

**Convention of Forty
First Day**

Court House, Upper Fort Garry¹

Tuesday, 25 January 1870²

Noon — Thirty-seven of the English [and] French Representatives, met. Three of the French representatives being absent, it was proposed and agreed to that an adjournment till half past three take place. At half past three, met again and adjourned for a similar reason.

¹ For an indication of the location of the courthouse within the fort see “Red River Basin Investigation. Upper Fort Garry,” map, Appendix B, *Red River Basin Investigation, Water Resources Division. Report on Investigations into Measures for the Reduction of the Flood Hazard in the Greater Winnipeg Area* ([Ottawa]: Department of Resources and Development, Engineering and Water Resources Branch, 1953), plate 1, 196.

² “Convention at Fort Garry, English and French Delegates in Council. Mr. Smith’s Commission, Bill of Rights,” *New Nation* (28 January 1870), 2.

Convention of Forty Second Day

Court House, Upper Fort Garry

Wednesday, 26 January 1870³

One o'clock, P.M.— Again the English and French Representatives assembled and business was proceeded with.

Mr. Louis Riel, seconded by **John Sutherland**, P.D.,⁴ moved that Judge Black be appointed Chairman.

Judge Black said that as Chairman he would, to a great extent, be unable to perform his duty as one of the representatives from St. Andrew's Parish.

[**Mr. T. Bunn** urged?] that the Chairman, whoever he be, be allowed all the privileges of a representative.

Mr. John Frazer claimed that this ought to be allowed.

Mr. Riel said that the French delegates understood the request distinctly and had no objection to it.

Judge Black was then unanimously voted to the Chair on the understanding that he had full liberty to exercise all his privileges as a representative.

Chairman thanked the assembly and said that as the business on which they were met together was very important and very serious, he hoped it would be dealt with in the spirit of unanimity which had marked their first vote; and that no personalities would be indulged in.

Mr. Bunn proposed as Secretary to the Convention, Mr. W. Coldwell; **Mr. McKenzie** seconded it.

Mr. Riel had no objection to the appointment but suggested that two Secretaries, one for the English and another for the French, be appointed; or else one with a thorough knowledge of both languages.

³ *Ibid.*; AM, E.9/1, 5.

⁴ 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), 27, notes that "P.D." after the name of John Sutherland "stands for Point Douglas. The other John Sutherland lived near the Inksters at Seven Oaks. Even after the flood of 1852, when John Sutherland, who was later Senator Sutherland, built a new house on land he bought across the river, his family were known as the Point Douglas Sutherlands."

Mr. O'Donoghue moved in amendment that two Secretaries be appointed and that Louis Schmidt be the second.

It was ultimately agreed that Mr. Bunn should amend his motion so as to incorporate Mr. O'Donoghue's. And he did so, and seconded by **R. Tait**, the motion was put and carried.

Mr. Bunn, seconded by **Mr. Boyd**, moved that two interpreters be appointed, Mr. Riel on the part of the French to translate the French into English; and Mr. Jas. Ross on the part of the English to translate the English into French.

Mr. O'Donoghue moved in amendment that Mr. Riel translate the English into French, and Mr. Ross the French into English.

Mr. Bunn having adopted Mr. O'Donoghue's amendment, it was put and carried.

On motion of **Mr. Bunn**, muster rolls for the French and English delegates were made out and handed to the Secretaries and it was resolved that these rolls be called over at every meeting.

The following delegates were then found to be present:

French Representatives

St. Paul's — Mr. W. Thibert, Alexandre Pagee, Magnus Birston.

St. Francois Xavier — Xavier Pagee, Pierre Poitras.

St. Charles (contested) — A. McKay, J.F. Grant.

St. Boniface — W.B. O'Donoghue, Ambroise Lepine, Joseph Genton, Louis Schmidt.

St. Vital — Louis Riel, Andre Beauchemin.

St. Norbert — Pierre Parrenteau, Norbert Laronce, B. Touron.

Point Coupee — Louis Lascerte, P. Delorme.

Oak Point — François Nolin, C. Nolin.

Point A Grouette [sic] — George Klyne.

English Representatives

St. Peter's — Rev. Henry Cochrane, Thomas Spence.

St. Clement's — Thomas Bunn, Alexander McKenzie.

St. Andrews — Judge Black, Donald Gunn, Sen., Alfred Boyd.

St. Paul's — Dr. Bird.

Kildonan — John Fraser, John Sutherland.

St. John's — James Ross.

St. James' — George Flett, Robert Tait.

Headingly — John Taylor, W. Lonsdale.

St. Mary's — Kenneth McKenzie.

St. Margaret's — William Cummings.

St. Anne's — George Gunn, D. Spence.

Winnipeg — Alfred H. Scott.

It was then stated that there were some of the elections contested — that for the town of Winnipeg and for one of the French districts, and it was resolved that each side settle its own contested election cases.

Mr. Bunn proposed an adjournment for an hour and a half and that in the meantime each side settle its own contested elections.

Mr. Riel seconded the motion,— Carried.

Chairman urged punctuality on the Convention at its meetings.

Convention adjourned at half past two.

Four o'clock — Francois Nolin, Mr. A.H. Scott and Mr. A.G.B. Bannatyne (in the contested election for Winnipeg) were found absent on calling the rolls.

It was arranged that the contested elections should be taken up afterwards, and that in the meantime other business be proceeded with.

The Chairman said that this arrangement having been come to, they must proceed to the business before them as defined in the resolution passed at the recent public meeting, viz: to consider the subject of Mr. Smith's Commission, and to decide as to what would be best for the welfare of the country.

Mr. Riel translated the Chairman's remarks into French.

Mr. Bunn thought that a prior point had to be settled. He thought there were good reasons why the meeting should not be an open one; and he begged to move that the meeting sit with closed doors.

Mr. R. Tait seconded the motion.

The Chairman said that the accommodation was too limited to allow of a public gathering, and the proceedings would be fully made known by the Secretaries.

Mr. Riel translated into French the motion, and remarked that for his part he could not vote for closing the doors because he was aware that some reverend gentlemen from below wished to attend.

Mr. Bunn said he would like to admit the whole public if possible. But if one were admitted they did not know how many would demand admittance. The motion was simply made to avoid confusion and over-crowding.

Mr. Ross would like the meeting to be private for similar reasons, and for this in addition that if some were allowed in and others excluded there would be an air of unfairness. The proceedings would become sufficiently public through the Secretaries and the local paper.

Mr. O'Donoghue wished to have the doors open because on the last occasion, when they were shut, considerable dissatisfaction was expressed. Arrangements might be made to prevent over-crowding.

Mr. Boyd wished to ask whether in the last meeting any reporters were present? If one were not present, then, there was good reason for opening the doors. Now one was present and two Secretaries.

After further discussion **Mr. O'Donoghue** moved in amendment that as many of the public as can find room within ten feet of one side of the room — to be marked off,— be admitted.

Mr. John Frazer moved in amendment that only the Clergy of the Settlement, be admitted.

Mr. McKenzie seconded Mr. Frazer's amendment.

Mr. Lépine would go for closing the doors, with the understanding that if the clergy came they should be admitted.

Mr. Bunn withdrew his motion and **Mr. O'Donoghue** his amendment.

Mr. Fraser then proposed that the proceedings of the Convention be carried on with closed doors, except as regarded the clergy of all denominations, who are to be admitted if they wish.

Mr. McKenzie seconded the motion, which was put and carried.

The Chairman said that, as regarded the main business of the meeting, the question now came up, how was “the subject of Mr. Smith’s commission” to be considered?

Mr. Riel moved that Mr. Smith’s papers be first called for, placed in the hands of the President and read,— leaving it to the meeting to send for Mr. Smith when they thought proper. Also that Mr. Bunn and Mr. Lepine be deputed to ask the papers from Mr. Smith in the name of the Convention.

Mr. Taylor seconded the motion which was put and carried.

Mr. Bunn and **Mr. Lepine** left the meeting to ask Mr. Smith for his commission papers. Soon after the delegates returned, with a number of documents enveloped and addressed to the Chairman of the Convention.

The Secretaries broke the seal and handed the Chairman the documents.

A letter, accompanying same, from Mr. D.A. Smith to the Chairman was read in English and French. He stated that six documents, marked, were enclosed with the letter to the Chairman.

Mr. Riel requested leave to make a few observations. He would ask the Convention to examine Mr. Smith as Commissioner. In this chamber they had no enraged public to face. They were all friends, wanting what was fair. For that reason he suggested they should not examine into the papers outside Mr. Smith’s commission. The papers might be read, but no action, he thought, ought to be taken on them.

Mr. Ross moved that the papers before the chair be now read.

Mr. Riel seconded the motion,— Carried.

Mr. Bunn moved that the papers be read separately in English and French.

Mr. Nolin seconded the motion,— Carried.

Document No. 1, from Hon. Joseph Howe to Donald A. Smith Esq., was then read in English and French.

Mr. Riel said that hitherto these documents had appeared only in English and he desired the papers to-night so that they might be translated into French.

The Chairman said that he was in the hands of the meeting. But, obviously, considering the manner in which possession of the documents had been obtained, Mr. Smith ought to be consulted. It was important that these papers should be translated as soon as possible into French.

By consent the matter was left over till the proceedings had been further advanced.

Document No. 2 from Sir John Young to Mr. Smith, dated Ottawa December 12, was next read.

Document No. 3 dated Ottawa December 6, from Sir John Young to Governor Mactavish was read.

Also documents No. 4 from Sir John Young dated 26 November, containing a telegraphic message from the Queen; No. 5 from Hon. J. Howe to Hon. W. McDougall dated December 7; No. 6 from the Under Secretary of State for the Provinces to Hon. W. McDougall, dated 28 September.

Mr. Ross said he would like they could see their way to place these papers in the hands of their French friends. It was hardly fair to ask them to resort to secondary means to get a translation of these important documents. Mr. Smith, it was believed, would not refuse that the papers should be given their French friends for translation. Placing the papers in the charge of the Chairman, as had been done by Mr. Smith was, no doubt, a mere matter of form. He (Ross) would suggest that two delegates should be deputed to ask Mr. Smith's consent to parting with these papers temporarily, for the purpose of translation.

Mr. Riel thought that the Chairman had full power to give up the papers as requested.

Mr. Ross proposed that these papers be entrusted immediately to Mr. Riel for the purpose of translation, the papers to be forthcoming to-morrow on the assemblage of the Convention.

Mr. Lonsdale seconded the motion.

The Chairman said it was in his mind to address, officially, a letter to Mr. Smith, saying to him that the French representatives desired to have these papers. Before putting the motion he asked a consideration of this course.

Mr. Riel suggested that the motion ought to go before the meeting.

Motion carried unanimously.

The Chairmen then handed the documents to the French Secretary.

Mr. Bunn moved an adjournment till to-morrow at half past ten o'clock.

Mr. O'Donoghue seconded the motion

Convention adjourned at twenty minutes to eight o'clock.

Immediately after, the English delegates met to consider the contested election for the Town of Winnipeg, and, after some debate, carried the following resolution unanimously:—

Moved by **Mr. James Ross**, seconded by **Mr. Thos. Bunn** — “that inasmuch as it appears that the only candidate chosen at a public meeting of the Town of Winnipeg was Mr. Scott; and inasmuch as the objections urged by Mr. Bannatyne, are such, as, if established, would necessitate a new election,— and Mr. Bannatyne himself asserts that he will not be a party to any new election,— therefore we the delegates decide that Mr. Scott be accepted as the representative from the Town of Winnipeg.”

Convention of Forty Third Day

Court House, Upper Fort Garry

Thursday, 27 January 1870⁵

Half-past Eleven — French and English Representatives again in session.

Contested Election Cases

Mr. Bunn reported that in the case of the Winnipeg election, Mr. Scott had been declared by the English delegates the duly elected representative.

Mr. Riel reported that in the St. Charles election case the matter had been left to the settlement of the electors of the parish.

Mr. Grant produced a document with a number of signatures, the majority being for Messrs. Grant and McKay.

A discussion ensued, among the French representatives, as to the validity of the latter election; and ultimately it was proposed to leave the matter to be settled at the next adjournment.

Mr. Bunn said, that as it was twelve o'clock [illegible] to adjourn for an hour, in order to enable the French representatives to settle their difficulty and to dine. He therefore moved an adjournment, seconded by **Mr. Ross**.

On the suggestion of **Mr. Sutherland** the interval was made an hour and a half.

⁵ “Convention at Fort Garry,” *New Nation* (28 January 1870), 2–3; AM, E.9/1, 6.

The Chairman hoped that these delays, which were unavoidable, would have no depressing effect upon members. So far the proceedings had been marked by unanimity and cordiality, and he hoped this would continue to the end. Having deprecated personalities, the Chairmen expressed a hope that the proceedings throughout would be conducted in such a manner, as to show to the outside world that the people of Red River were worthy of the rights which they claimed (cheers).

Convention then adjourned.

Four o'clock, P.M.— Minutes of the first day's meeting read and confirmed.

On motion of **Mr. Riel**, seconded by **Mr. Ross**, papers 1 and 5 were taken up for consideration.

Letter No. 1, from Hon. J. Howe to D.A. Smith, was read in English and French, paragraph by paragraph.

Mr. Riel addressed the Convention in French.

Mr. Ross, in translating the remarks into English, said, Mr. Riel, in translating this paper — which he did admirably — called attention to the importance of this peculiar document,— Mr. Smith's Commission. Many things applicable when that gentleman was sent would hardly be applicable now, seeing that Mr. McDougall was not here. At the same time, Mr. Riel says, there is ample ground in this document for the belief that Canada is disposed to do us justice. She has shown a disposition, a willingness, a readiness to do us justice (cheers). Mr. Riel calls particular attention to the expression occurring near the close of the Commission, that,— as the communication with Canada was necessarily imperfect, and circumstances in Red River were continually changing,— Mr. Smith was to act according to the best of his judgement. To these words Mr. Riel attaches, he says, very great importance. In connection with [t]his first paper, Mr. Riel asks that paper No. 5 be read. It would seem, he says, that at the first the Canadian Government forgot to speak to us of certain of our rights. But later events refreshed their memory and caused them to recollect what they were ready to do for us. In this connection he alluded to the Customs duties, &c.

Document No. 5 from Mr. Howe to Mr. McDougall, dated Ottawa, December 7, was read in French by **Mr. Riel**, and commented on.

Mr. Ross in translating into English said,— Mr. Riel calls special attention to Article 8, which specifies that the present Government, that is to say the McDougall Government, “is to be considered as merely provisional and temporary, and that the Government of Canada will be prepared to submit a measure to Parliament granting a liberal constitution so soon as you as Governor, and your Council have had the opportunity of reporting fully on the wants and requirements of the Territory.” Mr. Riel says thereupon, that it is clear from that, that the Canadian Government authorises and requests us to ask all that is reasonable,— all that we, as British subjects, can reasonably ask. At the same time, we are not to ask anything that is utterly unreasonable. This

document, he says, affords hope, and, coming through Mr. Smith, and not Mr. McDougall, is welcome. If Mr. Howe, the writer of that document, said all that is written there, some guarantee is given for our confidence; for the Canadian Government would never promise in this full and explicit manner what it is not ready to fulfill (cheers).

Mr. Riel moved that Mr. Smith be requested to come before the Convention as Commissioner, in order to say what he can do for us, as such, and what, according to the best of his judgment, ought to be done under present circumstances, to secure us our rights.

Mr. Ross said he would second Mr. Riel's motion, but before doing so, desired to call attention to the fact that one document, referred to in Mr. Smith's Commission, had never yet been before the people of Red River. It was a proclamation issued by the Governor-General to the inhabitants of the North-West, by command of Her Majesty and from all he could gather was based on a telegram from Earl Granville of the 26th November.

The Chairman said that Mr. Riel's motion appeared to him so much in place, that had not Mr. Ross seconded it, he (the chairman) would have done so. With regard to the proclamation spoken of, he had a word to say. It was quite possible, from the date at which it was supposed to have been issued, that it might have as little direct and immediate bearing on the transfer of the country as Mr. McDougall's commission. Still he desired to put this view before the Convention:— Seeing that this proclamation was based on the gracious message from Her Majesty — that the Canadian Government, had informed us, as they had done, of the views of her Majesty,— and that the Governor-General in compliance with the instructions received by telegraph, had thought it his duty to issue something which he believed of importance to the people of this country,— seeing that this was the case, the Chairman put it to the Convention — even though the proclamation had no direct and immediate bearing on the transfer of the country — whether as subjects of a sovereign to whom we were all loyal, it was respectful in us, when she sends a message, and when her representative issues a proclamation, to evince only a feeling of indifference as to what these illustrious persons had to say.

Mr. Riel — Of course I am a British subject; but I am not a Canadian subject yet: and for that reason the Governor-General of Canada has no business with me yet, and I have no business with him — only with his Commissioner. If he has a proclamation, let him proclaim.

Mr. Riel's motion having carried, a deputation of two of the delegates was sent to Mr. Smith with a request that he would favor the Convention with his presence, in the terms of the resolution.

Mr. Smith, soon after, entered the room and was loudly cheered by the delegates, and introduced to the Convention, *pro forma*.

The Chairman addressed Mr. Smith, briefly, explaining why he had been requested to attend. By a portion of your Commission, which Mr. Riel pointed out, said the Chairman, you appear to have very considerable power vested in you, and it was

considered desirable that you should meet the Convention to give the public representatives such information as you can on the points concerning which they are most anxious.

Mr. Riel translated into French, with some additional remarks, which Mr. Ross put into English. This Settlement, said Mr. Riel, has been long in a state of commotion, doubt and hesitation with reference to this transfer to Canada; and it was proper that this state of things should have arisen under the circumstances,— not only so far as we ourselves were concerned, but also looking to the interests of posterity. This feeling in the Settlement resulted, after various changes, in the present movement, which was conducted by forty representatives. We are here on most important business,— business affecting the welfare of the country; and if, says Mr. Riel, I could regard Mr. Smith as in a position to concede to us all the rights we desire or deserve,— or assure us that he would put us in a way to get them,— or assure us we would get even the most important of them — I would welcome him in the most hearty manner (loud cheers). But we must not allow the rights of the people to be jeopardized by our mode of treating them at this meeting. We are to be firm (cheers). We are to stand as a rock in defence of the rights and liberties of the country. Canada at the outset ought to have known our wishes and respected the people of this country; but she had not done so in a satisfactory manner. Now that she begins to respect us, we are not unwilling to meet these advances and consider them fairly and justly (cheers). Mr. Riel concluded by saying that being now in a position to get our rights, he could heartily welcome Mr. Smith to this country (cheers).

Mr. Smith said — Mr. Chairman and gentlemen, in addressing you now, I may say that it is my duty to give you every information in my power; and, coming as I do, as a Commissioner from the Canadian Government, it will give me the utmost pleasure to do so (cheers). I need hardly say now, that Canada is not only disposed to respect the people of this country; but is most desirous of according to them every privilege enjoyed by any Province of the Dominion,— all the rights of British subjects, in fact, which are enjoyed in any portion of the Dominion (cheers). I will be happy to answer any questions put to me; and, after ascertaining the desires of the Convention, will point out, as far as I can, whether the Canadian Government will accede to them or not (cheers).

Mr. Ross — I beg to ask one question. I see by various expressions in Mr. Smith's Commission, that he is here to act in concert with Mr. McDougall, and, in some cases, with Governor Mactavish, and, again, with both. In view of this, I would like to ask Mr. Smith how far he is authorised to act here alone,— seeing that Mr. McDougall has gone to Canada?

Mr. Smith — I may say in reply, that when I left Canada, I think it was the 12th or 13th December, very little indeed was known respecting the state of affairs in Red River. What action Mr. McDougall had taken was unknown: consequently it was considered necessary that I should ascertain from him what he had done. This is all that is meant by the "acting in concert with him," alluded to. I was merely to see him and ascertain from him how far he had proceeded. As regards Mr. Mactavish, of the Hudson [sic] Bay Company, I may say that that gentleman having had such a lengthened experience of the country and, people, it was thought that it would be of very great benefit to me to consult him: and fortunately he is still here. That Mr. McDougall has

gone, makes not the slightest difference to me, or the powers delegated to me by the Government of Canada (cheers). When in Ottawa, I put the question, and it was expressly understood that I should receive no instructions whatever from Mr. McDougall, and have nothing to do with him in this matter, further than to ascertain from him what he had already done, so that I might be in a position to act.

Mr. Riel — And as to Governor Mactavish?

Mr. Smith — As to him I had nothing further to do than avail myself, as far as would he would allow me in a friendly manner, of his knowledge of the country and people.

Mr. Riel — A list of rights was made up by myself and friends. If Mr. Smith has seen that list, I would like to know how far he is in a position to grant them. Something might be added to that list, and again something might be subtracted. But the question is how far could Mr. Smith assent to such a list; and how far can he give us a guarantee that what he assents to, will be granted by the Parliament of Canada.

Chairman — This covers almost all the ground. The question is not only very important and comprehensive, but the answer to it must necessarily be very important and comprehensive. Putting the question in that light, I would ask the Convention whether it might not be worth while,— seeing the proceedings are so far advanced and that it is getting late — that Mr. Smith should have the rest of the evening for considering the question and carefully preparing an answer.

Mr. Riel interpreted into French and added a few remarks, which **Mr. Ross** gave in English. In view of the suggestion for delay Mr. Riel desired to be explicit. The list of rights, he desired to explain, was not final and might be curtailed or extended. It was merely given Mr. Smith to afford him an idea of what was aimed at.

