

A History of the Legislative Assembly of Assiniboia/le Conseil du Gouvernement Provisoire

Introduction

The Legislative Assembly of Assiniboia formed during the turbulent Red River Resistance and functioned from 9 March to 24 June 1870. Early accounts, including the reminiscences of eyewitnesses to the events of 1869–1870, sometimes mentioned a ‘council’ of the Provisional Government, but did not refer to any legislative function.¹ Some later histories read as though the Legislative Assembly did not exist.² This essay reintroduces the forgotten

¹ For instances of elision see Roderick George MacBeth, *The Making of the Canadian West: being the reminiscences of an eye-witness*, 2d ed. (Toronto: William Briggs, 1905), 86-87, who completely misses the Legislative Assembly’s existence; Alfred C. Garrioch *First Furrows: A History of the Early Settlement of the Red River Country, Including that of Portage la Prairie* (Winnipeg: Stovel Company, 1923), 240, makes a brief and obscure mention; W.L. Morton, ed., *Alexander Begg’s Red River Journal: and other papers relative to the Red River Resistance of 1869-1870* (Toronto: Champlain Society, 1956), 2, acknowledges self-government was a test of the civilized nature of Red River Settlement that ‘in no forced sense’ it met, but does not clearly describe the Legislative Assembly of Assiniboia; Raymond Huel, ed., *The Collected Writings of Louis Riel/Les Ecrits Complets de Louis Riel*, vol. 1 (Edmonton: University of Alberta Press, 1985), 62 n.1, after citing ‘Minutes of the Proceedings of the Legislature of Rupert’s Land, Wed. March 9th, 1870,’ counters that ‘Despite the title “The Legislature of Rupert’s Land,” this body was the Council of the Provisional Government created on 10 February 1870’; Thomas Flanagan, ed., ‘Chronology,’ *Collected Writings of Louis Riel*, vol. 5, 78-80, does not clearly identify ‘The Assembly of the Provisional Government’ as a legislative body within the government; Emily Katharine Grafton, ‘The Manitoba Legislative Assembly,’ paper, Canadian Study of Parliament Group: Studies of Provincial and Territorial Legislatures (n.d.), 4, online version, http://www.studyparliament.ca/English/index_en.htm, accurately acknowledges the formation of the Assembly of Assiniboia, but does not clearly distinguish it from the first Legislative Assembly of Manitoba.

² Edmund A. Aunger, ‘Justifying the End of Official Bilingualism: Canada’s North-West Assembly and the Dual-Language Question, 1889-1892,’ *Canadian Journal of Political Science/ Revue canadienne de science politique* 34, no. 3 (September 2001): 461, observes ‘Scholarly critics of this accord [between Canada and the Legislative Assembly of Assiniboia on a dual language system] have ... systematically ignored or out-rightly denied the very existence of this legislative assembly.’ For instances of denial see F.A. Milligan, ‘The Establishment of Manitoba’s First Provincial Government,’ *Manitoba Historical Society Transactions*, ser. 3 (1948-1949 Season), online version, <http://www.mhs.mb.ca/docs/transactions/3/provincialgovernment.shtml>, who observes that prior to the creation of Manitoba, ‘There was, of course, no legislature’; and Nelson Wiseman, ‘The Questionable Relevance of the Constitution in Advancing Minority Cultural Rights in

assembly of Red River settlers who navigated Manitoba's entry into Confederation. As a first step towards remembering, this essay briefly recounts the historical context of the Legislative Assembly of Assiniboia.³ It then outlines the Assembly's organization within the Provisional Government. Finally, it lists the Honourable Members and summarizes their work. The Resistance was a political event. Its complexities remain open to interpretation. The following is not a definitive description, therefore, but a suggestion — of accomplishments worth celebrating, and of questions that remain to be answered.

The few surviving contemporary newspaper accounts of the Red River Resistance offer sharply contrasting views of the months in which the Legislative Assembly operated.⁴ *The New Nation*, affiliated with the Provisional Government, printed the debates of the Legislative Assembly. The debates reveal how people of the settlement responded to political change. While opinions may have been divided, compromise is notably present. Even recovering the names and attempting to trace the identities of members of the Assembly generates insight. It is clear that people 'native to the country' predominated in the formation and operation of the Legislative Assembly of Assiniboia. This participation needs to be acknowledged. It reveals that among Métis members of the community there was awareness

Manitoba,' *Canadian Journal of Political Science / Revue canadienne de politique* 25, no 4 (December 1992): 703 n.23, finds it 'amusing' that anyone would cite the Legislative Assembly of Assiniboia '-- a body that never existed.'

³ For an example of local contemporary accounts see 'A Remarkable Document,' and 'The Winnipeg Revolution, Speech of Hon. A. Ramsey in the United States Senate,' *New Nation* (4 March 1870), 1.

⁴ See Sean Sullivan, 'Canadian Illustrated News and the Red River Rebellion (October 1869-August 1870),' Library and Archives Canada [LAC] website, <http://www.collectionscanada.gc.ca/databases/cin/001065-2040-e.html>; also Glenbow Museum Archives, M 6058, 1-25, Louis Riel collection, Red River Rebellion scrapbook compiled by James Ross.

of, and sophisticated — even cosmopolitan — familiarity with, forms of governance that go well beyond a reliance on traditional ways of organizing for buffalo hunts.⁵

For the census conducted in 1870 at Red River, individuals who were ‘descended however remotely, either by father or mother, from any ancestor belonging to any one of the native tribes of Indians, and also descended, however remotely, from an ancestor among the Whites,’ were identified as ‘Halfbreed’ on English language census forms and as ‘Métis’ on French language forms.⁶ The term Halfbreed, when used by people of Red River, was not necessarily pejorative, but the word has a history of negative connotations.⁷ It will not figure, therefore, in the following description except where it appears in a quoted source. As Métis is a name of honour for people who choose to identify with this aspect of their heritage — whether speaking French, English, or an Aboriginal language — it will serve as a universal term for past people of mixed Indigenous and non-North American heritage.

⁵ See E.H. Oliver, *The Canadian North-West: Its Early Development and Legislative Records*, vol. 1 (Ottawa: Government Printing Bureau, 1914), 20, table of types of Government that have existed on the Prairies. I resorted to the idea in Norma J. Hall, “‘A Perfect Freedom’: Red River as a Settler Society, 1810–1870,” M.A. thesis (Winnipeg: University of Manitoba, 2003), 148, in what I now regard as an overly simplistic manner.

⁶ Archives of Manitoba [AM], MG2 B3-3, Council of Assiniboia fonds, Red River and Manitoba census returns, ‘Instructions to be observed by the enumerators appointed by the Lieutenant-Governor, to take the Enumeration of the Province of Manitoba/Instructions que devront observer les Enuerators appointes par le lieutenant-Governor de Manitoba,’ 1870; see also ‘Fort Garry, October 13th, 1870,’ *Canada Gazette, Sessional Papers*, no. 20 (1871), 74.

⁷ Martin F. Dunn, ‘Métis Identity: A Source of Rights?’ Presentation, Trent University (January 1998), <http://www.othermetis.net/Papers/trent/trent1.html> (15 October 2004), notes that, ‘those in Red River who drafted the Declaration of the People of Rupert’s Land and the Provisional Government’s List of Rights did not use the word “Métis” to describe themselves in the document.’ See also N.-J. Ritchot, quoted in ‘Legislative Assembly of Assiniboia: Third Session,’ *New Nation* (1 July 1870), 2, on the attitude of policy-makers in the Canadian government towards differentiating children of Assiniboia according to ‘blood,’ which, Ritchot’s comments suggest, was unlike the approach taken by the Assembly members; see also John Stoughton Dennis, quoted in Alexander Kennedy Isbister, and the Aborigines Protection Society (Great Britain), *Red River Insurrection: Hon. W. McDougall’s Conduct Reviewed. Three letters and a narrative of events* (Montreal: John Lovell, 1870), 7-9. Thomas E. Flanagan, ‘The History of Metis Aboriginal Rights: Politics, Principle, and Policy,’ *Canadian Journal of Law and Society* 5 (1990): 73-74, notes that defining aboriginality in a way that set some Red River settlers apart from others was a politically expedient tactic introduced by Canada. It was not a central to the deliberations of the Legislative Assembly of Assiniboia members while formulating the List of Rights.

Tracing names and identities of members of the Legislative Assembly also reveals participation by inhabitants of Red River who were of non-Aboriginal heritage. There was an ‘old settler’ descendant of Selkirk Settlers and there were several ‘new arrivals’ from the British Isles, Canada, and the United States. As a whole, the first locally instituted legislature in Assiniboia spoke legitimately for all the people of the settlement, whatever their origin.⁸ The work of the Assembly stands as evidence that Manitoba was built on a promising precedent: cross-cultural consideration was a feature of planning for a collective future.

The Impetus for Representative Government in Rupert’s Land: First Phase of Provisional Government

From 1670, by Royal Charter, the Hudson’s Bay Company (HBC) held powers of government and virtual ownership of Rupert’s Land, a territory that covered more than a quarter of the North American landmass.⁹ In 1868, the British government and the HBC reached an agreement that allowed transfer of the territory to the newly confederated Dominion of Canada.¹⁰ Before the terms of agreement were met, and the transfer formally

⁸ Although the ‘Republic of Manitobah,’ might be counted as having predated Red River as an instance of Western European-style self-government in the North-West, it was formally disallowed by Great Britain.

⁹ See Hudson’s Bay Company, *Charter and Supplemental Charter of the Hudson’s Bay Company* (Whitefish, MT: Kessinger Publishing, 2004). J.L. Finlay and D.N. Sprague, *The Structure of Canadian History* 5th ed. (Scarborough, ON: Prentice Hall Allyn and Bacon Canada, 1997), 62, characterize the charter’s grant as ‘pretended control.’ E. Ellice, quoted in Great Britain, Parliament, House of Commons, Report From the Select Committee on the Hudson’s Bay Company: Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index, 1857 (London: HMSO, 1858), 328 no- 5824, identifies the HBC as ‘the last proprietary government in existence’ as of 1857.

¹⁰ Britain, ‘Rupert’s Land Act, 1868 (31-32 Victoria, c.105), An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of “The Governor and Company of Adventurers of England trading into Hudson’s Bay,” and for admitting the same to the Dominion of Canada,’ 31 July 1868, in *Statutes, Treaties and Documents of the Canadian Constitution 1713-1929*, 2d ed., edited by W.P.M. Kennedy (Toronto: Oxford University Press, 1930), 639.

decreed, Canada prepared to take possession.¹¹ No one thought to inform the people of the Red River Settlement or the wider North-West about that preparation, to consult them about what measures were appropriate, or to ask their opinion on a new form of government.

Over the summer, through the autumn and into the winter of 1869, fears grew within the settlement that lives might be disrupted by self-styled ‘friends of Canada,’ who were apparently willing to install a ‘new order’ by force.¹² Although the number of such newcomers was small, newspaper reports, gossip, and the behaviour of newly arrived ‘loyalists’ from Ontario served to reinforce a perception that a threat existed.¹³ One story that

¹¹ Canada, Senate of Canada, An Act for the temporary Government of Rupert’s Land and the North-Western Territory when united with Canada, 22 June 1869, online www.ainc-inac.gc.ca/ai/arp/lis/pubs/a69c3/a69c3-eng.pdf.

¹² ‘Nor’-Wester & Central British American Advertizer,’ *Nor’-Wester* (24 August 1869) 2, sympathetic to the Canadian Party, called for quick installation of ‘the new order of things.’ A.A. Taché, quoted in Canada, Parliament, House of Commons, Report of the Select Committee on the Causes of the Difficulties in the North-West Territory in 1869-70, *Journals of the House of Commons* 8 (Appendix 6) ([Ottawa: I.B. Taylor] 1874), 14, averred ‘I am of the opinion that the articles published in newspapers gave rise to a great deal of the [negative] feeling regarding Governor McDougall, and I may say I consider the newspapers were, to some extent, the cause of the disturbances: not the Canadian newspapers alone, but especially a paper called the *Nor’-Wester*, which was published for some time before the troubles in the Colony of Assiniboia, and which contained attacks, first against the Company, and afterwards [when Canadian owned] against the half-breeds, especially the French half-breeds.’ See also ‘A Threat,’ *Red River Pioneer* (1 December 1869) 2. W.L. Morton, ed., *Manitoba: The Birth of a Province*, vol. I, Manitoba Record Society Publications (Altona: D.W. Friesen & Sons for the Manitoba Record Society, 1965), x, and Donald A. Smith, ‘Donald A. Smith’s Report,’ same text, 43-44, attributes Red River inhabitants’ fears to misrepresentations, voiced by ‘less reflective immigrants’ from Canada, of ‘*the new order of things*’ that would follow confederation [sic: italics in source]. AM, MG3 A1-12, Thomas Bunn, ‘Minutes of meeting held in Parish of St. Clements to elect a member to the Council of the Provisional Government,’ includes notes for speech on reasons for forming a provisional government that list ‘Security from outside danger’ identified as ‘Indians, fillibusters &c.’ with mention of earlier episodes such as ‘Corbet – Forcible release’ [‘The Sioux,’ *Red River Pioneer* (1 December 1869), associates ‘fillibustering’ with McDougall]; William Cowan, quoted in Report of the Select Committee on the Causes of the Difficulties, 126, likewise refers to the earlier instances and the Canadians’ ‘frequent threats’ of resorting to ‘force’ to circumvent Settlement law as having precipitated a Métis reaction. W.G. Hardy, *From Sea unto Sea: Canada -- 1830 to 1910* (Garden City, NY: Doubleday and Company, 1960), 201, 213, 210, in relating instances of disregard for local law and custom by Canadians, includes the G.D. Corbett jailbreak of 1863 and the 1868 formation of the Republic of Manitoba. In the 30 November 1869 report that ‘Scottish and English half-breeds’ were armed and practising drill downstream from Fort Garry, Hardy implicates Canadians as instigators and perpetrators. Stanley, *Louis Riel* (Toronto: McGraw-Hill Ryerson, 1963), 55, 76-77, describes ongoing Canadian ‘appeals to force.’ See also W.L. Morton, *Manitoba - A History* (Toronto: University of Toronto Press, 1957), 111; D.N. Sprague, *Canada and the Métis, 1869-1885* (Waterloo: Wilfred Laurier University Press, 1988), 35. Philippe R. Mailhot, ‘Ritchot’s Resistance: Abbé Noël Joseph Ritchot and the Creation of Manitoba,’ Ph.D. diss. (Winnipeg: University of Manitoba, 1986), 16, notes that the Friends of Canada were also known as ‘Canadas.’

¹³ Morton and Begg, *Begg’s Red River Journal*, 13, 72, 157, 509, 510, 531; A.-A. Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 11-12, testified that around 12 October 1869, ‘the so-

circulated in late November, for example, held that Canadians were raising an army from among First Nations rumoured to harbour grievances against the settlement.¹⁴

While the hostility of First Nations was overstated, unease within the settlement was justifiable.¹⁵ Red River had run for years under a system whereby a governor appointed by the HBC, and a council formed on his authority, oversaw day-to-day management of civil affairs.¹⁶ The system relied heavily on informal acceptance of HBC authority. There was no formally installed military force capable of maintaining this tradition of order — there were

called Canadian party ... did not hesitate to say that the half-breeds would soon be driven from the country, or kept as cart-drivers to bring in the vehicles of the new emigrants'; 'Letter to Col. Dennis, from "Friends of Canada" apprising him of state of things in Rebel Ranks,' 12 November 1869, 'E', in Canada, Parliament, Governor General, *Correspondence and Papers connected with Recent Occurrences in the North-west Territories* (Ottawa: I.B. Taylor, 1869), iv, 40, see also 38, 51, 70; William McDougall, letter, Sunday 14 November 1869, in Great Britain, Parliament, House of Commons, *Accounts and Papers of the House of Commons, Colonies and British Possessions – Canada*, vol. 10 (William Clowes and Sons, 1870), 31; Bannatyne, '23 March 1876, W.B. O'Donoghue -- Motion,' in Canada, Parliament, House of Commons, *Debates of the House of Commons of the Dominion of Canada*, ed. A.M. Burgess (Ottawa: MacLean, Roger and Company, 1876), 803. See also Frederick John Shore, 'The Canadians and the Métis: The Re-Creation of Manitoba, 1858-1872,' Ph.D. diss. (Winnipeg: University of Manitoba, 1991), 1, 6, 42, who cites Carl Berger, *The Sense of Power* (1970), to observe that while in theory the 'Canadian party' can be regarded as 'individuals ... disposed to accept the values and perspectives [which imperialism] embodied because these appeared meaningful in terms of their own experiences and convictions,' in practice 'the Canadian Party was [John C.] Schultz and his co-workers,' about thirty individuals in all, who were mainly clustered in and about the Town of Winnipeg.

¹⁴ See 'The Sioux! Winnipeg in Arms! The First Appearance of the Canadian Allies,' *Red River Pioneer* (1 December 1869), 2, which dates the rumoured activity to around 23 November; Alexander Begg, *The Creation of Manitoba; Or, a History of the Red River Troubles* (Toronto: A.H. Hovey, 1871), 146-149, suggests the fears were pre-existing. See also William McDougall, postscript dated 1 November 1869, letter 'Enclosures in No. 5,' in Great Britain, Parliament, House of Commons, *Correspondence relative to the recent disturbances in the Red River Settlement, Accounts and Papers of the House of Commons, Colonies and British Possessions -- Canada*. Vol. 10 (William Clowes and Sons, 1870), 5. The rumour persisted, see 'The Sioux,' *New Nation* (8 April 1870), 2.

