

## Upper Fort Garry 1869-70

Norma Hall and Gerald Friesen

On June 24th, 1870, at this site, the first elected<sup>1</sup> legislature in the northwest interior of North America<sup>2</sup> made a decision that shaped Canada's future and created its first new province, Manitoba.

For seven months, Red River Settlement had been divided over how to deal with the collapse of Hudson's Bay Company control of this land. Two factions crystallized, one described as English-speaking, one as French-speaking, and there was talk of war.<sup>3</sup> The French faction seized control of the Fort. Men recently arrived from Ontario tried to drive the French out. Three men died violent deaths.<sup>4</sup> But, still, strong voices argued against a descent into war.<sup>5</sup> As one community leader, William Tait,<sup>6</sup> declared:

we sit opposite to those who have been born and brought up among us, ate with us, slept with us, hunted with us, traded with us, and are of our own flesh and blood ... I for one cannot fight them. I will not imbue my hands in their blood.<sup>7</sup>

Now, in the June sunshine, Tait was one of twenty-eight representatives<sup>8</sup> gathered in the Assembly Chamber in Upper Fort Garry.<sup>9</sup>

- Twenty-one had both European and First Nations ancestry (today known as Métis).<sup>10</sup> Of these, over half spoke French or Michif; the others, English. Most also spoke Cree or Ojibway.<sup>11</sup>
- One representative was of Selkirk Settler heritage;<sup>12</sup> and
- six were from Britain, Canada, and the United States.<sup>13</sup>

Altogether, they were the Legislative Assembly of Assiniboia<sup>14</sup> — elected by “the people”<sup>15</sup> of Red River Settlement (including First Nations voters<sup>16</sup> and, perhaps, a few women).<sup>17</sup>

In what would prove to be its last act, this Assembly was to decide on whether to join the Canadian confederation.<sup>18</sup> Louis Riel, as president of the Provisional Government of Assiniboia, was present. This decision, however, rested with the “Honourable”<sup>19</sup> twenty-eight.<sup>20</sup>

After due consideration, it was Hon. Louis Schmidt, seconded by Hon. Pierre Poitras, who moved that the Assembly, “do now, in the name of the people, adopt the Manitoba Act, and decide on entering the Dominion of Canada.”<sup>21</sup> The motion carried by a unanimous vote, amid “loud cheers.”<sup>22</sup>

On July 15th, 1870, Manitoba became Canada's fifth province — the “Keystone,” crucial to the creation of a transcontinental nation in northern North America.<sup>23</sup>

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Notes

<sup>1</sup> See “Last Acts of the Convention ... The Bill of Rights, The Delegates to Canada,” *New Nation* (11 February 1870), 3 column [3](#); Alexander Begg, *The Creation of Manitoba; Or, a History of the Red River Troubles* (Toronto: A.H. Hovey, 1871), [270](#); and 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), [98](#), [287](#), [290](#), [302](#). Norma Hall, with Clifford P. Hall, and Erin Verrier, *A History of the Legislative Assembly of Assiniboia/ le Conseil du Gouvernement Provisoire* (Winnipeg: Manitoba, Department of Aboriginal and Northern Affairs, 2010), 6, note, “The respective ‘English’ and ‘French’ populations within the settlement were to determine the boundaries of their constituencies. 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. [Several of the convention ridings had been contested and recently settled. Baptiste Beauchemin, for example was elected 28 January as member for St. Charles.] The English delegates, however, decided that their assembly members would be elected anew.” Some election returns have survived, including: Archives of Manitoba, [AM] MG3 A1-12, “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”; AM, MG3 A1-13, “Election returns for parish of St. Margaret’s for Council of Provisional Government. 1870”; AM, MG3 A1-14, “Election returns for parish of St. Mary’s La Prairie for Council of Provisional Government. 1870.”

<sup>2</sup> See Louis Riel, quoted in “Provisional Government, First Council Meeting, Speech of the President,” *New Nation* (11 March 1870), 2 columns [3–4](#); and AM, MG3 A1-15, “Seasonal [sic: Sessional] Journal of the Legislative Assembly of Assiniboia,” [11](#). Riel avows, “the people generally now have, for the first time in the history of this land, a voice in the direction of public affairs. They have here a full representation.” See also 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), [53–55](#); and Raymond Huel, ed., “1-039. Address before the Legislature of Rupert’s Land. Fort Garry. 70/03/09,” by Louis Riel [trans.], in *The Collected Writings of Louis Riel/ Les Ecrits Complets de Louis Riel*, vol. 1, ed. George F.G. Stanley, Raymond Huel, Gilles Martel, Thomas Flanagan, and Glen Campbell (Edmonton: University of Alberta Press, 1985), 60–62.