Mr. Boyd — Although not a representative at last Convention I desire to say that the representative from our parish had no power to demand rights. He was simply sent to see what the French representatives said.

[Missing lines?]

In reply to **Mr. Touron**, **Mr. Smith** said — As to the extent to which I can go on the part of Canada, it is difficult for me to say. I have seen the list of rights spoken of, but from memory, cannot give an opinion concerning them. In a matter of such vital importance I should certainly prefer some little time for consideration; and if the Convention would be good enough to place in my hands a paper stating the rights claimed, I shall be most happy to give such answers as I believe will be in accordance with the views of the Canadian Government,

Mr. Flett saw that it would be very difficult for Mr. Smith, in a matter of this kind, to act from mere memory. A list of rights has been drawn up, but it might be very desirable to draw up a new list altogether. A committee of six or seven ought to be appointed to draw up such a list, taking into account that first made out. This would facilitate matters and enable Mr. Smith to say at once how far he could go.

The Chairman thought that the list might be curtailed in some points and very materially extended in others. Let us look, he said, at what has been done in the other Provinces. The settling of a list of rights formed the subject of long, difficult and delicate deliberation, not only in Canada but England, as far as the provinces in Confederation were concerned. It may therefore be very difficult to define all the minutiae of the rights belonging to this country. It may, however, appear to the Convention that it would be sufficient if Mr Smith gave pretty distinct assurances respecting what may be called the main lines — if he can assure us of all those things which justice and reason seem to demand. What I apprehend our French friends peculiarly desire, is assurances respecting the cardinal points — the great principle of a full representation in the direction of the affairs of the country, for instance, and other important points.

Mr. Riel translated into French and added, as interpreted by Mr. Ross — I wish to say explicitly that it is not Mr. Smith who is to have the power of adding to or subtracting from the bill of rights, but that only the representatives here should have that right.

Mr. O'Donoghue said — Mr. Smith could be provided with a copy of the printed list of rights to-morrow, and could give an opinion as to what he could guarantee. With reference to Mr. Boyd's remark regarding the power of the delegates, Mr. O'Donoghue entered into a statement to the effect that at the last Convention the list of rights was discussed by all the delegates except Mr. Ross and Mr. Gunn, and was adopted by a majority of the representatives. He then moved that a copy of the printed list of rights be placed in Mr. Smith's hands at once, with a view to his considering them and addressing the Convention on the details of the list to-morrow morning.

Mr. Tait seconded the motion.

Dr. Bird, seconded by **Mr. Fraser**, moved in amendment,— That any bill of rights presented to Mr. Smith be revised by this Convention,— either by committee or by the whole meeting — and, in the event of being so presented, that he be allowed a reasonable time to prepare his answer.

The Chairman called attention to the fact that this amendment did not call for any list of rights, but merely laid down a certain course, if any list were presented. He suggested that a committee be appointed from both sides to prepare what the Convention think a reasonable list of rights, place it in the hands of Mr. Smith, and get from him at as early a date as possible the necessary guarantee as to what he can do for the Convention.

Mr. K. McKenzie said he had not seen the former list of rights and hoped a committee would be appointed to draw up a new one.

Mr. Cummings never saw the bill of rights, either, nor did he think any of his constituents had done so. He was therefore in favor of a new one being drawn up.

Mr. Riel — In preparing the first bill of rights I never had any intention of accepting it as all I would ask; it was framed in order to give a general idea of what was wanted.

Donald Gunn — I have seen the bill of rights, and was here when it was discussed. At the meeting at which it was adopted I was present, but my constituents had given me no power to vote for such a bill. They merely sent me there to watch the proceedings, and report to them what was going on. We, English delegates, believed that our rights would be granted to us. But still we met our French friends here, although, as I have said, neither Mr. Ross nor myself took any active part in the discussion,— believing that we had at that time no authority to transact business. In conclusion Mr. Gunn urged the formation of a committee to reconsider the list of rights and frame a new one for Mr. Smith.

Mr. Ross having expressed the desirability of letting the past be past, hoped that as they were met there on an independent basis, they would act on such basis, except in so far as taking up the list of rights passed at the last Convention was concerned (cheers).

Mr. O'Donoghue withdrew his amendment.

Mr. Ross, in order to hasten matters, urged that they should enter heartily on the work of drawing up a list of rights. Let a committee of four or six from each side be appointed at once to draw up a list — bring it forward next day — and [at] its approval by the Convention, let it be presented to Mr. Smith as a list of rights and a final one (cheers).

Dr. Bird withdrew his motion.

The Chairman suggested that Mr. Smith should consider the printed list to night, and if he thought it desirable to have a revised list, that he should say so to-morrow morning; and perhaps the Convention would be very much guided by his wishes in the matter.

Mr. Riel — I do not think, with all due respect, that this assembly is going to be guided by Mr. Smith. We are guided by the people and will put their wants through Mr. Smith.

The Chairman — I meant to say that we would be very much guided by any expression of opinion from Mr. Smith on this point.

Mr. Smith retired at this stage.

Mr. Riel, seconded by **Mr. Ross**, then moved that a committee, consisting of three from each side, be appointed to meet at nine o'clock A.M. to-morrow in the Court-house, to draw up a bill of rights in accordance with the wishes of the people, and that said committee be allowed all necessary time to frame such a bill well.

Mr. Sutherland regretted that they had not found out from Mr. Smith how far he would be disposed to go, without committing themselves to a final bill of rights.

Xavier Pagee suggested that none but natives of the country should be appointed on the committee.

The following committee was then struck:— Thomas Bunn, James Ross, Dr. Bird, Louis Riel, Louis Schmidt, and Charles Nolin.

The Convention adjourned at ten minutes to seven, to meet to-morrow at one P.M. — the interval of meeting being lengthened to give time for preparing the list of rights.

Convention of Forty Fourth Day

Court House, Upper Fort Garry

Friday, 28 January 1870⁶

One o'clock — Convention met, but adjourned again immediately till ten to-morrow, to enable the committee on the list of rights to get through their labors.

Convention of Forty Fifth Day

Council Chamber, Upper Fort Garry

Saturday, 29 January 1870⁷

Ten o'clock, A.M. — English and French Representatives again in session.

The minutes having been read and confirmed and the roll called, **Dr. Bird**, the Secretary of the Committee appointed to draw up the Bill of Rights, presented the list prepared by the committee, which was handed to the Secretaries. The document was one containing a list of demands in the event of the country entering the Dominion as a Territory.

Mr. Riel said — The committee preparing this list of rights, had not much time given them, and have labored almost continually at it during the last forty-eight hours. Mr. Jas. Ross was Chairman and Dr. Bird Secretary, and as to our labors I may say that we do not undertake to report all that was said and done. We resolved to report to the Convention the points on which we agreed, without giving a further knowledge of our

⁶ “Convention at Fort Garry,” *New Nation* (28 January 1870), 3, gives the date “Jan. 29.”

⁷ “Convention at Fort Garry, English and French Delegates in Council. Mr. Smith’s Commission, Bill of Rights,” *New Nation* (4 February 1870), 1–2; AM, E.9/1, 6–8.

proceedings. As far as possible, I may say in the name of the committee, we endeavored to deal with the principal points; and we must rely on the Convention to finish the work we have begun (cheers).

Mr. Ross, as Chairman of the Committee, wished to say a few words before the document was read. We felt, he said, a serious responsibility in drawing up this document. We felt great difficulty in arriving at conclusions which so vitally affect the welfare of the country; and for that reason, although you were good enough to give us additional time, we were very much hurried. We sat here till near three o'clock this morning and were back again at eight, to finish, such was our anxiety to enable the Convention to sit this morning, as arranged (cheers). In justice to ourselves we must say that we were under the circumstances, obliged to present the document in a very crude shape,— one in which we would not like it to go to the outer world. We must therefore bespeak your indulgence, if you find the form defective. I would say further, that in the consideration of the conclusions at which we have arrived, we would ask that it be done in a calm, friendly spirit (cheers).

The Chairman — As the organ of the Convention, I cannot do less than express my cordial approval of the remarks made by Mr. Riel and Mr. Ross. The Convention can very well understand the sense of responsibility under which the committee discharged their very important duties. I am quite sure the Convention will give this paper that calm consideration which has been bespoken for it, and further will believe that the utmost diligence has been used in its preparation. It may be that this paper contains things which may strike different members very forcibly in different ways. But we must not be carried away with first,— or perhaps even with second thoughts. The file is very slow in its work, but we must remember that it produces good polish eventually. And in endeavoring to turn out a good article we must place ourselves in a somewhat similar position to that of a file, and patiently do what we can to make the article satisfactory in the long run (cheers).

The Bill of Rights was then handed to the Secretaries and read in English and French.

Mr. O'Donoghue moved that the Convention consider the list of rights,— that article by article be taken up,— and if possible that it be finished that night.

Mr. Gunn seconded the motion.

The Chairman — In reference to the position of the paper before us, I would say a word or two. It was stated on the part of the committee, that, while they had done their very best in its preparation, they did not wish to put it forward as a final and complete document which might not require alteration at the hands of the Convention; but as one which they believed to embody the main things to be attended to in this negotiation with Mr. Smith, as Commissioner from Canada. It is therefore important members should observe that this paper is at present under trial and is not to be put forward as our final decision until it has undergone that scrutiny which has been invited for it by members of the committee.

Mr. Fraser moved in amendment that the Convention adjourn for an hour.

Mr. O'Donoghue having withdrawn his amendment, Mr. Fraser's motion was put and carried, and the Convention adjourned at noon.

One o'clock, P.M. — Convention again in session.

List of Rights taken up, article by article:—

“1. That in view of the present exceptional position of the North-West, duties upon goods imported into the country, shall continue as at present (4 per cent) for _____ years, and for such further time as may elapse until there be uninterrupted communication between Winnipeg and St. Paul.”

Mr. O'Donoghue moved that the blank be filled up with the figure “5.” This figure was specified in another article which related to the building of a railway to this country.

Mr Bunn — I do not like fixing the term at five years. Although we demand a railway from Canada within five years, it does not necessarily follow that she will not build one sooner.

Mr. Sutherland suggested that the figure “3” be inserted.

Mr. Ross — I would state what I conceive to be an objection against Mr. O'Donoghue's resolution, as a matter of form. He would make the article provide that the duties continue as at present five years,— or for such further time as may elapse before railroad communication is established. This would seem to imply that it might be more than five years before we got railroad communication, whereas we expressly provide, further on, that we must have railroad communication within five years.

Mr. O'Donoghue — I have no objection to providing that the present scale of duties should only last till the railroad is built.

The Chairman — Why should there be any period specified? Though there is a prospect of railroad communication between this country and Canada, there is no certainty. The basis on which this article appears to be framed is, that our position appears to be so peculiar that we must have a guarantee for exemption from additional taxation, or have a railroad. That being the case,— and remembering that we have been told by Canada, without any demand on our part, that we are to be exempt from duties for two years,— why not, at all events, take the benefit of that guarantee for that period? Let us accept the period Canada proposed, and say — let the period be two years; or until such further time as she may succeed in effecting uninterrupted communication.

Mr. O'Donoghue — Mr. Black considers it voluntary on the part of Canada to give us the two year exemption. I consider it compulsory, and that it was drawn from Canada. I do not consider that in our present independent state, Canada is in a position to

dictate to us. I would substitute the figure “3” for “5,” and add, “or until such other time as there is direct communication.”

Mr. Sutherland seconded the motion.

It was suggested and adopted that the words “rail or steamboat” be placed after “uninterrupted.”

Mr. Boyd — At present the American railway is nearly at Georgetown. A steamer can ply between Georgetown and Winnipeg this summer; and hence the Canadian Government might now have uninterrupted railroad and steamboat communication, and at once force on us the increased duties (hear hear).

Mr. Sutherland could not see how, in winter for instance, it could be said, there was uninterrupted steamboat communication (laughter).

Mr. O’Donoghue, moved that the word “railroad” be inserted.

Mr. Cummings thought the word “Winnipeg” in the article out of place, as the railroad company, possibly, might not think that the best terminus.

The words “Red River Settlement” were inserted instead of “Winnipeg.”

Mr. Scott cautioned members against limiting closely the period within which present duties should continue. The duties are asked to be low, because it cost largely to transport goods. But if only one railroad were built through, freight would not be lessened much.

Mr. K. McKenzie went in for all the railroads he could get.

Mr. Gunn — How would it do to say, until such time as either a railroad or good water communication were established between this and Lake Superior?

Mr. Bunn approved of Mr. Scott’s remarks. There was no doubt we would have a railroad, whether we asked it or not. At the next sitting of the Canadian Parliament, charters would be applied for. Mr. O’Donoghue’s motion would be improved by adding to it,— “Until such time as we have uninterrupted railroad communication with Lake Superior.”

This was agreed to, and the paragraph amended accordingly.

Mr. Sutherland suggested a further amendment. At present certain goods were exempt from paying duty, and others paid higher than the four per cent,— such as liquor. The article would have to be changed in this respect.

Mr. Ross — In one of the lists — for there were several made out in committee — the exception in the case of spirituous liquors was made. But it has been lost in the course of copying.

The article was amended in this respect.

An objection was raised to the use of the word “*and* for such further time,” &c. An amendment that the word “or” should be substituted, was defeated; and the article put and carried in the following form:—

“1. That in view of the present exceptional position of the North-West, duties upon goods imported into the country shall continue as at present (except in the case of spirituous liquors) for three years, and for such further time as may elapse until there be uninterrupted railroad communication between Red River Settlement and Lake Superior.”

Article 2 was then put, It was as follows:—

“That during this period, there shall be no direct taxation except such as may be imposed by the local legislature for municipal or other local purposes.”⁸

Mr. Fraser, seconded by **Mr. Klyne**, moved the adoption of the article.

In accordance with an amendment, moved by **Mr. Riel**, seconded by **Mr. O’Donoghue** and adopted, the words “That during this period” were struck out, and the words “as long as this country remains a Territory in the Dominion of Canada,” were inserted instead.

Article adopted.

Article 3 next came up:—

“3. That during the said period all military, civil and other public expenses in connection with the general government of the country,— or that have hitherto been borne by the public funds of the Settlement, beyond the receipt of the above mentioned duties, shall be met by the Dominion of Canada.”⁹

Mr. Bunn moved the article, and that the words “That during the said period,” be struck out, and instead thereof, the following be inserted. “That during the time this country shall remain in the position of a Territory within the Dominion of Canada.”¹⁰

Mr. O’Donoghue seconded the motion,— Carried.

Article 4:—

“4. That while the burden of public expense in this Territory is borne by Canada, the country be governed under a Lieut. Governor from Canada, and a legislature consisting of _____ persons, of whom _____ be chosen by the people, and _____, being

⁸ AM, E.9/1, 7.

⁹ *Ibid.*

¹⁰ *Ibid.*, obverse.

heads of departments of the Government, be nominated by the Governor-General of Canada.”¹¹

Mr. Bunn proposed that the blanks be filled up with figures 20, 15 and 5. This would make the Legislature to consist of 20,— 15 from Red River and 5 to be nominated by the Governor-General.

Mr. Riel proposed in amendment that the Governor-General only have the power of nominating two.

Mr. Poitras seconded the amendment.

Mr. Riel — This is an important matter we are called on to decide, and the time will come when it will be more apparent.

Mr. Laronce — The main point is to decide how many we are to admit from Canada. Our own representation we can decide ourselves.

Mr. Bunn — I would point out that though the Governor-General has the power of nominating some heads of departments, it does not follow that he will nominate Canadians.

Mr. Riel — If we could be certain these heads of departments would be chosen here, it would make all the difference.

The Chairman — I do not think that the proposition to give Canada only two members would be well received in Canada. If we get fifteen representatives to their five, we certainly have a preponderating voice — quite enough to control affairs (cheers). When we consider the burdens Canada is to be asked to undertake for us,— when we look at the advantages the country will derive from the Government of Canada — when we consider how much the country will be elevated and its importance increased by union with Canada, it seems to me that the proportion of two to eighteen is unjust, so far as Canada is concerned. I am clearly in favor of Red River having a preponderance in the Legislature,— but with fifteen to five from Canada, it seems to me that our desires ought to be satisfied.

Mr. O’Donoghue — In introducing a Council here at first, Canada did so thinking there were no people here fit to conduct the public business of the Territory. Again, when we enter the Confederation, no small part of what we expect to gain must come from the Dominion. Hence I think that two of those very smart gentlemen from Canada to eighteen of us, would be enough.

Mr. Riel spoke in French and as interpreted by **Mr Ross** said — I highly approve of Mr. O’Donoghue’s remarks. The matter strikes me in this way— that if Canada is exceedingly ambitious to have a strong representation in this Council, it shows her desire to further the interest of Confederation more than the interest of this country.

¹¹ *Ibid.*

Mr. Sutherland suggested, as a compromise, that four instead of two, be nominated by Canada.

Mr. Riel — Say three and a half (laughter).

Mr Thibert — A statement came from Canada that we are an ignorant lot. And if she thinks so, she ought to be satisfied with three members, who should have full and fair play to work us round and round (laughter).

Mr. Bunn — I am only acting in the interest of this country when I urge strongly that Canada should be allowed to nominate a reasonable number. We have now a golden opportunity to secure our own interests, and let us not lose it by being illiberal and ungenerous (cheers). We are here to make a good bargain with Canada; and as long as we make the best possible bargain that is enough.

Mr. Thibert suggested that three should be allowed [illegible: to Canada, in addition?] to the Governor.¹²

Mr. K. Mackenzie — I do not see the necessity of a great many coming down from Canada. People here are better acquainted with affairs and their management, than Canadians.

Mr. D. Gunn — I am as fond of making a good bargain as any. But I think it would not be going too far to give Canada three or four besides the Governor.

Mr. Cummings — I will vote for the original motion. I have no doubt that some of those in the room will be high in office under the new order of things. Perhaps even the Prime Minister is here (cheers and laughter).

Mr. Flett (in French), I am in favor of the suggestion thrown out by Mr. Thibert, that there be three appointed by Canada, besides the Governor. We need not limit the number of our representatives. We have plenty, and half-breeds are never greedy though they take a good share (laughter). I understand that Mr. Riel is in favor of three besides the Governor.

Mr. Riel — I did not say so, but I will withdraw my amendment and say the number to be appointed by Canada shall be three, with the Governor, leaving the Convention to decide how many representatives shall sit for this country.

Mr. Bunn — Mr. Riel's amendment makes matters worse, inasmuch as it binds the Canadian Government to three, and allows us to send as many representatives as we like. In this way we might allow them, in proportion, even a smaller representation than previously proposed.

After some further debate,

¹² AM, E.9/1, 8.

Mr. Riel said — For my part I would like to see the power of Canada limited in this country. That is what I want.

Mr. O'Donoghue urged that the number of Red River representatives be left an open question, as the country was not yet divided into districts and no census had been taken.

Some members having spoken,

Mr. O'Donoghue moved in amendment to the amendment, that the number of the Legislature be equal to that of the former Council here, twenty-four; and that the country be divided into twenty-four districts.

No one having seconded the motion, it dropped.

Mr. Fraser — In my opinion twenty representatives would be large enough for the management of our local affairs. As our population increases we could have power to increase our representation in proportion.

Mr. O'Donoghue — I want a good many representatives, believing that where the number is large there is less liability to corruption. We might be grasping, if there were only a few of us.

Dr. Bird thought that the total number of representatives had been fixed at twenty already. Nobody had moved an amendment to change that number. Mr Bunn proposed that the numbers be fifteen to five, and to this Mr Riel had moved an amendment, that Canada nominate only three. As to Mr. O'Donoghue's argument, that Canada herself only asked two, and we were very liberal in giving her three, there might be some weight in it, but for the fact, that in claiming two it was intended that the council should be only fifteen. I think a great deal of illiberality has been shown in this matter. When another article of the list of rights comes under discussion, you will see that we are going to claim four seats in the Canadian Parliament, two, or in reality, four times as many as we have any right to. If we are going to ask so much, we should set an example of liberality (hear, hear).

Mr. O'Donoghue — We have not come to the article alluded to yet.

Mr. Ross — I propose, in amendment, that we have sixteen representatives from this country in the Local Legislature — four to be nominated by Canada. The latter may be residents of the Settlement; but even supposing they are foreigners, they would still be only four to our sixteen. If we saw these four at any time seeking to outwit us, or do anything against our interests — if we saw any chicanery on their part, or an attempt to use improper means to influence us — what would be the result? Such a course on their part would be the very means of uniting our sixteen against them and ensuring their defeat (cheers). In any event, I do not think we need fear four men,— come from where they choose — as against our sixteen representatives (hear, hear). Come from where they may, we can pick up, even in this room, as good men as any of them (cheers). There are some reasons, it appears to me, why we should give Canada a good representation. We are making a good bargain with her. Canada is going to spend a large amount of money

in this country. And though I am sure, if we were trusted with its disbursement we would not do so unjustly; still, those who are to spend this money are far away from us, and naturally feel a little anxiety as to how the funds are to be expended. I say, then, by all means allow these people a reasonable representation. There is a kind of propriety in giving them four, for the reason that there are four Provinces at present in Confederation, and it seems but reasonable to allow a representative of each to sit with us, and see how the money is being disposed of. Let them have the four; and if we can get the money by giving them that number of representatives, I say we have made a good bargain.

Mr. Fraser seconded the amendment.

Mr. O'Donoghue — I think four too much out of twenty. As to the money to be sent here, I believe the people are honest enough to spend it wisely. What is to be spent will be in the interests of the Dominion, and from it they expect to reap one hundred fold. Besides, I think Mr. Ross's amendment out of order as Mr. Bunn made a similar one.