¹⁵ See William McDougall, Commission to Colonel Dennis, cited in Report of the Select Committee on the Causes of the Difficulties in the North-West Territory in 1869-70, 173; A.G.B. Bannatynne, quoted in [G.B.] Elliott and [E.F.T.] Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine for the Murder of Thomas Scott: Being a full report of the proceedings in this case before the Magistrates' Court and the Several Courts of Queen's Bench in the Province of Manitoba* ([Montreal: s.n.], 1874), 72-73; Mailhot, 'Ritchot's Resistance,' 59, 60 [citing LAC, Macdonald Papers, 40759-78, Cameron to Macdonald, 3 November 1869; and 40692-706, MacDougall to Macdonald, 8 November 1869]. See also A.A. Taché, quoted in Report of the on the Causes of the Difficulties, 23-24, on Colonel Dennis' instructions to Joseph Monkman.

¹⁶ See Oliver, *Canadian North-west*, vol. 1, 23-24, 32-39, 72-73. For American reports on HBC governance see James G. Snell, 'The Frontier Sweeps Northwest: American Perceptions of the British American Prairie West at the Point of Canadian Expansion (Circa 1870),' *The Western Historical Quarterly* 11, no. 4 (October 1980): 387.

not even sufficient guards within the walls of Upper Fort Garry, the governor's abode, to defend it against a concerted attack.¹⁷ The settlement beyond the walls of the fort was even more vulnerable, sprawling as it did along the banks of the Red, Assiniboine, and Seine rivers some 120 kilometres in each direction.¹⁸ To compound matters, Governor William Mactavish was seriously ill. While his capacity to act was seen to be compromised, it was known that one William McDougall was on his way to the settlement from Canada. By an act of temporary governance of the North-West passed by the parliament in Ottawa, McDougall had been appointed Lieutenant-Governor and tasked with replacing Mactavish as the head of local affairs and installing a new system of government.¹⁹ This news was not entirely welcome in Red River.

Within the settlement, there were fears that a foreign administration might not give the original settlers a say in how their settlement would be run. People were anxious for some assurance that their land holdings would be respected and that they would be valued as citizens in any new arrangement. No such assurance was forthcoming.²⁰ Reports in the press that McDougall's party was transporting crates of rifles, together with combative statements

¹⁷ See A.-A. Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 13; and Bishop of Rupert's Land, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 51; and comments, in the letters read by Bannatynne, '23 March 1876, W.D. O'Donoghue -- Motion,' *Debates of the House of Commons of the Dominion of Canada*, 805.

¹⁸ The municipal District of Assiniboia officially only extended some 80 kilometres or 50 miles from Upper Fort Garry, 120 kilometres would see Portage la Prairie to the west and any dwelling places in the vicinity of the American border to the south included as extensions of the settlement of Red River. See Oliver, *Canadian North-west*, vol. 1, 32.

¹⁹ Canada, Senate of Canada, An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada, 22 June 1869, online www.ainc-inac.gc.ca/ai/arp/ls/pubs/a69c3/a69c3-eng.pdf.

²⁰ See 'Canada's Blundering,' *New Nation* (14 January 1870), 2; also Paul Knaplund, 'Gladstone on the Red River Rebellion, 1870,' *The Mississippi Valley Historical Review* 21, no. 1 (June 1934): 76-77.

from members of the Canadian Party only served to heighten alarm.²¹ Moreover, there was no mechanism by which settlers could have a voice in determining what course of action Mactavish might decide, or be obliged to take, if his condition worsened and the threats of a military attack proved stronger than idle boasts.²²

The idea of a provisional government had been put forward by residents of the parishes of St. Vital and St. Norbert as early as October 1869.²³ They had been spurred to action by the appearance of Canadian surveyors marking off land that fell within an outer extension of river lot properties in St. Vital.²⁴ The lots of the settlement were long and

²¹ A.-A. Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 11-12, testified that around 12 October, 'As soon as the news was received that Hon. Mr. McDougall, with arms and ammunition, was on his way, it is needless to say the excitement became still greater, and this the more so because there was a certain number of young Canadians who stated (falsely, it is true, but still stated) that they were already enrolled, and would on the arrival of Mr. McDougall, take up arms and drive out the half-breeds.' Mailhot, 'Ritchot's Resistance,' 34-35, 55, [citing CSP 1870, McDougall to General Hart, 4 November 1869] notes McDougall had 350 Enfield rifles 'in his baggage'; Shore, 'The Canadians and the Métis,' 85, identifies the guns as 'Spencer and Peabody rifles.'

²² Louis Riel, *L'Amnestie: Mémoire sur les causes des troubles du Nord-Ouest et sur les négociations qui ont amené leur règlement amiable* ([Montreal:] Bureau du *Nouveau Monde*, 1874), 3-4. Mailhot, 'Ritchot's Resistance,' 55, notes the Council of Assiniboia met for the last time on 30 October 1869, and that 'MacDougall's Government in waiting ... arrived at Pembina that evening.' Bishop Machray, letter to J.S. Dennis, in Begg, *Creation of Manitoba*, 175, implies that by 6 December the Council of Assiniboia was considered defunct.

²³ Begg, *Creation of Manitoba*, 34-35. Mailhot, 'Ritchot's Resistance,' 17, 19, 28, 39, 44, 49, 52, notes Jean Baptiste Tourond announced a meeting 'to consider the activities of the Canadians,' as early as 4 July 1869, in St. Norbert. The next day Tourond was elected the meeting's president, and Jean Baptiste Lépine its secretary. A system of mounted patrols was organized at that time. The primary purpose was to prevent interloping land speculators from staking claims to land regarded as already spoken for. See also 'Notice,' *Nor'-Wester* (24 July 1869), 2, for another meeting, organized for 'all the natives,' by William Dease (Pointe Coupée), Pascal Breland (White Horse Plains), Joseph Genton *dit* Dauphinois (St. Boniface), and William Hallett (St. James) – all of whom were Métis, two of whom were members of the HBC Council of Assiniboia. The meeting took place 'at the Court House, at Fort Garry, to consider the affairs of the Settlement,' on 29 July 1869. Mailhot further notes there were 'various meetings held from August to October with the goal of protesting the methods employed in the establishment of the new regime.' Additional meetings took place 24 and 27 October. Around the latter date, William Fraser and John Sutherland of the English parishes of Middlechurch and Kildonan met in St. Norbert with a 'Committee of ten.' According to John Bruce's comments, this committee had formed by 20 October and subsequently formulated resolutions – the 'code du Sénat Métis dejas connu du peuple' -- for a new government 'composed of the elected representatives of the people, a president, a vice president and a secretary. The executive was to be chosen from amongst the representatives who would make the selection by secret ballot. Once the executive was chosen, the president's seat among the representatives was to be filled ... it was urgent to have the elected representatives swear an oath of fidelity to the people.'

²⁴ Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 8-9, testified that while other survey activity had taken place that settlers objected to, they had agreed to allow work to continue 'If you

narrow. By 1869, river frontages normally ranged from 40 chains (about 805 metres) to as little as one chain (about 20 metres) and a depth of two miles.²⁵ People occupying the lots made use of an additional two miles of land immediately behind their property. Known as the hay privilege, custom and local law treated this land as if it were settler-owned.²⁶ On 11 October, a group of river lot owners confronted the surveyors and stopped the activity.²⁷ The act of ‘standing on the survey chain’ was the first overt signal of the resistance that followed.²⁸ For those involved, the need for an effective response to intrusions by what was still a foreign power seemed obvious. People of St. Vital and neighbouring St. Norbert organized. Their intent was twofold: to ensure stability for residents and to enable them to decide the terms on which they wished to negotiate confederation with Canada. Despite divergent opinions throughout the settlement about available options, it did seem that confederation was what the majority wanted.²⁹

On 19 October 1869, a Comité National des Métis formed among like-minded people of nominally French parishes of the settlement (meaning that the parish church with the

content yourself with the work ordered by the Government’; John H. Mactavish, quoted in the same report, 1, testified ‘The English also felt the surveys were improper, but the feeling was only openly manifested by the French half-breeds.’

²⁵ John Warkentin, ‘Manitoba Settlement Patterns,’ *MHS Transactions*, ser. 3 (1959-1960 season), online <http://www.mhs.mb.ca/docs/transactions/3/settlement.shtml>.

²⁶ Archer Martin, *The Hudson’s Bay Company’s Land Tenures and the Occupation of Assiniboia* (London: William Clowes and Sons, 1898), 90-91.

²⁷ See J.S. Dennis, map, ‘The Beginning of the Section Land Survey as Shown on J.S. Dennis’ Plan for the Survey of the Red River Plain. (1869),’ Manitoba Historical Maps, flickr online, <http://www.flickr.com/photos/manitobamaps/2185957843/#/>, shows ‘the point where Major Webb’s survey party was stopped by the Métis on October 12th, 1869’ [sic]. A.-H. de Trémaudan, *Histoire de la nation métisse dans l’Ouest canadien* (Montréal: A. Lévesque, 1935), 167, lists Louis Riel, André Nault, J.-B. Ritchot, Romain Nault, Benjamin Nault, Edouard Perreault, Prosper Nault, Amable Gaudry, Baptiste Nault, J. Sansregret and his sons, Baptiste Goudreau and three sons.

²⁸ Begg, *Begg’s Red River Journal*, 46.

²⁹ Sprague, *Canada and the Métis*, 25; Stanley, *Louis Riel*, 78-81; Hardy, *From Sea unto Sea*, 198, 226.

largest number of adherents held French-language services). To prevent McDougall's coming to power, they erected a barricade across the Pembina Trail immediately south of the Rivière Sale/'Stinking River' at St. Norbert to keep him out of the settlement.³⁰ The committee did not claim to speak for all settlers, but was anxious that the wider settlement reach agreement about what was best for the country before Canadian authority was installed.³¹ By 3 November, they had demonstrated the weakness of all purported authorities and pre-empted suspected enemies. Their locally mustered forces had turned back McDougall near the border with the United States at Pembina, stopped members of his entourage at the barricade at St. Norbert, then occupied Upper Fort Garry.³²

Discussions about the propriety of these actions and the need for settlement-wide self-government took place with residents of other parishes through November of 1869, particularly at the Convention of Twenty-four that began 16 November.³³ By 8 December inhabitants of the French Parishes had organized, instituted, and proclaimed a provisional

³⁰ 'Red River Resistance,' *Manitoba History* 29 (Spring 1995), online, http://www.mhs.mb.ca/docs/mb_history/29/redriverresistance.shtml, notes 'on 19 October 1869, at a public meeting held at St. Norbert Roman Catholic Church, that the Métis elected the Comité national des Métis with Louis Riel as secretary. As their first act the Comité sanctioned the erection of a barrier across the Pembina Trail to keep out unwanted emissaries of the Canadian Government.'

³¹ John Bruce, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 61. See also 'Canada's Blundering,' *New Nation* (14 January 1870), 2; and 'The Wise Men of Ottawa,' *New Nation* (21 January 1870), 2, both of which describe Canada's handling of the acquisition of Rupert's Land as inept, and according the later article, 'all the more inexcusable as she had the example of the United States constantly before her upon the treatment of new territories. A government which has neither the capacity to find new political institutions, nor the common sense to profit by good example, is hardly the Power into whose keeping we desire to place our interests, our prosperity and our future weal.'

³² Louis Riel, *L'Amnestie*, 5; John Bruce quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 59; Begg, *Creation of Manitoba*, 53, and Mactavish's letter of 9 November 1869. See also W.L. Morton, ed., 'Special Correspondence by J.J. Hargrave in the *Montreal Herald* on the Beginning of the Resistance,' in *Begg's Red River Journal*, 415-420; Mailhot, 'Ritchot's Resistance,' 37; Shore, 'The Canadians and the Métis,' 98-99.

³³ See W.L. Morton, ed., 'Louis Riel's Notes of the Session of the November Convention of English and French, November 16 to December 1, 1869,' in *Begg's Red River Journal*, 420-422. See also Begg, *Creation of Manitoba*, 65, on the 16 November 1869 'Convention of Twenty-four' held in the Court House, adjoining Fort Garry.

government under President John Bruce.³⁴ Individuals from English parishes had been involved in supporting this development at various stages and to varying degrees — notably James Ross of St. John's, Thomas Bunn from St. Clement's, and Andrew G.B. Bannatyne of the Town of Winnipeg.³⁵ As of January 1870, however, the Provisional Government was not a governing body able to devote itself to setting policy so much as it was an organization set on enforcing stability by martial means. Louis Riel (President as of 27 December 1869 when Bruce resigned) and his Council had at their disposal a military force, organized under Adjutant General Ambroise-Dydime Lépine into ranks of officers and enlisted men, primarily cavalry. The enemy at the time was anarchy. The settlement as a whole had yet to approve formally of the Provisional Government. The Friends of Canada, particularly outraged that McDougall's government had not been installed, were determined to right that situation by any means necessary.³⁶

The primarily defensive, French parish-based, local governing body was the first phase of the Provisional Government's formulation. Its activity mainly involved controlling

³⁴ The Provisional Government was established 24 November, and proclaimed 8 December. See Begg, *Creation of Manitoba*, 47-55, 97-98, 106, 167-168.

³⁵ Thomas Bunn, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 68; and A.G.B. Bannatynne, quoted in same text, 71-72.

³⁶ Riel, *L'Amnestie*, 7; A.G.B. Bannatynne, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 73; See also "La question du Nord Ouest," *New Nation* (28 January 1870), 1; Alexander Begg, *Begg's Red River Journal*, 531, records that 'the pretended friends of Canada in Winnipeg ... wished ... the overturning as soon as possible of the government of the Hudson's Bay Company and the advent, by any means whatever, of that of McDougall.' Taché, letter to Joseph Howe, 11 March 1870, in Report of the Select Committee on the Causes of the Difficulties, 21-23, wrote, 'With deep regret I feel it my duty to state that, with very few exceptions, all who have come from Canada have acted as if their object was, not only to compromise the Dominion Government, but also to open an unfathomable abyss ... The whole French population (except a small fraction said to have been bought over) are convinced that the greatest misfortune that could have to their lot would have been to fall under the government of Mr. McDougall, and those who had accompanied or preceded him. People here believe in the existence of an organized plan, prepared without the knowledge of the Government (but which it ought to have foreseen and known), with the object of driving out of the country, or at least of reducing to a species of servitude within it, the French Canadian halfbreeds of the Red River and of the whole North-West. ... Dissatisfaction with the Hudson's Bay Company is only equalled by that felt against Hon. Mr. McDougall, and those who rallied to support him by force of arms.' See also Shore, 'The Canadians and the Métis,' 8, 85-86, 88-96.

movement and monitoring communication within the settlement.³⁷ Anyone suspected of attempting to undermine its efforts was subject to arrest, and a good many people were jailed — some from the Canadian camp, but also individuals belonging to the settlement's French and English parishes. In some cases, opposition to Riel's authority was seen as a threat to stability and was enough to warrant arrest. Those who agreed to take an oath of neutrality and refrain from disruptive behaviour were released, those who refused were not.³⁸ No one in the settlement was happy with affairs as they stood, but they did recognize that *something* had to be done, and, in the latter half of January 1870, a second significant phase of development in the constitution of local government took place.

Instituting Representative Government: the Convention of Forty/la Grande Convention

On the eighteenth and nineteenth of January, at a public meeting held outdoors at Upper Fort Garry, a commissioner from Canada, Donald A. Smith, at last conveyed promising news to

³⁷ See 'Copy of a Telegram from *** to Sir John A. McDonald,' in Great Britain, Correspondence relative to the Recent Disturbances in the Red River Settlement, 11; Begg *Creation of Manitoba*, 47, 51-52, 92, 182. Morton, *Begg's Red River Journal*, 72, 80, 369 n.2, 465 n.2, observes that martial law was never 'expressly' proclaimed, but suggests that it was understood to be in force from 8 December 1869 to 9 May 1870. 'Proclamation, To the People of the North-West,' and 'Proclamation Aux Peuples du Nord-Ouest,' *New Nation* (15 April 1870), 2, however, suggests the state of informal martial law was expressly lifted as of 9 April 1870. 'The Winnipeg Revolution, Speech of Hon. Ramsey in the United States Senate,' *New Nation* (4 March 1870), 1, asserts that 'Martial law was declared' shortly after 2 November 1869, on the formation of a provisional government under John Bruce as president; see also 'Legislative Assembly of Assiniboia. Second Session (Continued from our Last Number.) Assembly Chamber, May 9, 1870,' *New Nation* (27 May 1870), 1; and Mailhot, 'Ritchot's Resistance,' 56, 60-61.

³⁸ See 'Canada: The Red River Insurrection--Governor McTavish Under Close Guard,' *New York Times* (16 December 1869); Begg, *Creation of Manitoba*, 79-80, 83, 98, 164-165, 181, 207, 215, 216, 276, 289, 312; Morton, *Begg's Red River Journal*, 97, 315, 331, notes, for example, that at one point Dr. William Cowan was arrested, invalided HBC Governor MacTavish had a guard stationed outside his door, and A.G.B. Bannatyne was arrested when he tried to ascertain the condition of the other two; see also John Bruce, Pierre Glaudu, A.G.B. Bannatyne, Xavier Pagé, D.U. Campbell, and Alexander Murray quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 5, 38, 47, 54, 59, 66, 73, A number of prisoners who refused to acquiesce to the Provisional Government's authority were firmly committed to sustained opposition. W.N. Farmer, for example, laid charges against Ambroise Lepine in 1873, for 'the murder of Scott.'

the inhabitants of Red River.³⁹ Over the course of the two days, Smith communicated his understanding of Canada's intention with respect to the settlement and to settlers and their existing privileges and rights. At the end of the meeting Riel proposed a motion, seconded by A.G.B. Bannatyne, 'that 20 representatives shall be elected by the English population of Red River to meet 20 other representatives of the French population,' to decide how to proceed in light of Smith's assurances.⁴⁰ The motion carried.

