

14. Another Father of Confederation? (1999)

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For all his faults, Louis Riel strikes an exceptional figure in Canadian history. Deprived of his political rights in the Red River settlement by a government eager to affirm its growing independence from England, he developed a paranoia reflecting the siege mentality experienced by the Métis. His alienation, exacerbated by Ottawa's internal colonialism, prepared the ground for the events of 1885 and reflects the lasting conflict between East and West.

The proposal that Louis Riel should be honoured posthumously with the title "Father of Confederation" has had a mixed reception among the historiographers of our country, and particularly those of the province of Ontario. This is not at all remarkable, given the part played by that province in the affairs which involved Riel.

Should Riel be honoured as a Father of Confederation? Certainly not, if attendance at one or more of the Confederation conferences is the sole qualification for that honour. Riel was unfortunate enough to come from a portion of British North America which was not even invited to be present at Charlottetown, Quebec or London. How is it, then, that his name is mentioned so many years after those conferences, especially since for many of those years he has borne the title of "rebel"?

This is one of the ironies of Canadian history, one of those conundrums which trouble historians from time to time because of the difficulties in obtaining and using sound evidence about what happened. There is no doubt that in 1885 Louis Riel "levied" war "upon her majesty," to use the words of an eminent American historian.¹ History tells us that Riel was tried for treason and hanged in 1885. Can a man who was tried for treason be also a Father of Confederation?

One commentator has used the word “heritage” as something distinct from “history.”² I can sympathize with this comment. Once, as a young man, I overheard a conversation in which two elderly gentlemen discussed this very point. One of them made the remark that “Riel was tried for treason and hanged for the murder of Thomas Scott.” The Thomas Scott in question was executed fifteen years earlier, in 1885, and Louis Riel certainly did not murder him, although Riel was tried for that murder in the Ontario press in 1870 and found guilty. Is it still necessary for us to decide which is history and which is heritage? There is something “passing strange” in this.

The principal events of the resistance of 1869 and 1870 have been well outlined by several of our prominent historians, so it is not necessary to go into detail on those events here. It is well known that the Métis people, still suspicious of those in authority because of the events of the Guillaume Sayer trial in which Riel’s father played a leading part, viewed with alarm the actions and words of those sent by Canada to Red River in 1868 and 1869.³

It had been comparatively simple in 1849 to organize a group of men and a petition for, among other things, the removal of the bigot Thom from the bench of the Red River Settlement’s only court.⁴ Mobilizing the Settlement in the face of the menace posed by the boastful young Canadians and in the absence of any statement of policy from Britain, from Canada or from the Hudson’s Bay Company at the time of the purchase, was quite another matter.⁵ The old Métis councillors looked at the problem and fled onto the plains so that they would not have to face it head on.⁶ The void in leadership was filled by younger men. The steps taken by Riel and his companions are familiar to students of our history: the formation of a national committee; the efforts to enlist the support of the English-speaking portion of the Settlement; the stopping of the surveyors; the occupation of Fort Garry; the refusal to allow Lieutenant Governor designate McDougall to enter Rupert’s Land; the efforts to form a provisional government and send delegates to Ottawa. Not so well known are the acts of the opposition: the undercover efforts at interference by John C. Schultz⁷; the gathering and surrender of the “enlisted” men at Schultz’s houses⁸; the escape of Thomas Scott and others⁹; Scott’s part in the march of the Portage men to the rendezvous at Kildonan at a time when the entire Settlement had agreed upon a provisional government¹⁰; the deaths of Sutherland and Parisien.¹¹ These attempts at interference at Red River only came to an end with the departure of Schultz, Lynch and Mair, and with the trial and execution of Thomas Scott on March 4. Attempts at interference continued at full speed in Ontario, however, and featured a media campaign in the Ontario press and Colonel G.T. Denison’s willingness to use the levers of power in the Orange lodges of Ontario.¹² The

result was a thoroughly aroused province of Ontario and a shaken federal government.