Mr. Riel, after translating Mr. O'Donoghue's remarks into French, said — I still feel strongly opposed to allowing so many to be nominated from Canada. In yielding my original position and granting three instead of two, I almost felt as if I had done wrong. We have no business to give way to Canada in this matter. She is coming here to enrich herself. Our country is larger than the four Provinces in Confederation put together, and in coming here, she is not going to be balked by one member, more or less.

Mr. Ross's amendment was put and lost on the following vote: Yeas 19; nays 20.

Mr. Riel's amendment, that not more than three be nominated by Canada, then came up.

Mr. Sutherland proposed that the numbers be eighteen and three,— Dropped.

Mr. Poitras seconded Mr. Riel's amendment.

It was put and carried.

The fourth article then stood thus:—

“4. That, while the burden of public expense in this Territory is borne by Canada, the country be governed under a Lieut. Governor from Canada and a Legislature, three members of whom, being heads of departments of the Government, shall be nominated by the Governor-General of Canada.”¹³

Convention adjourned at half past seven, to meet again Monday at one o'clock.

¹³ AM, E.9/1, 8 obverse, reads: “That while the burden of public expense in this Territory is borne by Canada, the country be governed under a Lieut. Governor from Canada, three members of whom, being heads of departments of the Government, shall be nominated by the Governor-General of Canada.”

Convention of Forty Sixth Day

Council Chamber, Upper Fort Garry

Monday, 31 January 1870¹⁴

One o'clock, P.M. — English and French Representatives in session. All the English delegates present.

Roll called: minutes for the previous meeting read and continued.

The Chairman said that at the last meeting only the number of members to be appointed to the local legislature by Canada had been fixed. The other points as to the total number of representatives and the number to be chosen by the people here, had to be decided; and he presumed that that would be the first question to be decided on.

Mr. Riel, after translating the Chairman's observations into French, moved — That the determination of the number of representatives to be elected by the people of this country, be postponed.

Mr. Thibert seconded the motion,— Carried.

Article 5 of the committee's report was then put, as follows:

"5. That after the expiration of this exceptional period, the country shall be governed as regards its local affairs, as the Provinces of Ontario and Quebec are now governed, by a Legislature of the people and a ministry responsible to it, under a Lieutenant-Governor appointed by the Governor-General of Canada."¹⁵

Mr. Bunn seconded by **Mr. D. Gunn** moved the adoption of the article.— Carried.

Article 6 was then proposed:—

"6. That there shall be no interference by the Dominion Parliament in the local affairs of this Territory other than is allowed in the other Provinces; and that this Territory shall have and enjoy in all respects, the same privileges, advantages and aid, in meeting the public expenses of this Territory, as the Province of Ontario has and enjoys."¹⁶

¹⁴"Convention at Fort Garry," *New Nation* (4 February 1870), 2; AM, E.9/1, 8–10.

¹⁵ AM, E.9/1, 8 obverse, reads: "by a Legislature of the people under a Lieut.-Governor appointed by the Governor-General of Canada."

¹⁶ AM, E.9/1, 9.

Mr. Ross suggested that in the last section of the article "Province of Ontario" be expunged and "other Provinces" be inserted.

Mr. Scott suggested that the word "other" before "Provinces," be expunged. At present we were not talking of going in as a Province.

Both suggestions were agreed to and the article amended accordingly.

Mr. O'Donoghue seconded by **Mr. Bunn** moved the adoption of the article.

The Chairman said it occurred to him that we have the same privileges as Ontario, when in many respects, in the matter of population for instance, we occupied a far lower level. He supposed the intention of the committee to have been that we should have these privileges, &c. relatively.

Article 6 carried.

The seventh article was put:—

"That while the North-West remains a Territory the Legislature have a right to pass all laws local to the Territory, over the veto of the Lieutenant-Governor, by a two-thirds vote."

Mr. Bunn moved that the seventh article be struck out for two reasons. I see, he said, no practical advantage in it, and besides it is against the Constitution of Great Britain.

Dr. Bird seconded the amendment, for similar reasons, and for the further one that he should be sorry any law should come into force which was opposed by one-third of the Legislature and the Governor.

Mr. Riel, in French, as interpreted by Mr. 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. It was true that hitherto we had been governed by English law. But England chose to neglect us for one or two centuries back, and he did not suppose we were under any very great obligations to respect her laws. He argued very strongly for the right to curb the Governor by the two-thirds vote.

Mr. O'Donoghue — I do not believe that the constituents of any member here would be opposed to this article. The voice of the people, as given through the majority of their representatives, should be respected in preference to the voice of one man. The people, I believe, will find it absolutely necessary to have a bill like this passed. No matter who may come as Governor, he will not be so likely to know and respect the wishes of the people as their representatives.

Mr. Boyd — the veto of the Governor, it must be remembered, is not final. The matter may be brought up next session.

Mr. O'Donoghue — And the Governor can throw out a bill session after session, as often as he chooses.

Mr. Bunn — Such a course is unprecedented.

Mr. O'Donoghue — We have had many unprecedented things lately in the North-West. We have had bogus proclamations and a bogus Governor.¹⁷

The Chairman — No doubt, the principle involved in this article is one inconsistent with the principles of the British Constitution — or rather with what we have to look to more immediately, the principles of the Confederation into which we propose to be admitted. We profess a desire — and I believe you have a sincere desire — to be admitted into the Confederation on just and equitable principles. Having that desire, it seems reasonable that we should endeavor to include nothing in this list likely to be so objectionable in the eyes of Canada, as to endanger our chance of being admitted into Confederation. With regard to the veto of the Governor, it does look rather a formidable power. But we must not forget that this power is very seldom exercised by the Governor alone (hear, hear). Again, the legitimate object, as I understand it, of this veto power is,— *not* to enable the Governor to carry out, arbitrarily, any caprice of his own. Its object is two-fold:— In the first place to prevent precipitate legislation; and in the next place, in order that the Lieutenant-Governor,— who is supposed to take a more comprehensive view of the relations of the Colony at the head of which he stands than the Colonists themselves, and is expected to see things which may not appear immediately to the local Legislature,— Imperial interests, for instance,— may check us if they see that we are doing anything likely to give us trouble, or likely to give trouble to our brother Colonists. Now, is it not of some consequence — great consequence indeed — that he should be in such a position as to enable him to come forward and say, stop, stop and think! If we propose to introduce into the constitution of our Legislature a principle plainly inconsistent with the constitution of the Confederation, this is, let me tell you, the danger that will arise;— the danger will be that Canada may come to the conclusion that our minds are set upon having principles applied to the Government of this country which are inconsistent with those applied to any other member of the Confederation,— principles of so vital a character that, if we insist upon them, Canada may be obliged to say that she cannot enter into the compact. From what I have lately seen and heard, I believe it will be of the very best advantage to this country to be incorporated into the Confederation on proper conditions. This is, I believe, a great era in the history of this country; and if we get incorporated into the Dominion, on the conditions which we believe Canada is willing to agree to, this country will be greatly the gainers: for, what is the position in which we now stand? That of deriving at once the benefits of responsible government for the country — a boon obtained in other countries only after years — I may say generations — of toil and trouble and the benefits also of Confederation. This we have offered to us now. And, considering the conflict into which other peoples have been called upon to enter before they obtained even responsible government,— ought we not to be very careful how we risk our prospects? (cheers). Not only is there held up before us the

¹⁷ A reference to William McDougall and his proclamation of 1 December 1869.

prospect of responsible government but responsible government under conditions more favorable than have been given to any Colony which I can remember (cheers). We are offered responsible government, with the benefit of all the strength, all the influence, all the power and dignity of that great Confederation which, even now, looms large in the eyes of the world. We are not to be left, as most other colonies have been left, to work out our destiny under responsible government. We are not to be left without a helping hand. We are not to be left single-handed to encounter all these difficulties and dangers which belong to the time of youth, whether we regard communities or individuals. But we are to be started upon this splendid career with the shield of this great Confederation over us,— with the hand of the Dominion stretched above our heads, and practically signifying to all the world:— “That people is under the protection of the Dominion; the Dominion is under the protection of the Queen of England. You cannot touch them with impunity: *They* stand as long as *we* stand, and never, till *we* fall, shall *they* be allowed to fall” (cheers). Are these considerations not grave and important? Are these considerations not valuable? And ought we not to be careful lest we put forward anything so unreasonable as to deter Canada from entering into a compact which would place us in possession of such great advantages,— advantages which would open up to us such prospects — which would give us such prosperity — and elevate this country, as it were with one lift, to a point of importance which, unless we enter into this Confederation, we must struggle long before we can reach (cheers).

Mr. O’Donoghue — The English Constitution, in the colonies at least, is, as I understand it, one which can be set aside or modified according to circumstances. It is not a written Constitution, which requires a special act to do away with, or amend any part of it. The English Constitution is not such as to suit every one of her colonies. It is modified to suit circumstances. And are we to be debarred from doing as other colonies have done? Again, it has been urged that the Governor will have Imperial interests at heart in an especial manner, and therefore ought to have more power than is given him by this article. To that I answer: Imperial interests are looked after by the general government. The action of the Local Legislature and Government is confined to local affairs.

The Chairman having explained,

Mr. Ross said — This is a question on which two sides might very fairly be taken. A good deal might be said for and against it. The principle on which the British law is based is, that there should be three branches of the Legislature, and the consent of all three is necessary in order that a law pass. Of course when any one of the three branches withholds concurrence, it proves fatal. I would say that while I admit at the outset that it is unconstitutional that a two-thirds vote should over-ride the veto of the Governor, because it is unrecognised by the constitution of England or the colonies,— I think on consideration we can find sufficient reasons for taking the position of asking for it. I am sorry in this matter to have to take a position different from our Chairman. I admire his recent speech and the principle, he enunciated, but I think we can justify the course adopted by the committee. I think it possible that though unprecedented in England or the other colonies, this principle is admissible here; and for my part I think that in itself it is desirable. I like the principle of having a check on the Governor. Whenever the time comes that two thirds of the people vote against the Governor, there is

a fair presumption that the views of the majority of the people are against the views of the Executive of the country (cheers). It is fair to presume that the views of a majority of the representatives would be favorable to the benefit of the country (cheers). There is just this objection to the principle, that it is without precedent in England or the colonies. But it is not a vital principle; and, under our peculiar circumstances, I do not think Canada would be opposed to conceding it. Then we only ask this, mark you, while we are a Territory. Perhaps when we become a Province, reasons might come up why it should be otherwise. Another thing to be considered is, that the Dominion has a right to review the acts of the local Legislature, and they can veto any inconsistent measure. I am not at all of opinion that we are going to lose our union with Confederation in this question, and for that reason I would not press the opposition to it (cheers).

Mr. Bunn's amendment was put and lost on a division:— Yeas 15: nays 22.¹⁸

The article was then adopted.

Article 8 came up:—

“8, A Homestead and Pre-emption law.”

Mr. Bunn, seconded by **Mr. Ross**, moved its adoption.— Carried.

Article 9:

“That while the North-West remains a Territory, the sum of \$15,000 a year be appropriated for schools, roads and bridges.”

Mr. K. McKenzie, seconded by **Mr. Cummings**, moved its adoption.

Rev. H. Cochrane — Does that article merely refer to the Settlement, or the country in general?

Mr. Riel — The whole country. I see one objection to the adoption of the article. It is not enough.

Mr. K. McKenzie, seconded by **Mr. Riel**, moved that the amount be \$25,000.

Mr. Bunn opposed the motion and amendment, on the ground that we would get more without them. One article, passed before this, provided that Canada pay all the expenses of the Territory. Seconded by **Dr. Bird**, he moved in amendment that the article 9 be struck out.

Chairman — I suppose we are acting on the principle that the higher we aim the better. If we aim at the sun, we will be pretty certain to hit some object higher than the earth (laughter). But let me suggest, before putting the resolution before the chair, that its

¹⁸ AM, E.9/1, 9 obverse.

effect might be injurious to us. Under it we may get a great deal less than we would otherwise obtain.

Mr. Bunn withdrew his amendment.

Mr. McKenzie's amendment carried, and the article, as amended, was adopted on a division — Yeas 27; nays 9.

Article 10 came up:

“10. That all public buildings be at the cost of the Dominion Treasury.”

Mr. O'Donoghue, seconded by **Mr. Sutherland**, moved its adoption.

Dr. Bird, seconded by **Mr. Boyd**, moved in amendment, that the words “while a Territory” be added.¹⁹

Amendment put and lost.

Article 10 adopted on a division. — Yeas 29; nays 8.

Article 11 discussed:

“11. That a railroad be guaranteed to Lake Superior or Pembina, within five years from the date of our admission into Confederation.”

Mr. Riel, seconded by **Mr. Scott**, moved that this article be corrected, to make it in accordance with what had already been adopted.

Mr. Bunn moved that this article be added to Article 1, and that the word “Pembina” be inserted instead of “St. Paul,” in Article 1.

The Chairman — The words “St. Paul,” in the first article, really mean “Pembina.” Of course we cannot stipulate that Canada shall build a railway on a soil beyond her control.

Mr. Scott — What would be the use of running a railway to Pembina, if the American road, with which it ought to connect, ran to St. Jo or the Portage?

After debate, **Mr. Bunn** agreed to change his amendment, by proposing that the two articles should be joined as they stand.

Mr Ross amended the last amendment.

Mr. Scott — One object of the Convention seems to be to force Canada to construct a railroad from here to Fort William within five years. But with the word “or,” in this article, you allow her to get off by building merely sixty miles of road from here to Pembina. I would suggest, as an amendment, that Article 11 read one year instead of five.

¹⁹ AM, E.9/1, 10.

Mr. Lonsdale — As far as communication with Lake Superior is concerned, I may say, that from my knowledge of the country I do not think it at all impracticable to have uninterrupted steam communication within five years. As to having direct railway communication within that period, I do not consider it possible.

Mr. Scott, seconded by **Mr. O'Donoghue**, moved in amendment,

“That Canada guarantee uninterrupted steam communication between this place and Lake Superior within five years, and a railroad between this place and Pembina by November 1, 1871.”

The Chairman — This is asking Canada to build a road to the border, and connect us with the States, before she builds a road to connect us with our brethren.

Mr. Sutherland — I would suggest a proviso, that we have steam communication within five years to Lake Superior; and that immediately on the completion of the American line of railway to Pembina, we have a branch line to the boundary to connect with it.

Mr. Riel — I cannot vote for Mr. Scott's amendment.

Mr. Scott — If I got the contract I would guarantee to build the road in ten weeks.

Mr. Bunn — It proposes an impracticable scheme. How are we to get the iron to build an unconnected line on this side of the boundary? And if the American line was not finished when ours was constructed, the line would be unconnected. How are we to get locomotives and cars, &c.? A calculation has just been made by a friend of mine, that in the matter of rails alone, it would take 10,000 carts to freight them. Mr. Scott's statement that he could perform such a contract in ten weeks is absurd.

Mr. Scott — I made the offer on the supposition that the railroad from Abercrombie to Pembina would be completed before that time.

Mr. Scott's amendment was put and lost.

Ultimately Mr. Sutherland's idea was adopted, and the article proposed in the following shape: —

Moved by **the Chairman**, seconded by **Mr. Riel**, that the following be substituted for Article 11: —

“That there shall be guaranteed uninterrupted steam communication to Lake Superior within 5 years, and also the establishment by rail of a connection with the American railway as soon as it reaches the International line.”²⁰

²⁰ AM, E.9/1, 10 obverse, reads “communication” in place of “connection.”

The question being put, a brief debate arose as to a point of order raised by **Mr. Ross**.

Article adopted.

At half past seven the Convention adjourned till ten o'clock next morning.

Convention of Forty Seventh Day

Council Chamber, Upper Fort Garry

Tuesday, 1 February 1870²¹

Ten o'clock. A.M. — English and French representatives in session.

Article 12 was put from the Chair:—

“12. That the military force required in this country be composed of natives of the country during four years.”

Mr. Riel moved the adoption of the article.

Mr. Cummings — Who are the “natives of the country?” Does it include all born in the country — Indians, half-breeds and everyone else?

Mr. Riel — I am a native of the country; and I would say that it means the people now in the country without any distinction.

Mr. Bunn — Not including Indians?

Mr. Riel — We do not know that they were born here (laughter).

Mr. Bunn — I have seen some so young in the middle of winter that I think they must have been born here (laughter).

Mr. Fraser — I have several objections to this article. I claim to be a native of the country, but I have not much desire to be a soldier. Go through the length and breadth of the Settlement and you will find the people forming a long link of family connection. In this state of affairs, should any disturbance arise in any part of the Settlement, how could I feel disposed, if a military man, to fight cousins or other relatives to the right or left of me? How could I answer a call which might compel me to fight my own father, brother or son? I could not do it. I will move in amendment,— “That the military necessary for the protection of life and property in this Territory, be such as the Dominion shall see fit, acting in concert with our Local Legislature.” I am ready to admit

²¹ “Convention at Fort Garry,” *New Nation* (4 February 1870), 2, 6; AM, E.9/1, 10–12.

no foreign troops can be so eligible, in dealing with Indians, &c., as the natives. But even though we do get foreign troops to some extent, we may still have our own volunteers. As cavalry, the natives of the country would I believe prove the most suitable men for the work of guarding the border.

Mr. Riel, in French, as translated by **Mr. Ross**, said — Mr. Fraser tells us that the Settlement is related from end to end. That very fact, I say, strengthens our present position. Had it not been for the relationship existing between the people of this Settlement there would, in all probability, have been very serious trouble within the last few months. The very relationship of which Mr. Fraser speaks, was then our safeguard, and it will be our safeguard in the future. Besides, if we get all we want from Canada, there will be no difficulty, nor anything to necessitate a force other than our own people. There is no more likelihood of our slaughtering one another during the next four years, than there was during the last four months. Again, foreign troops might be prejudiced, or act unjustly towards us when we might be simply seeking for rights. In asking our rights at any time we might unreasonably or unfairly be put down by foreign troops. Here would be the good of native troops. With a Governor among us representing Canada, having immense influence, and at the outset feeling disposed perhaps to lean towards Canadians, would it not be well that we should have a local force? In any event that force could be dispensed with in four years (cheers).

Mr. Boyd seconded Mr. Fraser's amendment.

Mr. Flett, in French, said — I do not think that foreign troops, if they came here, would do us any injury or be actuated by any motives of revenge. It is just possible that emigrants might be actuated by such motives; but for ourselves we have lived together for fifty years as brothers, and would not like to raise our hands against each other. We would not, in my opinion, prove much of a military force to preserve order in the Settlement.

Mr. Fraser — I do not anticipate trouble from natives; but foreigners and ill designing persons may come in, seeking to have influence over certain sections of our people; they may form large parties, and do us considerable mischief. If we were military men, we might be called upon to put down riots arising in this way, and none of us would like to act, under the circumstances. Hence my belief that it is not desirable that natives of the country should alone form the military. In conjunction with troops — British soldiers, not Canadian volunteers — their services might be found valuable,— more especially in the event of their being called out against Indians.

Mr. Riel — Of course if such a force were formed here, it would be composed of half from one section of the Settlement, and half from the other. It would not be necessary, in my opinion, to have a regular force organized in the North-West to act against Indians. I hope we will never have the misfortune to be under that necessity. I would think it a piece of injustice to ask that such a force should be enrolled for ever, but a four year's organization of such a body would I believe be a good thing for the people of the Settlement, as it would accustom them to military discipline and defensive manoeuvres.

Mr. Sutherland — I certainly think it is right and just that all our young men who wish to follow the profession of arms should have the opportunity of doing so. But at the same time I doubt very much whether we could spare enough of them even for our own immediate protection in the Settlement, much less for the defence of the immense extent of the country in the North-West over which emigrants will scatter (cheers). It appears to me that if we require troops at all, it will be within the next four years. Military stations will be needed along the boundary line — probably at the Mountains — probably one to the east of us, one in the neighborhood of the Settlement, and one or two more to the westward. Now I do not believe we can spare in this Settlement the necessary number of our young men to perform this service effectively (cheers). We might, perhaps, succeed in raising a body of 200 or 300 cavalry, but that would be about as much as we could do. The remainder would prefer to attend to their farms. We are scarce enough to help in some seasons just now, and if during harvest time a lot of us should be called away from our fields, it would be a very great loss indeed to ourselves and the community at large (hear hear). Such a thing might take place when we have a superabundance of grain in the Settlement, but that is something we are not likely to have for years (hear hear). I think we should ask troops immediately — troops of the line,— not volunteers.²² The latter, I believe, would not do so much good, as when they were most needed they might be attending to the cultivation of their farms, and have least time to spare. For my part, I may say I never saw a silver shilling until I saw troops of the line here,— and some of these silver shillings are yet among us. Undoubtedly, this is our opportunity to ask for troops; we will probably get them without paying anything for them. Hereafter, in all probability, we will be called on to contribute to their maintenance here.

Mr. O'Donoghue — I observe that some gentlemen think England will send troops here. Let me remark that it is contrary to the policy of England of late to send troops to her colonies. She has withdrawn all her troops from Canada, and will not send them out again, unless Canada pays so many thousand dollars for each regiment. It is quite a mistake to suppose that England, when not reaping any benefit from the Dominion, will send troops out there. She has refused to do so already, and we are part of that Dominion. With regard to the people here, I must say that for my part I think it would be rather dangerous to have foreign troops here. With them there would be danger of a collision between the troops and the people; without them I cannot see that there is any danger of a collision between the inhabitants. Seeing the close relationship between them, and that they have a common interest, I believe they will always be found united in defending that interest (hear, hear). I cannot agree with the remark that there will be any great number coming in here to influence one section of the Settlement against another and cause an outbreak. And as to Indians, I do not myself anticipate any difficulty with them. Our own people, I believe, know better how to deal with the Indians than any others, and can protect the Territory generally, far better than foreign troops. For years to come I do not think it will be necessary to garrison the interior, and in the Colony the people are very well able to defend themselves.