At the time of the Resistance, the region that became British Columbia was separate from the North-West/ Rupert’s Land (the name North-West was used on 24 June 1870). West of the Rocky Mountains, in 1856, the Legislative Assembly of Vancouver Island [LAVI] (a.k.a. the “House of Assembly of Vancouver Island”), had been created as an elected body to represent voters in the Colony of Vancouver Island. The pre-existence of the LAVI doubtless inspired efforts to create the Legislative Assembly of Assiniboia [LAA]. Only a handful of colonists met the voting requirement for the LAVI, however, and most were tied to the Hudson’s Bay Company [HBC]. The LAVI was also headed by an appointed governor — a HBC chief factor.

In contrast, for the election of the LAA at Red River, “all the male residents of the age of 21 years,” had the vote and the HBC had no authority. See “Exciting Times in British Columbia,” *Nor’-Wester* (1 May 1861), 1 column 4; “The Revolt and Its Lessons,” *New Nation* (14 January 1870), 1 columns 4–5; and “Last Acts of the Convention,” *New Nation* (11 February 1870), 3 column 3.

<sup>3</sup> The American Civil War was a recent occurrence. The local press had reported alarming accounts. The threat of ‘Civil War’ carried forward to 1869–1870 at Red River: in political arguments and rhetoric; in rumours and press reports; and in conjunction with fears of Canadian military invasion and warfare. See, for example, “The Crisis in the States,” *Nor’-Wester* (1 February 1861), 3 column 4, and reports on the cession of South Carolina from the American Union and people taking “the first steps of war”; “Constitution of the Southern Confederacy,” “Blockade of the Southern Ports,” and “Lincoln’s Policy,” *Nor’-Wester* (15 April 1861), 1; “The American Rebellion. Fort Sumpter [sic] Captured!” *Nor’-Wester* (1 June 1861), 1; “American Civil War,” and “Who Makes War,” *Nor’-Wester* (15 June 1861), 3 column 5; “A Threat,” and “The Sioux! Winnipeg in Arms! The First Appearance of the Canadian Allies,” *Red River Pioneer* (1 December 1869), 2 columns 3, 4–5, the first article reporting that Canada has declined “to complete the purchase of the North-West Territory until spring, and not until then will the Dominion assert its authority by the presence of armed forces,” and then reinforcing the second article, which accuses the rejected, Canadian-appointed Lieutenant Governor, William McDougall, and his “Canadian Agents” of trying to bring about “civil war in our midst” by arming First Nations and counselling them to attack the settlement; Louis Riel and William B. O’Donoghue, both quoted in “Convention at Fort Garry,” *New Nation* (18 February 1870), 1 columns 2, 5, 7, and 2 column 1; “War!” *New Nation* (11 March 1870) 2, reports that Canada is sending troops to Red River; A.-A. Taché quoted in AM, MG3 A1-15, “Sessional Journal,” 12, and “Provisional Government. Bishop Tache [sic] Addresses the Assembly,” *New Nation* (18 March 1870 [16 March at the Manitoba website, <http://manitobia.ca/> (accessed 23 August 2014)]), 2 column 4, in which Taché is quoted as asserting, “While at Ottawa I had the privilege of seeing the official papers in reference to this North-West difficulty; and in these ... in reference to [John Stoughton] Dennis’s action here, ... [it was] stated that had Dennis succeeded in causing a civil war in Red River, he would have had to answer for any life lost by such action, before the bar of justice (loud cheers)”; “Are the Red River People Rebels?” *New Nation* (13 May 1870), 1, in a reprint attributed to the *St. Paul Press*, alleges Thomas Scott was guilty of “repeatedly participating in armed insurrections against [the provisional] authority and attempting to incite sanguinary civil war, with a view to its overthrow” [see also Library and Archives Canada (LAC), MG26-A, John A. Macdonald Correspondence, H.P. Dwight, telegraph (8 April 1870), copy, item 1–2, for a similar account of a *St. Paul Press* article]; “Our Defence,” *New Nation* (3 June 1870 [3 May at the Manitoba website]), 1 column 2, opines, “Three lives have been, unhappily, lost in the defence of our rights; and the only wonder to-day is that three hundred have not been lost. Nothing but wise and able generalship prevented a civil war in our little Settlement, and, along with it, the ruin and destruction of all”; W.L. Morton, “Appendix I,” *Manitoba: The Birth of a Province* (Winnipeg: Manitoba Record Society, 1965), 247, 250, includes versions of the List of Rights that state, “19. That ... debts contracted by the Provisional Government of the Territory of the North-West, now called Assiniboia, in consequence of the

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illegal and inconsiderate measures adopted by Canadian officials to bring about a civil war in our midst, be paid out of the Dominion Treasury ...”