On 25 January, the elected representatives convened in the 'grande salle' at Upper Fort Garry.⁴¹ The Convention of Forty/la Grande Convention, extended through to 10 February. During the first two weeks, the representatives prepared a List of Rights — terms by which the settlers of Red River would agree to confederate with Canada. Protecting land ownership was a paramount consideration, but, as Thomas Bunn pointed out, any plan the convention might devise depended 'on contingencies' to be met by a future government.⁴² Riel argued that securing provincial status, rather than accepting territorial status, would confer control over land to future local representatives — who would, initially, likely be themselves. James Ross countered that taking responsibility for provincial affairs might be beyond their ability: 'We have never had the right of self-government ... it is very probable

³⁹ Sprague, *Canada and the Métis*, 46-47, notes Smith was originally charged, and funded, by John A. Macdonald to foment a counter-insurgency to restore the authority of the HBC. On seeing the failure of previous efforts and the relative unwillingness of the locals to have a civil war, Smith reverted to his 'cover assignment,' that of diplomat sent by Canada.

⁴⁰ Morton, *Begg's Red River Journal*, 275; AM, MG3 B1-3, Letter from Donald Gunn to Thomas Bunn, 11 February 1870; 'Mass Meetings. Mr. Smith, Canadian Commissioner, before the People. Official Documents,' *New Nation* (21 January 1870), 2; 'The English Representatives,' *New Nation* (21 January 1870), 3.

⁴¹ 'Convention at Fort Garry, English and French Delegates in Council. Mr. Smith's Commission, Bill of Rights. (*Reported for The New Nation.*)', *New Nation* (28 January 1870), 2. See also Begg, *Creation of Manitoba*, 238. The first day of the convention consisted of two brief meetings at which it was discovered that three French delegates were either late, or, as turned out to be the case, detained -- not surprisingly, considering the weather common at that time of year. The convention was therefore postponed to the following day.

⁴² 'Convention at Fort Garry, Very Important Debates, The Bill of Rights (*Reported for The New Nation.*)', *New Nation* (11 February 1870), 1.

we would soon consider that we had control of an elephant.’⁴³ Riel lost the point by 6 February. The members of the convention declined to ask for provincial status and refused to insist that ‘the people of the country,’ not the HBC, had sole authority to transfer Rupert’s Land to Canada.⁴⁴ Riel did not hide his contempt for what he regarded as a cowardly response to challenge. Neither did he turn away from pursuing his objective.

On 8 February, Riel put forward a proposal to re-organize the Provisional Government, so as to include elected representatives from all parishes of the settlement. The *New Nation* reported that he had urged:

[M]anifestly, we have to form a Government in order to secure the safety of life and property, and establish a feeling of security in men’s minds, and remove a sense of apprehension that it is not desirable should continue for a moment. How often have we not, on our side, expressed a fear as to the security of property and life. It is our duty to put an end to this, and it will be our glory as well as our duty.⁴⁵

The members of this broadly representative convention responded with cheers and voted in favour of his proposition. The process of negotiating the organization of a legislative assembly/conseil du gouvernement provisoire then began.⁴⁶

A committee of six individuals — three from French parishes and three from English — was appointed to ‘discuss and decide on the basis and details of the Provisional

⁴³ *Ibid.*, 2.

⁴⁴ *Ibid.*

⁴⁵ ‘Convention at Fort Garry, Twelfth Day, Continued,’ *New Nation* (18 February 1870), 1. See also Begg, *Creation of Manitoba*, 110, who records that as early as 1 Dec. 1869, a first settler right agreed upon was ‘The right to elect our own legislature’; Riel, *L’Amnestie*, 7; de Trémaudan, *Histoire de la nation métisse*, 212; ‘Mass Meetings,’ *New Nation* (21 January 1870), 3; and ‘Convention at Fort Garry, English and French Delegates in Council. Mr. Smith’s Commission. Bill of Rights,’ *New Nation* (28 January 1870), 2.

⁴⁶ Begg, *Creation of Manitoba*, 271. Louis Schmidt, ‘Les Memoirs de Louis Schmidt,’ 8 juin 1911, typescript prepared for A.S. Morton, University of Saskatchewan Libraries Special Collections, Morton Manuscripts Collection, MSS-C550-2-3-20, 81.

Government which is to be formed for Rupert's Land and the North-West Territory.'⁴⁷ The committee members — James Ross (chair), Dr. Curtis James Bird (secretary), Thomas Bunn, Louis Riel, Charles Nolin, and William B. O'Donoghue — then submitted a set of basic proposals to the convention.⁴⁸

The proposals reflected a diverse set of influences. The committee members considered British, Canadian, and American models and discussed features of British legislative practice, other colonial governments, and constitutional precedents. Naming the leader of the government 'President' signalled a familiarity with and preference for republican-style democracy. Republicanism as a philosophy for government had infused a number of proclamations, issued prior to the Convention of Forty, that avowed citizens' rights to security, to property, and to resistance of oppression.⁴⁹ Excluding women from the franchise further reflected prior formulations of the 'Rights of Man' in France, the United

⁴⁷ 'Convention at Fort Garry: Fourteenth Day, Feb. 9th,' *New Nation* (18 February 1870), 1.

⁴⁸ Begg, *Creation of Manitoba*, 270, implies Louis Schmidt was a member of this committee; but see 'Convention at Fort Garry: Fourteenth Day, Feb. 9th,' *New Nation* (18 February 1870), 1, which notes O'Donoghue was substituted for Schmidt, who, though originally slated for a seat on the committee, 'was absent.' The same source carries a full list of the committee's recommendations.

⁴⁹ Begg, *Creation of Manitoba*, 112; see also J.M. Bumsted, 'Louis Riel and the United States,' *American Review of Canadian Studies* 29, no. 1 (Spring 1999), 17-41, who points to the U.S. Preemption Act, 1841, as an inspiration; see also See Darren O'Toole, 'Thomas Flanagan on the Stand: Revisiting Métis Land Claims and the Lists of Rights in Manitoba,' *International Journal of Canadian Studies / Revue internationale d'études canadiennes* 41, no. 1 (2010): 170 n. 16, who singles out 'four clauses from a Dakota Bill of Rights that was penned by Enos Stutsman and published in the St. Paul *Daily Press* a month earlier,' and further notes that Stutsman 'went to the Dakota Territory in 1858 and served as a member of the territorial legislature. In 1869, he was promoting American annexation of Red River from Pembina and was consulted by Riel and the Métis leadership.' Bumsted, 19-20, observes, 'The first Bill of Rights probably represented the peak of American influence on the Red River insurgency. There was no similar influence evident in the "Declaration of the People of Rupert's Land and the North West," the document of 8 December 1869 that established the provisional government of the territory. Here was an opportunity to echo the Declaration of Independence, but instead the Metis declaration opened, "Whereas, it is admitted by all men, as a fundamental principle that the public authority commands the obedience and respect of its subjects." As Thomas Flanagan has pointed out, the political theory that lay behind the Metis declaration was that of discredited French royalist thinkers, not American liberals.' See also Bumsted, 21-22, on the wording of the memorial to President Grant.

States, and England.⁵⁰ Women figuring as ‘silent partners’ in the democratic process was consistent with Canadian policy as well. Thomas Bunn, for instance, cited the nearest Canadian electoral district, Algoma, as an example of the franchise extending to ‘every male British subject.’⁵¹ Alfred H. Scott (twenty-six years old and unmarried) asked during the convention, ‘Is it the intention of the Convention to allow women to vote? No doubt many such will come in and be householders.’⁵² His apparently rhetorical question was met with laughter. Thus, while on this issue the committee members had an opportunity to consider something truly ‘revolutionary’ for their community, one described by James Ross as ‘a peculiar people in exceptional circumstances,’ their agreed-upon plan actually fell well within the bounds of Western European and North American norms.⁵³

Although most of the committee’s proposals for forming a provisional government with a legislative assembly were accepted, the minutes of the convention indicate that on 9 February at least eight of the English representatives were reluctant to declare it operational

⁵⁰ Marquis de Lafayette, with Thomas Jefferson, ‘Declaration of the Rights of Man and of Citizens,’ [approved by the National Assembly of France, 26 August 1789], in *Rights of Man: being an answer to Mr. Burke’s attack on the French Revolution* by Thomas Paine (London: James Watson, 1856), 53, open with the following three articles: ‘I. Men are born and always continue, free, and equal in respect [of] their rights. Civil distinctions, therefore, can be founded only on public utility. II. The end of all political associations, is, the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression. III. The nation is essentially the source of all sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.’ See also Nathalie Kermoal, ‘Les rôles et les suffrages des femmes métisses lors de la Résistance de 1870 et de la Rébellion de 1885,’ *Prairie Forum* 19, no. 2 (Fall, 1994): 153-168. Much more work could be done on this topic: that women did not raise a protest means something, given indications – in other descriptions of Red River, and in descriptions about other events during the Resistance -- that protest/insistence/remonstrance was a means by which women exercised power. That women’s role was perceived to be different does not mean they were politically inactive. They did intercede, crossing the unspoken boundary when matters required direct intervention. Although these crossings were often ridiculed in the recounting they were nonetheless effective. See J.M. Bumsted, *Thomas Scott’s Body: And Other Essays on Early Manitoba History* (Winnipeg: University of Manitoba Press, 2000), 34, and comment on Annie Bannatyne, Victoria McVicar, Elizabeth Mair, Eleanor Kennedy, and Agnes Schultz – to which names could be added that of Janet Sutherland.

⁵¹ “Convention at Fort Garry, Very Important Debates,” *New Nation* (11 February 1870), 1.

⁵² *Ibid.*

⁵³ *Ibid.*

and to sanction motions put forward by Norbert Larance⁵⁴ and Xavier Pagé that Riel be president. Seven wanted time to consult the residents of their parishes. Judge John Black, chair of the convention, declined to vote because he was acting Governor of the HBC during Mactavish's illness.⁵⁵ While Riel respected Black's abstention, he denounced the others. Alluding to 'Dark, mysterious, dangerous rumors' of armed gatherings, he predicted that 'if they did not decide at once in joining in a Provisional Government arrangement, there would be war — war within fifteen days.'⁵⁶ Thomas Bunn and W.B. O'Donoghue supported Riel's position, arguing for a unified front to avoid 'civil war.'⁵⁷ In the end, all but three (including Black), voted in favour of adopting the report of the committee and confirming Riel as President of the Provisional Government.

On 10 February, responding to an invitation that had been put forward by Commissioner Smith, the convention selected three delegates to represent them in

⁵⁴ Reported by the *New Nation* to be Norbert Laronce; whose surname was also spelled La Rance and Laurence; see 'Mass Meeting,' *New Nation* (21 January 1870), 2; 'Convention at Fort Garry,' (25 February 1870), 1; Begg, *Creation of Manitoba*, 270-271; Alexander Begg, *Ten Years in Winnipeg: A Narration of the principal events in the history of the city of Winnipeg from the year A.D. 1870 to the year A.D. 1879, inclusive* (Winnipeg: Times Printing and Publishing House, 1879), 31; D.N. Sprague and R.P. Frye, *Genealogy of the First Métis Nation* (Winnipeg: Pemmican Press, 1983), ID #2646; LAC, RG15-D-II-8-a, Scrip affidavit, 'Hamelin, Julie, wife of Joseph Hamelin; born: 6 January 1843; father: Norbert Laurence (Métis); mother: Josephte Parenteau (Métis); claim no: 1826; scrip no: 10723; date of issue: 20 September 1876; amount: \$160'; and LAC, RG15-D-II-1, 'B.E. Chaffey, Power of Attorney in his Favour from Norbert Laurence to draw his Halfbreed Scrip, 1891-1892.'

⁵⁵ 'Convention at Fort Garry, Twelfth Day, Continued,' *New Nation* (18 February 1870), 1. Not to be confused with Rev. John Black. See Oliver, *Canadian North-west*, vol. 1, 50.

⁵⁶ 'Convention at Fort Garry, Twelfth Day, Continued,' *New Nation* (18 February 1870), 1.

⁵⁷ *Ibid.*, reported that O'Donoghue, 'compared the [attitude] of the Convention that day in obj[ecting] to the Provisional Government, to [that] of the first Convention, which [came] to nothing, so far as the English delegates were concerned. Then, as now, said Mr. O'Donoghue, the English delegates came here bound hand and foot, and said nothing about that binding till the last moment. Is it any wonder that the sincerity of men who thus act should be doubted? What did they come here for? Was it not merely to criticise all we had done before? Just think what might have been the result of this action of the English delegates on a former occasion. If Providence had not ordered it otherwise, where, let me ask you would Red River have been to-day. It would have been desolated by a deluge of civil war. Dennis's infernal proclamation and all the movements of that party were only evil continually. And some of the unfortunate results which succeeded that last Convention, may follow this, if once again we break up without uniting.'

negotiations at Ottawa.⁵⁸ Among those confirmed, Alfred H. Scott of the Town of Winnipeg was a new arrival who had American contacts, who was interested in seeing that railways connected Assiniboia to the wider world, and whose opinions were valued for his ‘intelligent view of things.’⁵⁹ Judge John Black of St. John’s parish, along with his position with the HBC, was Recorder and president of the General Quarterly Court of Assiniboia and former Secretary for Lands, New South Wales (1859–1860). Rev. Noël Ritchot of St. Norbert was a priest who was intimately familiar with the concerns of Red River settlers, having recorded deliberations of meetings held in the settlement’s French parishes throughout 1869–1870 and having served as ‘chaplain to their forces, and as a counsellor to their leaders, particularly Riel.’⁶⁰

⁵⁸ See Morton, *Begg’s Red River Journal*, 99; also Mailhot, ‘Ritchot’s Resistance,’ 65, 71-72, who notes the delegates were not to leave before the first sitting of Assembly and notes the question of whether delegates were to act as agents of the Convention of Forty or the Provisional Government has been regarded as a ‘significant technicality.’ They were eventually given letters of instruction which stated they had been appointed ‘by the “President of the North West Territories”,’ and ‘were also told that they did not have the power to finalize arrangements with the Canadian Government. Any agreements arrived at would have to be presented to and ratified by the [Legislative Assembly] of the Provisional Government.’

⁵⁹ James Ross, ‘Convention at Fort Garry, Twelfth Day, Continued,’ *New Nation* (18 February 1870), 1. On Scott’s American contacts see Bumsted, ‘Louis Riel and the United States,’ 17-41; and Donald F. Warner, ‘Drang Nach Norden: The United States and the Riel Rebellion,’ *Mississippi Valley Historical Review* 39, no. 4 (March 1953), 693-712; for American contacts associated with railway magnates see Grace Lee Nute, ‘New Light on Red River Valley History,’ *Minnesota History Bulletin* 5, no. 8 (November 1924), 568, James W. Taylor, American consul at Winnipeg is described as a close associate of ‘the great railroad magnates of the day, notably with Jay Cooke, Lord Strathcona, and Lord Mount Stephen.’ More might be gleaned from the Taylor Papers, ‘one of the largest and most important manuscript collections owned by the Minnesota Historical Society,’ covering 1852-1893, see Theodore C. Blegen, ‘James Wickes Taylor: A Biographical Sketch,’ *Minnesota History Bulletin* 1 (c.1924): 153-219. On American railway plans and the North-West see Snell, ‘The Frontier Sweeps Northwest,’ 391-392, who notes ‘That Americans were interested in acquiring the Canadian prairies throughout most of the nineteenth century has become a cliché of Canadian history. And yet, the examination of that interest has been very restricted.’ He recommends A.C. Gluek’s study, *Minnesota and the Manifest Destiny of the Canadian Northwest* (1965), and P.F. Sharp, *Whoop-up country* (1960).

⁶⁰ Philippe R. Mailhot, ‘Ritchot, Noël-Joseph (baptized Joseph-Noël),’ *Dictionary of Canadian Biography* online [DCB], <http://www.biographi.ca/index-e.html?PHPSESSID=65uep41ivolplacovk41nc8d56>. See also W.L. Morton, ‘Scott, Alfred Henry,’ DCB; Lionel Dorge, ‘Black, John,’ DCB; Oliver, *Canadian North-west*, vol. 1, 50.

The public announcement that responsible, representative government would be formally instituted for the first time in Red River was celebrated on the last day of the Convention, with one of the earliest, if not the first, displays of fireworks at The Forks.⁶¹

From Proposal to Practice

As proposed during the last meeting of the Convention of Forty, the Legislative Assembly of the Provisional Government would exercise a two-thirds majority over the veto of its president, who was not to participate as a voting member representing a parish. The Legislative Assembly was to consist of twenty-four elected members, ‘twelve from the English and twelve from the French speaking population.’⁶² The respective English and French populations within the settlement were to determine the boundaries of their constituencies.⁶³ The French delegates at the Convention of Forty had agreed that their councillors would be selected from amongst themselves — their parishes having already gone through the process of electing representatives on numerous occasions since the previous autumn, including settling contested seats for the convention. The English delegates, however, decided that their assembly members would be elected anew.⁶⁴

Disagreement among potential English representatives resulted in a modification to the overall plan for the size of the Assembly. Prior to the close of the Convention of Forty, debate among the English participants had not resolved the question of electoral boundaries

⁶¹ Begg, *Creation of Manitoba*, 272.

⁶² ‘The Bill of Rights, The Delegates to Canada,’ *New Nation* (11 February 1870), 3.

⁶³ Begg, *Creation of Manitoba*, 239, 270. ‘Convention at Fort Garry: Fourteenth Day, Feb. 9th,’ *New Nation* (18 February 1870), 1.