²² AM, E.9/1, 11.

Mr. Sutherland — I beg to differ with Mr. O'Donoghue in his statement that England will not send troops. The troops, have, it is true, been withdrawn from Canada, but she has 656,000 volunteers of her own, and will be able, under ordinary circumstances, to defend herself. In the North-West we have a much more extended frontier to guard than Canada. We are going to enter on a new state of existence; all the Indians will know it; and at once commence to look after their interests. And even if there were no Indians on the Saskatchewan at all, I believe, as I said, that troops will be a necessity here within four years. The valuable minerals in that district will attract a large emigration of people, and without troops it will be by no means easy to keep order there. England, I believe, would find it to her interest to guard so weak and extended a frontier. Of late, it is well known, her Colonial policy has been changing considerably. Not long since, as we have seen, her policy was to cut her colonies adrift and let them go, but that policy is not found to be a wise one and is being gradually abandoned, and I expect England will send us troops here. We cannot of ourselves guard so extended a frontier.

Mr. Boyd — I agree with Mr. Fraser's amendment, and think we ought to consider this matter fully. The nations of the old world are grumbling now at the large standing armies kept up. These armies keep so many men away from the wealth-producing section of the nation. Look now at our situation. Can we propose to garrison an enormous extent of country, with a very extended frontier, out of our small resources? Remember that for these armies they do not take the old and feeble but the very best men of the country (hear, hear). Thus with native troops, our best men would be drawn from the wealth-producing section of our people. On the other hand, if troops are sent in here, they are a positive advantage, if in no other way, that they add a large body of consumers to the community. The impetus they will give to industry of every kind will be considerable. Their advent will in fact be for the good of all. It occurs to me also that it may be against the Constitution for us to interfere with the Imperial Government to send troops where they choose. Yet another point we have to consider is, are the people of this country fitted to become regular soldiers in such a short time? A soldier, when on service, ought to be really nothing more than a machine. Now, I would ask, are not the people of this country too independent to take up that line of life? (hear, hear). For irregular cavalry none would be better; but for regular soldiers, in my opinion, they are not constitutionally fitted. Again, the pay of regular soldiers is not such as our young men in this country are in the habit of getting. And if Canada can get the same material at a lower figure, we cannot insist that she take our people into her service at higher rates.

Mr. Kenneth McKenzie — I do not believe that our own people, whether farmers or hunters, would like to give up their line of life and settle down to the rigid discipline of a military life. Again, suppose parties in Canada, with large capital, desire to come here and settle. They would, among the first things, enquire what protection we could extend to them; and, without at all doubting the bravery of the people, my own belief is that we are too few for such a purpose. It would be a singular law if none but natives of the country were to be allowed to enlist here. Every man having a stake in the country should not be prevented from defending himself and his adopted country if occasion required his action. I say, further, let us do nothing to endanger the better state of feeling which is once again springing up around us. When this matter is settled I

believe we shall shake hands and be better friends than ever (cheers). Hence I say, let us have what troops we need from abroad.

Mr. Sutherland — I would again suggest it to be vital that we should have good protection and the best security for life and property. Persons of large means will not come here unless we offer them such security; and I am rather afraid, if in this matter we make it exclusive — in favor of ourselves as natives — they may feel suspicious of us.

Mr. Riel — This will finish the affair. The idea that men of means would not come here — that they would feel it risky and unsafe, because we had a native force here,— is a reflection on the honesty of our soldiers and people! We have learned nothing but honesty so far; and rich men may troop in here with their coffers and be quite as safe with native soldiers as they could be with British troops (cheers).

Mr. K. Mackenzie — Our native troops would be honest enough; but would they be numerous enough to keep off either raiders or Indians?

Mr. Riel in French, as interpreted by Mr. Ross — I still stand to the position I have taken,— being satisfied that it is the only safe and proper defense. With stranger soldiers here, there might be improper interference — our people might not be treated respectfully — and would not be able to hold the position which might otherwise be theirs. Our people are said to be too independent to make good soldiers, but we have often seen what can be accomplished by them. All kinds of hardships are endured by them quietly and patiently; and, under all the late excitement, we have seen order preserved such as we never could expect to see. With such a force, partly composed of both peoples, and the possession of the two forts, we could hold our ground manfully. As to the necessity of a force to guard the frontier, that was all nonsense. It was impracticable; a service which all the soldiers of all the regiments of Britain could not fully perform.

Mr. Fraser — I am quite satisfied that the men of this country would make good soldiers; but I think it is well we should clearly bear in mind that whatever force we have here — whether British or native — they are not to be the governing body of the country (hear and cheers). Their office would be merely to support the Government of the country. They would be only subjects of the Government; and with a good Government, it matters little in some respects, of what nationality our troops are composed. By all means let us have native troops, but let their number be augmented by British troops.

Mr. Riel (in French) — Where is the advantage of having a few hundred soldiers? For my part, I do not want to be more British than I can help. What advantage did we derive from the British troops here before? They brought us some shillings — but they brought us some scamps, too.

Mr. Ross — I have been trying to consider the arguments advanced on both sides; and I must say, frankly, that I cannot see that a good case has been made out of the article under discussion. It seems to me that the wisest course would be to strike it out altogether and not ask for any troops. I do not see any special necessity for saying anything on the subject. Better leave this matter of troops to be settled, as it would

undoubtedly be, between the Canadian authorities and our Local Legislature. If we are to have troops of the line, not Canada, but the Imperial Government, must send them. The latter will act in concert with the Local Legislature, and that Legislature no doubt will act in concert with the views of the people of the Territory. In asking [for] British troops, it occurs to me that we are asking something which is out of the power of Canada to grant. If the proposed request were preferred [sic: referred, proffered?] to the Imperial Government, I fancy they would consider it a very unreasonable one, and for this reason: The Queen claims the right — indeed it is one of her prerogatives — to send her troops into any part of the British dominions; and though of late, the tendency has been to withdraw troops from the Colonies, that has been done only in so far as their presence was not needed. Take the case of Canada, for instance. The Dominion is perfectly able to take care of itself, and of course it would be unnecessary expense to maintain troops among people not requiring them. But while some British troops have been withdrawn from Canada on that account, they have not done so, I believe, altogether. I think, as I have said, that this is asking something which cannot be granted; something which, even if it could be granted, is not desirable. It is undesirable, looking at our small population: inasmuch as it would take a large number of our people from useful occupations, and, in making soldiers of them, cause them to lead idle lives and unfit them for the ordinary occupations of life. It is, I contend, unfair to our country to shelve in this way, a large number of our most able-bodied men. It is causing us to lose the benefit of their productive industry, and placing them in a position where they almost inevitably contract habits of idleness and laziness (cheers). There is, besides, a good deal of force in the argument that in calling out a native force to act in our midst, we arm them against their own brethren: and we can all understand what a terrible feeling this would create in families. If they refused to do duty on account of their relationship, it would simply show that such a force was ineffective. Then, there is also the difficulty in the matter of pay. Elsewhere we provide that Canada is to bear all military and civil expenses, but there is nothing to show what they are to pay for this military service. Canada might say — Yes; we will pay the military expenses. When you organize your force we will give you six pence or one shilling a day. Where is the check on that? It would be a loss to our people to enlist at even two shillings a day,— and is it likely Canada would pay more to our people than she could get others to do the same service for? If we cannot control this matter of pay, the result will in all probability be, that we will not have any force at all. If we could fix the pay ourselves, and arrange that it should be, say, two pounds a day, very probably a considerable force could be raised (laughter). There is no objection to a native force on the ground that we have anything to fear from each other. The point is really this: Here is a new Government starting up in the eyes of the Indians. The time has come when they have to part with their lands, and when probably there will have to be a good show of force in order to overawe them. In that service we would need a larger force than we could spare in the Territory. I would suggest that the article be dropped altogether.

Mr. Bunn, seconded by **Mr. G. Gunn**, moved in amendment, that the article be struck out.

The Chairman — In the course of the discussion which has taken place, it has been put forward as a possible thing that you are over-estimating the importance of this question. With that view I can hardly agree: for I believe it would be very difficult for

you to exaggerate the importance of this question. I rise principally for the purpose of expressing my concurrence in the recommendations embodied in Mr. Bunn's motion. It appears to me a reasonable and proper course — a course which, in the interest of those who send us here as well as ourselves, I think we ought to adopt. In the speech delivered by Mr. Ross there was, I think, much to claim attention. Short as it was, it contained about the whole substance of the matter. He told us that we had to look at the question in two ways: to consider, first, how far the object contained in the resolution was in itself desirable; and then how far it was attainable. These are the two main aspects in which the question presents itself to my mind. The question is that no troops, but such as are drawn from the country, be maintained for four years. This would be an extraordinary position for you to take; for, while in every Colony throughout the British Empire the inhabitants are glad to have military aid when they can get it; and when they cannot get it, they are seeking for it with eager anxiety, as in the case of New Zealand,— we are asked by the present proposal, to stipulate that no troops shall come into the Territory at all. We are looking at the prospect of being governed by the Queen, and yet if we adopt the proposal now submitted we shall be saying to Her Majesty: For four years at least we shall deprive you of that power on which the efficiency of government everywhere throughout the world mainly rests. This is as if we should ask a person to do a certain work, and say,— You shall not have the benefit of the best agencies for the accomplishment of that work. Is that a reasonable position? If we wish to be governed well, ought we to raise obstacles in the way of its possibility? We know how desirable it is that a government should be conducted with as little resort to military agencies as possible. But, unfortunately, mankind are so constituted that it is not possible to govern communities aright without the presence of a military power. Seeing, then, that it is necessary for the protection of life and property, and for creating that feeling of confidence without which no man will embark in any enterprise of consequence,— seeing that that is the case, why deprive ourselves of that which in other countries is so highly valued? Why should we do it? Is there any reason for it? None, certainly, that I can see. The request that no military should be sent into the country comes into direct collision with a prerogative which the Queen exercises throughout the Empire. In the British North America Act of 1867, which defines the conditions under which the Confederation of the Dominion is established, this power is expressly reserved to the Queen, lest there should be any room left for doubt about it. That act expressly states — That the command-in-chief of all the land and naval militia, and all the land and naval forces, “is vested in the Queen.” This is a prerogative which her subjects everywhere willingly accord. It is a prerogative none of her people desire to take away, but one on the contrary, they most earnestly desire to protect and uphold. And in my opinion it would be just about as reasonable to expect that the Sovereign would lay down her sceptre, or that the Commons of England would relinquish their control over the public purse, as that the Queen of England would promise that, happen what might, no troops should be sent to this Territory. The Queen could not, and would not, do it. The great object of all government is, undoubtedly, the due protection of life and property. On what is that protection principally founded? On the naval and military power. Why, then, should we put ourselves forward as a community who wish to be deprived of this great advantage? Why should you be so suspicious of the introduction of troops into *this* country? Have we not seen Her Majesty's troops in this country before,— and may I not confidently say that this Settlement never saw so prosperous, so

peaceful and so happy a time as the time when Her Majesty's troops were amongst us (cheers). I put it to every one of you, whether there was anything in the conduct of the troops as a body which ought to make you afraid of their presence again? No; they brought prosperity into the country; and produced a sense of security which the public mind has hardly ever known since they went away. That being the case, why should you be afraid of troops? You may perhaps say you are afraid of the government under which you propose to place yourselves doing something against you; but you are looking forward to responsible government, and no government of that character would persist in any course which was plainly opposed to the general interests and wishes of the community. With regard to the intentions of Canada towards this country, you all know quite as much as I do; and having heard all that has lately been publicly told you, I have the strongest conviction that the policy intended to be pursued by Canada towards this country is a just and a beneficial policy, and such as will secure to every man his rights. So far, therefore, as I am personally concerned, I do not look upon it as being at all necessary that you should place any formal List of Rights, as it is called, before the Canadian Government. I have sufficient confidence in Canada to be led to the conviction that her intentions are just toward this country, and that in assuming the government of it she will virtually be giving you a guarantee for the promotion of your interests. Canada has already said enough to give you reasonable ground for the strongest assurance that your rights as British subjects will be duly respected; and for my own part, I see no reason why Canada should not be invited to take up the Government as soon as possible, and so put an end to this period of distraction and trouble which weighs so heavily upon every mind, and is inflicting injury upon every interest in the country (cheers). A remark made by Mr. Fraser is well worth your attention. He called attention to the fact that troops were not an independent body, but on the contrary, one that was to be moved according to the directions of Government; and seeing that into the liberal constitution which has been promised you, the principle of ministerial responsibility is so likely to be introduced, why fear the troops? It is not that I should ever like to see troops used in this country, even if they were in it, or that I think there is much likelihood of their active services ever being required. But there is a great advantage in having them. Their very presence would preserve peace, and without their presence I believe that, as a community, you can neither have peace nor prosperity. And again, if you still think that troops might be employed to your disadvantage, look, I beg of you, look at Her Majesty's message, in which you are told, not merely that the Queen's Government itself will not interfere with or set aside your rights, but also that with all Her Majesty's power they will prevent others from interfering with or setting them aside. But how can the Government do that if you raise any obstacle to the sending of troops here? We should thereby be taking out of the Queen's hands the weapon with which Her Majesty's Government can best defend us. Let us look further at one of the statements which has been made by Her Majesty's distinguished Representative, the Governor-General of Canada. His Excellency has told you that you may fully rely that the ancient formula will be fully observed, "Right will be done in all cases." That I think, is very assuring. But of what use would be such an assurance — however sincerely offered — if you say to Her Majesty's representative, — "Very good: your intentions are kind; but at the same time we shall take care, that so far as we are concerned, you shall not have the command of those means by which alone you can effectually secure the fulfilment of your words." You would, in

short, be stultifying yourselves by taking up such a position. I would therefore, most earnestly press upon your favorable consideration the proposition embodied in Mr. Bunn's amendment,— that you should make no stipulation whatever concerning the military force of the country, but that you should leave the government of Canada to make such arrangements on that head as they may think best for the country. If you say to the Queen or to the Dominion, that those means must be expressly excluded on which the public peace and prosperity so largely depend, you will be taking a position which is not only extraordinary, but which is also quite untenable,— a position which would, in fact, be suicidal on your part. Standing here, with the interests of the country as deeply at heart as any one, whether native or not,— and looking as I do upon this, as a great era in the history of the country which places precious privileges within your reach, I cannot but be anxious that nothing should be done here to prevent the consummation of arrangements which, I believe will be greatly to the advantage of this country and people. Let us not, then, throw away the opportunity by making a stipulation which, even if desirable, is impracticable. Let us be ready as British subjects when called upon to do our duty in defending the country,— a duty which, as citizens rests upon us all — and let us, at the same time, be ready to welcome at the hands of the Governments, such military aid as they may think it necessary to send us, as a means of making us at once peaceful and prosperous (cheers).

Mr. Bunn having reduced his amendment to writing, it was then put as follows:— That all after the word 'that,' in Mr. Fraser's amendment be omitted, and the following be inserted, that "Article 12 be struck out,"²³ — carried,— Yeas 23; nays 15.

Mr. Riel's motion was then put and lost:— Yeas 16; nays 23.

At two o'clock, the Convention adjourned for an hour.

Three o'clock P.M. — Convention in session.

Article 13 was then put:

"13. That the English and French languages be common in the Legislature and Courts, and that all public documents and acts of the Legislature, be published in both languages."

The Chairman, seconded by **Mr. Bunn**, proposed this article, which was carried.

"14. That the Judge of the Supreme Court speak the French and English languages,"— Carried.

"15. That treaties be concluded between the Dominion and the several Indian tribes of the country."

²³ AM, E.9/1, 11.

Mr. Bunn suggested that the words, “as soon as possible,” be added to the article.

Mr. Ross suggested further addition of the words, “with the view of satisfying them with regard to their claim to the lands of the country.” Mr. Ross went on to show that this matter of treating with the Indians was held by the Imperial Government to be one of grave importance, and as such they had pressed it strongly on the Canadian Government. Earl Granville says, “I am convinced your Government will not forget the care due to those who will soon become exposed to new dangers,— who will be, in the progress of civilization, deprived of lands which they have been accustomed to enjoy as their own home, and shut up in resorts other than those they have been accustomed to. These are things,” he says, “which did not escape my observation when dealing with the Canadian delegates and the Hudson Bay Company. I am convinced that the old inhabitants of the country will be treated with all the solicitude and respect due to them, in order to prove to them the friendly sentiments with which they are regarded by their new governors.”

Mr. Riel, in French, as interpreted by **Mr. Ross**, asked — Had the Indians the whole claim of the country? Here we ask the Canadian Government to settle with the Indians; and I would ask for the consideration of the Convention — without pronouncing an opinion — whether we ought to allow the question to pass in that shape. Are Indians the only parties in the country who have to be settled with for land claims? If so, all right. But if there is some section for which the Half-breeds would have to be dealt with, then the article as it stood was too general. I have heard of Half-breeds having maintained a position of superiority and conquest against the incursions of Indians in some parts of the country. If so, this might possibly be considered to establish the rights of the Half-breeds as against the Indians. But I merely suggest this for consideration. The article, I presume, refers to a settlement with the Indians of the whole Territory; and let me ask, is not that too liberal?

Mr. Flett, in French, asked where these fights had taken place between the Half-breeds and Indians. Was it in British or American Territory?

Mr. Poitras (French) — For the most part I presume, in American Territory (hear, hear).

Mr. Flett — For my part, I am a Half-breed, but far be it from me to press any land claim I might have, as against a poor Indian of the country (hear, hear). Let the Indian claims be what they may, they will not detract from our just claims. We have taken the position, and ask the rights of civilized men. As to the poor Indian, let him by all means have all he can get. He needs it; and if our assistance will aid him in getting it, let us cheerfully give it (cheers).

Mr. Poitras — It is true that the fights alluded to, took place on American Territory, but had they not taken place there, these Indian hostilities must have taken place on our soil. For my part, I have no wish to deprive the Indian of advantages (cheers).

Mr. Ross — As a Half-breed of this country, I am naturally very anxious to get all rights that properly belong to Half-breeds. I can easily understand that we can secure a certain kind of right by placing ourselves on the same footing as Indians. But in that case, we must decide on giving up our rights as civilized men. The fact is, we must take one side or the other — we must either be Indians and claim the privileges of Indians — certain reserves of land and annual compensation of blankets, powder and tobacco (laughter) — or else we must take the position of civilized men and claim rights accordingly. We cannot expect to enjoy the rights and privileges of both the Indian and the white man. Considering the progress we have made, and the position we occupy, we must claim the rights and privileges which civilized men in other countries claim.

Mr. Thibert — 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 reserves of land should be given the Half-breeds for their rights.

Mr. Riel (French) — The Half-breeds have certain rights which they claim by conquest. They are not to be confounded with Indian rights. Great Britain herself holds most of her possessions by right of conquest. In conclusion he moved that the article pass, with the addition of the words, “as soon as possible.”

Rev. H. Cochrane seconded the motion, which carried.

Sixteenth article:—

“That we have three or four representatives in the Dominion Parliament.”

Mr. D. Gunn — I think that we are grasping at too much. With a population of 12,000 we ask four representatives in the Canadian Parliament, while we refuse to give them, with a population of 4,000,000, more than three representatives in our Legislature. If we get two we ought to be satisfied.

Mr. Ross — When this matter was up in committee, we were not particular as to the number. We left it to the Convention to decide. Looking at our population, we were not entitled even to one member. But I do not look on it as a question which ought to be decided according to population. We have a vast country and are in the position to treat. We ask more than we are entitled to, but let us at the same time, observe some reasonable bounds. As far as securing to us the rights of this country, it matters little to us, in my opinion whether we have two, three, or four members in the Dominion Parliament. In a vast assemblage like that, our contingent will count for little. Their main use, I believe, will be to make known our wants to the people of Canada. Seeing that we only allow Canada three members in our Legislature, we ought to be satisfied with two in theirs.

Mr. D. Gunn, seconded by **Mr. Ross**, moved in amendment that only two representatives be sent.

Mr. Riel, in French, as interpreted by **Mr. Ross**, said — I think four is better than two. If we send only two, possibly they may be over-ruled, bribed, or misled. There is, it seems to me, wisdom and safety in the multitude of Councillors.

Mr. K. McKenzie — I would suggest that whenever our population increases [by] 10,000 we should [have] an additional member. In that event, if our country prospers, as I expect it will, our three or four will perhaps be swelled to twenty.

The Chairman — Whatever figure the meeting may adopt, there is no doubt but in the future it ought to be altered, so as to give a fair and equitable representation. The great thing to be accomplished now, is to get the principle admitted that we are to have representation in the Canadian Parliament. With regard to the extension of representation, I suppose it would take place every ten years as in the other Provinces.

Mr. Ross — I find by a calculation that the proportion to a member in the Dominion Parliament, is about 23,000.

Mr. Riel — In that case we would have about three-quarters of a representative (laughter).

Mr. Flett — I think the country ought to have three or four members at least. The North-West is a rich and extensive country, and we ought to have a large representation.

