the most ardent supporters of Riel, and in an effort to erase the memory of the events that took place along the Pembina road he made Riel a present of a gun which had cost him three hundred dollars.[109] Late February found him and Patrice Breland in charge of the men at Lane's Fort "under orders of Riel".[110]

There is nothing in the story of Confederation to compare with the two great mass meetings of January 19 and 20 at Fort Garry. Smith himself sought for parallels in "the assembly of Polish patriots in the public square of Warsaw in 1830" or "the out-of-doors deliberations of the Moscow Patriotic Committee in the terrible winter of 1812".[111]

The meetings were so large that the crowd, estimated at more than one thousand people the first day – more the second – had to stand in the open air in the great central court-yard of the Fort. The thermometer registered about 20 degrees below Fahrenheit,[112] and the people stood in the snow for five hours[113] the first day – a bit less the second – stamping their feet and swinging their arms to keep warm, and, to quote Smith's biographer, "with a respect for decorum and ancient parliamentary methods worthy of Westminster itself".[114]

And yet, as we read Smith's report, it is difficult not to sense the note of disappointment in it. What had Smith really hoped to achieve at Red River? What would have been "complete success to the cause of Canada"?[115] The removal of Riel from a position of power? Let us examine the words of his published report: "Although not accomplishing all that could have been

desired, the mission to Red River has been productive of good, and that it was not entirely successful may be fairly attributed to the circumstances above referred to in connection with the action taken and meetings held in January last".[116]

Was Smith planning – say – that, at a certain point in the meeting – with de Salaberry as interpreter – a group of the "well-affected French party" would surround Riel, spirit him away and make him prisoner in the Fort? Would someone then have made the motion that, with Riel removed, the Hudson's Bay Company administration – its restoration the original reason for calling a meeting for the 19th – be resumed?[117]

Our reason for conjecture on this point comes from a study of the words edited out of the published version of Smith's report but still legible in the original:

> ...The hour for the meeting having arrived, and Col. de Salaberry not yet on the ground, I sent a friend, and afterwards despatched a note to him expressing a hope that by his presence he would countenance the proceedings on the part of Canada. He at length came, accompanied by Rev. Mr. Thibeault [sic], and I begged they would be good enough to take place with me on the platform, and requested Col. de Salaberry to ACT AS INTERPRETER [emphasis mine], so that the contents of the several documents and any observations made in English might be faithfully translated to the French party. He readily promised to do so, but, perhaps, feeling some diffidence in himself, which I endeavored to overcome, he proposed that Mr. Riel should be appointed interpreter which was carried before the meeting had time to reflect ON THE IMPORT OF THE MOTION [emphasis mine]. This had a most damaging effect ON THE CAUSE OF ORDER, but I am very far from saying that it was premeditated on the part of Colonel de Salaberry, although I feel it to be a duty TO STATE THE FACTS [emphasis mine]....[118]

However, Riel, as interpreter, became the centre of attention that he would not have been as an onlooker, and was therefore safe, and continued to be active, very much to Smith's discomfiture.[119] Is this the reason Smith said his mission did not accomplish "all that could have been desired"? We cannot know for certain.

Our conjecture may, however, be strengthened by the observation in Begg's Journal, that several people had brought along Union Jacks which they hoped to hoist in place of the Provisional flag then flying.[120]

What is certain is that something had proved to be stronger than Smith's bribes. Métis forces had kept control of the great mass meetings,[121] and, after all the documents had been read, a motion to elect 40 representatives to a meeting to consider the subject of Mr. Smith's commission had been made by Riel and passed by the second great outdoor mass meeting.

Appendix "A"[1]

Words edited out of the published version of Donald Smith's report. Words edited out are in italics.

> ... "Riel's men were now falling away from him, while the loyal party expressed their determination no longer to be guided in the matter either by him or by Père Lestanc and his associates, *but at the same time spoke warmly of their attachment to Rev. Mr. Thibeault* [sic], *and complained of the restraint put upon him.* They were full of hope, and confident that the following day would bring with it complete success to the cause of Canada. *That night, or rather about 3 o'clock of the morning of the 19th, Père Lestanc visited them, and, most unfortunately, the Grand Vicar Thibeault* [sic] *accompanied him, I felt convinced against his own better judgment for I believe him to be a truly honorable man, but wanting in resolution to withstand the pressure put upon him. Their visit occupied three or four hours, and resulted in the defection of a majority of the party, which of course had its effect on many outside. This we felt to be a sad blow – but, notwithstanding, it was determined to go on with the meeting which had been convened for noon that day...."*

[1] PAC, Secretary of State of the Province, 1869 [sic], 1043, Smith to Howe, April 12, 1870, Confidential. See also W.L. Morton (ed.), Birth of a Province, "Donald A. Smith's Report", 30.

[1] Begg's Journal, 221-223. As we have seen it had appeared earlier in the Lower Settlement.
[2] Begg's Journal, 224.
[3] Begg's Journal, 218-220.
[4] Begg, Creation, 170.
[5] John Locke, "Of the Dissolution of Government" in Of Civil Government.
[6] Isaac Cowie, Company of Adventurers (afterwards Cowie), 450.
[7] Cowie, 396.
[8] Cowie, 450.
[9] John Prebble, Culloden, 161ff, outlines the measures fully.
[10] Begg's Journal, 223; Courrier de St. Hyacinthe, Jan. 8, 1870 (Winnipeg, Dec. 12); Globe, December 31, 1869, "Justitia" No. 3.
[11] Begg's Journal, 221.
[12] Begg's Journal, 221, 230.
[13] Begg's Journal, 233, 235, 239, 252; Begg, Creation, 186; The Globe, Feb. 19, 1870, "Justitia" No. 5.
[14] Begg's Journal, 223; New Nation, Jan. 7, 1870.
[15] Begg's Journal, 235.
[16] Begg's Journal, 207.
[17] Begg's Journal, 235, 301.
[18] Begg's Journal, 239.
[19] Nor'Wester, Feb. 5, 1869.
[20] Begg's Journal, 233.
[21] Saskatchewan Archives, Diary of P.G. Laurie, 21.
[22] Begg's Journal, 245.
[23] Begg's Journal, 246; Begg, Creation, 203.
[24] Begg's Journal, 245-6; Begg, Creation, 204; Globe, Feb. 19, 1870, "Justitia" No. 5.
[25] Begg's Journal, 246; Begg, Creation, 204.
[26] Begg's Journal, 246; Begg, Creation, 204.
[27] Begg's Journal, 248, gives the names of those present: "James McKay, two of the Bourke brothers, Pierre Laveiller, François Dauphinie, Pierre Poitras, John F. Grant, Baptiste Morin, Charles Nolin, Isiore Lagomonière, Wm. O'Donohue, Alex. Begg, Louis Riel afterwards came in.— acted as interpreter."
[28] Begg, Creation, 205.
[29] Begg's Journal, 248; Begg, Creation, 206; W.L. Morton suggested in a footnote that these would likely be medals given to the Sioux in 1812 by the Governor General. If that is true the text should read "King's head". It should be noted that, in the account he sent to the Globe under the by-line "Justitia", Begg had written "Victoria's head" (The Globe, Feb. 19, 1870, "Justitia" No. 5).
[30] Begg, Creation, 207; Globe, Feb. 19, 1870, "Justitia" No. 5.
[31] Begg's Journal, 236.
[32] Begg's Journal, 239.
[33] Begg's Journal, 239, 243.
[34] Sir Charles Tupper, Recollections of Sixty Years in Canada, 113.
[35] Begg's Journal, Special Correspondence by J.J. Hargrave, Montreal Herald, 419.
[36] Globe, Feb. 14, 1870, "Justitia" No. 5.
[37] Begg's Journal, 236; Begg, Creation, 195.
[38] Begg's Journal, 237; Begg, Creation, 195-6; Governor Mactavish's account is in Begg's Journal, Letter from William Mactavish to W.G. Smith, Dec. 25, 1869, 455-8.
[39] Begg's Journal, 456. Mactavish used the words "president of the Provisional Government" in referring to Bruce.
[40] Ibid.
[41] Begg, Creation, 196. Robinson denied receiving assistance from Riel, Begg's Journal, 241.
[42] Begg's Journal, 238.
[43] Begg's Journal, 239.
[44] Begg's Journal, 248.
[45] Begg's Journal, 242.
[46] Begg's Journal, 239.