⁶⁴ Morton and Begg, *Begg’s Red River Journal*, 98, 287, 290, 302, several of the Convention ridings had been contested and recently settled. Baptiste Beauchemin, for example was elected 28 January as member for St. Charles. See also *New Nation* (11 March), 2; and Mailhot, ‘Ritchot’s Resistance,’ 57, 59.

to the satisfaction of Alfred H. Scott. He objected to the opinion — apparently held by a majority of English delegates — that henceforth his constituency, the Town of Winnipeg, should fall within the bounds of the parish of St. John's. A.G.B. Bannatyne had previously contested Scott's candidacy and had protested his election to the convention. Bannatyne's remonstrations demonstrated that although he had been outmanoeuvred once, Scott would not likely succeed a second time.⁶⁵ On 12 February, therefore, Scott circulated a petition asking for separate representation for Winnipeg. He presented it to President Riel. Scott's petition was subsequently honoured. It is unknown whether his arguments played any part in elevating Winnipeg's status within the settlement, but by 5 March the town had been designated the capital of the North-West. Riel, in his capacity as president, modified the plan for the new Assembly, allowing for two additional councillors to represent the capital.⁶⁶

Increasing the number of ridings by one and bringing the total number of representatives up to twenty-six would have meant the Assembly had fourteen nominally English councillors and only twelve who were nominally French. Balance was maintained by

⁶⁵ See Morton and Begg, *Begg's Red River Journal*, 94, 278-281.

⁶⁶ Morton and Begg, *Begg's Red River Journal*, 305. Begg reported the petition on the 12 February. It had been circulated by Alfred H. Scott and Hugh Olone and had 41 signatures. 'Official Orders,' *New Nation* (4 March 1870), 2; Begg, *Creation of Manitoba*, 248, 306-307; and Oliver, 'Official Orders of the Provisional Government, Mar. 5, 1870,' *Canadian North-West*, vol. 2 (Ottawa: Government Printing Bureau, 1915), 914, supply the text of 'Official Orders,' 5 March 1870, setting out the boundaries of the town of Winnipeg and calling for the election of two members, issued as a broadside, 'By order of the President,' and signed by Assistant Secretary Louis Schmidt. According to Oliver, the original document was preserved in the Dominion Archives, M 192, p. 28. Huel, '1-037. Official Orders of the Provisional Government. Fort Garry. 70/03/04,' *Collected Writings of Louis Riel*, 58, 59 n 1, reprints the text as published in the *New Nation*, and dates the notice to 4 March in keeping with the masthead and surrounding blocks of text. However, individual issues of the paper appear to have set the masthead date according to when the typesetting of galleys was first begun. As typesetting continued over a number of days before the final press run, it is possible the notice was actually submitted to the paper on 5 March as the text within the notice itself suggests. Huel and Riel, '1-030. Lettre à James Ross, Fort Garry. 70/02/14,' *Collected Writings of Louis Riel*, 51 and n. 2. Riel presumably consulted members of his executive on the matter, as is suggested by this letter requesting a meeting with Ross, who was the delegate for St. John's at the Convention of Forty.

allowing for two additional French councillors, thus finalizing the number of members required for the Assembly at a total of twenty-eight.⁶⁷

The Provisional Government in Rupert's Land, Second Phase

Members and Representative Bodies

That the members of the revised Provisional Government were proud of their creation of a representative legislative assembly was indicated by their favouring its members 'with the title honorable.'⁶⁸ The ranks of honourable members were largely filled in time for the first session of the 'First Parliament,' on 9 March 1870. Election of members to the Assembly had been staggered over a number of days according to arrangements made by each parish. Nevertheless, due to such factors as weather and communication problems, attendance at the Legislative Assembly fluctuated. There also seem to have been some substitutions. For example, Charles Nolin, Riel's cousin, was apparently slated for the position of councillor for Ste.-Anne/Oak Point. During the Convention of Forty, the two had engaged in a heated exchange on whether Nolin deserved to be called a 'traitor' if he chose to vote according to his conscience rather than to side with Riel. Nolin was subsequently jailed and his position filled by another, perhaps less combative cousin — Auguste Harrison.⁶⁹

⁶⁷ Schmidt, 'Les Memoirs de Louis Schmidt,' 84, notes 'Cette assemblée, composée de vingt-huit représentants, tant anglais que français, fut choisie aussi tôt après la grande assemblée pour passer les règlements et ordonnances que la situation requerrait. Elle revisa par la suite ceux de l'ancien Conciel d'Assiniboia, et les remit en force.' Alexander Begg, *The Creation of Manitoba*, 307, see also 320-321, avers Olone and Scott, though representing 'American' interests held 'French,' as opposed to 'English' sympathies. Begg also includes the text of Scott's rejoinder to such criticism, printed as a letter to the editors in the *New Nation* asserting he was born in London, England.

⁶⁸ A.-A. Taché, *The Amnesty Again, or Charges Refuted by His Grace Archbishop Taché of St. Boniface, Manitoba* (Translated from the French; Winnipeg: printed by *The Standard*, 1875), 3.

⁶⁹ See 'Political Arrests,' *New Nation* (11 March 1870). See also 'Political Quarrels,' *New Nation* (4 March 1870), 2. *Manitoba Herald* (20 January 1877), 1, alleged that years later Harrison nearly bit off Nolin's fingers in a fight.

There were other changes as well. Once in session, ‘Assiniboia’ was added to the names of the Provisional Government and the Legislative Assembly. There had been debate during the Convention of Forty about the geographical reach of the government.⁷⁰ The HBC municipal district of Assiniboia, by local regulations of 1841, had been ‘limited to a circle of a hundred miles in diameter, with the Forks as a centre.’⁷¹ The convention had enlarged this circle to extend their control to the American border and to encompass the parish of St. Mary’s Laprairie (also known as Portage). While the Legislative Assembly did not claim jurisdiction over all of Rupert’s Land, it did presume the right to rename it. Dr C.J. Bird, representative for St. Paul’s parish, moved that they do so, arguing, ‘We ought to retain the Indian names as far as possible, for they are appropriate and euphonious.’ He proposed the name Assiniboia and his motion carried unanimously. Thus, the Legislative Assembly of Assiniboia controlled a district known as Assiniboia in a country of the same name.

The names of the honourable members of the Legislative Assembly of Assiniboia, as well as names of principal office holders in their provisional government are set out in accompanying tables. Among the Executive Officers of the Provisional Government named in Table 1, James Ross as the Chief Justice, like the President, did not hold a seat in the Assembly. He did serve on the Constitution Committee/Law Committee in an *ex officio* capacity, however, and was likely consulted by Riel on a fairly frequent basis. The two had worked together in 1869 on drafting and printing broadside proclamations, and Riel appears

⁷⁰ ‘Convention at Fort Garry, Very Important Debates, The Bill of Rights (*Reported for The New Nation.*)’, *New Nation* (11 February 1870), 1, Riel, on 2 February 1870, moved, ‘That the local Legislature of the 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.’ During discussion he added, ‘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.’ The motion was carried on a division: Yeas 21, Nays 18. Mr. K. McKenzie, representing the Portage, ‘protested against this decision of the Convention, on the ground that it appeared to stretch beyond the limits of Assiniboia proper and encroached on the Portage boundary.’

⁷¹ Archer, *Hudson’s Bay Company Land Tenures*, 8.

to have relied on Ross for translations of his speeches and for supplying texts on such subjects as the Canadian Confederation debates.⁷²

Executive Offices and Departments of the Provisional Government of Assiniboia	
President	Louis Riel
Vice-President	François-Xavier Dauphinais ⁷³
Secretary of State	Thomas Bunn
Under-Secretary	Louis Schmidt
Treasurer	W.B O'Donoghue
Chief Justice	James Ross
Adjutant General	Ambroise-Dydime Lépine
Postmaster-General	A.G.B. Bannatyne
Coroner	Dr. C.J. Bird
Commissioner of Indian Affairs	James McKay
Superintendent of Public Works	John Bruce

Table 1: Executive Officers of the Provisional Government: including pre-existing positions, those named during the Convention of Forty, and those confirmed in the Legislative Assembly.

Like other colonial governments in North America, the system instituted in Red River was divided so as to include a Cabinet, which was also known as the Executive Council to the President. From existing documents, it is difficult to determine exact membership. Riel, in an address to the Legislative Assembly, named only those people in Table 2. Examination of the composition of the Assembly shows that balance between French and English

⁷² See Leonard Lawrence Remis, 'James Ross: 1834-1871: The Life and Times of an English-speaking Halfbreed in the Old Red River Settlement,' MA thesis (Winnipeg: University of Manitoba, 1987), 128-129, 132, 134-135, 137, 141, 143-144; Sylvia Van Kirk, "'What if Mama is an Indian?': The cultural ambivalence of the Alexander Ross family,' in *The New Peoples: Being and Becoming Métis in North America* ed. Jacqueline Peterson and Jennifer S.H. Brown (Winnipeg: University of Manitoba Press, 1985), 213; Bumsted, *Thomas Scott's Body*, 180; Huel, ed., *Collected Writings of Louis Riel*, vol. 1, 51, 55.

⁷³ Named January 8, 1870, see Oliver, '18. Orders of the Provisional Government of Rupert's Land, Jan. 8, 1870,' *Canadian North-West*, vol. 2, 913. Alexander Begg, *History of the North West*, vol. 1 (Toronto: Hunter, Rose, 1894). 440.

Cabinet/Executive Council to the President	
Secretary	Thomas Bunn
Treasurer	W.B. O'Donoghue
Postmaster-General	A.G.B. Bannatyne
Adjutant General	Ambroise-Dydime Lépine

Table 2: Cabinet/Executive Council to the President named by Riel 5 May 1870.

representation was almost scrupulously maintained. Nevertheless, Louis Schmidt, Under-Secretary of State, Vice-President François-Xavier Dauphinais, and Hon. Pierre Poitras also seem to have participated in the President's Council.⁷⁴ Theoretical balance then, perhaps sometimes gave way to practical considerations such as who was available, or was most informed on a particular aspect of settlement functioning.

The delegates to Ottawa are included in the list of members of the Legislative Council (Table 3) even though they were members 'of' the Assembly only in the sense that they were representing the wishes of the Assembly to the Canadian Government (they had been nominated and elected by the Convention of Forty before the actual roster for the Assembly itself had been determined). William Coldwell's appointment as Clerk of the Assembly was officially announced on 23 March 1870, although he had been acting in the capacity of clerk

⁷⁴ See Begg, *History of the North West*, vol. 1, 440; reprinted as '18. Orders of the Provisional Government of Rupert's Land, Jan. 8, 1870,' in Oliver, *The Canadian North-west*, vol. 2, 913; and Morton and Begg, *Alexander Begg's Red River Journal*, 225; all of whom cite the same document, which indicates Dauphinais' position as vice-president was carried over from his appointment, during the first phase of the Provisional Government, on 27 December 1869. A.-G. Morice, 'Dauphinais, Hon. François,' *Dictionnaire historique des Canadiens et des Métis français de l'Ouest* (Québec: J.P. Garneau, 1908), 74; and Thomas Flanagan and the Gardner Indexing Service, 'Biographical Index,' *Collected Writings of Louis Riel*, vol. 5, 242, date Dauphinais' election to the position as 8 January 1870, the date announced by the proclamation cited above. Louis Riel, *L'ammistie*, 21, and 'L'Amnistie,' *Le Métis* (28 February 1874), 3, indicates Dauphinais was vice president at least to 15 July 1870. Riel also attested that after the Assembly was prorogued, 'From July 15 to the following August 24,' Poitras was a member of a council which governed the settlement 'in the interests of Canada, its province of Manitoba, and its Northwest territories.'

Legislative Council

Councillors Representing Nominally French Parishes:

Baie St. Paul	Hon. Pierre Poitras	Métis
Prairie du Cheval Blanc	Hon. Pierre Poitras	
St. François-Xavier	Hon. François-Xavier Pagé	Métis
	Hon. François Dauphinais	Métis
St. Charles	Hon. François Dauphinais	
	Hon. Jean-Baptiste Beauchemin	Métis
St. Boniface	Hon. John Bruce	Métis
	Hon. W.B. O'Donoghue	
	Hon. Louis Schmidt	Métis
St. Vital	Hon. André Beauchemin	Métis
	Hon. Ambroise-Dydime Lépine	Métis
St. Norbert	Hon. Baptiste Tourond	Métis
	Hon. Pierre Parenteau	Métis
Pointe Coupée	Hon. Louis Lacerte	Métis
	Hon. Pierre Delorme	Métis
Ste.-Anne	Hon. Auguste Harrison	Métis

Councillors Representing Nominally English Parishes:

St. Mary's Laprairie	Hon. William Garrioch Jr.	Métis
St. Margaret's	Hon. John Lazarus Norquay ['Sr.']	Métis
St. Ann's	Hon. George Gunn	Métis
Headingley	Hon. William Auld Tait	Métis
St. James	Hon. James McKay	Métis
St. John's	Hon. A.G.B. Bannatyne	
Town of Winnipeg	Hon. Alfred H. Scott	
	Hon. Hugh F. Olone	
Kildonan	Hon. William Fraser	
St. Paul	Hon. Dr. C.J. Bird	
St. Andrew's	Hon. E.H.G.G Hay	
	Hon. Thomas Sinclair Jr.	Métis
St. Clement's	Hon. Thomas Bunn	Métis
St. Peter's	Hon. John Sinclair	Métis
Delegates to Ottawa	John Black	
	Rev. N.-J. Ritchot	
	Hon. Alfred H. Scott	

Clerk of the Assembly William Coldwell

Table 3: Honourable Members and Officers of the Legislative Assembly of Assiniboia/le Conseil du Gouvernement Provisoire

for the Provisional Government (as official reporter of its proceedings to the *New Nation*), from at least 1 December 1869.⁷⁵

In addition to President Riel and Chief Justice Ross, 21 of the 28 honourable members of the Legislative Assembly of Assiniboia were Métis. Dr. C.J. Bird was born at the settlement to parents originally from Scotland and England.⁷⁶ William Fraser, likewise born at Red River, was descended from Selkirk Settlers.⁷⁷ A.G.B. Bannatyne and Judge John Black were both born in Scotland.⁷⁸ Edward H.G.G. Hay, Alfred H. Scott, and William Coldwell were born in England.⁷⁹ W.B. O'Donoghue was born in Ireland.⁸⁰ Hugh F. Olone⁸¹ was born in the United States, and Rev. N.-J. Ritchot was born in Lower Canada.⁸² Taking

⁷⁵ See Begg, *Alexander Begg's Red River Journal*, 170, and 119, 164, 241, 338, 341, 348, 520; Fiona Black, Patricia Lockhart Fleming, and Yvan Lamonde eds., *History of the Book in Canada*, vol. 2, 1840-1914 (Toronto: University of Toronto Press, 2005), 344; and Bruce B. Peel, Ernest B. Ingles, Norman M. Distad, eds., with Linda M. Distad, Tom Williams, Darcy A. Sharman, Lorraine N. Strilesky. *Peel's Bibliography of the Canadian Prairies to 1953*. 3d. ed. (first published as Bruce Peel, *A Bibliography of the Prairie Provinces to 1953*, Toronto: University of Toronto Press, 1956; 2d ed., enlarged with new foreword, 1973; revised and enlarged, 2003), 55 no. 490. The assertion that Coldwell's talents and printing press were 'seized' by Riel may be overstated – the originator of the idea being Col. J.S. Dennis. It seems more likely that Coldwell cooperated with Riel to see that the people of Red River were kept well-informed by printed means -- especially given that Coldwell's brother-in-law, James Ross, was working directly with Riel to ensure such was the case as early as 6 November. Begg records that Robinson insisted he had purchased the paper from Coldwell without any assistance from the Provisional Government. Morton suspects Robinson was forcibly compelled to give up the paper to Riel 19 March 1870. While Begg alleges Robinson resigned 'disgusted,' the reason appears to be that, as newly appointed American Vice-Consul and a strong annexationist, he was annoyed that 'the *New Nation* was not allowed to publish anything favoring annexation,-- that Riel had suppressed many articles he had prepared on that question.' Although it took some days for the Provisional Government to arrange payment, Robinson was paid for the business. Thomas Spence (of Portage) then became editor, on the payroll of the Provisional Government.

⁷⁶ La Société historique du Saint-Boniface, 'Bird, Curtis James,' Family Group Sheet (26 August 2010).

⁷⁷ Oliver, 'William Fraser,' *The Canadian North-West*, vol. 1, 72.

⁷⁸ La Société historique du Saint-Boniface, 'Bannatyne, Andrew Graham Ballenden,' Family Group Sheet (26 August 2010). 'Black, John (1817-1879),' Australian Dictionary of Biography online, <http://adonline.anu.edu.au/biogs/A030160b.htm>.

⁷⁹ La Société historique du Saint-Boniface, 'Hay, Edward Henry George Gunter,' Family Group Sheet (26 August 2010). W.L. Morton, 'Scott, Alfred Henry,' DCB. See Sheila Grover, 'Ross House, A Manitoba Historical Society Museum,' Manitoba History (2 November 1981), http://www.mhs.mb.ca/docs/mb_history/02/rosshouse.shtml. According to descendent family genealogists, Coldwell's parents might have been George Coldwell and Catherine O'Brien.

Committee appointed to draw up a Constitution for the Provisional Government of Assiniboia	
French Members	Louis Riel Ambroise Lépine W.B. O'Donoghue John Bruce
English Members	William A. Tait Dr. C.J. Bird Thomas Bunn A.G.B. Bannatynne
Law Committees	
To review local laws (Appointed 25 March)	Louis Riel Louis Schmidt W.B. O'Donoghue Thomas Bunn E.H.G.G. Hay Dr. C.J. Bird
To Codify Local Laws (Appointed 26 March)	W.B. O'Donoghue (chair) Thomas Bunn (vice chairman) Dr. C.J. Bird (secretary) John Bruce A.G.B. Bannatynne Louis Riel James Ross William A. Tait

Table 4: Committee on the Constitution/Law Committees

the president, chief justice, clerk, honourable members, and delegates into account, 25 of the

⁸⁰ George F.G. Stanley, 'O'Donoghue, William Bernard,' DCB.