<sup>4</sup> The three who died were Hugh John Sutherland, Norbert Parisien, and Thomas Scott. The first two were native to Red River Settlement. Scott was from Ireland, but had lived in Canada for about six years. See “The Storm in Upper Canada,” *New Nation* (6 May 1870), 2 column [7](#); and J.E. Rea, “[Scott, Thomas](#),” *Dictionary of Canadian Biography* online [DCB].

<sup>5</sup> See John Fraser, George Flett, and Louis Riel quoted in “Convention at Fort Garry,” *New Nation* (4 February 1870), 2 column [6](#).

<sup>6</sup> “The Counsel [sic] with the French,” *Nor'-Wester* (23 November 1869), 2 column [5](#), lists William Tait as among the “English-speaking ... delegates” attending the 16 November 1869 council of community representatives (a.k.a. the Council of Twenty-four), held in the Court House adjoining Upper Fort Garry — Tait as the representative for Headingly [sic].

<sup>7</sup> William Tait, as quoted in “Notes by J.W. between 4th and 22nd November, 1869,” in Canada, *Sessional Papers* vol. 5, 3d session, no. 12 (1870), [61](#). ‘J.W.’ is likely Major James Wallace of Whitby, Ontario, mentioned by Joseph Howe in the letter immediately preceding the one cited above. Howe writes that Wallace “was sent from this place [Pembina U.S.] on the 4th November on a special mission to Fort Garry, and ... returned on the 22nd.” See also “Interesting Revelations, One of McDougall’s Spies, Major J.W., The Pembina Detective On Our Track,” *New Nation* (15 April 1870), 1 columns [1](#)–[4](#) (Tait is quoted in column [2](#)).

<sup>8</sup> The twenty-one Métis members included: representing the ‘French,’ André Beauchemin, Jean-Baptiste Beauchemin, John Bruce; François Dauphinais, Pierre Delorme, Ambroise Dydime Lépine, François-Xavier Pagé, Pierre Parenteau, Pierre Poitras, Auguste Harrison, Louis Schmidt, Baptiste Tourond, and Louis Lacerte. Those representing the ‘English’ were Thomas Bunn, William Garrioch Jr., George Gunn, James McKay, John Lazarus Norquay Sr., John Sinclair, Thomas Sinclair Jr., and William Auld Tait. Louis Riel, as President of the Provisional Government of Assiniboia, was not a member of the Legislative Assembly.

<sup>9</sup> Also called the Council Chamber ([16](#) March 1870), and in French, the grande salle (at least for the Convention of Forty).

The various provisional governments of November 1869 to August 1870 (see n. 13 below), probably occupied space in a number of different buildings in the Fort. The Assembly may have been sitting in the upper floor of the Office Building in June of 1870. See Mae Atwood ed., *In Rupert’s Land: memoirs of Walter Traill* (Toronto: McClelland and Stewart, 1970), 199, in which Traill remarks, “Riel has retained our [HBC] Officers’ Mess as his Council Chamber and uses the Company’s office as a commissariat”; Alexander Murray, quoted in [G.B.] Elliott and [Edwin Frederick Thomas] Brokovski, ed.s, *Preliminary Investigation and Trial of Ambroise D. Lépine* [sic], *for the Murder of Thomas Scott* (Montreal: Canadian Press, 1874), [54](#), suggests two buildings were in use; Canada, *Sessional Papers* vol. 5, 4th session, no. 44 (1871), [28](#)–[30](#), indicates that on 6 April 1870, HBC Governor William Mactavish wrote that the Company had “been permitted to retain, throughout the winter,” the ground floor of the Office Building, and

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that the Provisional Government (on 5 April), informed him that it would relinquish the Office Building altogether and move into the Yellow Store, which stood “first on the right” of the Governor’s House; and Louis Schmidt, typescript [copy], “Les memoires [sic] de Louis Schmidt,” 1911–1912, AM, MG9 A31, Louis Schmidt Papers (available online from University of Saskatchewan Libraries Special Collections, [A.S.] Morton Manuscripts Collection, MSS-C550-2-3-20, <http://scaa.sk.ca/ourlegacy/permalink/25702>), [79](#), who recounts,

Lorsque on entre dans le Fort par la porte du Sud faisant face à l’Assiniboine, on se trouve en travers une grande maison qui est la résidence du bourgeois et des commis. De chaque côté, de grands hangards sur la gauche, et le magasin pour le public à droite. Au milieu de la maison, monte un escalier surmonté d’une grande plate-forme ou galerie. Plus loin, au nord, et vers le milieu du fort, se trouvent d’autres bâtiments, entre autres, au centre, une assez grande maison à deux étages qu’on appelait ‘l’office’ et où se trouvaient les 5 bureaux de la Compagnie. C’est ici que Schultz a été enfermé et d’où il s’est évadé. C’est ice [sic: ici] également que Scott se trouvait et d’où on l’a fait sortir pour aller le fusiller.