[47] Ibid.
[48] Beckles Willson, Lord Strathcona – The Story of His Life, 54-5; Beckles Willson, The Life of Lord Strathcona and Mount Royal, 202.
[49] W.L. Morton (ed.), Birth of a Province, "Smith's Report" (afterwards "Smith's Report"), 26.
[50] Ibid.
[51] "Smith's Report", 27.
[52] Begg's Journal, 249.
[53] Ibid.
[54] "Report...1874", Smith's deposition, 94.
[55] Begg's Journal, "Memoirs of Louis Schmidt", 469. Smith's biographer, Beckles Willson, in the 1915 version of Smith's biography, The Life of Lord Strathcona and Mount Royal, gave specifics concerning Smith's method of operation, 216-7.
[56] The instructions can be found in "Appendix H" of Beckles Willson, Lord Strathcona: The Story of His Life, 280-2. They are also in "Correspondence-1870", 105-6.
[57] Macdonald to Rose, December 5, 1869: "Mr. Smith, Hopkins locum tenens, will go as a sort of Commissioner and in his capacity as an officer of the Hudson's Bay Company he will be allowed access to Fort Garry and to Governor Mactavish. He will take a letter appointing him Commissioner on behalf of the Canadian Gov't and endeavor to make arrangements for the dispersion of the Insurgents and the dissolution of their Committee."
[58] "Smith's Report", p. 26.
[59] C.S.P. 1870 (No. 12), Howe to McDougall, December 7, 1869, has this expression.
[60] Begg's Journal, 250.
[61] Begg's Journal, 251.
[62] Begg's Journal, 251-2.
[63] Begg's Journal, 252-3, 254.
[64] Begg's Journal, 257.
[65] Begg's Journal, 260.
[66] Begg's Journal, 260.
[67] Begg's Journal, 257-8; "Graham", Jan. 10, 1870.
[68] Begg's Journal, 258, 297. Graham does not mention the operation.
[69] Begg's Journal, 250.
[70] Begg's Journal, 255.
[71] Begg's Journal, 256-7; "Graham", Jan. 10, 1870.
[72] "Graham", Dec. 23, 1869.
[73] Begg's Journal, 241.
[74] Begg's Journal, 255.
[75] O'Donnell, Manitoba as I Saw It, 35, 36.
[76] Begg's Journal, 239; Young, Manitoba Memories, 118.
[77] Begg's Journal, 256.
[78] Begg's Journal, 281.
[79] O'Donnell, Manitoba As I Saw It, 35-6; Rev. Young, Manitoba Memories, 119-120.
[80] New Nation, Jan. 28, 1870.
[81] "Graham", Jan. 24, 1870.
[82] A.G. Morice, Dictionnaire Historique, 275.
[83] Beckles Willson, Lord Strathcona: The Story of His Life, 1-43.
[84] A.G. Morice, Dictionnaire Historique, 297-8.
[85] He was the "Father Thebo" of Paul Kane's Wanderings of an Artist, 261.
[86] A.G. Morice, Dictionnaire Historique, 298.
[87] C.S.P. 1870 (12), Howe to Thibault, Dec. 4, 1869.
[88] "Correspondence – 1870", Thibault to Howe, March 17, 1870, 125.
[89] USNARS, microfilm T24, Roll 1, Malmos to Davis, January 15, 1870; Begg's Journal, 81-2; What appears to be a very slightly edited version of the same document is to be found in Sir Charles Tupper, The Life and Letters of the Right Hon. Sir Charles Tupper, Bart., K.C.M.G., 197-199.
[90] This was noticed at the time. "Correspondence – 1870", Young to Granville, Feb. 17, 1870, 105.
[91] Beckles Willson, The Life of Lord Strathcona and Mount Royal, 217.
[92] New Nation, May 27, 1870, letter of Pierre Léveillé.

[93] Note that Smith says that this happened on the 14th; "Smith's Report", 28. However, Begg says that Hardisty started for Pembina on the 13th; Begg's Journal, 261.
[94] "Smith's Report", 34.
[95] Begg's Journal, 261-5.
[96] "Smith's Report", 28.
[97] "Smith's Report", 28; Begg's Journal, 262-5.
[98] Begg's Journal, 261.
[99] This account is taken from Begg's Journal, 261-5 and "Smith's Report", 28-9.
[100] "Smith's Report", 29.
[101] "Smith's Report", 29-30.
[102] Begg's Journal, 265; "Smith's Report", 29-30.
[103] Begg's Journal, 265; "Smith's Report", 30; "Correspondence-1870", Thibault to Howe, March 17, 125; New Nation, May 27, 1870, letter of Pierre Léveillé.
It must be pointed out here that W.L. Morton, in his Introduction to Begg's Red River Journal, published in 1956, made a mistake concerning this nocturnal meeting. On page 93, in his footnote 1, he stated concerning Smith's report that "twenty-one lines are struck out, in which Smith wrote that on the night of January 19-20, Lestanc and Thibault won over a majority of Smith's French party to Riel." However, study of the original of Smith's report reveals that Smith wrote, "That night, or rather about 3 o'clock of the morning of the 19th, Père Lestanc visited them, and most unfortunately, the Grand Vicar Thibault accompanied him..." Remarkably enough, G.F.G. Stanley, on page 89 of his Louis Riel, followed Morton's mistake, placing the event between the two days of the mass meetings rather than in the night before the mass meetings began at all. In his footnote 44, page 387, Stanley wrote, "Smith's Report. The references to Thibault and de Salaberry were deleted from the printed version of the report." He does not appear to have looked at the original wording, which is very clear. See Appendix "A".
[104] "Smith's Report", 30, Begg's Journal, 265-6.
[105] "Smith's Report", 30.
[106] New Nation, May 27, 1870, letter of Pierre Léveillé.
[107] "Smith's Report", 31.
[108] New Nation, May 27, 1870, letter of Pierre Léveillé.
[109] Morice, Dictionnaire Historique, 188.
[110] Begg's Journal, 323.
[111] Beckles Willson, The Life of Lord Strathcona and Mountain (afterwards Willson), 222.
[112] About minus 29° Celsius.
[113] New Nation, Jan. 21, 1870; Begg's Journal, 265.
[114] Willson, op. cit., 222.
[115] Birth, Smith's report (afterwards Smith's report), 30.
[116] Smith's report, 42. See note 103. See Appendix "A".
[117] Begg's Journal, 260.
[118] Smith's report, 30-1; Willson, op. cit., 221-2.
[119] Smith's report, 31; Willson, op. cit., 223-4.
[120] Begg's Journal, 277; Willson, op. cit., 223.
[121] Begg's Journal, 271.