⁸¹ Occasionally, but inaccurately, spelled O'Lone. See 'Olone & Campbell,' *New Nation* (14 January, 4 February, 11 March, 16 March, and 8 April, 29 April, 6 May 1870); 'Dissolution of Partnership,' *New Nation* (17 May, 24 May 1870); 'Olone & Cosgrove,' *New Nation* (24 May, 1 July, 30 July, 27 August, and 3 September 1870); and La Société historique du Saint-Boniface, 'Olone, Hugh F.,' Family Group Sheet (18 September 2010); New York State Adjutant General Office, '170th roster,' *Annual Report of the Adjutant-General of the State of New York for the Year ... : Registers of the One Hundred and Seventieth Infantry*, available online from the New York State Military Museum and Veterans Research Center, http://dmna.state.ny.us/historic/reghist/civil/rosters/Infantry/170th_Infantry_CW_Roster.pdf, 407, notes he was also known as 'O'Lone and Ozone.'

⁸² Mailhot, 'Ritchot, Noël-Joseph,' DCB.

33 people associated with the Legislative Assembly were native to the country.

Another distinctive feature of the Legislative Assembly was the equal representation accorded to French-speaking and English-speaking constituencies. Although, in a general sense, there were differences in cultural orientation between the two groups, there was also a great deal of cross-over. French or English (or Gaelic) might be the principal language spoken within a parish or in the home of an honourable member, but many could apparently understand, speak, and/or read both languages, and ‘most also spoke several native tongues fluently.’⁸³ Cultural differences were further diminished by familial connections.⁸⁴ Non-Aboriginal members of the Provisional Government, such as A.G.B. Bannatyne, Judge John Black, and William Coldwell had married into Métis families, as had Dr. C.J. Bird, who also had half-brothers and sisters who were Métis.

While some within the English-speaking parishes looked to Britain as the pre-eminent model of civilization, some within the French-speaking community looked to Quebec as a superior model for protecting and promoting French customs and traditions in the North American context.⁸⁵ The starting point for discussion on what the Legislative Assembly was, philosophically, to represent, was in drafting a Constitution. Some work in this direction appears to have taken place prior to the opening of the Assembly because the first two

⁸³ Mailhot, ‘Ritchot’s Resistance,’ 10, an observation of the ‘French’ settlers of Red River, it applies equally well to English. See Irene M. Spry, ‘The métis and mixed-bloods of Rupert’s Land before 1870,’ in *Being and Becoming Métis*, 95-118, *passim*.

⁸⁴ *Ibid.* See also Hall, ‘Integration of Aboriginal and European values in Red River Settlement,’ *Perfect Freedom*, 53-82.

⁸⁵ See O’Toole, ‘Thomas Flanagan on the Stand,’ 43, who agrees with Flanagan (up to a point), that “Riel wanted the Colony to enter Confederation as a province with institutions modelled on those of Québec”. Riel indeed hoped right up until the end of his life that the Métis, reinforced by French and Canadiens migrants who would pursue the process of miscegenation with Amerindians, would one day once again form the majority within the Province of Manitoba, and even that he would one day be premier. But it is precisely this comparison with Québec that makes it clear that the Métis did not view themselves as “British subjects pure and simple”, but as a “distinct society”.

motions tabled by Thomas Bunn and Alfred H. Scott on 15 March, and adopted on 16 March, amounted to the beginnings of a preamble.⁸⁶ After discussion, a committee of eight, evenly split between appointed French and English councillors, was tasked with drafting a full preamble to a Constitution for the approval of the Legislative Assembly. When this was submitted on 18 March several more days of discussion ensued. By 23 March it was clear that ‘in order to have more time for deliberation to draw up a Constitution creditable to this Hon. House,— and suitable in every way to the wants and requirements of the people of Assiniboia,’ the committee would have to deliberate outside the Assembly and report back during the next session.⁸⁷ Attention then shifted to concrete provisions — the customs and privileges — that the negotiations at Ottawa were to protect. It is not evident from surviving documents whether the Assembly ever returned to the issue of a Constitution, or, perhaps left its approval to the Executive. The work of the committee might have stalled because many of the same individuals served on the law committees (see Table 4) and/or made up the Executive responsible for governing the settlement between sessions of the Assembly. Members also had businesses and farms to run.

Other positions that had been in place under the previous administration, the Council of Assiniboia, were also filled during this time and a number of new positions were created, notably in the rearranged and expanded system of district courts (see Table 5 and Table 6).

The military arm of the government was carried over from the first phase of the Provisional Government into its second. One of the visible ‘exact divisions between civil and

⁸⁶ Bunn and Scott basically reduced the declaration of 8 December 1869 to two clauses.

⁸⁷ AM, MG3 A1-15, Red River Disturbance collection, ‘Sessional Journal of the Legislative Assembly of Assiniboia, March 1870.’ 1-2; ‘Legislative Assembly of Assiniboia,’ *New Nation* (8 April 1870), 1.

Administrative Appointments	
Sheriff and Governor of the Gaol	Henry McKenny [resigned] Robert Tait
Collectors of Customs	Roger Goulet John Sutherland
Post Master, St. Andrew's	Thomas Sinclair Jr. [successor to Thomas Sinclair Sr., deceased]
Post Master, St. Norbert	Joseph Hamelin

Table 5: Civil Appointments of the Provisional Government of Assiniboia.⁸⁸

military authority' was the means of organization.⁸⁹ It was the military that perhaps most closely fits comparison to 'the old custom of the country' whereby 'when any difficulty arose in which it was necessary to take up arms, the inhabitants used to organize of their own accord, after the manner in which they organized for hunting on the prairies.'⁹⁰ To date, however, there has been no systematic study of the armed force of the Provisional Government. There might have been anywhere from 50 to 250 or more men acting as guards at Upper Fort Garry, or assigned to various posts throughout the settlement at any given time.⁹¹ A few of the more prominent individuals, roughly organized by rank, are listed in Table 7.

⁸⁸ See 'The Shrievalty,' *New Nation* (24 May 1870), 2.

⁸⁹ Shore, 'The Canadians and the Métis,' 32, adds 'with the civil predominating.'

⁹⁰ Ritchot quoted in Shore, 'The Canadians and the Métis,' 31, dated 1874.

⁹¹ See de Trémaudan, *Histoire de la nation métisse*, 179; Mailhot, 'Ritchot's Resistance,' 37, 50, 54; and 'Important Communication from the President,' *New Nation* (16 March 1870), 3.

Appointments to the Judiciary	
Manitobah District Court: ‘To include all the settlements in the immediate vicinity of Manitobah Lake’	
President	James McKay
Portage La Prairie District Court: ‘From the extreme end of the settlement, along the Assiniboine River, down to the place at which the Long Lake touches the public road; on both sides of the river.’	
Justice of the Peace	Charles Curtis
Magistrates	David Spence John Norquay [‘Jr.’]
White Horse Plain District Court: ‘To extend from where the Long Lake touches the public road to Sturgeon Creek; on both sides of the river.’	
President	William Tait
Justice of the Peace	Magnus Birston
Magistrates	James McKay David Spence Charles Ademar Barron Patrice Breland Robert Morgan
District Court of Fort Garry: ‘To extend from Sturgeon Creek on the Assiniboine River, and from Pembina down to St. Paul’s Church on the Red River, and on both sides of each river. This district to include also Point de Chene.’	
President	A.G.B. Bannatyne
Justices of the Peace	Roger Goulet Robert McBeath/McBeth James McKay
Magistrates	Pierre Delorme John Bruce B. Morin A. Fidler John Fraser
District Court of St. Andrew’s: ‘To extend from St. Paul’s Church to any of the settlements on or around Winnipeg Lake, and on both sides of the river.’	
President	Thomas Sinclair Sr. [deceased]
Justice of the Peace	Donald Gunn Sr. [replaced Sinclair Sr.]
Magistrates	Thomas Sinclair Jr. Charles Begg John Tait Alexander McBeath/McBeth

Table 6: Judicial appointments made by the Provisional Government. Note: The final judicial districts differed from what had been determined by the Convention of Forty.⁹²

⁹² ‘Laws of Assiniboia,’ *New Nation* (20 May 1870), 3, supplies the descriptions of the districts. See also ‘District Court,’ *New Nation* (1 July 1870), 3.

Military Appointments under Adjutant General/Adjutant général Ambroise-Dydime Lépine		
Second-in-Command	Elzéar Goulet	
Colonel	J.E. Gay ⁹³	
Captains	Patrice Breland (Envoy to the Plains) Joseph Delorme François Poitras Michel Dumas Jr. ⁹⁴ [?] Dechamp H.S. Donaldson	
1st Lieut	Hugh F. Olone	
2nd Lieut	Henry M. Robinson ⁹⁵	
Scouts	Pierre Léveillé J.C. Kennedy	
Guards	André Nault François Thibault Marcel Roy Baptiste Lépine J.-B. 'Janvier' Ritchot Francis St. Luc	Pierre Champagne Auguste/Augustin Parisien François Guillemette Joseph Nolin Paul Proulx Elzéar Lagimodière ⁹⁶

Table 7: Some of the Officers and Enlisted of the Guard of the Provisional Government.⁹⁷

⁹³ Modeste Lajémoniere, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine* 81. 'Arrivals,' *New Nation* (4 February 1870), 5; 'Cavalry Exercises,' *New Nation* (27 May 1870), 3; Begg, *Begg's Red River Journal*, 304, puts him in command of Fort Garry as of 28 April.

⁹⁴ John Bruce, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 64; Baptiste Charette, same text, 67.

⁹⁵ 'The Sioux!' *Red River Pioneer* (1 December 1869), lists the appointments of Donaldson, Olone, and Robinson.

⁹⁶ Preserve Garneau (River Lot 7) Society, 'Antediluvian Garneau: A short walk in the northern part of the Garneau in May 1915,' <http://webcache.googleusercontent.com/search?q=cache:6ZkoQuhm4rAJ:www.preservegarneau.org/files/Antediluvian%2520Garneau1.doc%3Fop%3Dmodload%26name%3DDownloads%26file%3Dindex%26req%3Dgetit%26lid%3D1+standing+on+the+survey+chain+1869+red+river&cd=8&hl=en&ct=cInk&gl=ca>.

⁹⁷ AM, MG3 B18, 'André Nault Papers,' Déclaration de 1908 d'André Nault, Elzéar Lagimodière et Duncan McDougall concernant les événements de 1869-70; de Trémaudan, *Histoire de la nation métisse*, describes the military tribunal as having Riel as public prosecutor, A.D. Lépine president, assisted by André Nault, Elzéar de Lagimodière, Elzéar Goulet, Baptiste Lépine et J.-B. (Janvier) Ritchot, Joseph Nolin (secretary), Joseph Delorme, Edward Turner (guards), execution squad: André Nault; coup de grâce Guillemette. For scouts: see

Almost concurrent with the Legislative Assembly being called into session for its first Parliament on 9 March, the need for an armed force seems to have dissipated. Partisan aggression within the settlement had abated significantly by that date. The height of armed conflict had been reached on 16 February. A march from the Portage, organized by key members of the Canadian Party and including other disaffected settlers, undertaken purportedly for the purpose of freeing prisoners held in Fort Garry and reputedly of overthrowing the Provisional Government, went badly awry and culminated in three deaths. Although a number of descriptions of the event and aftermath exist, these accounts contain conflicting details or are silent on crucial points. There is general agreement that Hugh Sutherland, from an English-speaking parish in the settlement (and not of the Portage party but simply in the wrong place at the wrong time), was fatally shot on 16 February, though his death was not immediate. Most accounts portray Norbert Parisien, a member of the French-speaking community, as having ‘almost accidentally’ killed Sutherland while panic-stricken and in flight from the Portage party. While there is agreement that Parisien was quickly captured and gravely injured by members of the Portage group, to date no historical documents have surfaced that unequivocally confirm the nature of his trauma, the length of time it took him to die, or even who he was. By some accounts, Thomas Scott was present during the affray involving Sutherland and Parisien. All accounts agree that Scott was among the Portage party members arrested and jailed on 17 February. Scott was tried by a military tribunal of the Provisional Government and he was executed by firing squad on 4 March 1870. There are no surviving minutes of that tribunal, however, to answer the question of

Begg, *Begg's Red River Journal*, 249. See also AM, MG3 A1-31, and MG3 A1-32, Provisional Government accounts with Hudson's Bay Company, vols. 1 and 2, 1869-1870.

why Scott was condemned to die.⁹⁸ Nor are there papers of the Provisional Government to consult for explanation.

The recorded debates of the Legislative Assembly of Assiniboia contain no mention of the deaths. Although members referred to mistakes having been made on all sides, they seemed determined to relegate them to the past and move ahead.⁹⁹ For his part, Riel urged the Assembly: ‘Let us, then, see to it that the public are no more allowed to rush together, on one side or the other, in such a manner as they have gathered of late. Let us be friends — and let our friendship be hearty and sincere.’¹⁰⁰ As for the constituents of Portage, their representative, William Garrioch Jr., assured the Assembly, ‘We feel that we are in duty

⁹⁸ For examples see ‘The Revolution! Liberation of the Prisoners,’ *New Nation* (18 February 1870), 2; ‘The Revolution,’ *New Nation* (25 February 1870), 2; ‘Military Execution,’ *New Nation* (4 March 1870), 3; ‘Canadian Malcontents,’ *New Nation* (27 May 1870), 2; Begg, *Creation of Manitoba*, 277-290; Begg, *Begg’s Red River Journal*, 105, 309-310; Canadian Who Has Visited Manitoba to Discover the Truth [pseud.], *Ontario and Manitoba* ([Toronto?: s.n., 1872]), 1-16; Charles Arkoll Boulton, *Reminiscences of the North-West Rebellions: with a record of the raising of Her Majesty’s 100th Regiment in Canada and a chapter on Canadian Social and Political Life* (Toronto: Grip Printing and Publishing Company, 1886), 100-109; Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 21-23; Taché, *Amnesty Again*, 16, 32; François-Xavier-Anselme Trudel, quoted in ‘The Execution of Louis Riel,’ [28 May 1886] *Debates of the Senate of the Dominion of Canada 1886*, 4th Session, 5th Parliament, ed. Holland Bros. (Ottawa: A.S. Woodburn, 1886), 842-847; John Skirving Ewart, *The Manitoba School Question* (1894), 355-356, 386; A.-G. Morice, *Aux Sources de L’Histoire Manitobaine: Extrait de la Nouvelle-France* (Québec: Imprimerie de las Compagnie de ‘L’Événement’, 1907), 87-89; Joseph Francis Tennant, *Rough Times, 1870-1920: A souvenir of the 50th anniversary of the Red River expedition and the formation of the province of Manitoba* ([Winnipeg?: s.n., 1921]), 17-19; Mrs. Black and Mrs. Bernard Ross, in W.J. Healy, *Women of Red River, Being a Book Written from the Recollections of Women Surviving from the Red River Era* (Winnipeg: Women’s Canadian Club, 1923), 22, 79-82; A.H. de Trémaudan, ‘The Execution of Thomas Scott,’ *Canadian Historical Review* 6 (1925), 222-236; de Trémaudan, *Histoire de la nation métisse*, 218 n. 7; Canada, Parliament, Senate, Debates of the Senate: official report (Hansard), Issues 1-21 (Ottawa: Queen’s Printer, 1955), 124; J.M. Bumsted, ‘Thomas Scott and the Daughter of Time,’ *Prairie Forum* 23, no. 2 (fall 1998), 145-169; Bumsted, *Thomas Scott’s Body*, 3-10, 197-213, 254-258; Hall, ‘Perfect Freedom,’ 156-161, esp. nn. 77, 96.

⁹⁹ *New Nation* (4 March 1870), 2, simply expressed relief that the Canadians had gone. Thomas Bunn, quoted in Report of the Select Committee on the Causes and Difficulties, 118, testified that as late as 9 March 1870 ‘A good many people did not believe that Scott was dead.’ Jonas A. Jonasson, ‘The Red River Amnesty Question,’ *Pacific Historical Review* 6, no. 1 (March 1937), 62, notes that in 1872, ‘On February 9, the Government of the Province announced that it would pay \$5,000 to any person or persons bringing any of the “murderers” of Scott to trial.’ See also Doug Owram, ‘“Conspiracy and Treason”: The Red River Resistance From an Expansionist Perspective,’ *Prairie Forum* 3, no. 3 (1978): 157-174.

¹⁰⁰ Thomas Bunn, Sessional Journal of the Legislative Assembly of Assiniboia, March 1870, 11; Bruce Peel, ed., reprint of Assiniboia, Provisional Government, 1869-1870, Legislative Assembly, Minutes of the Proceedings of the Legislature of Rupert’s Land, Wednesday March 9th, 1870 (Winnipeg: Printed by H.M. Robinson and Co., 1870), in *Early printing in the Red River Settlement 1859-1870: and its effect on the Riel Rebellion* (Winnipeg; Peguis Publishers, 1974), 53.

bound to come under the Provisional Government, and are now on perfect good terms with all the people of Red River.’¹⁰¹ Riel’s subsequent suggestion that ‘let us act’ ought to be the Assembly’s motto was greeted with cheers.¹⁰²

Acting in Assembly

The procedures and decorum observed in the Legislature appear largely to have followed those established by the Council of Assiniboia, although there were modifications.¹⁰³ As the ad hoc approach to devising a Constitution illustrates, the Assembly, faced from its inception by pressing time constraints, generally dealt with procedural issues as they arose. Riel, when addressing the honourable members at the opening session, was still urging that all elections be finalized. It was not until 24 to 26 March that oaths of office were administered.¹⁰⁴ No description survives, but if this procedure was based on the tradition established by the Council of Assiniboia, then the members repeated the oath appropriate to their position as it was recited to them and finished by swearing ‘so help me God’ and ‘kissing the Holy Bible.’¹⁰⁵ There is no indication of who devised the oaths administered in the Legislative

¹⁰¹ *Ibid.*

¹⁰² *Ibid.* On ‘Acting’ as an American slogan connected with development Know-how and the North-West see *Boston Daily Journal*, (26 July 1869), 4, quoted in James G. Snell, “The Frontier Sweeps Northwest: American Perceptions of the British American Prairie West at the Point of Canadian Expansion (Circa 1870),” *The Western Historical Quarterly* 11, no. 4 (October 1980): 386.