In order to keep our perspective about Riel's work in 1869 and 1870, we must remember that the Red River Settlement had not become a Crown colony, but was still under Hudson's Bay Company rule. The natural centre of the Settlement was upper Fort Garry, and here it was that the governor and council met. After the occupation of Fort Garry on November 2, 1869, Riel and the National Committee were the effective, if not the legal, government of the Settlement. They found themselves having to act simultaneously in matters that would later be described as municipal, provincial and federal, while at the same time having to care for the men taken prisoner when "levying war" against the only government in the Settlement. Their success was so evident and acceptance so general that the American observer James W. Taylor wrote that "elsewhere than in an English colony, it would long ago have been recognized at Washington."¹³

Not so generally known are the policies of the Canadian government with regard to the Red River Settlement and Rupert's Land. It was not known, for example, which men or groups of men were to shoulder the rifles which were in transit to Red River at the time McDougall was prevented from entering Rupert's Land.¹⁴ The Métis, of course, had their fears.

We are left wondering, too, why it was that McDougall was so reluctant to speak to the National Committee about Canada's intentions. Could he not, through Provencher, have begun talks with the National Committee? Why did he, instead, send Colonel Dennis to join forces with Schultz in efforts to upset that committee?

A Red River Expeditionary Force was part of Canadian government policy as early as January of 1870—long before the execution of Scott—when contracts were let for the construction of the necessary boats, and preparation went forward steadily from then on. The campaign in the Ontario press about the "murder" of Scott only added impetus to what had already been decided.

Why was an expeditionary force considered to be essential? Rupert's Land was British territory, and there were many ties of relationship between people there and families in old Canada. To answer this question we must read the language of the Cabinet's Minute of Council dated February 11, 1870. This Minute expressed the fear that the insurgent leaders would insist upon demands made in the Manifesto or Declaration of Rights, "several of which are inadmissible." The Minute also expressed the fear that the delegates might return to Fort Garry "smarting under the sense of failure" and, "unless confronted by a Military Force and a strengthened Government, make violent appeals to the people and raise a second insurrection on a

more formidable basis." The Minute did not specify which demands were "inadmissible."¹⁵

Which demands were inadmissible? Several lists of rights composed by Red River people have come down to us for study, and anyone familiar with the British North America Act, as the Métis and their advisors certainly were, must have thought that the admission of Red River to the new Confederation would be almost automatic, once the delegates had had a chance to express their wishes.¹⁶

One can understand the puzzlement of Riel and his associates, in the winter of 1869–70, at the refusal or inability of those sent to Red River—Thibault, de Salaberry and Smith—to give positive assurances concerning what the people of Red River wished to see guaranteed in any arrangement which allowed them to be a part of Canada.¹⁷ Instead, Smith came equipped with money to enable him to subvert the government at Fort Garry.¹⁸

The three Red River delegates—Judge Black, Father Ritchot and Alfred Scott—were soon to find out which demands were "inadmissible," and they found this out at roughly the same time that they learned of the sending of the Expeditionary Force. They could see only too well that from that day forward they were negotiating while a gun was being pointed at them.¹⁹

Cartier and Macdonald were offering to create a province out of a portion of Rupert's Land, a province which, unlike the original four, would not have control of its chief natural resource, its ungranted lands.²⁰ These lands were to be "vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion."²¹ In so doing Cartier and Macdonald were, in effect, crossing a Rubicon—making a change in the British North America Act, a change which they well knew the people of Rupert's Land did not wish to accept.²²

The three delegates had no way of knowing that at the same time they were objecting to this feature of the arrangement John C. Schultz was threatening to make public his opposition to it. Lionized throughout Ontario as the "suffering loyalist" of Red River, Schultz posed a serious threat to the government's plans. The threat was met with substance and dispatch. Schultz agreed to receive \$11,000 in lieu of claims he was making for losses at Red River.²³ This money came not from government funds but from money which Sir Francis Hincks made available privately for the purpose.²⁴

The Red River delegates finally accepted a compromise by which a grant of 1.4 million acres was to be made available for the "children of the half-breed heads of families," a compromise which became section 31 of the Manitoba Act. This compromise and the payment to Schultz cleared the way for the passage of the Manitoba Act.

In May of 1870, at the same time that the Manitoba bill was introduced in the House of Commons, Charles Mair and "Canada First" began a process which would bring about an emigration of Ontario farmers to Red River and interfere both with the implementation of government policy and with Métis plans to abide by that policy.²⁵ The process began with a letter to the *Globe* and continued with the organization of the North-West Emigration Aid Society.²⁶ The result was that during the winter of 1870–71 farmers all across Ontario began to sell off their farms and chattels, and to prepare for a move to the new province.