Mr. Fraser, seconded by **Mr. Sutherland**, moved that “we have 3 or 4 representatives.”²⁴

Mr. George Gunn, urged that in providing for the representatives of the country the claims of the interior should not be overlooked. He pointed out that there were considerable settlements scattered here and there, such as at White Fish Lake, Lac La Biche, Victoria and Fort Pitt. Many freemen who lived by hunting were settled round these parts, and someone conversant with the interests of that whole region ought to represent them. A judicious expenditure of money in roads, &c. in these quarters, would be of great service.

Mr. D. Gunn also alluded to the fact that at Moose Factory, York Factory, Oxford House and Mackenzie’s River, there were many civilized men stationed. Out of deference to the feeling of the meeting, Mr. Gunn withdrew his amendment.

Mr. Ross said that Mr. Gunn had his concurrence in the withdrawal, as it seemed to be the wish of the meeting that more than two members should be asked for.

Mr. Poitras moved in amendment that four members be sent.

Mr. Scott seconded the motion.

Mr. O’Donoghue thought that one of their representatives should be in the Upper House.

Mr. Ross — The word “Parliament” includes both Houses; and we ask representation in the Dominion Parliament. In Canada the proportion of members

²⁴ AM, E.9/1, 12.

between the Upper and Lower House is very different. Ontario has twenty-four members in the Upper House to eighty-two in the Lower; Quebec twenty-four in the Upper to sixty-five in the Lower; Nova Scotia twelve in the Upper to nineteen in the Lower; New Brunswick twelve in the Upper to sixteen in the Lower. The principle all through is clear that the Upper House is to have much fewer representatives than the Lower. If we had three representatives then one might go to the Upper and two to the Lower House.

At **Mr. O'Donoghue's** suggestion **Mr. Poitras** altered his amendment to read,—
“Until the population of the country entitles us to more, we have three representatives in the Canadian Parliament — one in the Senate and two in the Legislative Assembly.”²⁵

Amendment carried on a division:— Yeas 21; nays 18.

Article 17 was then read:—

“17. That all the properties, rights and privileges, as hitherto enjoyed by us, be respected, and that the recognition and arrangement of local customs, usages and privileges, be made under the control of the Local Legislature.”²⁶

Mr. Bunn, seconded by **Dr. Bird**, proposed the article, — Carried.

Eighteenth article:—

“18. That the two mile hay privilege be converted into fee simple ownership.”

Mr. D. Gunn, seconded by **Mr. Lonsdale**, moved the adoption of the article.

Mr. Scott — They might guarantee the Convention into fee simple ownership, but not name any time when this should be done. I would suggest that it ought to be as quickly as possible.

Mr. D. Gunn, seconded by **Mr. Ross**, in order to amplify and clarify the article, moved in amendment — “That all owners of lots fronting on the river who have hitherto enjoyed the hay-privilege on the two miles of land immediately in the rear of their respective lots should be put in full possession, as owners in fee-simple of the said two miles.”²⁷

The Chairman — We appear to be overlooking a very important consideration in connection with this matter. As you are aware, the Indian title is extinguished only over the strips of land along the river and extending two miles backward. The two miles beyond this, we ask in fee-simple. May we not in that case be asking Canada to grant us what she has not to give, until she has extinguished the Indian title? It occurs to me that it would be an improvement, if instead of adopting this article, Canada were asked to leave

²⁵ AM, E.9/1, 12 obverse.

²⁶ *Ibid.*

²⁷ *Ibid.*, 13.

this hay privilege intact until the Indian title had been extinguished — and that then the matter should be dealt with by the Local Legislature — that is, by the people themselves.

Mr. Ross — I believe this to be a very important question, and one which needs speedy settlement, for in a short time surveys may be commenced which will throw people right behind us. If the Indian title is not extinguished beyond the two miles, some day, unless we are very specific, strangers may come in, sit down at the end of our lots, and shut us out from the hay-privilege, or at all events from the use of the common, which we have hitherto enjoyed. Considering how narrow many of our lots are, I say it is very important that we should have more room and not be cramped in as we would be, in the event of losing this two mile privilege. Cooped up within the two miles, men with narrow lots will have an exceedingly bad position. Get them how we will, I say we must have these two miles. They are indispensable and now is the time to speak for them. Asking Canada for this land, means of course that she shall first arrange with the Indians and then give it to us.

Mr. Riel — In one sense the preceding article gives us what we ask here. Hence this article is useless. The other article is general and I think covers all the ground.

Mr. Ross — We want in this article more than the old hay privilege, which the previous article might include. We want the absolute ownership of the two miles of hay privilege.

Mr. Riel — It becomes a question whether we ought not to leave this article open. Perhaps the full four miles might not be enough. As to the list of rights generally, it might be well to have another committee struck to revise them.

Mr. Ross — I never thought this list as drawn up by the committee was going to be a final thing. — It was my intention to propose a committee to draw up the articles creditably. But in the meantime, it is my understanding that the list be submitted to Mr. Smith for his opinion.

Mr. Riel, seconded by **Mr. Fraser**, moved that this article be left for the consideration of the Convention to-morrow morning,— Carried.

At seven o'clock P.M., the Convention adjourned till ten o'clock next morning.

Convention of Forty Eighth Day

Council Chamber, Upper Fort Garry

Wednesday, 2 February 1870²⁸

Ten o'clock, A.M. — English and French representatives in session.

Debate resumed on Article 18.

Mr. Riel addressed the Convention in French, and, as translated by **Mr. Ross**, said — I have found great difficulty in arriving at any conclusion on this matter. It was difficult to form any plan which would please all sections of the Settlement, and establish a uniform rule. In some cases persons had ploughed on this two mile hay privilege; how were they to be dealt with? This shows the difficulty of the matter. Again, the people living on the River La Seine come into conflict with the hay privilege, and also those settled along the section as far as Rat River. This shows the difficulty of getting one rule to apply to cases so different. After looking at the whole matter, this idea occurred to me, and I throw it out for consideration. Instead of being so specific, would it not be wise in us to ask for a certain tract of country? Why not ask for a certain block of land, to be under the exclusive control of the Local Legislature? Let that land be disposed of as the people through their representatives, thought best for their interest. Of course when we attained the status of a province, we would at once have control of all the public lands of the country. But at present we were asking to go into Confederation as a Territory. In reference to the remark made last night, that we ought not to take the position of Indians, I say it is very true: and I would say further, that here is a request which we can make with perfect consistency as civilised men.

Mr. Bunn — Without going into the merits of the question, I think there is something in it worthy of consideration. But it does not meet the object contemplated in this article. We want it absolutely guaranteed to us now, whereas if we adopt **Mr. Riel's** suggestion, it places us in the same position regarding the Local Legislature as we are now regarding the Dominion Government. We want this guarantee at once. As to a general rule not being applicable, I do not see that that ought to affect the question. If I cannot enjoy a right, I have no objection that another should enjoy it. If this hay privilege is guaranteed in fee simple to the present possessors, that takes nothing from the man not having the right. It simply gives something to the other (cheers).

Mr. Riel, as interpreted by **Mr. Ross**, urged that a large tract of land should be applied for, as it would better satisfy all parties in the Settlement. Being absolute masters of this tract it could be disposed of, as the people desired.

²⁸ “Convention at Fort Garry, Very Important Debates, The Bill of Rights,” *New Nation* (11 February 1870), 1; AM, E.9/1, 12–14.

Dr. Bird — The two-mile grant which we ask for, does not at all clash with Mr. Riel's proposal. We do not interfere with the rights of any who have not this privilege. We only desire to make absolutely certain of our rights. We will be glad to support their arrangements for the benefit of those who have never enjoyed this privilege. Let the Legislature set apart a portion of land for the old settlers, but let us have the land immediately in rear of our lots. True, some parties have settled on, and ploughed these hay privileges, but it has been done in very few instances, and nearly always under protest.

Mr. Flett — For all outside the two miles, I would say let it be a common for the present. And when the Local Legislature takes hold, then let those enjoying the hay privilege get the absolute ownership of it.

Mr. Bunn — You are going to take away the only little privilege we have.

Mr. Flett — I am speaking for the parties that sent me here.

Mr. Tait — I believe my constituents want all they can get.

Mr. Flett — Many of the people in that parish cannot get the two miles.

Mr. Bunn — That is no reason for taking it from us.

Mr. Flett — You will get your privileges when the Legislature takes hold.

Mr. Bunn — We have got his privilege already and want to keep it — what is more.

Mr. O'Donoghue — I approve of the remarks of Mr. Riel and Mr. Flett. By converting this two mile privilege into ownership immediately, we are giving occasion for disputes, quarrels and litigation. Many persons have settled on, and cultivated some of those hay privileges, without any protest being entered against them. Thus we have a class of squatters. Which of the two have the better right? Who is to decide? A decision in favor of converting this hay privilege into fee-simple ownership would ruin many who believe they have as good a right to the land as the first occupants. We may conceive of a case in which a father may have given his son the lot behind him, without saying a word as to this hay privilege. Is such an occupant to be ousted, because the father may subsequently come and say, I never gave you the hay privilege? The whole question is one of difficulty and needing a good deal of time to consider. I can see the reasons for asking such a tract of land as has been alluded to, and I can see none why the request should be denied.

Mr. D. Gunn — I have had some considerable experience in the working of the narrow lots down our way, and have known cases where three families were settled on a three chain lot, all fronting on the river; but I have not known a case where a son settled behind a father (hear, hear). Really, if the people down below do not get some rights beyond the limits of the two miles,— and in many cases only a mile and a half, as the length of the lots depends on the curves of the river — I do not know what they can do. Those who have borne the heat and burden of making this Settlement what it is — and let

me say, without egotism, that I have been a toiler here for forty-six years — ought not to be deprived of property which is justly theirs. Take this two-mile privilege from us, and you really compel us to leave our homesteads. Would that, I ask, be fair or reasonable? As to the Riviere la Seine lots, I would say,— Could not something be done to give these or others similarly circumstanced, an equivalent which would make them equal with those getting in perpetuity the two-mile privilege?

Mr. Ross — The proposition which is laid before the Convention by the committee is fair and desirable, and does not necessarily conflict with what Mr. Riel seems to be aiming at. His proposition is difficult and vague; and this vagueness is the very thing we wish to guard against. We want absolutely that these two miles shall be given us. We claim it as of vital consequence; and in such a list of rights, I cannot see that this one would be at all counted unreasonable or unjust. I wish it to be distinctly understood that this two-mile hay privilege is vitally necessary for such of our inhabitants as live on the banks of the river. We must get it, whether we ask for it absolutely as a free gift, or claim the first right by purchase. Whichever way we adopt, it is vital that we should get it.

Mr. Riel — I say so, too.

Mr. Ross — Get it we must, or it will be absolute ruin to three-fourths of the Settlement. Hereafter the possession of this land will become of more importance than in the past,— for in the past we have had a vast common outside of it, for wood or hay, and could go where we wished without let or hindrance. It is a new thing in this country to speak of raising hay, but we may have to do it, and if we do not secure room enough, we will be practically destroying one-half or three-fourths of the Settlement (hear, hear). I cannot see, either, how Canada could object to such a demand. Looking at this vast country, with its small population, what would she think of giving us double what we own at present? I say, let those living on the river get this right, and let those living elsewhere get an equivalent in some way or somewhere else. As to Mr. Flett's remark, that all outside the first two miles ought to be common, it would be exceedingly unsatisfactory. If that rule came into play, it would be a rule for the rich man as against the poor. The rich man would have only to get behind twenty of his neighbors, and get twenty or thirty ploughs, and get the full benefit of their land, because they would not be able to cope with him in the number of ploughs or men. In laying down general principles on this subject, one or two persons may be affected injuriously, but we cannot help that. Those who settled immediately beyond the first two miles, did so against the local law; and in a great many cases, of which I am aware, this was done against the protest of the man living on the banks of the river. As to litigation among relatives, which Mr. O'Donoghue so pathetically alluded to, I think it is more theory than fact.

Mr. Riel — It is very strange that Mr. Ross should stick at two miles and want me to help him, when I am really asking for more. I say that my proposition is not only in the interest of those born in the country, but of all.

Mr. Ross — The difference is, that your provision, liberal as it is, does not secure us what we want.

Mr. Riel — You will secure it.

Mr. Ross — Perhaps. We do not know what the Legislature may do. We want absolute security.

Mr. Riel — You cannot secure it today, and may not have this list returned to you till June.

Mr. Ross — Why not ask it?

Mr. Riel — We ask twelve times more than you do.

Mr. Scott — Mr. Ross is not consistent. According to the proposition he advocates, the rich man having six chains would have six chains extra, while the poor man, having but one chain, will have but one chain extra. Mr. Riel wants a certain block of land, to be apportioned equally.

Mr. Ross — Mr. Riel does not say that.

The Chairman — There has been a great deal of discussion on this point, and some considerable apparent difference of opinion, though not, I think, in reality. However insignificant this stipulation about the hay privilege may be in the eyes of some, it is perhaps of all others that which comes most home to the bosoms and business of the inhabitants of Red River. I have not the least doubt that the feeling regarding it is such, that if the government, whose advent we are looking to, were to interfere with it practically, to the extent of taking it away from them — it might be difficult to convince the people of Red River that they had derived any substantial advantage at all from the Canadian Government. It is a principle which above all others is most valued. Let us look at the privilege as it stands. It amounts to this. That at a certain period — a fortnight, I believe — every owner of a lot of land fronting on the river has the exclusive right to the hay on the land stretching for two miles immediately behind it. It is now proposed not only that these proprietors should have exclusive privileges on these second two miles, but that they should have the absolute ownership for all time. This is the nature of the privilege, and the claim we base on it. No doubt, it is a very considerable structure to raise on such a foundation; but I do not mean to say it is an imprudent claim, or one so formidable that it is not likely to receive favorable consideration on the part of the Government. As to Mr. Riel's proposition, I would ask, may we not be doing something injurious to ourselves by adopting it? When the debate was going on last night, it occurred to me that if we could stipulate that the hay privilege should be held intact until dealt with by the Local Legislature, and that when so dealt with, it should be in such a manner as to give the owner of the lot, gratis, the land held as hay privilege; and as to those not having the hay privilege, I think that finding an equivalent for them might form a very fitting subject indeed for consideration in the Local Legislature.

Mr. Boyd — As to turning this hay privilege into a common, which has been spoken of, we must remember that those purchasing lots fronting on the river, consider that they have purchased that hay privilege already; and if they are not left to the enjoyment of that privilege, not only do they lose that in their junction with Canada, but actually lose what they have purchased.

Mr. Bunn — I do not think the Chairman's suggestion covers the ground. We want the land guaranteed to us now. As to Mr. Riel's proposition, it depends upon contingencies — on a Legislature not now in existence. Besides I do not like the appearance of dictating beforehand to the Local Legislature.

Mr. Riel, seconded by **Mr. Poitras**, moved in amendment — 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.

Mr. Riel remarked — If we are going to ask for any land, let us ask for the greater rather than the lesser quantity.

Mr. K. McKenzie — I object to Mr. Riel's proposition, as it appears to me that, if adopted, it would encroach on the boundary of the Portage.

Mr. O'Donoghue strongly urged that the Local Legislature should have control over this tract of land.

At half-past one, the Convention adjourned for an hour and a half.

Three o'clock, P.M.

Mr. Riel — There seems to be a fear among the English members that if this matter is left to the Local Legislature this point will not be carried. Where, I would ask, is there a parish in the country which will elect a man who will not vote for this. No one having the interests of his people at heart could venture to do so. I say leave the matter to the Local Legislature.

Mr. Ross — If Mr. Riel is really in earnest in desiring to see us secured in possession of this, why object to securing it to us now?

Mr. Riel — It is to make a useless demand. I say it is far better to get sixty miles than four. I would like the Local Legislature to have its power exerted from Fort Garry. I want this country to be governed for once by a Local Legislature. Our country has been hitherto differently governed and they were within an ace of selling us. But now, I say let the authority of the Legislature be everywhere and influencing everything.

Mr. Sutherland — I consider there is great weight in what Mr. Ross says. We have a chance to get what we ask, and ought to avail ourselves of that chance. For my part, if this is not carried, I will consider that we have done nothing. It is the first point which came up in which my constituents were directly interested.

Mr. Riel — If I am not wrong, I see where all this goes. [But? Yet?] some days more will explain it. Hitherto I have made no allusion to this fact — but now I claim the liberty to do so — when we speak of making laws — that I am President of the Provisional Government, which is in actual operation, and in that capacity I can say that this claim which is made will be at once guaranteed, if the Convention will first dispose of the claim for a tract of land, with Fort Garry as its centre. Hitherto, I have been acting at the head of my people, with many others, and only in the present connection do I mention it. I hold this position without any pretensions, and whenever the interests of the country call on me to resign,— if I see that the voice of the people is there, I will obey it.

Mr. Sutherland — Suppose that Government passes away soon, would not its laws pass away too?

Rev. Mr. Cochrane — I would like to ask a question about this sixty miles or more for which it is proposed to ask. I represent here the Indian Settlement. Of course, there is a Chief there, who thinks he has control over those lands. How would it affect him if this large tract were granted?

Mr. Riel — His right would stand good. We are not here to deprive anybody of their rights. For my part, I wish the whole country was under the control of the Local Legislature. We have to work for the country, in case the Canadians will not work for us.

The Chairman — Is it intended that Upper Fort Garry, or any private property immediately around it, shall be placed under the control of the Local Legislature?

Mr. Riel — We will respect the rights of everybody,— even the Company.

The Chairman — I see no reason why their rights should not be respected.

Mr. Riel — And I do not see why the question should be put. If this doubt exists regarding the property of the Company, a similar doubt would exist regarding everybody's property. As to the land, I will say that for ourselves we cannot fix on any general rule at once which will meet our requirements. But if you want this two-mile grant absolutely, I will leave it to yourselves. I only object to the way in which you propose to get it.

Mr. Bunn — We are very much obliged to Mr. Riel. But we are very strongly opposed to anything like a division between the French and the English people.

At this stage the debate took a sharp turn and the question of revenue came up.

Mr. Riel — When we asked for the Public Accounts, Mr. Mactavish told us he had everything in his memory, and the clerk in the office told us the same thing. I say that the revenue of the country has been great, but no proper account was ever kept of it by the Company. I have seen the books.

The Chairman — There must have been accounts kept of it year by year. I am pretty certain there have been accounts of the revenue and expenditure every year.

Mr. Fraser — I move in amendment, that Article 18 be struck out.

Mr. Ross — I would suggest that this question of the hay privilege be voted on first, and that afterward this sixty mile claim come up as a separate article. I propose that Article 18 be now voted on, on the understanding that Mr. Riel's proposition be taken up afterwards and disposed of on its own merits.

Mr. Riel — I move my amendment.

Mr. O'Donoghue — One reason why we wish this land to be under the control of the Local Legislature, is to prevent persons doing as has been done in town, taking up what lots they like and putting their names on them.

Mr. Riel — No man will take this tract of land here from us. We have asked for it, and Canadians will not take it from us, unless they take our lives.

Mr. Riel's amendment was put and carried in the following division:—

Yeas — Messrs. Thibert, Dauphinais, Birston, X. Pagee, Poitras, Beauchemin, O'Donoghue, Lepine, Genton, Schmidt, Riel, A. Beauchemin, Parenteau, Laronce, Touron, Lascerte, Delorme, C. Nolin, Klyne, Harrison, Scott — 21.

Nays — Messrs. Cochrane, Spence, Bunn, A. McKenzie, Black, Ross, Gunn, Boyd, Bird, Fraser, Sutherland, Flett, Tait, Taylor, Lonsdale, Cummings, Gunn, Spence — 18.

Mr. K. McKenzie, of 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.

Article 19 was next proposed:—

“19. That every male person, twenty-one years of age, resident in the country one year, shall be entitled to vote for the election of a member to serve in the Legislature of this Territory and in the Parliament of the Dominion.”

Mr. Bunn — I would recommend the adoption of the provision for the District of Algoma. It provides for those who may vote at elections, as follows:—

“That, until other provision is made in their behalf, that every male British subject having a stated residence in the Territory at least one year next previous to the date of the writ of election, and being a householder therein, of the full age of twenty-one years, shall be entitled to vote for member” — in our case it would be for the Local Legislature of said Territory, and for the Dominion Parliament.

At half-past six the Convention adjourned till ten the following morning.

Convention of Forty Ninth Day

Council Chamber, Upper Fort Garry

Thursday, 3 February 1870²⁹

Eleven o'clock, A.M. — Convention in session.

Debate resumed on article 19.

Mr. Riel, in French, as translated by **Mr. Ross** — I would call attention to the fact that, under this article we decide on the rights, both of foreigners and natives. Of course, whatever our decision is, some parties will have fault to find. As a principle of action, we must seek to do what is right, and at the same time have a special regard to the interests of the people of this country. We must seek to preserve the existence of our own people. We must not by our own act allow ourselves to be swamped. If the day comes when that is done, it must be by no act of ours. I do not wish in anything I may do to hurt the stranger; but we must, primarily, do what is right and proper for our own interests. In this connection, all outsiders are to be looked upon as strangers — not merely Americans, but Canadians, English, Irish and Scotch. All are strangers in the sense that they are outsiders, that they do not appreciate the circumstances in which we live, and are not likely to enter fully into our views and feelings. Though in a sense British subjects, we must look on all coming in from abroad as foreigners, and while paying all respect to these foreigners, we must at the same time respect ourselves. The circumstances of our country are peculiar; and if therefore we do anything peculiar, looking at analogous cases, it must be explained on the principle that we are a peculiar people in exceptional circumstances. For myself, I am for leaving the article as it stands, except as regards the period of the voter's residence. One year is too short; two years are too short; and as for three, that would be a fair matter for consideration. If we allow all residents of one year in the country the right to vote, it is not impossible but in the second year they may rule us; and that surely is not for us to seek. Looking at the composition of this Convention, I am not sure that this will triumph, but those who come after will thank us for our efforts, even if we should fail.