¹⁰³ Riel, quoted in Bunn, *Sessional Journal of the Legislative Assembly of Assiniboia*, March 1870, 11, commented to the Assembly, ‘Some of you were in the old Government of the country, and are familiar with the conduct of public proceedings.’

¹⁰⁴ The president, some of the elected members and the Clerk of the Assembly took their oaths 24 March, Riel’s was administered by Lepine, Bruce, Dauphinais, Bannatyne, Bunn, and Tait. Members sworn in on 24 March: Bannatyne, Tait, Hay, Garrioch, Bunn, Gunn, Fraser, Olone, Sinclair, O’Donoghue, Norquay, Touron, Lacerte, Harrison, Dauphinais, Poitras, Bruce, Baptiste Beauchemin, Parenteau, Schmidt, Pagé, André Beauchemin. Bird and De Lorme were sworn in 25 March. Lepine was not sworn in as a member of the Assembly until 26 March. In addition, James Ross took his oath 26 March, administered by John Bruce, Ambroise Lepine, A.B.G. Bannatyne, C.J. Bird and T. Bunn. See *New Nation*; Begg, *Creation of Manitoba*, 331-332.

¹⁰⁵ It is not clear from surviving accounts whether the President’s oath also included the phrase ‘so help me God,’ although it seems probable, as both the Clerk’s and the Members’ oaths included it.

Assembly, but these differed significantly from those of the HBC Council. They were simplified and localized. References to serving ‘our Sovereign Lady, the Queen or Her Heirs and Successors, and all, who now do, or hereafter may, lawfully exercise authority under her or them,’ were dropped.¹⁰⁶ In the President’s oath, ‘the voice of the people’ was the overriding authority.¹⁰⁷

Voting procedure for entry to the Legislative Assembly had been laid out by the Convention of Forty, which established that ‘the mode of election will be by public meeting.’¹⁰⁸ It is not clear what inspired voting practice within the Assembly itself, although according to one description, ‘the votes were taken by a Secretary, and every one used to rise and give his vote ... each member rose and voted “Yay” or “Nay,” and as he did so his name and vote was recorded on ordinary foolscap.’¹⁰⁹ To be resolved, motions were made, seconded, and voted upon. In many cases, extended debate interrupted the process and amendments were made and withdrawn before a vote took place. Bills were also subject to

¹⁰⁶ Oliver, *Canadian North-west*, vol. 1, 51, records the oath for Councillors of Assiniboia as: ‘I hereby swear in the presence of Almighty God, that I will truly serve our Sovereign Lady, the Queen or Her Heirs and Successors, and al, who now do, or hereafter may, lawfully exercise authority under her or them, and that I will faithfully discharge all and every the duties of a *member of the Council* of the District of Assiniboia in Rupert’s Land,’ [sic: italics in source]. Members swore ‘I, _____, do solemnly swear that I will, to the best of my ability, faithfully perform all the duties of a member of the Legislative Assembly of the Provisional Government of Assiniboia — So help me God.’ The Clerks oath was similar. James Ross’ oath was the most elaborate: ‘In the name of God, Amen. I, James Ross, do solemnly swear on the Holy Evangelists, and in the presence of Almighty God,— as I shall answer to God at the great day of Judgment, that I will faithfully and impartially perform all the duties of Chief Justice of Assiniboia. I swear that I will not bear envy, hatred or malice against any one, and that I will not act from fear, favor or affection or hope of reward in any case, but that I will faithfully act between all parties — So help me God.’

¹⁰⁷ Bunn, Sessional Journal, 2-3; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1, record the oath as ‘I, Louis Riel, do hereby solemnly swear that I will faithfully fulfil, to the best of my ability, my duties as President of the Provisional Government, proclaimed on the 24th Nov. 1869, take all the duties, which may become connected with the office of President of the Provisional Government of Assiniboia, as they may hereafter be defined by the voice of the people.’

¹⁰⁸ ‘Friday, February 11, 1870: Last Acts of the Convention, Formation of the Provisional Government of Rupert’s Land,’ *New Nation* (11 February 1870), 3.

¹⁰⁹ Charles Nolin, quoted in Elliott and Brokovski, *Preliminary investigation and trial of Ambroise D. Lepine*, 74.

much discussion and amendment. To be passed, each had to be read three times, after which there was a vote. The passage of bills marked the debates of the first session of the Assembly.

First Session of the Legislative Assembly of Assiniboia

The *New Nation* announced that a meeting of the Assembly of the Provisional Government was scheduled for 9 March.¹¹⁰ On the appointed day Riel delivered a speech and the naming of Assiniboia took place, but due to incomplete attendance, owing partly to not all elections being finalized, the meeting was adjourned. Secretary Thomas Bunn sent out notices summoning members to convene at 10 am., on Tuesday 15 March.¹¹¹ On that date, Bishop A.-A. Taché addressed the Assembly, asking that half the prisoners still in jail (principally members of the Portage party) be released as a sign of goodwill.¹¹² The honourable members endorsed the suggestion with cheers and the president agreed.¹¹³

The resolution of practical issues began on 24 March with W.B. O'Donoghue's introduction of the first bill to be considered: 'An Act respecting the Two Mile Hay Privilege,' which provided that the 'privilege, heretofore enjoyed by the inhabitants of Red

¹¹⁰ Begg, *Creation of Manitoba*, 308.

¹¹¹ *New Nation*, 11 March, p. 2, listed as present: 'French Councillors -- W.B. O'Donoghue, John Bruce, Ambroise Lepine, Louis Schmidt, A. Beauchemin, Baptiste Touron, Baptiste Beauchemin, Pierre Parrenteau, Louis Lascerte,' for a total of 9, and 'English Councillors -- A.G.B. Bannatyne, W. Fraser, Thos. Bunn, W. Garrioch, Geo. Gunn, John Norquay, E. Hayes, A.H. Scott, H.F. Olone, Wm. Tait,' for a total of 10. See also Begg, *Creation of Manitoba*, 308-313, for the substance of Riel's speech.

¹¹² Bunn, *Sessional Journal*, 12-13; 'Provisional Government. Bishop Tache [sic] Addresses the Assembly. (Reported for The New Nation.),' *New Nation* (16 March 1870), 2. Begg, *Creation of Manitoba*, 316-319, 320, gives the substance of the speech and avers that 'about this time' an objection arose to the *New Nation* for having published an erroneous account of Taché's introduction to the council.

¹¹³ *Ibid.*

River, should be converted into fee simple ownership.’¹¹⁴ The goal was to protect an option on land — amounting to half of the property under use — that those farming in the settlement relied upon, but for which the HBC had never actually conferred title. The members of the Assembly soon realized that the issue was complex: there were questions as to how rights of possession, access, and use were understood throughout the settlement, and about how future scenarios might be addressed. Consequently, full consideration of the bill was set aside until the residents of Red River could be consulted. Representatives of the Assembly from each parish were to chair committees, ‘of not less than five, and not more than ten members,’ within their constituencies.¹¹⁵ Reports on what the individual parishes regarded to be ‘the best mode’ of converting use of the hay privilege to ownership of land ‘to the satisfaction of all parties concerned,’ were to be tabled at the next session.¹¹⁶

The Assembly then reviewed four more bills — all of which were passed by 25 March 1870. The second was a bill providing for the better administration of public justice. It called for some reorganization of the judicial districts and laws, but basically ensured that until that task was completed all previous laws would remain in force. The third bill sanctioned modifying the military, which was still ‘considered necessary for the protection of life and property.’ It provided:

That a body of fifty men be recruited from the different sections of the country, and that this body of men be regularly organised and retained at Fort Garry for the service of the Executive; that each man so recruited and organised shall receive a monthly

¹¹⁴ Bunn, *Sessional Journal*, 7; see also Archives of Manitoba, MG A1-20, Bill No. 1. 1st Session. 1st Parliament. Respecting the Hay Privilege. 1870; and “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1. Begg, *Creation of Manitoba*, 320.

¹¹⁵ Bunn, *Sessional Journal*, 4-5; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1-2.

¹¹⁶ *Ibid.*

payment of Three Pounds Sterling, and his Board, as compensation; and that the term of each man's service shall be for two months.¹¹⁷

The Assembly conferred command of the force upon Hon. Ambroise Lépine, Adjutant General.

The fourth bill, 'An Act respecting Indemnity to Members' set a rate of remuneration for the Honourable Members. They were to receive twelve shillings per day while on government business, on a promise of five dollars a day, to be paid when the Legislature completed 'further arrangements.'¹¹⁸ The fifth and final bill ensured that until the first bill on the hay privilege came into force, no one would be allowed to stake any claims or take up any kind of residence on the land directly behind any of the river lots in the settlement. The Assembly was then prorogued until 26 April.

Throughout the first and succeeding sessions, the work of the Assembly was reported in the *New Nation*. On 15 April the paper also published a proclamation celebrating the Assembly and honourable members who 'devoted themselves to the public interests and yielded only to sentiments of good will, duty and generosity.' Martial law had been lifted, pardons granted to 'all those whom political differences led astray only for a time,' and amnesty promised 'to all those who will submit to the Government.' The HBC had resumed business and pledged to 'circulate their money as of old.' The announcement further enthused:

Happy Country, to have escaped many misfortunes that were prepared for her! In seeing her children at the point of war, she recollects the old friendship which used to

¹¹⁷ Bunn, *Sessional Journal*, 9; see also AM, MG3 A1-19, Bill No. 3, 1st Session. 1st Parliament. For Organization of Military Force. 1870.

¹¹⁸ Bunn, *Sessional Journal*, 9; AM, MG3 A1-21, Bill No. 4. 1st Session. 1st Parliament. Indemnity to Members. 1870.

bind us, and by the ties of the same patriotism she has re-united them again for the sake of preserving their lives, their liberties, and their happiness.

Let us remain united, and we shall be happy. With strength of unity we shall retain prosperity ... without distinction of language or without distinction of creed.¹¹⁹

Second Session of the Legislative Assembly of Assiniboia

The Legislative Assembly of Assiniboia reconvened on 26 April and sat to 9 May.¹²⁰ It opened with a reading, in English and French, of a joint report of the special committees to revise and codify the laws. The committees had apparently combined their findings during the recess.¹²¹ It was the joint Law Committee that codified the position of women within the settlement most clearly, stating in their report, ‘Every enactment shall be interpreted without regard to the distinction of Gender.’¹²² On hearing from the Law Committee, however, the work of the Assembly almost immediately returned to a discussion of the hay privilege.

Reports from all parishes, detailing how people of the settlement wanted the hay privilege question settled, were communicated in French, English, and ‘Indian’ — probably Saulteaux and Cree.¹²³ Debate on the issue continued through the next day, during which time the question of Aboriginal title — raised as an issue during the Convention of Forty — was again addressed. A full treatment of the debates that took place at the convention and carried

¹¹⁹ AM, MG3 A1-25, ‘Proclamation of the People of the North-West. 1870,’ a pencil notation dates the document 9 April 1870; see also “Proclamation,” *New Nation* (15 April 1870).

¹²⁰ de Trémaudan, *Histoire de la nation métisse*, 235, dates the session as 9 May - 20 May.

¹²¹ Bunn, Sessional Journal, 16, signifies the existence of a report document, noted as ‘(A),’ presumably filed with, or appended to the Journal. The current whereabouts of the report are unknown. Minutes of the committee are archived as AM, MG3 A1-24, ‘Minutes of meeting of Committee to codify and arrange laws. 1870.’ The finalized laws were printed as ‘Laws of Assiniboia, Passed By The President and Legislative Assembly of Assiniboia, On The 7th Day of May, 1870. Second Session of the Legislature,’ *New Nation* (6 May 1870), 3, and *New Nation* (20 May 1870), 3-4.

¹²² See, Minutes of Meetings of Committee appointed to by the Legislative Assembly of Assiniboia, to codify & arrange the Laws; and ‘Laws,’ *New Nation* (20 May 1870), 3.

¹²³ John Sinclair, 27 May 1870, in Bunn, Sessional Journal, 19; and ‘Legislative Assembly of Assiniboia, Second Session (Reported for The New Nation.),’ *New Nation* (6 May 1870), 1.

into the Assembly is beyond the scope of this essay. But concerns were voiced, most persistently by Thomas Bunn, that ownership of the hay privilege ultimately devolved to the region's First Nations because they had originally ceded only a two-mile allowance for river lots, not the additional two miles behind them.¹²⁴ Some parishes, such as St. Boniface, did not have ready access to land immediately behind river lots because property granted as a Catholic seigniority intervened. Others had access only to treed lands, not suitable for cutting hay. Members such as Pierre Parenteau, Auguste Harrison, and Pierre Poitras therefore argued for setting aside reserves of land for common use. Hon. James McKay's contribution to the discussion, printed in the *New Nation*, merits inclusion:

As Half-breeds we require wood and hay quite as much as the Indian does his rights; and if we take a reserve for our own use, I do not think for a moment that we are thereby depriving the Indian of any title. Since the question of reserves [for non-First Nations settlers] has come up, I must say that I would strongly support such a disposition of a portion of our lands. The fact is that by making these reserves, the Indians are benefitted: for so much of the land would thereby be kept for many years in its present shape. If these reserves are not granted, then the land may be sold before long, and used as private property, and the Indians will not have the same right of using the land as heretofore. I would like to see a reserve set apart for the people of the Assiniboine. I respect the Indians and all that live in the country. But at the same time I do not want to be deprived of my rights until the Indian claim is satisfied. I could go farther, and say — one quarter of me is Indian; and if the Indian title is to be respected, the rights of one-quarter of my person must be respected (cheers and laughter) [McKay was a very large man]. I am not at all afraid but that in my dealings with the Indians, I can satisfy them without robbing them of any of their titles (cheers). (The hon. gentleman repeated his address in Indian in which he is a very fluent and eloquent speaker.)¹²⁵

¹²⁴ See Darren O'Toole, 'Métis Claims to "Indian" Title in Manitoba, 1860-1870,' *The Canadian Journal of Native Studies* 28, no. 2 (2008): 241-271.

¹²⁵ 'Legislative Assembly of Assiniboia, Second Session (*Reported for The New Nation.*),' *New Nation* (6 May 1870), 1-2. See also Thibert, 'Convention at Fort Garry,' *New Nation* (4 February 1870), 6, who argued 'The rights put forward by Half-breeds need not necessarily be mixed up with those of Indians. It is quite possible that the two classes of rights can be separate and concurrent. My own idea is that the reserves of land should be given the Half-breeds for their rights.'

In the end, the Assembly again turned to appointing a special committee to work through this ‘critical’ issue (see Table 8).¹²⁶

The Assembly then spent from 28 April to 6 May reviewing the joint report of the law committees one article at a time, sometimes one word at a time. The laws covered diverse aspects of life in the settlement: what to do with runaway livestock, where and with whom it was permissible to imbibe liquor, and how to apportion guilt in the case of runaway fires. Given that committee member W.B. O’Donoghue was adamant that the laws ‘were not the old laws a little altered. The old laws were taken as a guide, but none of them were adopted

Special Committee on the Two-Mile Hay Privilege	
English Parishes:	French Parishes:
Dr. C.J. Bird	W.B. O’Donoghue
William Fraser	Pierre Delorme
John? Sinclair	Baptiste Tourond
James McKay	François Dauphinais
William Garrioch Jr.	André? Beauchemin
Thomas Bunn	John Bruce

Table 8: The Special Committee on the Hay Privilege was ‘to have the privilege of forming itself into two sub-committees if considered desirable, but to amalgamate their reports before presentation to the House.’¹²⁷

¹²⁶ ‘The President’s Speech on the Hay Privilege,’ *New Nation* (29 April 29 1870), 2; Bunn, *Sessional Journal*, 16-18; ‘Legislative Assembly of Assiniboia. Second Session. (*Reported for The New Nation.*)’ *New Nation* (29 April 1870), 2. See also O’Toole, ‘Thomas Flanagan on the Stand,’ 143, and arguments over whether land was an issue 1869-1870, about which he observes, ‘James Ross insisted that, “[w]e must get it, whether we ask for it absolutely [quieting of title in fee simple] as a free gift [grant], or claim the first right by purchase [pre-emption right]” (New Nation 11 February 1870 1). While it was commuted into a free grant in fee simple in par. 32(5) of the Manitoba Act, the Laws of Assiniboia and Ross’s statement nevertheless show that people of the Settlement were well aware of pre-emption rights.’

¹²⁷ Bunn, *Sessional Journal*, 19; ‘Legislative Assembly of Assiniboia, Second Session (*Reported for The New Nation.*)’ *New Nation* (6 May 1870), 8.

without undergoing many alterations,' the codification of a distinct set of laws for the settlement by the Assembly deserves further study.¹²⁸ One notable feature of the debates is that although the laws reflected local concerns and customs, opinions about their formulation were not solely based on local experience: references and comparisons were made to practices in 'other countries.'¹²⁹

To 9 May 1870, the Assembly debated such matters as instigating public works, revising the judicial districts, and setting up a senate. They also discussed what was being written about their country in newspapers from abroad. Riel, for instance, announced:

in reference to the news received by last mail — now we *are* recognized abroad — recognized because we have taken a bold stand among the nations. Even if we are a community small in number, our attitude has been that of honest, determined, straightforward men.¹³⁰

In the midst of determining what needed to be done with respect to roads and bridges, the members learned that their delegates had arrived in Ottawa. Before the second session closed on 9 May, the Assembly received the List of Rights that the President and an acting Executive had instructed the delegates to secure.¹³¹ The List included the provision that Assiniboia enter confederation as a province, and reflected the Assembly's practice by

¹²⁸ Bunn, Sessional Journal, 20-22; 'Legislative Assembly of Assiniboia. (*Continued from main sheet.*)', *New Nation* (6 May 1870), 8.