My Translation:

When you walk into the Fort by the South Gate facing the Assiniboine, a large house lies cross-ways, which is the residence of the bourgeois and clerks [a.k.a. the Main House]. On each side: large sheds on the left; and the public store to the right. In the middle of the house: a staircase topped by a large platform or gallery. Farther to the north, and at the middle of the fort, there are other buildings — including, in the centre, a fairly large two-storey house, called ‘the office,’ with 5 offices of the Company within. This is where Schultz was locked up and from whence he escaped. It was from here that Scott was taken out to be shot.

<sup>10</sup> In 1870, for the purpose of taking a census of the inhabitants of the new province of Manitoba, a definition was devised in order to count the number of people at Red River who qualified for a land grant on the basis of Aboriginality. 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 “Half-breed” on English-language census forms and as “Métis” on French-language forms. (See “Instructions To be observed by the Enumerators appointed by the Lieutenant-Governor to take the Enumeration of the Province of Manitoba,” and “Instructions que devront observer les Enumérateurs appointes par le Lieutenant-Gouverneur pour faire le recensement de la Province de Manitoba,” *Manitoban and North-west Herald* (22 October 1870), 3 columns [2–3](#); Canada, *Sessional Papers* 5, no. 20 (1871), [74–79](#); and MG2 B3/2, document 3, District of Assiniboia Census [1870].) At the time, ‘Half-breed’/ ‘Halfbreed’ and Métis were cross-linguistic synonyms. In English, distinctions of cultural or economic affiliation were made by saying ‘English Halfbreed’ or ‘French Halfbreed’ (or Scottish~, Swiss~, Sioux~, etc. [see, for example, “Interesting Revelations,” *New Nation* (15 April 1870), 1 column [2](#)]). In French, the same practice was applied when qualifying affiliation: as in Métis français, Métis anglais, Métis écossais etc. [see, for example, M.H. de Lamothe, “Excursion au Canada et la Rivière

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Rouge du Nord [1873],” in *Le Tour du monde: nouveau journal des voyages*, vol. 35 (Paris: Librairie Hachette et Cie., 1878), [251](#), [266–268](#), [282](#)]. Of course bi-lingual (or multi-lingual) people could switch back and forth between languages, in which case the word ‘Halfbreed’ might appear in an otherwise entirely French-language sentence (and vice versa, with the word Métis in an English-language sentence). The term ‘Halfbreed’/ ‘Half-breed’ has a history of pejorative usage and has been rejected by people who might fit the criteria set in 1870, as described above, if it were applied today. The word, therefore, is currently inappropriate in academic writing except in historical quotations. 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 — I use it here as a universal term for past people of mixed Indigenous and non-North American heritage.

In the present, both Métis and Metis are used.

<sup>11</sup> Thirteen represented ‘French’ parishes and eight represented ‘English’ parishes. The parishes were akin to neighbourhoods — not all were, strictly speaking, ecclesiastical parishes with a church at the centre. For the most part, a parish was designated ‘French’ if the first church built there was instituted by Catholic religious orders from Quebec, and as ‘English’ if the first church built there was instituted by a Protestant religious order out of Britain (in this instance including the Church of England). That a parish was nominally ‘French’ or ‘English’ did not mean that everyone living there necessarily spoke only one of those languages. Nor did it mean that they spoke the language of the parish’s designation particularly well, or at all. People in Red River could be multi-lingual.

When it comes to the history of the fur trade — of which Red River Settlement was a part — the seeming linguistic and/ or national designations ‘English’ and ‘French’ can be misleading. After the violence at Red River in 1816 (a.k.a. the Seven Oaks incident), as part of the process of resolving that dispute, litigation took place at the Assizes of York, Upper Canada, in 1818. At that time and place, reporter Samuel Hull Wilcocke attempted to define categories of people associated with the fur trade. [Samuel Hull Wilcocke, ed., *Report of the proceedings connected with the disputes between the Earl of Selkirk, and the North-West Company, at the assizes, held at York in Upper Canada, October 1818* (Montreal: Printed by James Lane and Nahum Mower, 1819), [xiii](#).] Under his system of definition, the term English/ *Anglois* [sic] was taken to include: “An Englishman, the English,” but, in the context of the fur trade, it also “applied exclusively to the servants of the Hudson’s Bay Company, whether English, French, or Half-breeds.” Likewise, the term French/ *François* [sic] meant “A Frenchman, the French,” although in the fur trade context it “applied exclusively to the Canadian fur-traders,” regardless of country, language, or nation. The looseness of designation continued throughout the nineteenth century.