Judge Black and the Convention of Forty

The twenty-two day period between the end of the great out-door conventions of January 20 and the appointment of three delegates to go to Ottawa is among the most interesting and important episodes in the Insurrection, and probably the least known. Canadian historians have tended to stress the occasions when Riel lost his temper and to ignore the situations in which these lapses of self-control took place. They have also ignored the significance of the presence of Judge John Black. The period in question saw a group of forty men earnestly trying to prepare a list of rights which they hoped would form the constitutional basis for the future of their Settlement as part of Canada.

Riel and his associates, of course, had been working toward this goal for over three months. The unexpected armed opposition of John C. Schultz and the tiny "Canadian" party had caused an unforeseen distraction which was still absorbing the energy of many Métis men in guarding these prisoners in the Fort.

For their part the men of the Lower Settlement were having to take part in a process which caused them a profound sense of unease. They were sure that what they were being asked to do was illegal – possibly even treasonable – and yet they agreed with Riel in that they had not been consulted in any way about their future. In the event they decided very reluctantly to take part in the Convention – some with serious reservations. In addition they found it very galling to have to pass armed Métis guards when they came to the old Court House each day.

The process was not at all easy, and it took its toll on everyone concerned, and especially on Riel, who was acting at the very centre of affairs throughout. The evidence is plentiful, and may be found in a number of sources[1]

A key factor which emerges from a study of these days is the devoted loyalty to Riel of a force of forty or more – perhaps fifty – men who stuck with him through thick and thin and who, for want of a better term, may be described as his "praetorian guard".[2] The loyalty of these men became of crucial importance in these days when Riel's followers were up against the influence of the money and "assignats" distributed secretly by Donald A. Smith, and Riel felt that he could trust almost no one but these men. In the many maneuvers found necessary in these days not only did Mactavish and Cowan – Company men and therefore possible accomplices of Smith – have to undergo a temporary loss of their freedom, but other men too, notably A.G.B. Bannatyne, often an ally, found themselves temporarily detained.[3] These detentions were a sure sign of a power struggle, and could only be enforced because there were men who would, and did, obey Riel. No power struggle is pretty, and it is remarkable that this one concluded without bloodshed.

The atmosphere in the Settlement was tense, and rumors flew everywhere. It has to be remembered that Thomas Scott and others had made their escape much earlier, and were believed to be still in the Settlement or at Portage la Prairie. John C. Schultz had made his escape on January 23, and it could be assumed that he was somewhere in the Lower Settlement working to drum up support for a rising.[4] Security at the Fort was tightened and herculean but unsuccessful efforts were made to locate Schultz and return him to confinement.

On January 29 a mysterious Captain N. Gay arrived in the Settlement. He was from Paris and, strangely enough, carried a letter of introduction to Major Robinson, editor of the New Nation, from Jos. Rolette, of Pembina.[5] He was immediately arrested, of course, but was soon released and went to stay at "Dutch" George Emmerling's. He soon sized up the situation in the Settlement, and promptly advised the Riel party "to take the Stone Fort." He was told that "if he

wanted to take the Fort very badly to go and take it himself." The forces of Riel's party had plenty to do without looking for more trouble.

Rumors abounded concerning the doings of the Convention too. One was recorded by Begg on February 2:

> There are rumors afloat that if Riel is obdurate in having matters settled at the Convention – that a strong party will rise up and oblige him to relinquish the position he has taken as President. They even speak of taking him prisoner and confining him in the Stone Fort....[6]

The gentlemen appointed to meet at Bishop Machray's on January 21 did so, and apportioned out the English-speaking parishes, as called for in Judge John Black's motion.[7] Elections were held and more than forty delegates assembled at the old Court House on January 26, spending the first session reading Smith's papers.[8] Some delegates believed that Mr. Smith should be called into the Convention at this point, but Smith preferred that the delegates should draw up a list of the Settlement's wishes before he appeared among them.

Accordingly a committee of six was appointed to draw up a list of rights. This committee consisted of Dr. Bird, Thomas Bunn and James Ross from the English parishes and Charles Nolin, Louis Riel and Louis Schmidt from the French parishes.[9] These men met in several sessions and were able to report to the Convention on January 29.[10]

Who were these Settlement men who had been chosen to assemble at the Court House to decide the Settlement's future? Thanks to the New Nation and to Begg's Journal we know all their names.[11] (See Appendix "A")

Seen from the point of view of experience on public councils the English members were probably more experienced. Four of them, Judge Black, Dr. Bird, Thomas Bunn and John Sutherland had served on the Council of Assiniboia.[12] In addition, six men, including Dr. Bird

and Thomas Bunn, had been part of the Convention of November.[13] This superiority of experience was to be reflected in the debates of the Convention.

Of the men from the French parishes only Magnus Birston had seen experience on the Council of Assiniboia.[14] However, eight of them had served on the Council of November. One of these, Charles Nolin, of Oak Point, was now joined by Thomas Harrison, one of the first men to be concerned by what he saw the Canadian surveyors doing in the summer and fall of 1869. It may be assumed that the other members were men of influence in their parishes. Their leader, of course, was Louis Riel, and many of the members were content to let him speak for them. Representing the village of Winnipeg was Alfred H. Scott, an outspoken young Englishman with advanced views on giving votes to women.[15]

It must be observed here that Louis Riel, Ambroise Lépine and William O'Donoghue, all members of the Convention, were at the same time at the head of what effective government the Settlement then had. Occasional knocks at the door forced one or other of these men to descend from the heights of constitution-making to attend to matters requiring their attention. This placed them under additional pressure.

Those present may have been surprised to see Judge John Black among their number at the Convention as delegate from St. Andrews.[16] Some kind of real or imagined slight had caused that gentleman to refuse to act as secretary on the second day of the outdoor Convention, and the delegates may have thought that they had seen the last of him.[17] In a very real sense Judge John Black, second in command in the Settlement, was Mr. Company. Many people at the outdoor Conventions could not remember a time when Black was not a part of the Red River Establishment. Men like André Nault, of course, would have remembered that Black had been an assistant to Adam Thom at the time of the memorable Sayer trial some twenty years before.

Riel had first met Judge Black in October when he had, in the illness of Governor Mactavish, chaired the meeting of the Council of Assiniboia. Black had attempted to persuade Riel that the actions of his committee could only cause trouble for the Settlement and might end in disaster.[18] What did his presence in the Convention mean? Was he acting on his own initiative or was he acting under orders? If the latter, whose orders? All present must have wondered about this, and Riel probably had his fears.

However, when the Convention first came to order on January 26, Riel promptly nominated Black to act as chairman. Black accepted, but on the condition that he be allowed to act also as representative from St. Andrews.[19] This was accepted by all. Black would be wearing two hats and he would be doing so in a building where he felt right at home.

Secretaries and interpreters were appointed. A muster roll was arranged, and there was discussion on whether meetings should be open to the public. There was so little room in the Court House that it was decided that only the Settlement's clergymen would be admitted to the meetings.[20] Archbishop Machray is known to have followed its proceedings with interest.[21]

This is probably the place to point out a feature of the Convention which has received too little notice. Riel and Ross were appointed interpreters for the meetings. Ross was in charge of translating speeches made in French into the English language. Riel was in charge of translating speeches made in English into the French language.[22] A study of the Convention debates will show that in practice this meant that Riel had very little time for rest or reflection. He was almost always either speaking or translating. The pressure on him must have been almost unbearable, especially when he found himself translating certain snide remarks made by Chairman Black in several of his long speeches. Riel's self-control was for the most part exemplary.