Mr. Schmidt, seconded by **Mr. C. Nolin**, moved in amendment — “That every man of this country, except Indians, who has attained the age of twenty-one years, and every British subject, a stranger to this Territory, after three years of residence in the Territory,— shall have the right to vote; and every foreigner, not a British subject, shall have the right to vote after residing the same length of time in the Territory, on condition that he take the oath of allegiance.”

²⁹ “Convention at Fort Garry, Very Important Debates, The Bill of Rights,” *New Nation* (11 February 1870), 1–2; AM, E.9/1, 14.

Mr. Scott — Merely taking the oath of allegiance does not make a man a British subject. He must declare his intention to be a British subject, and when that is done, he takes the oath of allegiance.

Dr. Bird proposed in amendment that instead of the words, after “three years’ residence,” the words be inserted “every British subject being a householder, after one years’ residence in the Territory.”³⁰

Mr. Bunn seconded the amendment.

Mr. Scott — The last amendment seems to conflict directly with the spirit of Mr. Schmidt’s motion, that there should be no property qualification.

Mr. Riel — In my opinion the original motion is better than the amendment. We cannot look on property as the best test of title to vote. In this country, in fact, the poorer we are, the more honest we are; and to say that only the rich are to be entitled to exercise this right, is slander on our people. My own opinion is that the system prevailing in the States is better than that in Canada. I have seen more disturbance in Montreal at elections than ever I have seen in the United States. Liberty to vote is what would be best for us. There should be no discrimination against foreigners. Let us do justice to them.

Mr. Ross — I am very much astonished that Mr. Riel, who is working for the people of the country, should make such a speech. I am astonished. However, as the day is far advanced, I would suggest that we adjourn for dinner.

At half-past one, the Convention adjourned for an hour and a half.

Three o’clock, P.M. — Debate resumed.

Mr. Scott — By the amendment it seems that foreigners — American or British subjects — having no property in the country, have no right to vote, although they may have lived here 100 years. That is directly making a property qualification.

The Chairman — Property to the extent of occupying a house.

Mr. Scott — Is that the idea?

Mr. Bunn — It is.

Mr. Riel, after translating Mr. Scott’s remark, went on to allude to the question of property qualification. I think, he said, it is unjust that a man should be required to be a householder before he can vote. Suppose a man’s house were burned down, is he to be deprived of his vote? Does he lose his intelligence, because his house happens to be burned down? To advocate a property qualification is to speak in the interests of the rich as against the poor. Are there more honest men among the rich than among the poor? Are

³⁰ AM, E.9/1, 14.

we not honest, though poor? Taken as a whole, where are there honester people than among the poor? Suppose, instead of choosing Mr. Bruce to be the head of the Provisional Government, we had chosen a man on account of his riches. The good results flowing from his Presidency would not have been felt.

Mr. Ross — I do not deny the force of Mr. Riel's remarks. I am quite willing that he should ascribe to the poor man all honesty which, we know, generally characterises that class. I am also quite willing to admit that among those who have property there may be a great deal of deceit, chicanery and dishonesty. But that is aside of the question we are discussing. I cannot regard our natives and half-breeds as poor in the sense alluded to. I think our population is extremely well off, and will compare favorably with the rural population of any foreign country (cheers). I am proud of this and thankful for it. For poor people we must go to those foreign countries. I do not think that our people will ever be classed among that miserable class of paupers who have to be clothed and fed from day to day, and nurtured like children. We are well off — hardly a poor person within our whole limits. Almost every man has a house and land, horses and cattle. Thanks to our industry and intelligence, we have a settlement, composed of men not in the rank of paupers (cheers). This question of the voting power is one of great importance: for the voters, after all, will have to decide all the questions which come up in the Legislature,— they have the source of power in their hands. If we put this source of power in the hands of parties not working for the good of the country, we are practically doing this: while on the one hand we secure certain benefits; on the other we provide machinery to cheat us out of them. For my part I would wish to secure greater benefits for the people of this country than are asked either by the motion or amendment. It is important, in giving a man the right to vote in any country, that that man should have some interest in the country. In this country we have a mixed population. Take the population at present here, and I would be quite willing to look upon them as having an interest in the country, even though they had not a shilling or a house. But in view of emigration, we ought to provide that a man shall have some material interest in the country before he be allowed to vote. The original resolution proposed that a man having had three years' residence in the country, without any household qualification, should have a vote. The amendment proposed one year's residence and household qualification. My opinion is that it ought to be three years' residence and household qualification for all except the present inhabitants. We should fence ourselves in such a way as to prevent us from being swamped by outsiders having no stake in the country. I am certain that what I have proposed is for the benefit of the present people of Red River. A great many of the claims we make, may, if granted, do good to the country. But is it certain that they are all going to do good to the present population of the Settlement? I am doubtful of it, and we must be on our guard lest we, practically, go through the unpleasant process of cutting our heads off, by demanding something which will vitally injure us. As to the three years' qualification I tell you frankly it shuts me out from the polls. But I do not care for that: for if it shuts me out, it shuts out, probably twenty others whom I would like to see deprived of the voting power.

Mr. Riel — It would shut me out too.

Mr. Ross — I would almost wish to see an exceptional law in your favor (laughter). It is objected that by making the term three years, instead of one, we may keep away men of capital and means, for every such man who would be debarred from exercising the franchise for three years, fifteen or twenty would also be excluded, whose votes would be an injury to the country. Allow a man who is not a householder to vote, and you may find that vote set off in Winnipeg, for instance, against that of such men as Mr. Andrew McDermott or Mr. Bannatyne (hear, hear).

Mr. Scott — While I believe with Mr. Ross, that the three years' residence would not be a bad stipulation; I cannot support a property qualification. It is well known that the poor people more than any other class in the country need a representative. For the poor more than the rich, is the protection of good laws needed. If the rich only are represented among the law-makers of the country, what follow? The laws are made for the rich and are of such a character as will make the rich man richer and the poor poorer. What cares the rich man for placing an efficient school system within reach of all? He can educate his children at a private seminary. Look again at the priests across the river, who are sworn to poverty. Are they to have no voice in the making of the laws, because they are not rich? It is preposterous. Why, on the same principle, if the twelve apostles came to this country, they would not have any vote either (laughter). Is it, I would ask, the house or the man who is to vote?

Mr. Cummings — I say there is scarcely a poor man in the country. I have been here eleven years and I hardly ever saw a poor man yet (hear, hear). And here I altogether differ with Mr. Scott. There is scarcely a man in this country but has a house and land and is making a good living unless he is too lazy.

Mr. Scott — I spoke of the poor people who came here — not the poor people of the country. The people here now, are all to have the right to vote.

Mr. Riel, in French, recommended strongly to the consideration of the Convention the substance of Mr. Ross's remarks — specially in so far as they related to the three years' residence as against one.

Mr. O'Donoghue — It is not clear to me that all those born in the country shall be entitled to vote on coming to the age of twenty-one. I think that not only those in the country at present, but all born here hereafter, on coming to that age, should be entitled to vote. As to a property qualification, I do not think that any kind of a house ought to do; and I also think there should be a distinction between those who own and those who rent houses.

The Chairman — The object of those proposing and supporting the amendment is to prevent the foreign element coming here from exercising electoral rights for three years. For my own part, I have very serious misgivings as to the propriety of this three-years period. It seems to imply a very great distrust, on our part, of British subjects who may come to this country from any other Colony (hear, hear). I do not know that there are any sufficient grounds to warrant such distrust, provided things are properly directed, and provided, as has already been provided, that the population of the country have a fair share of the power in the Legislature. My own ideas would hardly have led me to think of

more than two years. Perhaps such a period as that might be looked on as justifiable in the peculiar circumstances of the country. But three years,— I am afraid, if incorporated into a law,— might stand in the way of the progress and prosperity of the country. Then again, as to the property part of the qualification, if we believe that the two great functions of government are the protection of life and property, it cannot be thought strange that we should look a little at the question of property in fixing the voting qualification. If the parties to the amendment could have adopted this intermediate period of two years, I think it might be feasibly put forward. Let us look at it in the light of the other Colonies. In the Australian group, for instance, they do not ask a man what part of the Empire he comes from, or whether he has property or not. Universal suffrage prevails there. To a man who has been six months in the country and is twenty-one years of age, the invitation is freely given,— Come along and vote. Now if that period has been fixed in these Colonies,— Colonies which are allowed all over the world to have very liberal constitution[s],— and if, even in Old England, this period of three years would not be listened to,— may you not be exposing yourselves to very considerable danger in asking for this very long period of probation?

Mr. Bunn — What is the danger?

The Chairman — Simply this, if you will pardon me for stating so palpable a truism: inasmuch as three is more than two, a person in coming into the country may not unreasonably take fright at the figure of three, whereas he might be contented with two (hear and laughter). A man,— a very desirable man — might be deterred from coming into the country by the difference between the figures three and two. I quite enter into the desire of those who wish for some special legislation in favor of those who have lived all their days in a country like this. And if I may be permitted to allude to myself, I believe you can all hear me witness that in the discharge of my public duties, I have always endeavored to see that special care should be taken of the interests of our comparatively unsophisticated people when they were brought into contact with the conditions of a more advanced civilization. I have always made it my duty to see that the community among whom my lot has been cast for nearly a quarter of a century, should suffer as little as possible from that contact (cheers). I can therefore see some reason for some special legislation — but I think you are going too far in this exceptional direction. I do not press my suggestions, but simply place them before you. Let some special precautions be taken, if you will, to prevent the people from being suddenly submerged. But let your measures not be such as to roll back the tide of population which is required to make this the great country we desire it to become (cheers).

Mr. Riel, after alluding to the Chairman's remarks said — I think three years quite short enough. It is impossible to say what danger may beset us after we enter Confederation,— and three years of this amount of protection is the very least we could ask. We must keep what rights and property we have now by every means in our power. The grasshoppers did us some damage a year ago, and threw us back. They might do so this year, and that would throw us within two years of the time when the privileges of these outsiders would come into force. If the question of two years is urged, I must say that I would feel very much inclined to go for four. It strikes me as a novelty to see a representative of the Company here,— a Company which has hitherto denied the right of

voting altogether — to see such a representative endeavoring to make the time as short as possible until the period of voting comes.

Mr. K. McKenzie — As a newcomer from Canada this proposed law would act unfairly towards me in shutting me out.

Mr. Ross — All those in the country at present, of twenty-one years of age, have the right to vote.

Mr. Riel — If we had any guarantee that the men coming from Canada were such honest and good men as Mr. McKenzie, we would welcome them heartily to every privilege. We would wish that four railroads, instead of one, were built to hurry them in (laughter and cheers). But unfortunately the bad will come in with the good.

Mr. Scott — Is it the intention of the Convention to allow women to vote? No doubt many such will come in and be householders (laughter).

The Chairman — All these resolutions will have to be submitted to a good deal of filing.

Mr. Ross — Mr. Schmidt's motion gives every stranger the right to vote at the end of three years, even if he has not a cent's worth of property in the country. The amendment requires not only a three years' residence, but that he should hold some property.

Mr. Riel — The motion is so extremely important that I wish the Convention would allow me time for a short conference with Mr. Ross on the subject.

Mr. Riel and Mr. Ross having conferred together, Mr. Schmidt's amendment was put and carried, in the following shape:—

“That every man in the country (except uncivilized and unsettled Indians) who had attained the age of twenty-one years, and every British subject, a stranger to this country, who has resided three years in this country and is a householder, shall have a right to vote at the election of a member to serve in the Legislature of the country and in the Dominion Parliament; and every foreign subject, other than a British subject, who has resided the same length of time in the country, and is a householder, shall have the same right to vote on condition of his taking the oath of allegiance,— it being understood that this article be subject to amendment exclusively by the Local Legislature.”

Mr. George Gunn, seconded by **Mr. Klyne**, moved the adoption of Article 20.³¹

“20. That the North-West Territory shall never be held liable for any portion of the £300,000 paid to the Hudson Bay Company, or for any portion of the public debt of

³¹ AM, E.9/1, 14 obverse.

Canada, as it stands at the time of our entering the Confederation; and if thereafter we shall be called upon to assume our share of said public debt, we consent only on condition that we first be allowed the amount for which we shall be held liable.”—
Carried.³²

Mr. Riel, in French,— interpreted by **Mr. Ross** — We have got to-night to the last of the articles, and I cannot lose this opportunity of making a few remarks. We have been now some fifteen days or thereabouts in consultation on matters of the gravest importance, and the spirit shown all through the Convention has been most praiseworthy. We have shown ourselves to the world to be capable of discussing creditably, matters of the utmost political consequence. If differences have occurred, they have been only such as would naturally arise between men of intellect and reason in discussing important matters (cheers). I sincerely congratulate the Convention on this, and heartily wish the members, *bon noir* [sic] (cheers).

A short interval having elapsed, **Mr. Riel** again rose and said — The committee to whom was referred the consideration of the points to be brought before the Convention drew up two lists, one to be presented to Mr. Smith on the event of our seeking admission into the Dominion as a Territory; the other in the event of our going in as a Province. The conditions under which a Province stands in the Confederation, are laid down in the Confederation Act. It is a very simple matter, and probably in the forenoon of to-morrow might be discussed without difficulty. As a Territory we have made out our list; but the list for admission as a Province, has also its advantages.

Mr. Ross — It is a question whether we should not direct the Secretaries to make out for Mr. Smith a copy of the List of Rights, and present them, with a view to his being called on to pass an opinion on them to-morrow morning.

Mr. Riel opposed the latter suggestion, and ultimately the Convention adjourned till the following morning.

³² *Ibid.*, 15.

Convention of Forty Tenth Day

Council Chamber, Upper Fort Garry

Friday, 4 February 1870³³

Ten o'clock, A.M. — Convention in session.

Mr. Riel — I was very nearly induced to adopt your views, expressed in committee, Mr. Ross, with regard to a Crown Colony. One important consideration which we must bear in mind, is, that as a Territory we escape a great deal of heavy responsibility that may weigh on us as a Province. Of course it would be very flattering to our feelings to have all the standing and dignity of a Province. The exclusive powers to Provinces are considerable, and in themselves satisfactory, if we found them applicable to our case. (Mr. Riel then read the Confederation Act to show the powers conferred on Provinces.) He alluded specially to Article 5, which provides that the management and sale of the public lands belonging to the Provinces and of the timber and wood thereon, is vested in the Province. This, he alluded to, as one of the most important, as far as we are concerned. In looking at the advantages and disadvantages of the provincial and territorial systems, we have to consider fully the responsibility of our undertaking. Certainly, the North-West is a great pearl in the eyes of many parties. The claim put forward for this country as a compensation for the Alabama claims, showed an appreciation of its merits. That Canada wanted us so badly, shows a further appreciation of our merits. Possibly our inexperience in the ways of government, and small population, might conduce to this independence working disadvantageously. In several respects, such as the right to vote and the question of the public debt, we might as a Province, ask the same rights as a Territory. Speaking of the public debt, continued Mr. Riel, I would call attention to the fact that the apportionment of some of the money reimbursed to the various provinces as follows:— Ontario, \$80,000; Quebec, \$70,000; Nova Scotia, \$60,000; and New Brunswick, \$50,000,— in addition to the amount of eighty cents per head allowed to the provinces. In respect to Nova Scotia and New Brunswick they are allowed this eighty cents per head until the population of each province has reached 400,000. Now we certainly have not the population of any of these countries, but we have a vast Territory. Canada, let me add, having dealt unfairly with Nova Scotia and New Brunswick regarding the apportionment of the public debts of the various provinces, subsequently agreed to pay, in addition to what was allotted to her on entering Confederation, \$150,000 for ten years. This was to make up for the injustice and sharp practice of which Canada had been guilty at the time of Confederation. It is in the disposition of Canada to cheat. She did so in these cases, and in some others that might be mentioned. As to ourselves, I do not say positively that it is for our own good to go in as a province; but I think it a fair matter for the consideration of the Convention. On the whole I think that the position of a Province might suit us better than that of a Territory, but found it very difficult to decide.

³³ “Convention at Fort Garry,” *New Nation* (11 February 1870), 2; AM, E.9/1, 15.

Mr. Sutherland — I am unable to see the great advantages which might be secured by our going in as a province. I think we ought to go in as a Territory. As has been remarked, Canada may have been pretty sharp about Confederation bargains, but I would not fear her hereafter. If we get the bill of rights which has been made out, I do not think there is any necessity for taking up the time of the Convention with this other matter.

Mr. Riel — It is hardly the thing for a man employed in public business of importance to complain of loss of time. If we had to spend a month here in such business, the time would be well spent. As to this question of a Province, let me ask, is it not possible for us to settle our own affairs in a satisfactory manner? Cannot we make regulations for outsiders, with reference to the sale and disposition of our lands? This land question, and that of our means of raising money, constitute perhaps the principal points in the whole provincial arrangement. As to the administration of justice, have we not in the chair a gentleman who has long acted in that capacity, and who is amply capable of administering justice in the Territory (cheers).³⁴ I would say, let us not go too fast. I have ample confidence in the good sense of our people for managing all matters wisely; and as to matters of a general nature, they will be managed by the Dominion (cheers).

Mr. O'Donoghue, seconded by **Mr. Nolin**, moved an adjournment for dinner.

By consent, **Mr. Ross** was allowed to speak. For my part, he said, I am perfectly satisfied that going in as a Province will do us harm. This question was considered in committee, and I understood we were to let it drop. Our position, if we entered as a province, would be very different from that of the other provinces. They entered the Dominion entirely equipped with roads, bridges, court-houses, &c. They entered as full grown men and having everything. We are here asking to be admitted as men, when, in respect to our equipment and outfit, the country is only in its infancy (cheers). We are in a position to ask, and of course can ask it. But I am satisfied we can never get it. If we enter as a province we must take that position with all its disadvantages as well as advantages. We have never had the right of self-government in this Territory at all, and the bound from that to being a Territory, in the form in which we want it, is a very great one. But not satisfied with that, we take another leap. Could we attain this object, it is very probable we would soon consider that we had hold of an elephant (cheers).

Mr. Riel — What are the responsibilities? The construction of roads and such like.

Mr. Ross — I will undertake to bring them out after the adjournment. But as an illustration of provincial responsibility, let me instance the qualification of voters. We wish that settled in a peculiar way in order to protect our people. But if we go in as a province, we must either forego that, or ask something peculiar, which is not granted to

³⁴ While the Hudson's Bay Company's on-site governor, William Mactavish, was incapacitated due to illness, John Black was acting governor. He had also acted as Recorder and president of the General Quarterly Court of Assiniboia and was former Secretary for Lands, New South Wales (1859–1860).

the other provinces — which is not, in fact, given to a province. Then there is the question of our credit. I am very doubtful what credit we could command. What money we could raise would be on our vast Territory; and I do not think we would be wise to endeavor to make money out of our public lands. Our best policy, I hold, ought to be to deal liberally with our public lands. They would go for very little if sold, and the opening up of the country would be very much retarded. I would favor a liberal land policy, as near the United States system as possible. If we are to be consistent in asking a homestead and pre-emption law, we will not endeavor to make money out of our public lands.

Mr. Riel — It is the first time you have had no ambition.

The Chairman — With the permission of the meeting I must say, that I feel rather surprised at finding myself called on to deal with this question of a Province after we have so long been engaged in looking at ourselves in the light of a Territory, and adapting as far as we could, the details of our new garments to the new form which we expected to assume in the eyes of the world. I began to hope that we were prepared to bring our labors to a practical conclusion. But though you have been occupied for nearly two weeks in considering the advantages of our entering the Dominion as a Territory, we are now, apparently, to be called upon to go into an examination of the advantages and disadvantages of being admitted as a Province. How long this sort of thing is to go on, I am sure I do not know. But if, after doing what we have done, we are to proceed to the minute discussion of this new proposal, we may very likely sit here for all our days. I do not see why, after we have finally disposed of this question, as we gladly thought we really had done, we should not consider whether we ought not to be an independent Colony of England; and after that, why we should not consider annexation to the States and so on (cheers and laughter). No doubt, we ought not to grudge any time that is properly spent in the discharge of our public duties. But at the same time we ought to see that we are spending our time on something out of which there may be some practical outcome. I concur very much with Mr. Riel when he says that we must not go too fast or too far. I believe we are about to try to do that. There is not the least doubt but that, as a community, we may be called young. Seeing that that is the case, and that, if admitted as a Territory we shall be taking a very great stride in our national life, why strain after that which is, in my opinion, unattainable? There may be advantages connected with the position of a Province which would make it desirable. But there are great disadvantages. Into these I shall not attempt to enter. I really hope this question may be disposed of without our being called on to go into the minutiae of the advantages and disadvantages of a Province. It is clear to me, that even if it were possible for us to be admitted as a Province, there are preponderating disadvantages. And if we are to go on looking at ourselves as a Province and straining after that high dignity, I am very much afraid that we may fall between two stools and be, perhaps, left to ourselves. If that is wanted, perhaps it might be as well to say so. But I believe it is not what is wanted. I wish to put it before you whether it is not utterly hopeless for us to look for immediate admission into the Confederation as a Province. Those Provinces which have been already admitted into Confederation, have been long accustomed to exercise the honors of self-government; they have population, wealth, importance and dignity, which do not belong to us, in this, the infancy of our days. What, then, is the use of our spending time in the discussion of a

matter which is practically hopeless? Though I am far from under-rating the resources of the country, I am afraid we may make a mistake as to its value. It does not follow that because Canada and the United States are very eager to get us, that this country is so *very* valuable after all. May we not, in this respect, be running the risk of making the same mistake the Beautiful Flirt sometimes does (laughter), who with a long train of ardent admirers, dallies and coquettes first with this one, then with that, and then with the other,— not knowing which of the adoring swains to choose, until at last she finds herself obliged to put up with a very hum-drum sort of mortal after all (renewed laughter); while he, on his part, is gradually brought to a knowledge of the fact, that not only is the object of his worship *not* the perfect angel of whom he had first dreamt, but that she is a very plain ordinary kind of being indeed (loud laughter). We want very much, no doubt, to be made a great people (cheers). Every individual wishes to get on in the world, and communities, like individuals, wish to get on. As a community we share in that common feeling. And just now we are rather dazzled with the prospect of bounding all at once from a comparatively obscure position to the important, prosperous and wealthy position of a Province (laughter and cheers). But while we want this dignity, we do not see how we ourselves are able to bear the expense of reaching it. We therefore propose that the Confederation of Canada should erect, as it were, all the scaffolding by which we are to be carried up to this point of dazzling grandeur (hear, hear). In this respect we are in the position of that most excellent and admirable man who, as a benefactor—

“Out of his great bounty

Built a bridge at the expense of the county.”