Before he left Ottawa to return to Red River, Ritchot asked Cartier who was to govern at Red River pending the arrival of the Lieutenant Governor. Cartier replied that Riel should "continue to maintain order and govern the country as he has done up to the present moment."²⁷ Cartier also gave Ritchot a letter stating that section 31 of the Manitoba Act would be implemented in such a way "as to meet the wishes of the Half-breed residents."²⁸

Meanwhile, the uproar in Ontario and the news of the sending of an expeditionary force were causing some concern at Red River.²⁹ Men with experience recognized that whatever the Canadian authorities might say—and the Governor General had referred to it as an "errand of peace"—the purpose of the Force could only be punitive.³⁰ Riel was immediately under pressure to take steps to oppose it.³¹ Riel, however, urged everyone to wait until they had heard the report of Father Ritchot. On June 17, the day of Ritchot's arrival by steamboat, the noise of the twenty-one-gun salute and the general jubilation surrounding his return made it a day that Gabriel Dumont never forgot.³² Yet the news that there was no amnesty cast a shadow over affairs. Dumont and others were certain that the force was punitive and offered help to oppose it at certain key spots on the Winnipeg River. All the prestige that Riel had with these people was necessary to restrain them. The pressure on Riel was so great that on June 28, Bishop Taché left the Settlement on the steamboat *International*.³³ He had quieted the demands on Riel by declaring that he would go to Ottawa and press for an amnesty.³⁴

The delegates had been promised an amnesty at the beginning of negotiations³⁵ and, with the Fenian attack repulsed and the Red River Expeditionary Force under way, Cartier, acting as prime minister during the illness of Macdonald, turned his attention to composing the memorandum which would accompany Father Ritchot's petition for it. This took up Cartier's evenings for more than a week. When he had finished he passed the memorandum to the office of the Governor General for transmission to London.³⁶ Sir John Young also forwarded to London a letter he had received from Dr. Lynch, one of the "Canadian" party at Red River, which asked that

no amnesty be granted.³⁷ This, along with a note from Young saying that Cartier's memorandum should not be regarded as a minute of a united cabinet, deprived it of all force, and no action was taken.³⁸ There would be no amnesty.

When Sir Garnet Wolseley failed to send emissaries to the provisional government on August 23, 1870, and made prisoners of the emissaries sent by Riel, his Force ceased to be a "mission of peace" and became an invading army.³⁹ In so doing Wolseley broke his own word, as well as that of the Governor General, and carried out "Canada First" policy rather than official Canadian or British policy. Also his disposition of the militia units left in the new province carried out Schultz's policy—that the Métis would have to give way⁴⁰—rather than making any serious attempts to maintain law and order.

What the St. Paul press described as a "reign of terror" lasted throughout the time that the Ontario Rifles were at Fort Garry, and caused Lieutenant Governor Archibald no end of trouble.⁴¹ He attempted to put together a viable administration while knowing full well that the man who had the confidence of the majority of the people of the province—who should have been premier—was forced to remain in hiding.⁴²

Riel and his supporters had only temporarily interrupted the carrying out of Canadian government policy. Having recuperated in Prince Edward Island and on the Parliament Hill grounds, Macdonald now turned to that policy again. On January 2, 1871, a committee of the Privy Council for Canada approved a memorandum of the Minister of Justice concerning the constitutionality of the Manitoba Act of 1870, and advised the Governor General "to move the Earl of Kimberley to submit to the Imperial Parliament a measure confirming the Act of the Canadian Parliament above referred to, and containing the other provisions enumerated in the said annexed memorandum." The basis for concern was stated to be that doubts had "been entertained respecting the powers of the Parliament of Canada to establish Provinces..."⁴³ In taking this high ground the Canadian government effectively concentrated the attention of British authorities upon Canada's competence as a new nation to legislate for its own territories. The Earl of Kimberley said, in introducing the bill in the House of Lords:

The law officers of the Crown were of opinion that these acts [the North-West Territories Act and the Manitoba Act] were valid, as not beyond the powers of the Canadian Parliament: but doubts having been expressed the Canadian Parliament had addressed the Crown for an Act in the Imperial Parliament confirming their validity.⁴⁴

The bill passed both Houses of Parliament of the United Kingdom without debate on 29 June 1871, not long before the end of the confrontation at Rivière aux Îlets de Bois.