Both January 26 and 27 saw discussions of what to do about the contested elections, one in Winnipeg and one in St. Charles. Eventually Mr. A.H. Scott was accepted as delegate for Winnipeg and Baptiste Beauchemin was accepted from St. Charles.[23]

At an earlier point we noticed that a committee was set up to prepare a list of rights, and this committee met and worked diligently and late. No minutes were kept, but it is clear from remarks made by Dr. Bird, James Ross and Riel that it set an agenda for the Convention's deliberations for which two lists were prepared, one to be followed in case the decision was taken to enter Confederation as a territory,[24] and the other a list for the Settlement's entry as a province.[25] Committee discussions had evidently touched on the unfortunate fact that Red River had never been granted crown colony status.[26]

On January 29 Dr. Bird began discussions using the list containing "demands in the event of the country entering the Dominion as a Territory." Alexander Begg had already recorded in his Journal that the English delegates were "well pleased with the conduct of Riel so far in the convention and there are great hopes of a settlement of our difficulties."[27] Discussions went forward smoothly for the most part and on the 29th no fewer than four articles were debated. Begg reported weather that was "very mild and pleasant."

The Convention met again on January 31, having enjoyed a "mild pleasant and agreeable" Sunday.[28] Once again discussions proceeded smoothly, and seven more articles were debated. A feature of the day's debate was Chairman Black's long speech on the proposal that the territorial legislature should be able to over-ride the lieutenant-governor's veto by a two-thirds vote. Black thought that the governor should have the right to say "stop, stop, think." He warned that if Red River insisted upon such a principle "plainly inconsistent" with the

constitution of the Confederation, "Canada may be obliged to say that she cannot enter into the compact."

Black then went on to state that Red River was about to derive "at once the benefits of responsible government for the country", a boon which other countries had obtained only after years, or generations "of toil and trouble." "Ought we not to be careful", Black said in conclusion,

> lest we put forward anything so unreasonable as to deter Canada from entering into a compact which would place us in possession of such great advantages....[29]

Chairman Black, delegate for St. Andrews, was becoming an advocate for confederation with Canada.

Delegates made their way through "cold and blustering weather" on February 1 and dealt with articles twelve to seventeen.[30] Concerning article twelve and the "military force required in the country" Chairman Black warned that Red River people should not try to tell the Queen what to do when it came to the defense of British territories. He went on to say, in words that now resonate eerily,

> You may perhaps say you are afraid of the government under which you propose to place yourselves doing something against you; but you are looking forward to responsible government, and no government of that character would persist in any course which was plainly opposed to the general interests and wishes of the community...

Black had the "strongest conviction that the policy intended to be pursued by Canada towards this country [was] a just and beneficial policy, and such as [would] secure to every man his rights." He went on,

> So far, therefore, as I am personally concerned I do not look upon it as being at all necessary that you should place any formal list of Rights, as it is called, before the Canadian government.[31]

Many in the Convention were of like mind, for the article was struck out by a vote of 23 to 16.[32]

Near the end of the day the delegates reached article 18 – "That the two miles hay privilege be converted into fee simple ownership." Donald Gunn of St. Andrews moved the article and Mr. Lonsdale of Headingly seconded it. Alfred Scott of Winnipeg warned that the guarantee might be made without specifying a time for it to be carried out. He suggested that it ought to be done as soon as possible. Donald Gunn, seconded by James Ross, then moved in amendment: "That all owners of lots fronting on the river who have hitherto enjoyed the hay privilege on the two miles of land immediately in the rear of their respective lots should be put in full possession, as owners in fee simple of the said two miles." There was a lively exchange of views before adjournment on February 1, and debate took up almost all of February 2.

February 2, 1870, must be considered a pivotal day in the proceedings of the Convention, and, indeed, in the history of the Insurrection. That was the day when the English-speaking delegates' arguments convinced Riel that only provincial status could solve their problems concerning land, and it was the day when it became clear to the English-speaking delegates that Judge Black must be appointed one of the delegates to go to Ottawa.[33] "Weather," wrote Begg, "sharp and frosty but not unpleasant."

The debate took place almost entirely in English. The French-speaking delegates must have looked on in amazement as Riel speedily translated the remarks of speaker after speaker from the Lower Settlement. Speakers appeared ready to come to blows at one point when George Flett and Robert Tait of St. James had angry words with Thomas Bunn of St. Clements over the suggestion that the two mile hay privilege be turned into a common for the present. All

must have agreed with John Sutherland, Point Douglas, representing Kildonan, when he stated that the hay privilege was the first point in which his constituents were directly interested.

As the debate began Riel wondered if the preceding article 17, guaranteeing "all properties rights and privileges as hitherto enjoyed by us" did not make article 18 "useless". He had listened while Chairman Black had reminded the delegates that the Indian title behind the strips of land along the river had not been extinguished, and while James Ross had warned that "strangers may come in, sit down at the end of our lots, and shut us out from the hay privilege, or at all events, from the use of the common. . . ." Then Ross had gone on to say that,

> We want in this article more than the old hay privilege, which the previous article might include. We want the absolute ownership of the two miles of hay privilege. [34]

After a couple of procedural remarks on the part of both Riel and Ross the Convention adjourned until ten o'clock on the 2nd.

On February 2 Riel began by speaking in French to the delegates. He observed that it appeared difficult to "form any plan which would please all sections of the Settlement, and establish a uniform rule." He cited several examples to prove his point. In some cases persons had plowed on this two-mile hay privilege. How were they to be dealt with? Again, the people living on the River La Seine came into conflict with the hay privilege, and also those settled along the sections as far as Rat River. "After looking at the whole matter this idea occurred tome," he went on, "and I throw it out for consideration."

> Instead of being so specific would it not be wise in us to ask for a certain tract of country? Why not ask for a certain block of land to be under the exclusive control of the Local Legislature? Let that land be disposed of as the people, through their representatives, thought best for their interest. Of course when we attained the status of a province we would at once have control of all the public lands of the country. But at present we were asking to go into Confederation as a territory. [35]

The men of the Red River Settlement were more or less familiar with the way an American territory was accepted by Congress as a state in the American Union, having watched the neighboring state of Minnesota become first a territory in 1849 and then a state in 1858.[36] Dakota had become a territory in 1861, and would probably soon become a state. They probably assumed that a similar procedure would be followed by Canada with respect to the Red River Settlement. However, a study of the British North America Act of 1867 revealed that that Act specified very little about the government of a territory except that it should be "lawful" for the Queen to admit "Rupert's Land and the North-Western Territory into the Union" and that provisions of any Order in Council should have "the same effect as if they had been enacted by the Parliament of the United Kingdom."[37]