(laughter). By entering upon discussions which are beyond us, we may be letting slip that opportunity we now have of being admitted into the Confederation as a Territory, upon proper conditions. And standing here before you, with a sincere desire for the general good, I must give it as my conscientious belief, that if this country can be admitted as a Territory on just and equitable principles, it is as much as we can look for. If we are only reasonable and moderate, we have now within our reach something valuable. But if you hanker too long about it — if you dilly-dally too long — it may be that this opportunity will pass away (hear and cheers). I do therefore most earnestly say to you, gentlemen, waste no time needlessly. Take the tide as it now is, at full; take it and I believe you are safe and will be prosperous. On the other hand, neglect it, and what will be your position? In a broken and shattered ship, without helm, without compass, or chart,— in a dark and dismal night, you are adrift upon a stormy ocean amidst whose billows, and rocks and shoals, you are but too likely to founder and make shipwreck (loud cheers).

Mr. Riel — I think the Chairman’s speech is admirable — its words are very fine — but it has not the power to convince.

At half-past twelve, the Convention adjourned for an hour and a half.

Three o’clock, P.M. — Debate resumed.

Mr. Sutherland — I move that further discussion on the question before us, be considered unnecessary.

Mr. Boyd — I second the motion. It seems to me most important that we should first enter the Dominion as a Territory, and in due time take our position there as a province.

Mr. Riel, in French,— interpreted by **Mr. Ross** — Mr. Sutherland's motion seems to me, simply an exhibition of fear, without giving any reasons. A man who acts in this way, is a man who might not unfairly be entitled a coward. For myself, I say that discussion on this subject should not be shut off. As a Province, we would have a higher status; and it is certainly worth considering why we should not look for that higher status. It remains to be seen whether we would be best as a Province or a Territory. I, too, am an English subject; but I do not wish to be so to excess. I never heard a more unreasonable request than that now made, and in attempting to choke off discussion in a matter of so much importance, Mr. Sutherland has shown himself not to be the man for us. I move an amendment that the discussion be continued.

Mr. Sutherland — If I pushed myself forward, I might take such remarks in very good part. But I am not here to represent myself; and I know that my constituents never expected that I would be detained here so long. As to my part in the discussion, I do not believe any member here can teach me. We have considered the question this forenoon to no purpose. If anything can be brought out for the good of the country I am willing to support it, I have the good of the country at heart; and if I had not, I would not have been going round these last few months without fee or reward.

Mr. Riel — I spoke of Mr. Sutherland as the representative of a certain district — not personally. Personally I have high respect for him, believing him to be a good representative and an honest man.

Mr. Schmidt seconded Mr. Riel's amendment.

Mr. Bunn — In favor of Mr. Sutherland's motion I would say that even if the subject were discussed, and the merits in both cases equal, still, as a matter of precaution, we ought not to enter as a Province first. By entering as a Territory we have four or five years of experience, and we do not shut off discussion — we merely take a longer time to do it.

Mr. Riel — I cannot see the sense of the opposition to discussion. Why not look at both sides. We must not get discouraged at the delay, as the matter in which we are engaged is most important.

Mr. Ross — I think we ought to discuss the question on its merits, and think we will come to a just decision. I am not in favor of entering as a Province, but am not against discussing it.

Mr. Bunn — Mr. Ross's course confirms me in my position. The whole Convention looks to him for information; and he says that when he has given us all the information he can, we will not seek to enter as a Province.

Mr. Riel's amendment was put and carried:— Yeas 20; nays 19.

An interval of a quarter of an hour ensued, after which

Mr. Ross asked leave to make a few remarks on the question as to whether it was desirable to enter the Confederation as a Province or a Territory. At the outset, he said, I may say in one word, that I am opposed to our entering as a Province, and I am satisfied that my position will appear a just and good one — a position for the interests of the people of this country. If we enter as a Province, the first thing I have in my bill of indictment against that position is, that the man we want to represent us in the Senate of the Dominion, must possess, according to the fundamental act of union, \$4,000 worth of real estate or buildings, above all liability. Considering our peculiar circumstances, that would I think operate injuriously against us. The next point I will mention is, that the Senator, even if possessed of this property, must be nominated by the Governor-General of Canada — not elected by us at all (hear, hear). And the man so nominated may be thoroughly hostile to us in all respects. The next point I make is, that according to the act of constitution, after the census of 1871, we would lose largely of the representation we are now asking as a Territory. We ask four representatives if we enter in that way; and taking all things into consideration, we may get that number. But if we enter as a Province, after the census of 1871 — that is, next year — we would lose three, if not the whole of our representation,— because, according to the law of Confederation, we must have a certain population before we can be represented in the Federal Parliament. My fourth point is this, that the Dominion Parliament has the full control of all the funds for public purposes,— to be disbursed as they seem right and proper — without heeding any suggestion, dictation or control from us. They have the right to impose taxes, at their discretion, for public purposes. This is something we did not contemplate when arranging the terms on which we should enter as a Territory. It is not that I see in this so much to fear for the people of this Territory, but I would rather they should not run the risk of it. If we enter as a Province,— and this is my fifth objection — the Dominion has the perfect right to annul any decision which our Local Legislature may come to. Now the very sense and spirit of some part of our discussion in the past, is that we should have control of our local affairs. Having enlarged on this point, Mr. Ross went on to say — I wish to call attention to the fact, that we have laid great stress on the qualification of voters, as was shown by the fact that we spent over a day in the discussion of the matter. If we enter the Confederation as a Province, we must at once take the qualification of voters prevalent in the Dominion. We cannot expect exclusive privileges, if we want at once the status of a Province. Then, under the Confederation Act,— and this is the next point — Canada has the exclusive right to legislate with reference to the public debt. By the arrangement proposed as a Territory, we settle the public debt at once, and do so in a manner which can never be injurious to us, even if afterwards we become a Province of the Dominion (cheers). Again, the Dominion has the exclusive right to legislate in respect to the militia of the country. Are we to place ourselves in a position where any member of us can be impressed into the militia service of the Dominion in any way we do not choose? (hear hear). The Province has the right to impose direct taxation; and there might not be any harm in that if our own people had control of the Local Legislature always. But the time is coming, perhaps, when foreigners, having very little sympathy with us, may exercise that right, and it may be that we will have but a small voice in the matter (cheers). As

long as we remain a Territory, under the conditions we have set forth, there will be no fear of direct taxation, except under the control of the Local Legislature. We have been told further, that we can borrow money on credit of the Province. But that might or might not be an advantage. The people of Red River, if they had the right to borrow on the public credit, could borrow only on the lands of the country.

Mr. Riel — I do not admit that.

Mr. Ross — The money can only be raised in that way: and as soon as we attempt to make money out of the public lands, we deter emigration. All the money we can judiciously raise on our public lands, will not, in my opinion, pay for their survey and management. My next point against our entering as a Province, is that the Dominion has a right to appoint all our judges.

Mr. Riel — You have been in Toronto, and would be chosen.

Mr. Ross — If I were to consult merely my own personal interests perhaps I would wish this country to enter as a Province, but that would not be in the interests of the people of the country. Having alluded to the Red River people as a peculiar people, Mr. Ross went on further to argue against the country entering the Dominion as a Province.

Mr. O'Donoghue — I have heard many eloquent speeches on this subject. First of all I would refer to that of Mr. Ross. In the opening part of his speech, he said that, according to the Constitution, if we entered as a Province, we would not be entitled to more than one, or perhaps half a representative. In this I did not find him consistent with his position on a previous occasion. Then he told us that one could represent our interests as well as three or four. I did not oppose him strongly on that ground, because I knew it was a fact. And I have only to say that if it was a fact two days ago, it is a fact to-day; and that being the case it refutes Mr. Ross's argument. As to the \$4,000 worth of clear property which is required from a member of the Senate, we must remember, in speaking of the Constitution of Confederation in this and other respects, that it was framed when the North-West was not a part of the Dominion (hear, hear). And let me add, that you will find in the Provinces already Confederated, some things which are not in accordance with the Constitution of Confederation. In Newfoundland, for instance, they have universal suffrage. Does any one fancy they will change the voting qualification there? They never will. And if the North-West is to enter Confederation, why should there not be special rules laid down as well in the event of its entering as a Province as a Territory? If under the Constitution of Confederation, we can get the bill of rights which we ask as a Territory, why are we not equally able to get it on entering as a Province? (hear, hear). Again, I cannot agree with Mr. Ross in saying that Canada can throw on us any share she likes of the debt of the Dominion. It would be unprecedented; and I am sure no one in this country who advocates its incorporation into the Dominion as a Province, would do so on the ground that we were to share the public debt of Canada. Mr. Ross made so many points that I can hardly remember them all. He alluded, among other matters, to the militia. He says that if we enter as a Province, the general government would have control of the militia here. If that is the case, it is surprising to me that Mr. Ross, as one of the committee, did not think of preventing that in the bill of rights. In that bill I find

nothing inserted to prevent them from forcing us to go down and fight the battles of Canada, whether we existed as a Territory or a Province. With reference to the question of changing the Constitution, Mr. Ross argued that if it were once changed by the Province, it might be ruin to the country. I would simply say, in reply, that if this power of change is given, it contains the further power of repealing any act of a former Legislature which may be regarded as destroying the Constitution. If the enactment is found to be injurious to the country, it can be repealed.

Mr. Ross — But at the time, the power may be in the hands of foreigners.

Mr. O'Donoghue — With reference to the Governor-General having the appointment of all the Judges, I am very glad Mr. Ross reminded us of that. We were forgetting a stipulation concerning it in the bill of rights. If the Governor-General has the right to appoint Judges in a Province, of course he will have the same right in a Territory, if no special condition prevents it. Mr. Ross further referred to our raising money on public lands and said that all we could raise from them would not pay for the survey. As a Territory, I would ask, have we any condition providing that we are not to be taxed for the survey of the lands?

Mr. Ross — as a Territory, we have nothing to do with the lands.

Mr. O'Donoghue — We do not give them up; and in my opinion ought not to do so. Besides, we raise money on the whole Territory — not on our actual farms; and I am sure the North-West can raise as much money as perhaps any other Province.

Mr. Riel — They want the North-West for that very purpose — to raise money from it.

Mr. O'Donoghue — I do not declare in favor of a Province or a Territory. Many things have to be considered. Mr. O'Donoghue here entered into a lengthy argument showing the riches of the Territory — that money could be raised from it by a Provincial Government — that they ought not to give up the public lands to the country they joined — that in the event of our entering Confederation, we had as much right to claim Canadian lands as Canada had to claim our lands. In support of the latter position, he cited Texas, which held its own public lands on joining the Union. It had been hinted, he said, that if we did not close with Canada at once, we would have to fall back on our oars, and remain as we are at present. Perhaps that would be best. He did not see why we should rush headlong into Confederation. Might we not do at least as well as an independent Colony, or almost anything else? We are independent now. Why not continue so? We are all reputed rich. Why not continue so? Why not, as another alternative, alluded to by the Chairman — why not look forward to annexation? With annexation to the States we would not have to give up any of our Territory, rights or privileges.

Mr. Riel, in French, complimented Mr. O'Donoghue on his speech, and agreed with him in the main. Mr. Riel then proceeded to deal with the details that presented themselves in connection with this discussion. As to the point concerning the Judges, and other points which had been raised, he argued that we had laid down some conditions as a

Territory, and the fact of our entering as a Province did not deprive us of the right to lay down any restrictions. Having touched on other points, Mr. Riel referred again to the question of occupying the time of the Convention, which had been raised by some members, and urged that in matters of such vital consequence, the Convention should take full time to deal with them. Mr. Riel alluded to a remark of Mr. Ross in committee that it might not be bad for us to stay a while before entering Confederation,— that it might be as good for us as for Nova Scotia. He (Mr. Riel) was glad to hear such an authority as Mr. Ross on the question. It was not urged that we should stay out as long as Nova Scotia did — but merely to delay in case they were unwilling to grant what the Convention asked.

Mr. Fraser — No doubt, all parties have their minds pretty well made up. I, therefore move that in the opinion of this Convention “we should enter Confederation as a Territory.”³⁵

Mr. Tait seconded the motion.

Mr. Ross having spoken against entering as a Province,

Mr. Fraser’s amendment was then put and carried:— Yeas 24; nays 15.

Mr. Ross, seconded by **Mr. Taylor**, proposed that during the evening, the Secretaries furnish Mr. Smith with the List of Rights adopted, and that to-morrow he come and give his opinion on the list.

Mr. Riel said that there was another article he desired to add to the list. He would move an amendment, seconded by **Mr. Poitras**, that to-morrow the Convention consider an article, to be added to the list, providing that all bargains with the Hudson Bay Company, for the transfer of the Territory, be considered null and void, and that any arrangements with reference to the transfer of this country, shall be carried on only with the people of this country.

Mr. Ross asked and obtained leave to withdraw his amendment, in order to allow of a discussion on the point raised by Mr. Riel.

At seven o’clock P.M. the Convention adjourned till ten o’clock next morning.

³⁵ AM, E.9/1, 15.

Convention of Forty Eleventh Day

Council Chamber, Upper Fort Garry

Saturday, 5 February 1870³⁶

Eleven o'clock, A.M. — Debate resumed.

Mr. Riel — We must not regard the Company as something detestable. At the same time we must bear in mind that the public interests must be above those of the Company. I object to this getting one-twentieth of the land as is proposed.— as it would give them a very unreasonable influence in the country. It would perhaps enable them to double the number of their Forts and their influence against the people. It meant five acres out of one hundred, and is, in my opinion, altogether too large. With greatly increased influence wielded by the Company, what would be the result? Had this tremendous influence been in the hands of the Company, possibly when Dennis was here, it might have been raised against us,— and the affair might have been so disastrous as to result in the death of many in the room (cheers). I do not say that the Company should be crushed, for they are a source of power in this country; but we must keep them on the same footing as the other merchants. They must take their chance with the people, as a portion of them, and not as a section having a predominant influence. We have seen how the agents of this Company acted towards our forefathers,— how a man may toil for them,— spend years in labor for the Government,— and how after years were past, when he asks for land, it is granted provided he has eighteen pounds and more to pay for it (hear, hear). Very often, after a lengthened service with the Company, and a term of liquor-drinking, these employees of the Company have returned poorer than they came, with scarce money enough left to take them home. Mr. Riel next alluded to some of his relatives who had lived long here, and died without attaining that competence which their labor and merits entitled them to,— owing to the screwing down process which the Company had adopted in this country (hear, hear). Again, on a late occasion they tried to sell us. There never was a parallel case. A Company of strangers, living beyond the ocean, had the audacity to attempt to sell the people of the land. Instead of being the “Honorable” Company, as they were usually termed, they ought to be stigmatised with the prefix “Shameful” (laughter and cheers). We serve their interests and purposes, they endeavored to subvert ours. But the truth of it is, the Half-breeds of the country must govern, with the other portion of the people if they are together. For four months the English speaking population stood aloof and took no part in the movement. But now they come forward and try to cut down the rights to half rights. This is a very serious matter. We have braved Indians and white men in maintaining our present position. And if we do not all join in support of the present order of things there will probably be massacre — not perhaps immediately, but within two years. Throughout, the Company has pursued a course which can only be called detestable; and it is our business to prevent them getting more influence (cheers). We, in this Settlement, must get control of all the lands in the

³⁶ “Convention at Fort Garry,” *New Nation* (11 February 1870), 2, 4; AM, E.9/1, 15.

North-West, or stipulate to enter as a Province shortly, in order to get that control (cheers).

Mr. Riel again rose and said — The presence of the Bishop of Rupert's Land reminds me of something which was in my mind last night in speaking of the desirability of declaring the bargain for the Territory with the Hudson Bay Company to be null and void. I remember that some stipulation has been heretofore made to the Bishop of Rupert's Land, and I go heartily for the continuance of these. In the negotiations for the transfer of this country it was struck out, and I see it forms no part of the bargain as it stands. I would now move, instead of my former motion, "That all arrangements and stipulations made by the Hudson Bay Company in the matter of the transfer of the Government of this country to the Dominion of Canada, be null; and that all arrangements on this subject on the part of the Government of Confederation, be made directly with the people of Red River."³⁷ In explanation Mr. Riel stated that his motion had no reference to dealings with the Imperial Government, but simply provided that all negotiations for the transfer of the country should be carried on between Canada and the people of Red River and not between Canada and the Company.

X. Pagee seconded the motion.

The Chairman — Yesterday we were engaged in discussing what may be called questions of high politics (laughter),— Territorialism, Provincialism, Crown Colonialism, Annexation-ism (laughter). These are the prominent marks which bounded that wide region into which your thoughts were left to wander. And so large was the field of speculation on which some, at least, seemed inclined to enter, that, for my own part, I should have been quite prepared to hear almost any doctrine, any proposition, or motion (laughter). Indeed, if there were any one here, with a full faith in aerial machines, I should not have been very much astonished if such a one had invited us to consider carefully the advantages and disadvantages of our being annexed to one of the highest peaks of the mountains of the Moon (laughter) — a connection, which, whatever its drawbacks in other respects, would at all events have conferred on us the luxury of breathing a purely lunatic atmosphere (laughter and cheers). My object in rising is to make my position in this matter clear. The motion is of such a character, that were I to sit silent, I might be liable to be misunderstood. I do not feel that I can discuss the motion at all. The character and conduct of the Hudson's Bay Company is a theme on which I shall not here enter. But I would simply ask you, one and all, you who know the facts so well, that it would be superfluous in me to dwell upon them,— I say, I would simply ask you whether you believe that charge. The principal object, however, for which I aim is to say, that the question embodied in this motion is one which I cannot discuss. Whether it is a question *you* can deal with, is a matter you must determine for yourselves. It relates to arrangements between the Imperial Government, Canada and the Hudson Bay Company; and if you think that any expression of opinion you may give, can alter or modify such arrangements in any way, of course you may offer it. But I hope the doctrine is not to be put forward that this Convention arrogates to itself the power of sitting as a Court of

³⁷ AM, E.9/1, 15.

Revision upon arrangements made in a quarter where, I rather think, higher authority is held than you can touch. And it was satisfactory to hear from Mr. Ross the explanation, that although Mr. Riel's motion appeared to come into conflict with arrangements made by the Imperial Parliament, yet Mr. Riel did not wish to be understood as defying that authority.

After some further remarks, the Chairman said — Of course if you think proper, you may go into the discussion of this question. I can have nothing to do with it. It lies beyond my reach. In conclusion I have but to ask every one of you to say from your own experience whether the Hudson's Bay Company in this country can fairly be described in the terms to which I have already referred, and whether, on the contrary, they may not be described as a Company who with a father's hand have led and often even fed you on many occasions? Let me hope that that past will not be wholly forgotten. If there are any in this assembly who do forget it, and if through such forgetfulness the Company, like the King of old, is to be taught by bitter experience, "how hard it is to have a thankless child." — yet the Company may under the smart of such fearful experience, draw consolation from the thought, that even if it should be so, it will not be the first time in the history of the world that the best of friends have been forgotten, and the most bountiful and generous of benefactors has been abased (cheers).

When **Mr. Riel** had translated the Chairman's address into French,

Mr. Dauphinais said — If the Company never evicted any one from their lands, they threatened to do it.

A proposition having been made for adjournment,

Mr. Riel urged that a great effort should be made to place the List of Rights in the hands of the Commissioners as soon as possible, — as the Canadian Parliament met on the 15th February.

Mr. Riel's amendment was then put and lost on the following division:—

Yeas — Messrs. Thibert, Birston, X. Pagee, Poitras, B. Beauchemin, O'Donoghue, Lepine, Genton, Schmidt, Riel, Parenteau, Laronce, Touron, Lascerte, Delorme, Dauphinais, Scott — 17.

Nays — Messrs. C. Nolin, Harrison, Klyne, Cochrane, Spence, Bunn, Ross, A. McKenzie, Black, D. Gunn, Boyd, Bird, Fraser, Sutherland, Flett, Tait, Taylor, Lonsdale, K. McKenzie, Cummings, G. Gunn, Spence — 22.