Determining a strictly ‘French’ or ‘English’ identity for the Métis representatives in the LAA is difficult — partly for the reasons outlined above, and partly due to a lack of recorded biographical detail. Of the ‘French’ representatives, some (perhaps, for example, Louis Lacerte and Auguste Harrison) probably spoke Michif, rather than French, and at least one or two (Ambroise Dydime Lépine, certainly) were bilingual, that is, they spoke both English and French. Of the ‘English’ representatives, at least one (John Sinclair) perhaps spoke a Bungee

version of English and at least two were bilingual French (and/ or Michif) and English (Thomas Bunn and James McKay); all were potentially multi-lingual (when Aboriginal languages are factored in). On the diversity of languages at Red River see, for example, Alexander Ross, *Red River Settlement: Its Rise, Progress, and Present State* (London: Smith Elder and Company, 1856), [79](#), [377](#); “The People of the Red River,” *Harper’s New Monthly Magazine* 18, no. 104 (January 1859), 169, [170](#), which notes the “strange melange of languages,” encountered in the cart brigades of the “Pembinese and Selkirkers”; “The Red River Trail,” *Harper’s New Monthly Magazine* 18, no. 107 (April 1859), [614](#), describes the Métis “dialect” as being “as various as their origin; being principally Chippewa and bad French, with an admixture of Cree, English, and Gaelic”; “History of the Red River Settlement. Eleventh Paper,” *Nor’-Wester* (15 July 1861), 3 column [2](#), observes, “Although many of them understand and speak both French and English, yet they are averse to speak any other than their mother tongue”; “Our French Column,” *Nor’-Wester* (2 September 1863), 2 columns [2–3](#); [A.-A.] Taché, *Sketch of the North-West of America*, trans. D.R. Cameron (Montreal: John Lovell, 1870), [68](#); Joseph James Hargrave, *Red River* (Montreal: John Lovell, 1871), [181](#), notes “a man whose usual language is English, and one who speaks French alone, are enabled to render themselves mutually intelligible by means of Cree, their Indian mother tongue”; Isaac Cowie, *The Company of Adventurers: a narrative of seven years in the service of the Hudson’s Bay Company during 1867–1874* (Toronto: William Briggs, 1913), [261](#); A.C. Garrioch, *The Far and Furry North: A Story of Life and Love and Travel in the Days of the Hudson’s Bay Company* (Winnipeg: Douglas-McIntyre, 1925), [64](#); Irene Spry, ed., “The ‘Memories’ of George William Sanderson 1846–1936,” *Canadian Ethnic Studies/ Études ethniques au Canada* 17, no. 2 (1985), 122 (or see [AM, MG 9, A107] Mary Sophia Desmaris [sic] Campbell ed., and George William Sanderson, “[Through Memory’s Windows](#),” online pdf [c. 1934–1936], 6). See also John Elgin Foster, “The Country-born in the Red River Settlement, 1820–1850,” Ph.D. diss. (Edmonton: University of Alberta, 1973), [205](#); Irene Spry, “The Métis and Mixed-Bloods of Rupert’s Land before 1870,” 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), [98–99](#), [103](#), [104](#); Peter Bakker, “*A Language of Our Own*,” *the Genesis of Michif, the Mixed Cree-French Language of the Canadian Métis* (Amsterdam: Drukkerij Universiteit van Amsterdam, 1988; reprint Oxford University Press, 1997), 1, 3, 8, 9, 11, 12 (page citations are to the reprint edition); Eleanor M. Blain, “[The Bungee Dialect of the Red River Settlement](#),” M.A. thesis (Winnipeg: University of Manitoba, 1989); Clifford E. Trafzer, “Native American Studies,” *Encyclopedia of North American Indians*, ed. Frederick E. Hoxie (New York: Houghton Mifflin, 1996), 420, argues that Indigenous peoples purposely cultivated multi-lingual abilities because, “it was important to be able to deal with neighbors who spoke different languages and followed different customs”; “[Bungee: A language unique to Canada](#),” Language Portal of Canada, Government of Canada website, <http://www.noslanguages-ourlanguages.gc.ca> (accessed 28 August 2014); and Norma Hall, “[Parishes of Assiniboia, 1870](#),” and “[Records of the Provisional Government\(s\)](#),” *Provisional Government of Assiniboia* website, <http://hallnjan2.wordpress.com/> (accessed 23 August 2014).