This last statement gave Riel pause. The Canadian Parliament had passed "an Act for the temporary government of Rupert's Land and the North-Western Territory when united with Canada."[38] The Canadian government had been acting according to the spirit of the terms of this Act when it made the moves which had aroused the suspicions of the French-speaking parishes in the first place. Surveyors had been sent to start work; rifles had been expedited to the North-West; a lieutenant-governor had been appointed. All this before the North-West was part of Confederation. All this without any consultation with anyone as to the North-West's future. As a result the unspoken question before the men of the Convention was, "Who can be trusted to guarantee our land to us, the Canadian Parliament or a still-to-be-elected legislature?" The question was touched on in speech after speech, whether the man was in favor of the hay privilege motion or not. In rapid succession Gunn, Bunn, Bird, Flett and Tait – all had things to say about land, taxing considerably Riel's ability to translate into French for the benefit of the

men from the French-speaking parishes. And soon a statement from Chairman Black capped the climax:

> ...There has been a great deal of discussion on this point and some considerable apparent differences of opinion, though not, I think, in reality. However insignificant this stipulation about the hay privilege may be in the eyes of some, it is perhaps of all others that which comes most home to the bosoms and business of the inhabitants of Red River. I have not the least doubt that the feeling regarding it is such, that if the government, whose advent we are looking to were to interfere with it practically, to the extent of taking it away from them, it might be difficult to convince the people of Red River that they had derived any substantial advantage at all from the Canadian government. It is a principle which above all others is most valued....[39]

Black finished by asking whether by accepting Riel's proposition they might not be "doing something injurious to themselves." He did not specify as to how they would be doing this, and in his last sentence he referred to consideration of aspects of the hay privilege by a local legislature.

As we study the debates today and consider the varied points of view expressed by these delegates from the Lower Settlement, it is difficult to understand why these men could not support the amendment which Riel now moved, seconded by Pierre Poitras:

> That the local Legislature of this Territory have full control of all the lands inside a circumference having Upper Fort Garry as a centre, and that the radii of this circumference be the number of miles that the American line is distant from Fort Garry.[40]

The entire debate to this point had been carried on in the context of Red River's entry into Confederation as a territory. When article 18 on the hay privilege was introduced, the first to mention a local legislature was the Chairman Black, and he returned to the thought in a later speech. Dr. Bird of St. Pauls, George Flett of St. James and James Ross of St. Johns had all spoken with a local legislature in mind. Could these delegates support an amendment whose

intent was to place the lands of a definite circumscribed area of Rupert's Land under the control of a local legislature? Or did they trust the Canadian government more than they trusted a still-to-be-elected legislature – more indeed than they trusted each other? These questions must have been very much on Riel's mind during the adjournment which followed Kenneth McKenzie's objection that the amendment, if passed, would encroach on the boundary of the Portage.

When the delegates reassembled, Riel tried to touch on these questions by observing that there seemed to be a fear among the English that if the hay privilege matter was left to the local legislature it would not be carried. "Where", he asked, "is there a parish in the country which will elect a man who will not vote for this?"

Ross's reply was weak: "If Mr. Riel is really in earnest in desiring to see us secured in possession of this, why object to securing it to us now?" James Ross had been under great pressure, having to act as leading spokesman of the English-speaking parishes as well as to interpret into English when someone – usually Riel- spoke in French. Ross had begun to seek assistance from liquor, and it was so noticeable that reference to it was made in Begg's Journal.[41] Ross, at this point in the debates, could not see past the end of his hay privilege. Riel was sober, and was trying to see into the Settlement's future:

> It is to make a useless demand. I say it is far better to get 60 miles than 4. I would like the Local Legislature to have its power exerted from Fort Garry. I want this country to be governed by a Local Legislature. Our country had been hitherto differently governed and they were within an ace of selling us. I say let the authority of the Legislature be everywhere and influencing everything.[42]

Ross needed someone to come to his aid and John Sutherland did so. He said that there was great weight in what Mr. Ross said. "For my part", he concluded, "if this is not carried, I will

consider that we have done nothing. It is the first point which came up in which my constituents were directly interested."

Pressure was showing on Riel too, but the pressure came from the timidity of the Lower Settlement delegates and their inability to see past their river lots and hay privileges. Sutherland's remark was something of a last straw for Riel. The John Sutherlands of Point Douglas were friends of the Riel family. John Sutherland could speak French, and understood the Métis' concerns. He had worked tirelessly in the background of affairs ever since the previous October to maintain good relations between the two language groups. That Sutherland could come to the aid of the befuddled Ross at this time was more than Riel could take with equanimity and his next words were not really directed to the Convention at all but to himself and his frustration: "If I am not wrong I see where all this goes. [illegible] some days more will explain it."[43]

The minutes of the Convention do not tell us whether Riel showed anger here, or whether his voice shook or whether he paced back and forth restlessly. They would do this on a later occasion when his patience had been pushed beyond the breaking point. The minutes do tell us that Riel here reminded the delegates of something they did not need to be reminded of – they had passed armed guards on their way back to the court house after lunch – that there <u>was</u> a Provisional Government and that he was at the head of it. He then promised them that if they passed this amendment he would see to it that "this claim which is made will be at once guaranteed."

John Sutherland then asked a question which must have been on the minds of many: "Suppose that government passes away soon, would not its laws pass away too?"

Riel did not have a chance to answer, for Rev. Cochrane of St. Peters now spoke for almost the first time in the debate, asking whether the lands claimed by the chief there would be under the control of the Legislature. Riel replied that his right would stand good. "We are not," Riel said, "here to deprive anybody of their rights. For my part I wish the whole country was under the control of the Local Legislature. We have to work for the country in case the Canadians will not work for us."

Here Chairman Black chimed in: "Is it intended that Upper Fort Garry or any private property immediately around it shall be placed under the control of the Local Legislature?" Something of the sarcasm in Black's voice must have piqued Riel, for he replied: " We will respect the rights of everybody, even the Company." Black retorted, "I see no reason why their rights should not be respected."

Riel's answer was unexpectedly cool: "And I do not see why the question should be put. If this doubt exists regarding the property of the Company, a similar doubt would exist regarding everybody's property." Riel knew, and he knew that Black knew, that of all properties in Rupert's Land Hudson's Bay Company property was next thing to sacrosanct. No local legislature would have any power over it. Riel continued, "As to the land I will say that we cannot fix on any general rule at once which will meet our requirements. But if you want this two-mile grant absolutely I will leave it to yourselves. I only object to the way in which you propose to get it."

Thomas Bunn now tried to smooth things over by saying that all were very much obliged to Mr. Riel, but were strongly opposed to anything like a division between the French and English people.

Here Coldwell, one of the secretaries, must have missed a question or a casual remark on the part of either Riel or Chairman Black. Coldwell reported that the debate had taken "a sharp turn and the question of revenue came up." Riel was saying that "when we asked for the Public Accounts Mr. Mactavish told us he had everything in his memory, and the clerk in the office told us the same thing. I say that the revenue of the Country has been great, but no proper account was ever kept of it by the Company." Riel had seen the books, he said. The Chairman disagreed, saying, "There must have been accounts of it kept year by year. I am pretty certain there have been accounts of the revenue and expenditure every year."

John Fraser of Kildonan now moved an amendment that article 18 be struck out. No one seconded his motion.

James Ross suggested that the question of the hay privilege be voted on first, and that Riel's proposal come up as a separate article. He repeated himself, but no one spoke in support. Riel now moved his amendment, with William O'Donoghue of St. Boniface giving one last argument in support of it.

The vote when taken was 21 to 18 in favor, Alfred Scott voting with the French and Kenneth Mackenzie of St. Marys (Portage) abstaining and protesting that the decision stretched beyond the limits of Assiniboia and encroached on the Portage boundary.