¹²⁹ Bunn, Sessional Journal, 23-25; 'Legislative Assembly of Assiniboia. Second Session (*Reported for The New Nation.*)', *New Nation* (13 May 1870), 1.

¹³⁰ Bunn, Sessional Journal, 28-31; 'Legislative Assembly of Assiniboia. Second Session (*Reported for The New Nation.*)', *New Nation* (13 May 1870), 1.

¹³¹ See Bunn, Sessional Journal, 39-42, and reference to document 'D', presumably the List of Rights; and 'Legislative Assembly of Assiniboia. Second Session,' *New Nation* (20 May 1870), 1-2. On 5 May, Riel announced he would present the amended 'List of Rights' the following day. The minutes for 6 May merely allude to the list. Bunn apparently meant it to be consulted with his journal, but does not state when the list was tabled, nor is the document archived with his text. W. L. Morton, *Begg's Red River Journal*, 369 n.1, cites H.M. Robinson, U.S.N.A., Department of State, Consular Reports, Winnipeg, I, May 10, 1870, No. 35, as evidence the revised Bill of Rights was put before the Assembly.

safeguarding French and English language rights equally. There was no debate on or objection to either point. The composition of a finalized Executive Council was formally announced, the councillors agreed to leave all unsettled matters to its deliberation, and they then departed for their homes to wait for an official report from their delegates on the outcome of negotiations with Canada.

Third Session of the Legislative Assembly of Assiniboia:

On 23 June, a ‘special session of the Legislative Assembly’ convened to hear the report of Rev. Ritchot, the first delegate to have returned from negotiations at Ottawa, only to find that he was ill and would not be attending until the next day.¹³² When the Assembly reconvened on the 24 June, Ritchot gave a full account of the negotiations. He described the events of his journey, which had been replete with arrests and confinement, dinners, and deft political manoeuvres, and then he submitted the Manitoba Act for the Assembly’s consideration. After questioning Ritchot on the implications of the various clauses, and receiving reassurance that contrary to newspaper reports the people of Canada were sympathetic to the Provisional Government, the Assembly was satisfied that the rights they valued had been recognized. Hon. Louis Schmidt moved ‘that the Legislative Assembly of this country do now, in the name of the people, accept the Manitoba Act, and decide on entering the Dominion of Canada, on the terms proposed in the Confederation Act.’¹³³ While the members of the Legislative Assembly cheered, Hon. Pierre Poitras seconded the motion. The Legislative

¹³² Bunn, Sessional Journal, 50; ‘Legislative Assembly of Assiniboia. Third Session,’ *New Nation* (24 May 1870), 2. Ritchot had returned 17 June on the *International* to 21 gun salute. Alfred Campbell Garrioch, *The Correction Line* (Winnipeg: Stovel Co, 1933), 331, asserts only three English delegates attended -- Bannatyne, Bunn, and McKay.

¹³³ Bunn, Sessional Journal, 51; ‘Legislative Assembly of Assiniboia. Third Session,’ *New Nation* (1 July 1870), 3.

Assembly of Assiniboia ratified the Manitoba Act and the session was adjourned. Both Ritchot and Riel, however, felt compelled to make closing statements that underlined the significance of the Assembly's achievement. For his part, Ritchot observed:

while in Canada, let me say, in closing, not only had we all the sympathy and attention we could have expected, but admiration was expressed for the stand taken by the people, who had, it was held, shown themselves to be reflective, prudent people — wise to plan — resolute to act — so that, although jeopardised through dangers of the greatest magnitude, they passed almost unscathed through the crisis.¹³⁴

William Coldwell, Clerk of the Assembly, recorded that 'loud cheers' followed, and Riel concluded:

I congratulate the people of the North-West on the happy issue of their undertakings (cheers). I congratulate them on their moderation and firmness of purpose; and I congratulate them on having trust enough in the Crown of England to believe that ultimately they would obtain their rights (cheers). I must, too, congratulate the country on passing from under this Provisional rule to one of a more permanent and satisfactory character.¹³⁵

Conclusion

The Legislative Assembly of Assiniboia closed on a positive note. The Provisional Government continued to oversee the settlement, in keeping with Sir George Cartier's instructions, communicated by Ritchot, that the officials were 'not to be discharged; let them keep peace and quietness in the country until the Governor has arrived.'¹³⁶ The standing military was also retained. Under this arrangement, life in Red River appears to have carried

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ Taché, quoted in Report of the Select Committee on the Causes of the Difficulties, 35. see also Riel, 'L'Amnistie,' *Le Métis* (28 February 1874), 3.

on as efficiently and peaceably as it ever had before. It is possible, however, that for some people in the settlement the aftermath of the Legislative Assembly's admitting Manitoba into Confederation was as marked by uncertainty as the period that had preceded the Assembly's formation. Rumours persisted in the press, and among settlers, that the Red River Expeditionary Force, on its way from Canada, might include individuals who viewed the people of Red River to be 'rebels' and 'murderers' who were in need of forcible correction.¹³⁷ What exactly the various Honourable Members of the Assembly anticipated is difficult to ascertain. If little research has gone into their participation in the Legislative Assembly, even less has been done to study the lives of most of them afterwards.

Riel's story, with its harsh consequences for himself and his people, is relatively well known.¹³⁸ Due to agitation in Ontario on the part of former 'Canadian party' members, Riel was never allowed to sit as a member of the Parliament of Canada¹³⁹ — though he was elected for Provencher, Manitoba, in 1873 and 1874.¹⁴⁰ By 1884 Riel was living in Montana. In that year, Métis and non-Aboriginal settlers in what is now Saskatchewan solicited his help to petition the Government of Canada over grievances about its land policies. Riel agreed to join the movement, arriving at the settlement of Batoche in early July. On 19

¹³⁷ Société historique de Saint-Boniface Archives, Fonds of the Corporation archiépiscopale catholique romaine de Saint-Boniface, Taché Series Ta3970, 'Letter of 17 May 1870 from Alexandre Antonin Taché to Joseph Howe,' 1-4; and 'The Toronto Telegraph's "Own Correspondent,"' *New Nation* (23 July 1870), 2; see 'A Flat Denial, "Own Correspondent's" Fables!' *New Nation* (23 July 1870), 2; also 'Our Conciliatory Tone,' *New Nation* (23 July 1870), 2.

¹³⁸ See Ken Coates, 'Western Manitoba and the 1885 Rebellion,' *Manitoba History* 20 (autumn 1990), online, http://www.mhs.mb.ca/docs/mb_history/20/1885rebellion.shtml; and André N. Lalonde, 'The North-West Rebellion and its Effects on Settlers and Settlement in the Canadian West,' *Saskatchewan History* 27, no. 3 (autumn 1974), 95-102.

¹³⁹ See David Latham, 'Mair, Charles,' DCB; and Lovell Clark, 'Schultz, John Christian,' DCB.

¹⁴⁰ Thomas, 'Riel, Louis,' DCB, notes that in 1872 'Riel agreed to withdraw his candidature, as did his opponent Henry Joseph Clarke, in favour of Cartier, on condition that a settlement be reached on the guarantees made to the Métis regarding land.' When Cartier subsequently died, a by-election was held, Riel 'let his name stand,' and won. In the 1874 election called after the Macdonald government resigned over the Pacific Scandal, Riel was re-elected.

March 1885, convinced that written protest had failed, Riel and the Métis of the settlement took up arms and declared a provisional government.¹⁴¹ Their resistance effectively ended on 12 May with the capture of Batoche by Canadian forces. Riel was hung for treason on 16 November 1885.¹⁴² Increased marginalization of Métis people in Western Canada followed.

Prior to that date, the other, comparatively obscure, former members of the Provisional Government of Assiniboia experienced the transition to Canadian rule differently: while some died or moved away, others went on to serve their constituencies in the new Government of Manitoba. After the arrival of Colonel Garnet Wolseley's Expeditionary Force on 24 August 1870, the ordeals of Ambroise-Dydime Lépine and W.B. O'Donoghue became public and humiliating.¹⁴³ An expected general amnesty was never

¹⁴¹ George Woodcock, *Gabriel Dumont: the Métis chief and his lost world* (Toronto: University of Toronto Press, 2003), 175, avers Pierre Paranteau was nominal president – whether this was the former member of the Legislative Assembly of Assiniboia has not been established. See also Canada, Department of the Secretary of State; Sir Joseph-Adolphe Chapleau, *Return to an address of the House of Commons, dated 14th April, 1886: For copies of all the depositions or other evidence submitted in favor of the Half-breeds or Métis sentenced to imprisonment in the gaol at Regina, and in the provincial penitentiary of Manitoba: And also all depositions submitted in behalf of André Nault and Abraham Monteur, Métis prisoners confined at Regina and Battleford* (Ottawa]: Department of the Secretary of State, 1886), 2-3. Gabriel Dumont was head of the military. See Roderick C. Macleod, 'Dumont, Gabriel,' DCB.

¹⁴² Stewart Mein, 'North-West Resistance,' Encyclopedia of Saskatchewan online, http://esask.uregina.ca/entry/north-west_resistance.html, notes the wider resistance carried on to 2 July 1885. See also Charles Pelham Mulvany, *The history of the North-West Rebellion of 1885: Comprising a full and impartial account of the origin and progress of the war, of the various engagements with the Indians and half-breeds, of the heroic deeds performed by officers and men, and of touching scenes in the field, the camp, and the cabin: Including a history of the Indian tribes of north-western Canada, their numbers, modes of living, habits, customs, religious rites and ceremonies: With thrilling narratives of captures, imprisonment, massacres, and hair-breadth escapes of white settlers, etc.* (Toronto: A.H. Hovey & Co, 1885); and Joseph Phillipe René Caron, Frederick Dobson Middleton, Canada, Department of Militia and Defence, Report upon the suppression of the rebellion in the North-West Territories and matters in connection therewith, in 1885: Presented to Parliament (Ottawa: [Department of Militia and Defence], 1886).

¹⁴³ See Gerhard J. Ens, 'Lépine, Amboise-Dydime,' DCB; 'The Riel-Lepine Case. Resolution Passed in the Scott L.O.L. No. 1353,' *Manitoba Free Press* (10 January 1874), 5; 'The Lepine Verdict,' *Manitoba Free Press* (21 November 1874), 5; and George F.G. Stanley, 'O'Donoghue, William Bernard,' DCB; 'The Fenians! Attack on the Province! ... O'Donoghue Arrested ...,' *Manitoban and Northwest Herald* (7 October 1871), 2; 'Riel and O'Donoghue,' *The Nor'-Wester* (9 November 1874), 2.

proclaimed and in the end, along with Riel, they faced exile from Canada.¹⁴⁴ In a written protest, Riel also alleged that Pierre Poitras, François Xavier Pagé, and François Dauphinais were assaulted and jailed during the months of ‘reprehensible’ lawlessness that marked the transition from provisional to provincial government.¹⁴⁵ Although the prevalence of duplicate names in the settlement makes it difficult to be certain, it is possible that in the face of harassment by new authorities — experienced by settlers as a ‘reign of terror’ — both Poitras and Pagé moved away from Red River.¹⁴⁶ Dauphinais stayed in Manitoba for a time, but eventually relocated to St. John, Dakota Territory, where he died in 1889, age seventy-two.¹⁴⁷

The most prevalent problem encountered by former members of the Legislative Assembly was that of resolving land issues. Despite their Assembly’s efforts, the hay

¹⁴⁴ Lépine, originally condemned to death, had his sentence commuted, and chose to serve time in prison rather than exile. O’Donoghue’s exile was self-imposed. On the issue of amnesty see Jonas A. Jonasson, ‘The Red River Amnesty Question,’ *Pacific Historical Review* 6, no. 1 (March 1937): 58-66, 61, who notes ‘Here the important consideration was not whether the amnesty had been promised, but rather the fact that a large proportion of the people of Quebec and Manitoba thought it had been promised and should be granted.’

¹⁴⁵ Louis Riel. ‘Lettre à A.G. Archibald. [St. Vital]. [72/02/05],’ in *The Collected Writings of Louis Riel/Les Ecrits Complets de Louis Riel*. vol. 1, ed. George F.G. Stanley, Raymond Huel, Giles Martel, Thomas Flanagan, Glen Campbell, (Edmonton: University of Alberta Press, 1985), 173; Louis Riel, *L’Amnestie*, 21; and John Perry Pritchett, ‘The Origin of the So-called Fenian Raid on Manitoba in 1871,’ *Canadian Historical Review* 10, no. 1 (1920): 24 and n.2, who observes ‘an abundance of evidence’ supports this characterization of the period, and who lists contemporary reports. See also Roger Willock, ‘Green Jackets on the Red River,’ *Military Affairs* 22, no. 1 (Spring 1958): 26-37, 30, for the counter vision of the ‘sorry state of affairs in the Canadian Northwest’ that ‘triggered the dispatch of the Red River Expedition in May 1870.’

¹⁴⁶ Note, however, that ‘Les deux miles,’ *Le Métis* (18 January 1873), 2, lists a Pierre Poitras as chair of a meeting on the unresolved issue of recognition by the Canadian government of the two-mile privilege, as member of a committee delegated to inform people of his parish of resolutions adopted to address the issue, and as president of a meeting in his parish; ‘Cour du Banc de la Riene,’ *Le Métis* (18 January 1873), 2, lists a Pierre Poitras as member of the grand jury, Court of Queen’s Bench; ‘Enclos de St. Francois-Xavier Est,’ *Le Métis* (17 June, 5 July, 15 July, and 5 August 1875), list a Pierre Poitras as ‘Gardien d’Enclos.’ at St. Francois Xavier on 14 June 1875; ‘Chronique Locale,’ *Le Manitoba* (4 September 1883), 3, lists a Pierre Poitras as settling at Saint-Damase; and ‘Chronique Locale,’ *Le Manitoba* (25 January 1893), 3 lists a Pierre Poitras at Sainte-Anne des Chien. See also ‘Qu’Appelle, Full Text of the Treaty,’ *Manitoba Free Press* (3 October 1874), 6. ‘Interment List, St. Thomas Church of Duhamel Cemetery 1881-1891, <http://www.angelfire.com/ab/camrosecountychurch/duhamel/duhamelone.htm>.

¹⁴⁷ Anne Anderson, *The first Metis: a new nation* (UVISCO Press, 1985), 279, notes Xavier Pagée, who married Elizabeth Dumont ‘was a member of the Riel Rebellion.’ Gabriel Dumont Institute, ‘The Dispersal of the Métis,’ content document (2005-2006), 4, http://www.virtualmuseum.ca/Exhibitions/Batoche/docs/proof_en_the_dispersal.pdf. La Société historique de Saint Boniface, ‘Henri Pagé,’ Family Group Sheet, notes he was buried 24 February 1889, at St. François Xavier.

privilege remained problematic and unresolved. Not until April of 1871 did an Order in Council of the Canadian Government introduce regulations concerning the public lands of Manitoba. Some former members of the Legislative Assembly, including Pierre Parenteau, Baptiste Tourond, and William Garrioch, protested the disorderly implementation of land policy and sought redress on behalf of their communities.¹⁴⁸ Their efforts garnered attention, and early in 1873 a commission was appointed to investigate. It reported in March that certain rights in the customary hay privilege did exist, and that settlers were entitled to compensation for losses. The Governor General of Canada approved the Report, and a second order, passed 1875, laid out procedures for distributing compensation, either by granting ownership of the hay privilege, or issuing scrip.¹⁴⁹ There were conditions, however, including investigations to be carried out. The process was slow and the dispensation of land titles never really emerged from the state of ‘conflict and confusion’ that attended Canada’s ‘trial and error’ approach to its geographical expansion.¹⁵⁰ The names of John Lazarus Norquay (cousin to the John Norquay who became Manitoba’s premier in 1878),¹⁵¹ George

¹⁴⁸ ‘Assemblée Tenue a St. Norbert,’ *Le Métis* (27 March 1872); ‘Les deux miles.’ *Le Métis* (18 January 1873), 2; ‘Local and Provincial: The Red River Lands,’ *Manitoba Free Press* (19 January 1878), 5-6; ‘La question des Terres,’ *Le Métis* (11 January 1878); Canada, Department of the Secretary of State, *Return (in part) to an address of the House of Commons, dated 19th March, 1873, for copies of all reports from the Land Commissioner in Manitoba regarding the sale or location of lands in that province: All reports from, or correspondence with, the Commissioner (or any other parties regarding the sales or location of lands in the province): Also for copies of the letters of resignation of Mr. Canavan, and all correspondence between Mr. Canavan and the government: Also all correspondence with the Government of Manitoba on the subject of the complaints against the management of the Land Office in that province* (Ottawa: Department of the Secretary of State, 1873), 14, 15.

¹⁴⁹ Martin, *Hudson’s Bay Company’s Land Tenures*, 90-91, and ‘Appendix O. Page 92.—Hay Privileges in Assiniboia,’ 213-214.

¹⁵⁰ See H. Douglas Kemp, ‘Land Grants Under the Manitoba Act,’ *MHS Transactions* ser. 3, no. 9 (1952-1953 season), online, <http://www.mhs.mb.ca/docs/transactions/3/landgrants.shtml>; and O’Toole, ‘Thomas Flanagan on the Stand.’