<sup>12</sup> William Fraser, descended from Selkirk Settlers, was born at Red River. See LAC, RG15-D-II-8-a, “[Scrip affidavit for Fraser, William; born; 1832. Father James Fraser, an original white settler from Scotland settled in Red River Country in 1816.](#)”

<sup>13</sup> J.E. Rea, "[Bannatyne, Andrew Graham Ballenden](#)," DCB, notes that A.G.B. Bannatyne was born in Scotland, but arrived at Red River after having lived at Sault Ste. Marie, Canada, for two years. Gordon Goldsborough, "[Edward Henry George Gunson Hay \(1840–1918\)](#)," *Memorable Manitobans*, Manitoba Historical Society (accessed 23 August 2014), indicates that E.H.G.G. Hay was born in England and lived in the U.S. for five years prior to settling at Red River. Alfred H. Scott is a man of mystery in Red River Settlement history. Next to no biographical details are known. Given his position as a member of the LAA, and that he was also appointed as a delegate to negotiate a confederation agreement in Ottawa, the lack of historical detail seems odd. Begg, *The Creation of Manitoba*, 320–321, includes the text of a letter, apparently penned by Scott and purportedly printed in the 18 March issue of Red River Settlement's *New Nation* newspaper. The letter indicates that Scott was born in England. The letter is not visible, however, in the [online version of the issue for that date](#) (16 March at the Manibotia website), which consists of two pages — the other pages carrying a dateline of 2 April 1870. Morton, *Alexander Begg's Red River journal*, 278 n. 1, also refers to the letter, stating that Scott "was considered an American, but claimed to be of British birth." W.L. Morton, "[Scott, Alfred Henry](#)," DCB, however, notes only that Scott was "of English parentage." George F.G. Stanley, "[O'Donoghue, William Bernard](#)," DCB, notes O'Donoghue was born in Ireland, but migrated to New York as a boy and lived in the U.S. to 1868, when he travelled to Red River. Norma Hall, "[Hon. Hugh Francis Olone](#)," *doing canadianhistory n.0* blog, <http://hallnjean.wordpress.com/> (accessed 23 August 2014), gives Olone's place of birth as New York (the correct typography for his family name being Olone). He headed to Red River in 1865, after serving in the Union Army during the American Civil War. W.D. Smith, "[Bird, Curtis James](#)," DCB, describes Bird as born at Red River Settlement. His parents were from Scotland and England, but he also had Métis relatives. Although Bird left Red River to study medicine in England, he returned in about 1861.

<sup>14</sup> The full name was the Legislative Assembly of the Provisional Government of Assiniboia. Schmidt, "Memoires," 87, indicates that in French the Legislative Assembly was known as "L'Assemblée Législative" as well as le conseil du gouvernement provisoire.

The Provisional Government of Assiniboia was arguably the third provisional government at Red River during 1869–1870. The earliest provisional government can be posited to be that of the Comité National des Métis, consolidated by 20 October 1869 under President John Bruce. Although it was not formally declared as anything more than a committee devoted to 'protecting' Upper Fort Garry, and thereby the Governor and Council of Assiniboia's authority, essentially, the Comité National became a provisional government as soon as it occupied the fort on 2 November and demonstrated that the existing HBC government was powerless to countermand Comité National directives (which by this point included limiting Canadian survey activity and blockading the main entry to the settlement). See: William Cowan, "[B]," letter to Colonel Dennis (15 October 1869); John Bruce and Louis Riel, "[E] A Monsieur W. McDougall," (21 October 1869); W.E. Sanford, letter to [Joseph] Howe, (18 November 1869); "Lépine and Lavallée" quoted in Wm. McDougall, letter to "Governor McTavish, &c." (4 November 1869); W. McTavish, "(A.)," letter to W. McDougall (9 November 1869), all of the above printed in Canada, *Sessional Papers* 5, no. 12 (1870), 9, 11, 16, 30, 52–54. In this case, the acting definition of a provisional government would be along the lines of: an emergency or interim government set up when a political void has been created by the collapse of an existing



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government. See “Are the Red River People Rebels?” *New Nation* (13 May 1870), 1 column [2](#). There is no specific way a provisional government must be organized or run. By its very name — provisional — it is understood to be a temporary solution until a permanent system of governance can be instituted.

The Comité had a somewhat representative, and quasi-‘legislative’ council — the Council of Twenty-four (16–24 November, and 1 December 1869) — which passed a ‘Bill’/ List of Rights. (According to Schmidt, “Memoires,” [74](#), “le nom de gouvernement provisoire” was adopted by Riel, secretary of the council, at this time.) Nevertheless, the Comité National did not completely impinge on the power of the HBC Governor and Council of Assiniboia — the latter’s law courts continued to function (the quarterly court heard cases during 19–29 November 1869), and its councillors continued to issue liquor licenses up to and including 1 December 1869. See “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (13 May 1870), 1 column [7](#)–2 column [1](#).