No representative of an English parish supported Riel's amendment. We have to ask ourselves questions about this. Why was Alfred Scott of Winnipeg the only-English-speaking delegate to vote for it?[44] If Ross was too inebriated to see clearly, or if Chairman Black was concerned about Hudson's Bay Company property, why did not Dr. Bird of St. Pauls or Flett of St. James give their support to a principle they had themselves alluded to? We cannot, of course, know the answers to these questions. We may, however, conjecture sensibly. These men saw

the entire process as illegal, and they were afraid of taking part in it. They were angry at the thought of coming past the armed guards stationed at the Court House by Riel and his accomplices. And, while they had not been consulted in any way about the transfer, no surveyors had come near their land. As John Sutherland said at a later point in the Convention, they had not seen their way clearly.[45] Also they did not see themselves as having a mandate from their parishes to move so decisively. They also knew that when it came to doing something about the hay privilege there were divisions in their ranks. The angry words of several men had shown this. Any unity they had on this amendment was in defeating it.

Finally we must consider the attitude of Chairman Black. Now a key figure gradually assuming the leadership of the English delegates, Black was contemptuous of the whole process, and was no longer trying to hide it. If the truth were known he was probably contemptuous of everyone in the room, too, not believing that such men as these could govern the area specified in Riel's amendment. His speech on the hay privilege, however, had endeared him to many of the English delegates, and they were prepared to follow his lead in opposing Riel's amendment.

This was unfortunate. If a significant number of English-speaking delegates had supported Riel's amendment, and if that number had included Chairman Black, Riel would likely have accepted the verdict of the Convention as final. He might well have believed that a united delegation could go to Ottawa and persuade the Canadian government to grant a special kind of territorial status, one that gave the territorial legislature the control of its ungranted lands.

As it was, Riel concluded that the question was still open. These men of the Lower Settlement might think they were in favor of territorial status, but he could see that they were also deeply concerned about the fate of their lots and hay privileges and the use of the common.

Perhaps they could be persuaded to vote for the provincial status which carried with it the management and control of the ungranted lands.

It is in this context that we must consider what happened in succeeding sessions of the Convention.

Riel did not take any action on this right away. Debate followed on the qualifications a citizen would have to meet in order to vote in territorial elections. Some members were afraid that an influx of immigrants would cause Red River people to lose control of the legislature very soon, and were in favor of a residence requirement of three or four years. Chairman Black here made a long speech concerning the three-year residence requirement, and spoke of a "danger". Thomas Bunn asked "What danger?", and Black replied that an intending immigrant might take fright at the figure three while he might be contented with two. "But", Black went on,

> let your measures not be such as to roll back the tide of population which is required to make this the great country we desire it to become (cheers).[46]

Alfred Scott took a prominent part in this debate, and wondered if it was the intention of the Convention to allow women to vote. However, he did not make it a part of a motion and the thought received no support. The Convention chose a residence requirement of three years.[47]

Article 20, having to do with the exemption of the North-West Territory from liability, both in the matter of the 300,000 pounds paid to the Hudson's Bay Company as part of the transfer and in Canada's debt at the time of the North-West's entry into Confederation, passed with very little debate.

Near the end of the day's transactions Riel rose to remind the Convention of the second list which had been drawn up by the Committee, the one involving Red River's seeking to enter confederation as a province. He said that the powers of a province were very clear in the British

North America Act. He suggested that they could be considered in the forenoon of the next day without difficulty, and after some discussion with Ross this was decided on.[48]

When the convention assembled on February 4 Riel recalled a conversation he had had in committee with James Ross about crown colony status. He said that Ross had very nearly induced him to accept his views concerning a crown colony.[49] We cannot know exactly what Ross said, but the fact that Riel mentioned the conversation here tells us something of the context. Red River had never achieved crown colony status, but was still a colony under Company control. In the time that Ross had been involved with the publication of the Nor'Wester, articles had appeared in it concerning a change of status for Red River. Ross may have suggested that crown colony status might be a logical next step for Red River. However, since that conversation Riel had heard many expressions of concern about river lots, hay privileges and the use of the common. He had brought a copy of the British North America Act with him, and now read out the powers assigned to provinces under section 92 of that Act. He pointed out that subsection 5 provided that the "management and sale of Public Lands belonging to the Province" as well as the timber and wood thereon was vested in the provinces. He touched on several other points and then concluded: "As to ourselves I do not say positively that it is for our own good to go in as a province, but I think it a fair matter for the consideration of the Convention..."

John Sutherland now spoke, saying that he could see no advantage in going in as a Province. He may well have been speaking for the majority of the English delegates when he said:

> Canada may have been pretty sharp about Confederation bargains, but I would not fear her hereafter. If we get the bill of rights which has been made out I do not think there is any necessity for taking up the time of the Convention on this other matter.[50]

John Sutherland? Again? John Sutherland again. John Sutherland was getting on Riel's nerves, and it showed in his reply: "It is hardly the thing for a man employed in public business of importance to complain of loss of time. If we had to spend a month here in such business, the time would be well spent." Riel returned to the point of the discussion:

> As to this question of a Province, let me ask, is it not possible for us to settle our own affairs in a satisfactory manner? Cannot we make regulations for outsiders, with reference to the sale and disposition of our lands?

After several more sentences on the part of Riel, William O'Donoghue, seconded by Charles Nolin, moved an adjournment for dinner. James Ross, however, asked permission to speak, and made two short speeches in opposition to the concept of provincial status. Remarkably enough, Chairman Black, who should have reminded the meeting of the adjournment, now rose to make another of the longest speeches of the Convention. He did not specify what the "great disadvantages" of provincial status were, but warned that, if the Convention took too long in talking about matters, Red River might find itself in the same position as the Beautiful Flirt, "letting slip that opportunity we now have of being admitted into the Confederation as a Territory, upon proper considerations."[51]

Chairman Black was clearly not in favor of further discussion concerning provincial status. And, remarkably enough, no one – neither Dr. Bird, Thomas Bunn, James Ross, nor Charles Nolin and Louis Schmidt – reminded Chairman Black that Riel was only following the agenda set by the Committee before the Convention met.

The Convention adjourned for an hour and a half.

On its return John Sutherland moved, seconded by Alfred Boyd, that further discussion was unnecessary. Riel now showed his impatience and made several unjustifiable remarks about

Sutherland as a delegate. He moved an amendment that discussion be continued. Sutherland felt resentment at this, and in his very measured reply finished by saying:

> I have the good of the country at heart, and if I had not, I would not have been going around these last few months without fee or reward.

Riel made a remark in apology to Sutherland and after several quick exchanges the vote on Riel's amendment was taken. It was carried by a vote of twenty to nineteen, Alfred Scott supporting the amendment and André Beauchemin absent.

The debate then went forward, chiefly involving James Ross speaking against provincial status and O'Donoghue suggesting that it would be wise for Red River to consider all options – including annexation to the United States – before making a final decision. After a short speech by Riel John Fraser moved, seconded by Robert Tait, that Red River enter Confederation as a territory. The motion passed by a vote of 24 to 15.[52] The voters were not recorded, so we can only make a conjecture as to who now supported and who opposed Fraser's motion. It is reasonable to assume that André Beauchemin was still absent. It is reasonable also to assume that Scott opposed Fraser's motion and voted with the French. We have now to account for the five voters from French parishes who supported Fraser's motion. Most likely the same men – Nolin, Harrison and Klyne – who were to vote against Riel in the famous vote with the angry scene, supported Fraser here. William O'Donoghue had mentioned the possibility of annexation to the United States, so his vote may have gone with the English. Finally Joseph Genton belonged to a family which had opposed Riel and would later guarantee him only neutrality. His vote may also have gone with the English.