This confrontation began in April when the emigration artificially induced by Charles Mair and "Canada First" began to reach Manitoba. It continued through May and June and into July, as Ontario farmers squatted on lands the Métis had looked forward to claiming under section 31 of the Manitoba Act. A less disciplined people would have slaughtered the intruders. However, the influence of Riel and the men in contact with him along with the assurances of Archibald prevented bloodshed, and the Métis had to give way to the Ontario newcomers.⁴⁵

The two orders-in-council of April 25 and May 26 broke the word of Cartier, of Archibald, and of Riel and the men in contact with him. The people were left frustrated, bitter and angry. If, as Archibald pointed out to the Canadian government, there ever was a time when an indication of outside support could have meant abandonment of the Canadian connection by the Métis, this was that time. It was precisely then that word came that Riel's former associate O'Donoghue was on his way through Minnesota with a Fenian force of undisclosed strength.⁴⁶

Archibald saw at once that the situation was critical. If the embittered Métis population between Winnipeg and the border were to rise in support of O'Donoghue and anything like a civil war were to break out, the Fenians among the Irish workers on the two railroads then being built in Minnesota could be attracted by the chance of plundering Fort Garry and Winnipeg. Manitoba could be lost to Canada.⁴⁷

There were differences of opinion among the leaders of these Métis. Some, like John Bruce, saw an opportunity to bring about the annexation of Manitoba to the United States. However, beginning on 28 September, eleven of the men in contact with Riel met with him to discuss strategy. The first meeting lasted seven hours and ended with the decision to declare themselves in favor of the Canadian connection. Meetings were held in the Métis parishes, and in an agonizingly slow process the people were persuaded to give their support to Archibald and Canada. The culmination came on 8 October, when Archibald went to St. Boniface and accepted the support of Riel and his troops.⁴⁸ The Ontario press, following the lead of Schultz's *Liberal*, went wild in its denunciation of Archibald for shaking the "bloody hand" of Riel.⁴⁹ There were calls for Archibald's resignation and, indeed, when Archibald realized that the government was accepting the *Liberal's* interpretation of events, his resignation was forwarded to Ottawa.

With the passing of the Dominion Lands Act in April of 1872, the last

rivet was in place where federal government policy on the West was concerned. Far from giving the Métis the promised 1.4 million acres priority, the Act made "such lands as ... may be required to satisfy the ... claims created under Section 31" of the Manitoba Act subject to rights "defined or created under this Act."⁵⁰ Thus a volunteer who had come to Manitoba in August 1870 was as entitled to a grant of land as a Métis whose family had been in Rupert's Land for decades.

Remarkably enough, the situation in Manitoba in 1872 was not unlike what the arrogant and boastful young Canadians had predicted in the summer and fall of 1869 when the men of the Métis National Committee had been stung into taking action. The Métis were becoming hewers of wood and drawers of water, or were being forced to "give way" and dispersed into the vastness of the West. The chief resource of a province was under the control of a department located not in the provincial capital but in the distant federal capital, and headed by a man who had never seen either that land or the people living in it. To add insult to injury, the land was being used, not for the purposes of Manitoba but for the "purposes of the Dominion."⁵¹ The people of Manitoba had striven to avoid this fate, and their efforts had resulted in so little violence that the whole affair looked peaceful when compared with contemporary popular movements elsewhere. Amnesty, however, was not part of government policy: an "indignation meeting" in Toronto had given a "direction to the settlement of affairs in Red River."⁵² Accordingly, the man who should have been premier had to remain in hiding because a government formed by him might have asked awkward questions, and the Canadian government's subterfuge would have been revealed before the steps needed to make the Manitoba Act legal could be taken.

It can be seen now that the severe policies of "Canada First" actually worked in favour of the accomplishment of the policies of Cartier and Macdonald. These gentlemen were more interested in gaining the control and use of western lands for settlers and railway capitalists than they were in other considerations. So we may conclude that under their guidance our country took a wrong turn, a turn which has kept us divided for more than a century.

It is time now for us to look dispassionately at a man whom the Canadian government wronged. Louis Riel opted for Canada again and again, both when in power at Fort Garry and when in hiding in southern Manitoba. It is time for us to honour his memory.