According to William B. O’Donoghue quoted in “Convention at Fort Garry,” *New Nation* (18 February 1870), 1 column [3](#), a locally mustered, fully autonomous provisional government (which, by the argument presented here, could be considered the ‘second’ provisional government), “was established on the 24th of November and proclaimed on the 8th of December.” This provisional government went through a significant change in personnel on 24–27 December. Initially John Bruce was president (as he had been of the Comité National), and Louis Riel was secretary. When Bruce resigned, Riel became president and Louis Schmidt became secretary. Like the Comité National, this government consulted and deferred to a representative council — the Convention of Forty (25 January–10 February) — which then ‘legislated’ (passing another ‘Bill’/ List of Rights), as the legitimate voice of the community.

Before its close, the Convention of Forty created a ‘third’ provisional government, incorporating members of the ‘second’ — including the executive council — but expanding representation within the settlement. This ‘third’ government, too, underwent changes. Initially it was known as the Provisional Government of Rupert’s Land and was to have a legislative assembly of twenty-four seats. By 18 March, when it took the name ‘Provisional Government of Assiniboia’ [see “Legislative Assembly of Assiniboia (1st Session, – 1st Parliament),” *New Nation* (8 April 1870), [1](#)], its legislature had twenty-eight seats (and would pass an entire law code, and four bills, along with ratifying the *Manitoba Act*). In one respect this government’s purview overlapped with the previous provisional government: in formulating laws to do with liquor licenses and customs duties, the LAA took 1 December 1869 as the end date of the HBC Council of Assiniboia’s responsibility and the start date of its own government’s authority. Otherwise, the ‘third’ provisional government was held to be distinct from ‘second’ provisional government, which bore “full responsibility of all its acts.” (“Convention at Fort Garry,” *New Nation* (18 February 1870), 2 column [2](#).)

There are, however, factors that complicate the description above: first, it is not clear when, precisely, the new executive council of the ‘third’ provisional government became active; second, there are questions related to the imposition of martial law: did it exist? If so, to what degree did it overlap the ‘second’ and ‘third’ provisional governments? And, did martial law

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entirely override any other authority during the transitional period (in late February and early March) between the ‘second’ and ‘third’ provisional governments?

<sup>15</sup> One of Louis Riel’s arguments throughout the Resistance of 1869–1870 was that ‘the people’ had the right to be considered as — and to *be* — the ultimate political authority in Assiniboia. Instituting representative government was viewed as the means of achieving governance by the people. See LAC, MG27-IC6, Red River Rebellion, William MacDougall fonds, item [11](#), “Declaration of the people of Rupert’s Land and the North-West,” (8 December 1869), signed by John Bruce and Louis Riel; and Philippe R. Mailhot, “[Ritchot’s Resistance: Abbé Noël Joseph Ritchot and the Creation of Manitoba](#),” Ph.D. diss. (Winnipeg: University of Manitoba, 1986), 28, 49, 52–54, who notes, a “Committee of ten” had formed by 20 October 1869 and subsequently formulated resolutions — the “code du Sénat Métis dejas [sic] 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.

<sup>16</sup> By 1870 at Red River, the ‘Indian’ people resident in St. Peters Parish were held to be ‘civilized.’ See Church Missionary Society, “[North-West-America Mission](#),” *Church Missionary Paper*, no. 92 (Christmas 1838); “Indian Settlement,” *Nor’-Wester* (19 March 1862), 2 column [4–5](#); J.S. Dennis, “Record of Proceedings under Commission from Lieutenant-Governor McDougall, dated 1st December, 1869,” in Canada, *Correspondence and Papers Connected with Recent Occurrences in the North-West Territories* (Ottawa: J.B. Taylor, 1870), [107](#), describes the people of St. Peter’s Parish as “for the most part ... civilized and Christianized Indians”; “Instructions,” *Manitoban and Northwest Herald* (29 October 1870), 1 column [5](#), distinguishes between “Indians ... who are settled on lands, or live in houses,” and those “living in tents, or wandering from place to place without a settled home.” In 1870, St. Peters Parish was included as a constituency with an elected representative during the creation and operation of the LAA. The parish inhabitants (men at any rate) had the right to vote. John Sinclair’s position in the Assembly as representative of the ‘settled Indians’ demonstrates that any male members of the greater Red River community who were considered ‘civilized’ in the Red River sense of the word had a formal say in community affairs. In framing terms for confederating with Canada (in versions of the List of Rights), the provisional governments stipulated that it was only ‘uncivilized Indians’ who were to be denied the vote. Such a clause was included in the *Manitoba Act* (1870). First Nations individuals did not lose the vote until several years after the creation of Manitoba. See “The Legislature,” *Manitoba Free Press* (15 February 1873), 8 column [4](#); and “Manitoba Parliament,” *Manitoba Free Press* (18 July 1874), 8 column [1](#).