If Riel made any comment concerning this vote the secretaries did not record it.

James Ross, seconded by John Taylor, now moved that during the evening the secretaries furnish Mr. Smith with the List of Rights, and that tomorrow he come and give his opinion of it. Riel now interrupted, saying that there was another article he desired to add to the list. He would move an amendment, seconded by Pierre Poitras, that tomorrow the Convention consider an article to be added to the list, "that all bargains with the Hudson's Bay Company for the transfer of this Territory, be considered null and void, and that any arrangements with reference to the transfer of this country, shall be carried on only with the people of this country."[53]

Ross asked for, and obtained, leave "to withdraw his amendment" [sic] in order to allow of a discussion on the point raised by Riel. The Convention adjourned until next morning.

Alexander Begg recorded in his Journal that the "English delegates left the council very much dissatisfied with this proposition and fully expected trouble in the morning." Alfred Scott, Begg recorded, "was heard to declare that he would vote even against his own convictions to oppose the English delegates..." And if Riel's motion is any indication of his mental state at the time it is to be marvelled at that more disastrous events did not occur.[54]

Riel's motion, even as slightly altered the next morning, was clearly absurd, and Chairman Black would have been correct in simply ruling it out of order. The Convention obviously did not have the power to, as Black later put it, "arrogate to itself the power of sitting as a Court of Revision" upon arrangements made by the most powerful officials of the British Empire. With that in mind, however, we have to ask ourselves about this exchange of February 5, 1870, to which Canadian historians have given an inordinate amount of attention.[55]

Why did Louis Riel appear to lose his head at this point in the Convention's debates and make a motion as absurd as this one appears? Why use this occasion to make a tirade against the Hudson's Bay Company? And why did Chairman Black not declare the motion out of order?

Much of Riel's speech expresses his objections to the Company's "getting one-twentieth of the land as is proposed." It would appear that Riel had been going through correspondence on file in Fort Garry having to do with the Transfer, and had discovered in the schedule to the agreement that the Company was to be granted "one-twentieth of the land in the Fertile Belt." Riel may have been the first – he was certainly not the last – to complain about this proviso which put the Company in possession of a very large amount of western Canadian land. He saw this as giving the Company "unreasonable influence in the country." He wondered aloud what would have happened if this tremendous influence had been available to the Company at the time "when Dennis was here." Riel did not think "that the Company should be crushed", but thought that they must be kept on the same footing as other merchants and not have "a predominant influence."[56]

Much of the rest of his speech had to do with certain aspects of Hudson's Bay Company policy which had been mean-spirited where the people were concerned. He made an appeal to the English-speaking delegates to join in preventing the Company from getting more influence. He closed by slightly rephrasing his motion.[57]

It could be argued that Riel was trying to give a hint to the men of the Lower Settlement that they should choose some one else instead of Judge Black to represent them in Ottawa, since the Company already had more than enough influence in high places.

As for the question about Black, it could be argued that this gentleman saw this, and that he effectively blunted the thrust of Riel's argument by making fun of recent debates. One sentence would have been enough to do what was called for here – a declaration that Riel's motion was out of order. However, Black went on to make a speech that was almost as long as Riel's.[58] A study of it shows that Black was no longer acting as chairman of the Convention. He

had become the leader of the Lower Settlement delegates in fact if not in form. His speech should have been made by James Ross, if, indeed, it needed to be made at all. It is to be noted that Ross said nothing at all here.

A case could be made that Black was goading Riel to do something which would completely discredit him in the eyes of all, and hasten his overthrow. Black even managed to amuse his fellows by using the word "lunatic" in a clever type of innuendo guaranteed to annoy Riel, who had, of course, to translate it for the Convention's French-speakers:

> Yesterday we were engaged in discusaing what may be called questions of high politics (laughter), Territorialism, Provincialism, Crown Colonial-ism, Annexation-ism (laughter). These are the prominent marks which bounded that wide region into which your thoughts were left to wander. And so large was the field of speculation on which some, at least, seemed inclined to enter, that, for my own part, I should have been quite prepared to hear almost any doctrine, any proposition, or motion (laughter). Indeed, if there were any one here, with a full faith in aerial machines, I should not have been very much astonished if such a one had invited us to consider carefully the advantages and disadvantages of our being annexed to one of the highest peaks of the mountains of the Moon (laughter) – a connection, which, whatever its drawbacks in the other respects, would at all events have conferred on us the luxury of breathing a purely lunatic atmosphere (laughter and cheers)....

The vote on the amendment has become famous in western Canadian history. The amendment lost by a vote of 17 to 22, with Scott voting with the French and Nolin, Harrison and Klyne voting with the English. André Beauchemin was again absent.[59]

The ensuing scene has become famous too, and is commemorated in Métis folklore.[60] Riel was reported to have said with great warmth, marching up and down the Council chamber:

> [T]the devil take it, we must win. The vote may go as it likes; but the measure which has now been defeated must be carried. It is a shame to have lost it: and it was a greater shame because it was lost by those traitors – (pointing to Nolin, Klyne and Harrison).

Charles Nolin jumped up and said, with indignation, in French:

> I was not sent here, Mr. Riel, to vote at your dictation. I came here to vote according to my conscience. While there are some things for which we blame the Company, there is a good deal for which we must thank them. I do not exculpate the Company altogether, but I say that in time of need we have often been indebted to them for assistance and kindness.[61]

Is this the occasion "in the beginning of February during the sitting of the convention" when Donald Smith thought that "order might have been restored [i.e. Riel overthrown] without the necessity of firing a single shot..."? And did someone, somewhere, perhaps a little befuddled by alcohol, miss his cue and fail to act his part?[62] Had Black misjudged the esteem in which Riel was held by his associates – even by his opponents – and especially by those in charge of guarding the Court House and the Fort?

We cannot know, of course, since we do not have enough evidence. However, even a casual reading of Begg's Journal reveals a radical change of tone in affairs. The very next day, February 6, a guard was placed over Mr. Mactavish and Dr. Cowan was taken prisoner and confined in a room with Mr. Hallett. A.G.B. Bannatyne was made prisoner because he had disobeyed an order not to go near the Fort. He was detained until February 10, when the new Provisional Government was proclaimed. No one, not even Mrs. Bannatyne, was allowed to visit him. On the 7th, in the absence of Bannatyne, there was trouble about the delivery of the mail. The English delegates attended the Convention, but only after meeting first at Dr. Bird's. Mr. Smith now met with the Convention.

About six o'clock in the morning of Tuesday, February 8, a party of twenty-eight men under the leadership of William Dease entered the Hudson's Bay Company store on the St. Boniface side of the Red River and under the charge of Mr. Pierpont. If we can believe the New

Nation account, Dease and company contented themselves with taking possession of Company goods, including leggings and other dry goods.[63]

Was this the real objective of these men or was this raid, in fact, a part of a larger plan which failed in its purpose through lack of effective coordination?