¹⁵¹ Minnedosa. Manitoba Women’s Institute, *Minnedosa, Manitoba, 1878-1948: A village history* (Minnedosa MB: s.n., 1949), 7, 9; E.J. Brown, ‘Early Days of Minnedosa,’ *Manitoba Historical Society*, ser. 3 (1964-1965 season), <http://www.mhs.mb.ca/docs/transactions/3/earlydaysminnedosa.shtml>; Lawrence Barkwell, ‘The Famous Tanner Family and Tanner’s Crossing, Now Minnedosa, Manitoba,’ document, compiled for the Louis Riel Institute, available online, <http://www.scribd.com/doc/26269428/Tanners-Crossing>. Canada, 1901 Census

Gunn,¹⁵² Louis Schmidt,¹⁵³ John Bruce,¹⁵⁴ and John Sinclair¹⁵⁵ may be added to a list of those who decided to leave farms that had become contested terrain and relocate, homesteading anew, before the province of Manitoba had passed through its first decade.

of Canada, District of Marquette, Subdistrict of Grandview, Household 55. James Watson and Janet Watson, 'Deep Roots and Tall Trees,' <http://www.deeprootstalltrees.com/Paisley%20Families/norquay/d1.htm#i54178>; Eileen Horan, discussion thread, Métisgen-L Archives, RootsWeb, <http://archiver.rootsweb.ancestry.com/th/read/METISGEN/2006-01/1136763394>; See also LAC, RG15-D-II-8-c, 'Norquay, Ellen Emma Euphemia; address: Mountain Gap; born: 6 May, 1880 at Minnedosa; father: John Lazarus Norquay (Métis); mother: Mary Sanderson (Métis); scrip cert.: form E, no. 2865; claim no. 197.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, Caroline; address: Mountain Gap; born: 25 April, 1876 at Minnedosa; father: John Lazarus Norquay (Métis); mother: Mary Sanderson (Métis); scrip cert.: form E, no. 2866; claim no. 198.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, Henry George; address: Mountain Ga; born: 20 October, 1873 at Minnedosa; father: John Lazarus Norquay (Métis); mother: Mary Sanderson (Métis); scrip cert.: form E, no. 2864; claim no. 196.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, John Lazarus; heir to his deceased daughter, Isabelle Norquay; address: Mountain Gap; born: 14 September, 1871 at Minnedosa; died: 1873 at Minnedosa; father: John Lazarus Norquay (Métis and deponent); mother: Mary Sanderson (Métis); scrip cert.: form F, no. 1628; claim no. 171.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, John Lazarus; for his deceased daughter, Margaret Catherine; Daniel nee Norquay; address: Mountain Gap; born: 17 March, 1878 at Minnedosa; died: 27 March, 1899; father: John Lazarus Norquay (Métis and deponent); mother: Mary Sanderson (Métis); married: 1897 to Hector Daniel; heir: her husband, Hector Daniel, scrip issued for 240 acres; claim no. 194.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, John Lazarus; for his deceased daughter, Margaret Catherine; Daniel nee Norquay; address: Mountain Gap; born: 17 March, 1878 at Minnedosa; died: 27 March, 1899; father: John Lazarus Norquay (Métis and deponent); mother: Mary Sanderson (Métis); married: 1897 to Hector Daniel; heir: her husband, Hector Daniel, scrip issued for 240 acres; claim no. 194.' LAC, RG15-D-II-8-c, North-West Territories Métis scrip application, 'Norquay, John Lazarus; for his living son, Robert Alexander Norquay; address: Mountain Gap; born: 17 March, 1882 at Minnedosa; father: John Lazarus Norquay (Métis and deponent); mother: Mary Sanderson (Métis); scrip cert.: form E, no. 2863; file ref. 627197; claim no. 195.'

¹⁵² After 1874, with the influx of new settlers, it becomes difficult to establish exactly what Gunn was doing, and where, because several George Gunn's, of the same age, were resident in the West and engaging in activities in keeping with his own interests. See William C. Wonders, "The Nor-Waast," *Alberta History* 41, no. 1 (Winter 1993): 3; J.C. DeGear, ed., *Stories of the old times from the "Saskatchewan Herald" files* (Battleford, SK: *Saskatchewan Herald*, 1951), 23, for 16 Dec. 1878; Canada, Parliament, Sessional papers of the Parliament of the Dominion of Canada, vol 8, First Session of the Sixth Parliament of the Dominion of Canada (Ottawa: MacLean, Roger and Company, 1887), 30; LAC, Canada, 1881 Census; "A Shocking Accident," *Portage la Prairie Weekly Review* (15 October 1896), 2; Obituary, George Gunn, *Morning Telegram* (16 May 1899), 1.

¹⁵³ 'Biography of Schmidt, Louis, 1844-1935,' Manitoba, <http://manitobia.ca/cocoon/launch/en/biographies/LSc/en/LSc.xml>; R.J.A. Huel, 'Louis Schmidt, patriarch of St. Louis,' *Saskatchewan History* 40, no. 1 (1987): 1-21.

¹⁵⁴ N.E. Allen Ronaghan, 'Bruce (Brousse), John,' DCB.

¹⁵⁵ Sinclair may have relocated to Norway House. See LAC, RG10, 1884, 'Norway House Agency – Application from John C. Sinclair of Norway House Reserve to withdraw from Treaty'; and LAC, RG10, 1881-1882, 'Norway House Agency – John Sinclair & Hector Morrison asking for Grants of Land outside the Norway House Reserve.'

Over those same ten years, the deaths of men whose work as members of the Legislative Assembly of Assiniboia had shown promise constituted another loss to the province. Hugh F. Olone, 35 years old, was the first to die, murdered at Pembina in early January 1871.¹⁵⁶ James Ross, who at 36 years old was ‘the third man to be admitted to the bar of Manitoba,’ fell ill in May of 1871 and died in September that same year.¹⁵⁷ Alfred H. Scott died in May of 1872, in his 28th year, at the St. Boniface General Hospital (conducted by the Grey Nuns, or Sisters of Charity of Montreal).¹⁵⁸ Thomas Bunn, called to the Manitoba Bar in June 1871, died in 1875, after a brief illness, at age 45.¹⁵⁹ Dr. C.J. Bird fell ill the next year, sought medical treatment in London, England, but died there in June 1876, 38 years old.¹⁶⁰ W.B. O’Donoghue, displaced from Manitoba after the province’s creation, died in March of 1878, while seeking medical treatment in St. Paul, Minnesota.¹⁶¹ Whether the tuberculosis outbreak, that devastated Aboriginal communities in Western Canada from

¹⁵⁶ ‘Badly Hurt,’ *Manitoba News-Letter* (1 February 1871), 1. On 7 March 1871 the Saint Paul *Daily Pioneer* reported that Hugh F. ‘Bob’ Olone had been killed by a blow to the head from a revolver in early January. In the opinion of historians such as Ruth Swan, “‘Unequal Justice:’ The Metis in O’Donoghue’s Raid of 1871,’ *Manitoba History* 39 (spring/summer 2000), http://www.mhs.mb.ca/docs/mb_history/39/unequaljustice.shtml, Olone’s death was one of several assassinations meted out by Canadian troops after their arrival in August of 1870, as retribution for the execution of Thomas Scott. See also A.H. de Tremaudan, ‘Notes and Comments: Louis Riel’s Account of the Capture of Fort Garry, 1870,’ *The Canadian Historical Review*, 5 no. 1 (March 1924), 146 and n.1, who comments that Hugh F. Olone was with the majority of the French representatives and A.H. Scott of Winnipeg, who were in favour of stopping the troops if they were not carrying an amnesty proclamation, but that Riel refused to sanction the action.

¹⁵⁷ W.D. Smith, ‘Ross, James,’ DCB; Remis, ‘James Ross: 1834-1871,’ 176. See also Van Kirk, ‘What if Mama is an Indian?’ 215, and reference to ‘lung diseases.’

¹⁵⁸ ‘Died,’ *Manitoban and Northwest Herald* (1 June 1872), 3.

¹⁵⁹ W.L. Morton, ‘Bunn, Thomas,’ DCB; see also Archives of Winnipeg Free Press, online, <http://archives.winnipegfreepress.com/Default.aspx>, search: notice of Thomas Bunn’s illness, *Winnipeg Free Press* (31 November 1874).

¹⁶⁰ W.D. Smith, ‘Bird, Curtis James,’ DCB; Ross Mitchell, ‘The Early Doctors of Manitoba,’ *Canadian Medical Association Journal* 33, no. 1 (July 1935), 89-90.

¹⁶¹ Stanley, ‘O’Donoghue, William Bernard,’ DCB.

the early 1870s through the 1880s, might account for these deaths is currently unknown.¹⁶²

Although William Coldwell, former Clerk of the Legislative Assembly of Assiniboia, was invalidated around 1878, he survived well into his seventies, after relocating to Victoria, British Columbia.¹⁶³

Other former members of the Legislative Assembly continued to work on behalf of friends and neighbours in the legislature and civil service of the new Government of Manitoba. Of the twenty-four members who made up the first Legislative Assembly of Manitoba under Governor Adams G. Archibald, eight had been associated with the Legislative Assembly of Assiniboia.¹⁶⁴ James McKay became President of the Legislative Council of the First Parliament of Manitoba in 1871. François Dauphinais sat as an Honourable Member of the same council. E.H.G.G. Hay was elected a member of the Legislative Assembly for St. Andrew's, South; Louis Schmidt for St. Boniface, West; Pierre Delorme for St. Norbert, South; and André Beauchemin for St. Vital. Before their untimely deaths, Thomas Bunn and Dr. C.J. Bird represented St. Clement's and St. Paul, respectively.¹⁶⁵ Together with men described as 'loyalists, Rielites, French half-breeds, English half-breeds, Hudson's Bay Company officers, Selkirk settlers and Canadians,' these

¹⁶² See J.W. Daschuk, Paul Hackett, and Scott MacNeil, 'Treaties and Tuberculosis: First Nations People in the late 19th-Century Western Canada, a Political and Economic Transformation,' *Canadian Bulletin of Medical History* 23, no. 2 (2006): 307-330. At the time, tuberculosis was known as scrofula and consumption, see P.E. Moore, 'No Longer Captain: A History of Tuberculosis and its Control Amongst Canadian Indians,' *Canadian Medical Association Journal* 84, no. 18 (6 May 1961): 1012-1016.

¹⁶³ B.C. Archives, 1907-09-020196, Microfilm reel no. b13080, Death Registration, William Coldwell. Manitoba Historical Society, 'William Coldwell (1834-1907),' http://www.mhs.mb.ca/docs/people/coldwell_w.shtml.

¹⁶⁴ See Garrioch, *The Correction Line*, 338-339.

¹⁶⁵ George Bryce, *A History of Manitoba: Its resources and people* (Toronto and Montreal: Canada History Company, 1906), 168.

representatives met in A.G.B. Bannatynne's home, the new Government House.¹⁶⁶ Judge John Black had declined the offer of a government position in Manitoba and moved home to Scotland, but other former participants in the Legislative Assembly of Assiniboia who stayed in the province — Louis Lacerte,¹⁶⁷ Jean-Baptiste Beauchemin, Thomas Sinclair Jr., Auguste Harrison, William Fraser, and Rev. N.-J. Ritchot — continued to attend meetings in courtrooms, boardrooms, and council rooms throughout Manitoba and across the North-West, alongside original settlers and immigrants.¹⁶⁸ Tribulations notwithstanding, they sought, as before, to determine in concert 'what was best for the country.'

For Manitobans of 2010, recovering the history of the Legislative Assembly of Assiniboia is an important step towards recognizing the Métis and other settlers, who along with Riel, were leaders in the creation of the Province of Manitoba. If history is imagined as collective memory, then bringing the story of the Assembly to light forestalls forgetting past accomplishments. In Manitoba the depth of a history of cooperation and community involvement among people of diverse cultural origins is made more apparent when the work of the Legislative Assembly is considered. There is work that could be done, questions not answered in this essay, of women's power; of how closely the laws conformed to previous

¹⁶⁶ *Ibid.*, 169. Begg, *Ten Years in Winnipeg*, 20.

¹⁶⁷ Also spelled Lascerte. See A.-G. Morice, 'Lascerte, Louis,' *Dictionnaire historique des Canadiens et des Métis français de l'Ouest* (Québec: J.P. Garneau, 1908), 171.

¹⁶⁸ See 'Proclamation. Province of Manitoba,' *Manitoban and Norwest Herald* (1 July 1871), 2; 'Mass Meeting at Kildonan,' *Manitoban and Northwest Herald* (11 November 1871), 2; 'General Quarterly Court,' *Manitoban and Northwest Herald* (1 June 1872), 2; 'The North-West Council,' *The Manitoban* (4 January 1873), 4; 'Commissaires d'Ecole' *Le Métis* (15 February 1873), 3; 'The North-West Council,' *Manitoba Free Press* (15 March 1873), 5; 'Council of the Northwest Territories,' *Manitoban and Northwest Herald* (31 January 1874), 3; 'Grande Assemblée,' *Le Métis* (28 November 1874), 1; 'Court of Queen's Bench,' *Manitoba Free Press* (21 February 1874), 8; 'The North-West Council,' *Manitoba Daily Free Press* (19 February 1876), 8; 'The Official Gazette,' *Manitoba Free Press* (5 May 1877), 1; 'Liste des Reclamations,' *Le Métis* (30 October 1879), 1; 'Societes D'Agriculture,' *Le Manitoba* (10 December 1886), 3; *Le Manitoba* (29 January 1890), 1; Camille Teillet, 'Court historique de l'Union nationale métisse Saint-Joseph du Manitoba,' (31 October 1953) online text, <http://www.unionnationalemétisse.ca/court.html>; *Beyond the Gates of Lower Fort Garry 1880–1982, R.M. of St. Andrew's* (Clandeboye, MB: Municipal Office of St. Andrew's, 1982); Dorge, 'Black, John,' DCB; Mailhot, 'Ritchot's Resistance,' 259; and Mailhot, 'Ritchot, Noël-Joseph,' DCB.

administrations, and where they diverged; of health concerns within the settlement and early Manitoba; and of the members themselves and their relationships with each other. And what of the First Nations — John Sinclair, the representative of the ‘Indian Settlement’ of St. Peter’s — who was he and what did his participation signify? In what ways did the Assembly resemble what followed it, and in what ways was it distinct? The military, too, deserves more attention. Those answers must be left to future researchers.

In 1870 the future imagined in the Assembly was a shared future. The Honourable Members of Assiniboia cheered when Rev. Ritchot predicted: ‘we will be a strong people, and our little Province will be the Model Province of Confederation.’ His statement that ‘We will have an influx of strangers here. We want them, and will be glad to receive them,’ elicited more cheers.¹⁶⁹ The people of Assiniboia were forward looking: inventive, resourceful, and proud of the promise inherent in Manitoba. Change was ‘viewed as mutual success and not gains to be won at the expense of others.’¹⁷⁰ That is a legacy worth preserving.

¹⁶⁹ Ritchot, quoted in ‘Legislative Assembly of Assiniboia. Third Session,’ *New Nation* (1 July 1870), 3; Bunn, *Sessional Journal*, 51, indicates the existence of a copy of the speech with the symbol “(F).” The document is not archived with the Journal however.

¹⁷⁰ Manitoba, ‘From the Past onto the Future: Manitoba Métis Policy Forum Discussion Guide,’ (29 January 2010), 13.

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 - Library and Archives Canada [LAC], H12 740, Red River Settlement 1870, record no. 22750.
2. 'Printed Declaration of the People of Rupert's Land and the North West, by Bruce, John and Louis Riel, opposing the establishment of Canadian authority,' 8 December 1869.
 - LAC, William McDougall fonds, reference no. MG27-IC6, R4506-15-1-E, Page 52, inventory no. 3522.
3. 'Déclaration des habitants de la Terre de Rupert et du Nord'Ouest,' 8 December 1869.
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4. 'Minutes of a meeting held in Parish of Headingley to elect two representatives to consider the subject of Mr. Smith's Commission,' 24 January 1870.
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8. 'Minutes of meeting held in Parish of St. Clements to elect a member to the Council of the Provisional Government. Notes used by Thomas Bunn for speech at above meeting. 1870.'
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11. 'Election returns for parish of St. Mary's La Prairie for Council of Provisional Government, 1870.'
 - AM, MG3 A1-14, Red River Disturbance collection.
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16. 'Bill No. 4. 1st Session. 1st Parliament. An Act Respecting Indemnity to Members, 1870.'
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20. 'List of rights, commission and instruction to Ottawa delegates, 1870.'
 - AM, MG3 B1-5, James Taylor collection.
21. Letter from Louis Riel to William MacTavish, 28 March 1870, with reply, 5 April 1870.
 - AM, E. 9/1, 1-2, Red River Rebellion records.

22. 'Lettre de Louis Riel à l'abbé Ritchot proposant le nom Manitoba pour la nouvelle province, 19 Avril 1870.'
 - La Société historique de Saint-Boniface, Centre du patrimoine, Louis Riel fonds, S1 0003.
23. 'Telegram from Rev. J.N. Ritchot to Thomas Bunn,' 27 April 1870.
 - AM, MG3 B1-7, James Taylor collection.
24. 'Telegram from J.N. Ritchot to Thomas Bunn,' 14 May 1870.
 - AM, MG3 B1-9, James Taylor collection.
25. 'Telegram from Rev. J.N. Ritchot to Maxime Lépine,' 20 May 1870.
 - AM, MG3 B1-10, James Taylor collection.
26. 'Letter from Thomas Bunn to J.N. Ritchot,' 23 June 1870.
 - AM, MG3 B1-11, James Taylor collection.
27. 'Letter from J.N. Ritchot to Thomas Bunn, Joseph Howe [copy by Thomas Bunn],' 23 June 1870.
 - AM, MG3 B1-12, James Taylor collection.
28. 'Instructions to be observed by the enumerators appointed by the Lieutenant-Governor, to take the Enumerations of the Province of Manitoba/Instructions que devront observer les Enumerators appointes par le lieutenant Governor de Manitoba,' 16 July 1870.
 - AM MG2 B3-3, Council of Assiniboia fonds, Red River and Manitoba census returns.