<sup>17</sup> Norma Hall, “[Consideration of the political position of Women during the Resistance](#),” *Provisional Government of Assiniboia* website, gives an example of precedent — women voting through a male proxy in November 1869. This could conceivably have been a ‘normal’ practice

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in the settlement, and might therefore have carried forward (if a woman was determined, and able to find a male proxy willing to act on her behalf).

<sup>18</sup> This was the third session of the Legislative Assembly in 1870. The first ran from 9 March to 26 March; the second from 26 April to 9 May; and the third on 23 June and 24 June.

<sup>19</sup> As members of a legislative assembly, the title “Honourable” preceded their names.

<sup>20</sup> As president, Riel had no vote on legislative matters although, together with his Executive Council, he had the power to veto legislation. However, the Assembly had the power to overrule such a veto. See “Convention at Fort Garry,” *New Nation* (18 February 1870), [1](#) columns 6–7, [2](#) column 1; and Norma Jean Hall, transcript, “[Convention of Forty/ La Grande Convention Debates](#),” Government of Manitoba, Legislative Library online document (2010), 97–103, in which the members of the Convention limit the power of the President of the Provisional Government over the Legislative Assembly by stipulating: “10. That the President of the Provisional Government be not one of the twenty-four members” and “11. A two-thirds vote to over-ride the veto of the President of the Provisional Government.” The measures were devised by the committee “appointed to discuss and decide on the basis and details of the Provisional Government,” which consisted of James Ross (chair), Dr. Curtis James Bird (secretary), Thomas Bunn, Charles Nolin, William B. O’Donoghue, and, notably, Louis Riel. The latter observed, in the course of debate, “Even were I President, the two-thirds vote, would leave me feeble, weak and powerless.” The committee’s resolutions were adopted (along with eleven others, and with the amendment that Riel be named as president — the last point being the only, but acrimonious, point of contention). The motion carried “without a dissenting voice” — Judge John Black (chairman), Alfred Boyd, and William Cummings did not vote. See also “President’s Speech On the Hay Privilege,” *New Nation* (29 April 1870), 2 column [5](#), in which Louis Riel states, “I have had, before this time, the honor of casually debating in this Chamber. This is no more my role. I was called to another position, and I must be worthy of it. My intention is not to abuse the privilege you have granted me. I have only to suggest to you some thoughts, which I beg you to accept as respectful advice”; and Louis Riel, quoted in “Convention at Fort Garry,” *New Nation* (4 February 1870), 2 column [3](#), as interpreted by James Ross, “dwelt on the importance of the two-thirds majority triumphing over the one-third, with the Governor. It would be unjust to allow the Governor, with eight out of twenty-four, to over-ride the wishes of the people; and, as we attached great importance to the majority of the people triumphing in this country, we should be careful to do nothing which would endanger this.” See also HBCA, E.9/1, 9, obverse. On the LAA’s ability to decline to follow the president’s lead, see Louis Riel, quoted in AM, MG3 A1-15, “Sessional Journal,” [47](#); and quoted in “Legislative Assembly of Assiniboia, Second Session,” *New Nation* (27 May 1870), 1 column [1](#), in suggesting that the question of the creation of a senate might be considered, Riel allows he will not “force the consideration of that question on the Assembly,” remarking, “Such a course would only make the Executive — what we do not desire it to be — sole master.” The LAA in fact declined to discuss the establishment of a senate. This was not the first of Riel’s suggestions to be rejected. AM, MG3 A1-15, “Sessional Journal,” [40](#); and “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (20 May 1870), 1 column [6](#), indicate that, previously, the Assembly had declined to discuss or endorse a letter of

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protest to the Canadian Government. See also Norma Hall, "[Session 2, Day 10: 6 May](#)," [LAA] *Provisional Government of Assiniboia* website, nn. 2–3, for additional description of this issue.

<sup>21</sup> Louis Schmidt, quoted in AM, MG3 A1-15, "Sessional Journal," [51](#); and "Legislative Assembly of Assiniboia. Third Session," *New Nation* (1 July 1870), 3 column [1](#). Schmidt, "Les Memoires," [87](#), writes that his motion was seconded by Thomas Bunn.

<sup>22</sup> AM, MG3 A1-15, "Sessional Journal," [51](#).

<sup>23</sup> "Consolidation! The Future of the American Continent. One Flag! One Empire! Natural Lines must Prevail," *New Nation* (21 January 1870), 1 column [1](#), reports on American 'manifest destiny' sentiments and describes Red River Settlement as "the Keystone of the Confederacy projected by England."