Begg did not notice or record the event, but both he and the New Nation reported the sequel. On the Sunday following, February 13, Riel sent a squad of men under the command of John Bruce to Pointe Coupée to arrest Dease and some of his followers. Bruce was only partly successful. On the 14th several men, including William Gaddy, were captured, but Dease made his escape.[64]

Many people in the Settlement that day had reason to believe that the troubles were over. Governor Mactavish had said to a delegation of John Sutherland and John Fraser "For God's sake, form a government which will restore peace and order."[65] The Convention had finished its sittings and formed a new Provisional Government with broad general support.[66] Judge Black, Father Ritchot and A.H. Scott had been appointed to go to Ottawa.[67] However, in the Fort Riel and associates knew that John F. Grant had come from a force of Portage men now at Headingly with the demand that the prisoners in the Fort should be released, and that very process was going forward under their direction.[68] And elsewhere in the Fort Donald A. Smith was probably watching with impatience and annoyance.[69]

Appendix "A"

The Convention of Forty (Jan. 25 – Feb. 11, 1870)

(Alphabetized by surname)

French Parishes	English Parishes
André Beauchemin – St. Vital	A.G.B. Bannatyne[1] – Winnipeg
Baptiste Beauchemin – St. Charles	Dr. C.J. Bird – St. Pauls
Magnus Birston – St. Pauls	Judge John Black – St. Andrews
François Dauphinais[3] – St. François Xavier	Alfred Boyd – St. Andrews
Pierre Delorme – Pointe Coupée	Thos. Bunn – St. Clements
Jos. Genton – St. Boniface	Rev. Hy Cochrane – St. Peters
John F. Grant[1] – St. Charles	Wm. Cummings – St. Anns
Thomas Harrison – Oak Point	George Flett – St. James
George Klyne – Pointe à Gruette	John Fraser – Kildonan
Ambroise Lépine – St. Boniface	Donald Gunn – St. Andrews
Norbert Laronce – St. Norbert	George Gunn – High Bluff
Louis Lascerte – Pointe Coupée	W.F. Lonsdale – Headingly
Angus Mackay[1] – St. Charles	Alex McKenzie – St. Clements
François Nolin[1] – Oak Point	Kenneth McKenzie – St. Marys
Charles Nolin – Oak Point	James Ross – St. Johns
William O'Donoghue – St. Boniface	Alfred Scott – Winnipeg
Alex. Pagée[2] – St. Pauls	David Spence – St. Anns
Xavier Pagée – St. François Xavier	Thos. Spence – St. Peters
Pierre Parenteau – St. Norbert	John Sutherland – Kildonan
Pierre Poitras - St. François Xavier	Robert Tait – St. James
Louis Riel – St. Vital	
Louis Schmidt – St. Boniface	
Pierre Thibert – St. Pauls	
Baptiste Touron – St. Norbert	

(W.L. Morton (ed.), Begg's Journal New Nation, Feb. 4, Feb. 11, 1870)

[1] Attended first roll call but did not attend thereafter
[2] Attended first roll call. His name is found in Begg's Journal, but he was not a member
[3] His name does not appear in Begg's Journal, but appears in New Nation's recorded votes.

[1] Begg's Journal; Robert Machray, Life of Robert Machray, Macmillan, Toronto, 1909; Jordan Zenovich, Gabriel Dumont in Paris, University of Alberta Press, 1999; New Nation, Jan. 29, Feb. 4, Feb. 11, has the minutes of the Convention.
[2] Begg's Journal, 300.
[3] Begg's Journal, 297, 298, 301.
[4] Begg's Journal, 281.
[5] Begg's Journal, 291.
[6] Begg's Journal, 294.
[7] Begg's Journal, 277.
[8] Begg's Journal, 287.
[9] Begg's Journal, 289.
[10] Begg's Journal, 291.
[11] Readers should note that Begg's list does not agree with what may be found in the minutes as published in the New Nation. For example, Alex Pagée (see Begg, 286) was not a member. His place was evidently taken by François Dauphinais (New Nation, Feb. 4, 1870).
[12] Oliver, The Canadian North-West, Vol. 1, 602.
[13] Begg's Journal, 165, 166.
[14] Oliver, op. cit., 599.
[15] New Nation, Feb. 4, 1870.
[16] Begg's Journal, 285. Black was not then a resident of St. Andrews, but had moved to St. Pauls. See Nor'Wester, July 24, 1869. See also R.S. Stubbs, Four Recorders of Rupert's Land, which has a short biography of Black.
[17] Begg's Journal, 271.
[18] Oliver, op. cit., 617.
[19] Begg's Journal, 285; New Nation, Jan. 28, 1870.
[20] New Nation, Jan. 28, 1870; Hargrave, Red River, 213.
[21] Machray, op. cit., 199.
[22] New Nation, Jan. 28, 1870.
[23] Begg's Journal, 285-290; New Nation, Jan. 28, 1870.
[24] New Nation, Feb. 4, 1870.
[25] New Nation, Feb. 11, 1870.
[26] Ibid.
[27] Begg's Journal, 290-1.
[28] Begg's Journal, 292.
[29] New Nation, Feb. 4, 1870.
[30] Begg's Journal, 293.
[31] New Nation, Feb. 4, 1870.
[32] Ibid.
[33] Morton, Birth, 153; R.H.A.F., 557.
[34] New Nation, Feb. 4, 1870.
[35] Ibid.
[36] See the American Constitution, Article IV, section iii.
[37] British North America Act, 1867, section 146.
[38] See Morton, Birth, 1ff.; Canada statutes 32 and 33 Victoria, Chap. 3, 1869, 19.
[39] New Nation, Feb. 4, 1870.
[40] Ibid; Begg's Journal, 294.
[41] Begg's Journal, 293, 294.
[42] New Nation, Feb. 4, 1870.
[43] The newspaper has been damaged, making one word illegible.
[44] Begg's Journal, 294; New Nation, Feb. 4, 1870.
[45] New Nation, Feb. 11, 1870.
[46] Ibid.
[47] Ibid.
[48] New Nation, Feb. 11, 1870. This portion of the Convention's debates may also be found in Morton (ed.), Birth, 6.

[49] Ibid.
[50] New Nation, Feb. 11, 1870; Morton (ed.), Birth, 7.
[51] New Nation, Feb. 11, 1870; Morton (ed.), Birth, 9-11.
[52] New Nation, Feb. 11, 1870; Morton (ed.), Birth, 18; Begg's Journal, 295.
[53] New Nation, Feb. 11, 1870; Morton (ed.), Birth, 19; Begg's Journal, 295.
[54] Begg's Journal, 295-6.
[55] Begg's Journal, 95; G.F.G. Stanley, Birth of Western Canada, 95; G.F.G. Stanley, Louis Riel, 94.
[56] Morton (ed.), Birth, 19.
[57] Morton (ed.), Birth, 21.
[58] Morton (ed.), Birth, 21-2.
[59] Morton (ed.), Birth, 23.
[60] Jordan Zenovich, Gabriel Dumont in Paris, 90.
[61] Morton (ed.), Birth, 23; New Nation, Feb. 11, 1870.
[62] Morton (ed.), Birth, 34, (in "Smith's Report").
[63] New Nation, Feb. 11, 1870.
[64] New Nation, Feb. 18, 1870; Begg's Journal, 306.
[65] New Nation, Feb. 11, 1870; Begg's Journal, 301.
[66] Begg's Journal, 302; New Nation, Feb. 11, 1870.
[67] Begg's Journal, 305.
[68] Begg's Journal, 306; Unpublished Manuscript "Memoirs of John Francis Grant", 222.
[69] Morton (ed.), Birth, "Smith's Report", 34-5.