Mr. Riel, (with great warmth, marching up and down the Council Chamber) — The devil take it: we must win. The vote may go as it likes; but the measure which has now been defeated must be carried. It is a shame to have lost it; and it was a greater shame because it was lost by those traitors — (pointing to Nolin, Klyne and Harrison).

Mr. Nolin (jumped up and said with indignation, in French) — I was not sent here, Mr. Riel, to vote at your dictation. I came here to vote according to my conscience. While there are some things for which we blame the Company, there is a good deal for

which we must thank them. I do not exculpate the Company altogether, but I say that in time of need we have often been indebted to them for assistance and kindness.

Mr. Riel — While I say this matter must be carried, I do not wish to speak disrespectfully to the Convention. But I say it will be carried at a subsequent stage. You must remember (he added angrily) — that there is a Provisional Government, and though this measure has been lost by the voice of the Convention, I have friends enough, who are determined to add it to the list, on their own responsibility. (Turning to the French section of the Convention, he said, speaking rapidly and with great vehemence, and pointing threateningly at those he addressed — As for you Charles Nolin, Tom Harrison and Geo. Klyne — two of you relatives of my own — as for you, your influence as public men is finished in this country. Look at the position in which you have placed yourselves. You have lost your influence, (he added emphatically) — forever.

Mr. Nolin — Let me tell Mr. Riel that I was sent here by my parish. I never sought the position, and, personally, if I am lost to public affairs, I would be rather glad of it. You, Mr. Riel, did what you could to prevent my coming here and failed; and if it suited my purpose to come back again, I would come at the call of my parish, in spite of you.

On motion of **Mr. Ross**, seconded by **Mr. Riel**, the Convention adjourned till Monday at one o'clock, and the Secretaries were instructed to furnish Mr. Smith with a copy of the List of Rights at eleven on Monday forenoon, and request his answer at one o'clock the same afternoon.

At half-past one the Convention adjourned till Monday.

Convention of Forty Twelfth Day

Council Chamber, Upper Fort Garry

Monday, 7 February 1870³⁸

Two o'clock, P.M.— Convention in session. Roll called. Minutes read.

The three Canadian Commissioners, Grand-Vicar Thibeault [sic], Colonel DeSalaberry and Mr. Donald A. Smith, were present — having been requested to attend.

The Chairman recounted the circumstances which led to the drawing up of that list, and explained that it did not profess to be a complete list. It did not propose to give in final terms the views of the Convention respecting those points to which the list refers. It must be therefore regarded as somewhat incomplete, not only as regards what it omits, but also respecting what it embraces. But, continued the Chairman, it will, I hope, sufficiently answer the purposes for which it was intended, that of conveying to you, in terms as clear and definite as could be arrived at under the circumstances, the views of this Convention, as representatives of the people, respecting those great matters about which the minds of men in this Settlement are so much occupied.

Mr. Riel, in French,— We ought to welcome all three Commissioners from Canada. We are in a position now to treat them with the utmost fair play and hear what they have to say to us. We are here, as honorable men, to treat fairly — to make known our views honorably,— and to be met, I hope, in the same spirit (cheers).

The List of Rights, which had been presented to Mr. Smith during the forenoon, was read over by the Secretaries in English and French.

In response to a request from Mr. Riel, the three Commissioners addressed the Convention.

Grand Vicar Thibeault rose amid applause, and said in French — I have been sent here with Colonel DeSalaberry to explain matters; and I can assure you I feel my responsibility in this respect. It was part of my commission to come here and explain the action, which was going to be taken by the Government, with Mr. McDougall. But finding Mr. McDougall gone, and having to come to this country, according to my Commission,— I came on; we met the Provisional Government, asked to be heard by them and were heard. When asked what power we had, we said we had the power to consider nothing — we had power to conclude nothing. We were trusted by the Canadian Government to a certain extent (cheers) — and as such we counselled this course — a course which we were sure would be good if the people of the country could adopt it: viz, to send a delegation to the Canadian Government in order to treat with the Canadian

³⁸ “Convention at Fort Garry,” *New Nation* (11 February 1870), 4, 2, 3; “Convention at Fort Garry, Twelfth Day, Continued,” *New Nation* (18 February 1870), 1.

Parliament. This delegation should be invested with the necessary power to negotiate for what the nation wants (cheers). I must say, of course, that this is more advice than anything else. But at the same time I am certain that the delegation would be well received by the Canadian Government. Since we have been before the Provisional Government, we have not done anything which would be of interest to repeat at this moment. We have been merely judging of events, and of the proper course of pacifying the people and establishing good order in the country (cheers).

Col. DeSalaberry having been applauded, said — I feel the honor you have done me in calling me before this Convention. I endorse every word which my honorable friend, the Grand Vicar, has said, and have nothing additional to state. We were sent here with no power — but merely to see the people, and give them our opinion as to what result would flow from the proposed change of Government (cheers).

Mr. Riel — Without going further into details, I would like to hear from Mr. Smith what he is in a position to guarantee — what power he has to meet our demands on behalf of the Red River people. At this stage of our proceedings it is important to rely not merely on opinion. We are not to be satisfied with what Mr. Smith thinks, but what he can guarantee. I want some certainty, and not merely an expression of opinion on what we desire. We are now in a position to make demands. How far is the Commissioner in a position to guarantee them on behalf of the Canadian Government?

Mr. Ross — It might facilitate matters if this List of Rights were taken up article by article and Mr. Smith's reply obtained to each.

Mr. Riel — I would like to hear from Mr. Smith, first, whether, without going into details, Mr. Smith can say that he is in a position to grant us what we want. Is he, as Commissioner, able to guarantee one single article of the list? We have seen his commission. There is no restriction in it. If he can grant us one, he can go further.

Mr. Smith was cheered on rising, and said — From the form in which the question is put, I feel a good deal of difficulty in replying. I believe that while I might have power in regard to some of the articles, to assure you — so far as assurance can be given of anything which has not yet occurred — I could not, at the same time, do so equally in regard to the whole. My Commission, you have had before you, in exact terms. And in addition, before leaving, I had communication with the Government, and know their views generally (hear, hear). I presume this is all the answer the question requires. Were I permitted to explain my views, as to what the Canadian Government would be willing to do for this country, I would have much pleasure in doing so.

Mr. Riel — Is your commission such as to enable you to guarantee us even a single article of the List of Rights?

Mr. Smith — I believe that the nature of my commission is such that I can give assurances — full assurances — so far as any such guarantee can be given — that the Government of the Dominion would so place the right guaranteed before Parliament that it would be granted. This would be done in some instances —

Mr. Riel — In some instances!

Mr. Smith — As to all the Rights, in the form in which they have been handed me, I certainly cannot answer.

Mr. Riel — So you cannot guarantee us even a single article in that List?

Mr. Smith — I have tried to explain to the Convention that I believe my powers to be sufficient to admit of my guaranteeing,— so far as anything can be guaranteed which is not yet passed by Parliament — certain articles in this List.

Mr. Riel — I like the word “believe,” but would like better “I am certain.”

Mr. Smith — I can say I feel assured. That is a stronger word. There is no certainty in anything which has not yet taken place.

Mr. Riel — So your authority here as Commissioner, has not taken place?

Mr. Smith — My authority as Commissioner has certainly “taken place,” as you term it. But when I left Canada, next to nothing was known of the position here. The Government were consequently not in a position to point out to me certain articles and indicate their policy on them. They did not know what the desires of the people here were, or what they really considered their rights. The List of Rights at first drawn up, came into my hands certainly, but not in Canada. Had that list been in my hands at Ottawa,— had I been able to go over the different articles and say, Here, gentlemen, is No. 1, is that to be granted? I would then have known to a certainty how to pronounce on the several articles.

Mr. Riel — As you left Canada after the Grand Vicar and Colonel DeSalaberry, perhaps you received more authority, as the Canadian Government would then have been better informed of the events in this country. Is your authority as Commissioner greater than that of your two Co-Commissioners?

Mr. Smith — I feel that that it is different from that of the others, to some extent. I may say now, that it gives me the greatest pleasure indeed to meet these gentlemen here as fellow Commissioners. Like them I can have but one wish, and that is, that as soon as possible a settlement should be arrived at, satisfactory to the country and Canada,— believing, as I do, that the interests of both countries are identical (cheers). These gentlemen left Canada before me; but it was intended when I left Ottawa that I should overtake them, and that we should have gone together very much on the way. But a matter of business detained me, so that they arrived here first. I may add, that it was with some reluctance I first undertook this Commission. I recommended others in whom I had every confidence, but had ultimately to accept the position myself.

Mr. Riel — I am glad to hear you say that you believe your Commission contained a little more authority perhaps than that of those two gentlemen. Show, then, that you have more power. They cannot guarantee anything. If your power is greater, you can guarantee something.

Mr. Smith — I will have much pleasure in pointing out so much of the List as I can guarantee.

Mr. Riel — So you can guarantee us some articles in the sense of the word “guarantee.”

Mr. Smith — Yes; but perhaps you would be good enough to explain your idea of the word guarantee.

Mr. Riel — A pledge that the Canadian Government will be ready to sanction by act of Parliament what you say will be granted.

Mr. Smith — The Government will certainly bring the matter before Parliament, but it is the Parliament which must finally decide.

Mr. Riel — You are embarrassed. I see you are a gentleman and do not wish to press you. I see that the Canadian Government has not given you all the confidence which they ought to have put in your hands. At the same time we will hear your opinion, although we are satisfied you cannot grant us, nor guarantee us anything by the nature of your commission.

The Chairman then addressed Mr. Smith as follows:— In your capacity as Commissioner, I believe you will act conscientiously toward the Red River people and the Government of Canada (cheers). We understand fully the difficulty, delicacy and responsibility of your position; and as we feel that you are dealing conscientiously with us, we will not be surprised if, in the face of the strong demands made, you stand still and consider whether your powers enable you to speak with that degree of positive assurance which no doubt would be desired by the Convention (cheers).

Mr. Smith I will now proceed to the List of Rights. I have been up to time, but in the short period allowed me to think over these articles, I have been able to throw together only a few thoughts. Two hours is but a very short time to consider a document which has occupied the time of this Convention some eleven or twelve days. With regard to article one, the Convention has already had a communication to the effect that the Dominion Government had provided by Order-in-Council for the continuance of the present tariff of duties in the Territory for at least two years; and I feel convinced that the Government will be prepared to recommend to Parliament such measures as will meet the views of the Convention as expressed in this article. The article is as follows:—

“1. That in view of the present exceptional position of the North-West, duties upon goods imported into the country shall continue as at present (except in the case of spirituous liquors) for three years, and for such further time as may elapse until there is uninterrupted railroad communication between Red River Settlement and Saint Paul, and also steam communication between Red River Settlement and Lake Superior.”

Article 2 is as follows:—

“2. That as long as this country remains a Territory in the Dominion of Canada, there shall be no direct taxation except such as may be imposed by the Local Legislature for municipal or other purposes.”

“Article 3. That during the time this country shall remain a Territory in the Dominion of Canada, all military, civil and other public expenses in connection with the general Government of the country, or that have hitherto been borne by the public funds of the Settlement — beyond the receipt of the above mentioned duties,— shall be met by the Government of Canada.”

I have taken these two articles together, as I thought the one answer would apply equally. My answer is this — I believe that the Canadian Government will ask the Dominion Parliament to meet the views of the Convention and their constituents in respect to these articles.

Article 4 of the list is as follows:—

“4. That while the burden of public expense in this Territory is borne by Canada, the country be governed under a Lieutenant-Governor from Canada, and a Legislature, three members of whom, being heads of departments of the Government, shall be nominated by the Governor-General of Canada.”

To this I would say — When I had the honor of conferring with members of the Canadian Government, they assured me of their desire to consult the wishes of the people of the Territory in respect to matters connected with the composition of the Local Legislature; and their intention was, that as soon as the North-West became a part of the Confederation, that at least two-thirds of the members of the Council should be selected from among the residents. I was commissioned to assure the people of this. For the time being, Councillors under the former Government were to retain their seats,— that is, in the Government of the Hudson Bay Company, which at the time I left Ottawa was the only Government known in Canada. It would have been for that Council to have recommended to the Dominion Government any alterations they might deem necessary for placing the Local Government more in accordance with the wants and wishes of the community. These recommendations would be introduced in a bill to be submitted to Parliament.

Mr. Riel, (indignantly) — It is only for the sake of this Convention that I could tolerate the liberty you have taken in making such a statement.

The Chairman — I think there is some misapprehension here.

Mr. Smith — I would regret saying anything to offend; but in my view of it, there is really nothing requiring correction in what I have said, or intended to say. I am speaking of the views of the Government as explained to me — not what I think of the matter at this moment. I am speaking of —

Mr. Riel — What is dead.

Mr. Smith — What instructions I then received, and giving it merely to show my reasons for what I did afterwards.

Mr. Riel — Proceed.

Mr. Smith — I mentioned before that I had a verbal communication from the Government in regards to many matters, and I am trying to act on that.

Mr. Riel — This is a matter of such serious import that we can deal only with your papers as Commissioner. We all believe in the word of a gentleman; but in so serious a case we must have something more definite.

Mr. Smith — The understanding I had with them, as a Government, was very distinct, that the Council here, as in the first instance constituted, would as soon as possible be replaced by a Legislature to be chosen by the people. Bearing this in mind I did not hesitate to give it as my opinion that the Dominion Government will ask Parliament to provide a liberal Government for the country while it remains a Territory. The fifth article says:—

“5. That after the expiration of this exceptional period the country shall be governed as regards its local affairs as the Provinces of Ontario and Quebec are now governed, by a Legislature elected by the people, and a ministry responsible to it, under a Lieutenant Governor appointed by the Governor-General of Canada.”

With regard to this, I have the most explicit assurance from the Canadian Government that such will be the case. Article 6 says:—

“6. That there shall be no interference by the Dominion Parliament in the local affairs of this Territory, other than is allowed in the Confederated Provinces; and that this Territory shall have and enjoy, in all respects, the same privileges, advantages and aids, in meeting the public expenses of this Territory, as the other provinces in Confederation have and enjoy.”

For this I believe the Dominion Government will provide in a liberal spirit. Article 7 says:—

“7. That while the North-West remains a Territory the Legislature have a right to pass all laws local to the Territory over the veto of the Lieutenant-Governor by a two-thirds vote.”

This article brings up some constitutional considerations, with which it would be unpardonable presumption on my part were I to deal summarily. But I would repeat most distinctly that the Dominion Government will pay the utmost deference to the wishes of the Convention as regards this and all other matters in connection with the Government of the country; and I have full confidence that the decision arrived at, will be acceptable to the people. Article 8 is:—

“8. A Homestead and Pre-emption Law.”

It has already been intimated to me by the Canadian Government, with a view of its being made known to the people of the Settlement, that all property held by residents in peaceable possession, will be secured to them; and that a most liberal land policy in regard to the future settlement of the country, will be adopted,— every privilege in this respect enjoyed in Ontario or Quebec, being extended to this Territory. Article 9 states:—

“9. That while the North-West remains a Territory the sum of \$25,000 a year be appropriated for schools, roads and bridges.”

In respect to this article, it may be better that I should not speak as to any particular sum; but I feel quite certain that an amount even exceeding that here mentioned, will be appropriated for the purposes referred to. I can give an assurance that this will be done.

Mr. Riel — A verbal assurance?

Mr. Smith — As great an assurance as I can give of anything else. The tenth article says:—

“10. That all public buildings be at the cost of the Dominion Treasury.”

To that I have to say — That the Dominion Government will defray the cost of all public buildings required for the general business of the Territory, I can safely promise (cheers). Article 11 says:—

“11. That there shall be guaranteed uninterrupted steam communication to Lake Superior within five years, and also the establishment by rail of a connection with the American railway as soon as it reaches the international line.”

I do not hesitate to give this assurance, as the works on the Lake Superior route, which have been progressing actively since the early part of last summer, will doubtless be completed much within the specified time. As to the railway to Pembina, shortly after the American line reaches that place, it will certainly be carried out. If I might be permitted a remark with respect to this article I would say, that I would not be loath to make a personal promise. I have seen a number of prominent men, connected with large undertakings in England as well as in Canada. The matters alluded to in this article have been spoken of, and I know all are most anxious to push on with such undertakings, knowing that it will be for their own interest to do so. In this way, I have no doubt that private enterprise will shortly accomplish such undertakings as are here proposed. Shortly before leaving Canada, I myself was in business connection with such men as Mr. Hugh Allan, Mr. A. Allan, of the steamboat line; Mr. King, President of the Bank of Montreal; Mr. Redpath, the owner of one of the most extensive establishments in Canada; and other men of note there. Our object was, to get up a Rolling Stock Company. In the first instance we had, I think, a contract for some 500 cars. And some fine day I hope that the townsmen of Winnipeg will see some of these cars making their way across the prairie (cheers). I hope you will see them coming laden with the manufactures of Canada, and returning laden with the surplus products of the country. Though I have some connection with the Hudson Bay Company, I may also say that I have been largely connected with public enterprises. In connection with some men of standing I have been connected with

other enterprises. I have had considerable interest in a large woollen mill in Cornwall. Some of our blankets have already come in here, and no doubt many more will come in, as they are better and cheaper than others. I hope yet to see men come in here, establish such manufactures, use up your wool, and circulate more money in the place (cheers). This they will do, no doubt, as soon as they will find it to their advantage (cheers).

Mr. Riel — I thought Canada was about to speculate on us.

Mr. Smith — It is a matter of business; and I am sure the people here would be very happy to have such people coming among them (cheers). The twelfth article is:—

“12. That the English and French languages be common in the Legislature and Courts, and that all public documents and acts of the Legislature, be published in both languages.”

As to this I have to say, that its propriety is so very evident, that it will unquestionably be provided for. Article 13:—

“13. That the Judge of the Supreme Court speak the French and English languages.”

The answer given to the foregoing, will apply equally here. The fourteenth article says:—

“14. That treaties be concluded between the Dominion and the several Indian tribes of the country, as soon as possible.”

Fully alive to the necessity of doing this, the Dominion Parliament will not fail to take an early opportunity of dealing with this matter with the view of extinguishing, in an equitable manner the claims of the Indians — so that settlers may obtain clear and undisputable titles. The fifteenth article is:—

“15. That we have four representatives in the Canadian Parliament — one in the Senate and three in the Legislative Assembly.” The Convention will not expect me to say definitely as to the number of representatives to be elected in the Territory, for the Canadian Parliament. But I can promise that the circumstances and requirements of the country will be fully and liberally considered in making the allotment. The sixteenth article is as follows:—

“16. That all the properties, rights and privileges, as hitherto enjoyed by us, be respected, and that the recognition and arrangement of local customs, usages and privileges, be made under the control of the Local Legislature.” On the part of the Canadian Government as well as of Her Majesty’s Representative in British North America — and also as coming immediately from the Sovereign — assurances have been given to all, that the properties, rights and privileges hitherto enjoyed by the people of the Territory would be respected; and I feel sure that the Dominion Government will, with pleasure, [accede?] to the Local Legislature, the recognition and arrangement of local customs, usages, and privileges. The seventeenth article says:—

“17. That the Local Legislature of this Territory have full control of all the public 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.”

With regard to this article, my knowledge of the country and of the extent to which this concession might affect public works &c. is too limited to admit of my expressing any decided opinion on the subject further than that full and substantial justice will be done in the matter. The eighteenth article:

“18. That every man in this country except uncivilized and unsettled Indians, who has attained the age of twenty-one years, and every British subject, a stranger to this Territory, who has resided three years in this country, and is a householder shall have the right to vote at the election of a member to serve in the Legislature of the country, and in the Dominion Parliament; and every foreign subject, other than a British subject, who has resided the same length of time in the country, and is a householder, shall have the same right to vote, in condition of his taking the oath of allegiance — it being understood that this article be subject to amendment exclusively by the Local Legislature.”

Without entering into the details of the article, I would say, that the franchise will be so adjusted as to be altogether satisfactory to the public, both native and emigrant, and in a manner which will conduce to the general welfare. The nineteenth article says:—

“19. That the North-West Territory shall never be held liable for any portion of the £300,000 paid to the Hudson Bay Company, or for any portion of the public debt of Canada, as it stands at the time of our entering the Confederation; and if thereafter we be called upon to assume our share of said public debt, we consent only on condition that we first be allowed the amount for which we shall be held liable.”

My belief is that the Canadian Government has no intention of imposing on the North-West Territory the payment of any portion of the £300,000; and I have so much confidence that they will be [illegible: possessed?], in every respect, by wise and just motives, that in arranging for the distribution of the public debt of Canada, the North-West Territory will not be held liable for anything unfair; in short, that here, as in every other particular, substantial justice will be done (cheers). Having gone through the articles, may I now be permitted to say a few words? Your list is not only long, but contains many things of great importance. In coming here first, I had no idea of it! Nor had the Canadian Government. However I was authorized by them, as Commissioner, to do what in my judgement might appear best in the state of public affairs here. It was thought, at the same time, that there might be some points raised which I really could not deal personally with any satisfaction to the people of the country. This being the case, and looking at the suggestion put forward by the Very Reverend the Grand Vicar, with reference to a delegation from this country to Canada,— I have now on the part of the Dominion Government — and as authorized by them — to invite a delegation of the residents of Red River, to meet and confer with them at Ottawa (cheers). A delegation of two or more of the residents of Red River — as they may think best — the delegation to confer with the Government and Legislature, and explain the wants and wishes of the Red River people, as well as to discuss and arrange for the representation of the country

in Parliament (cheers). I felt that, this being the case, it was less necessary for me to deal very particularly with these matters. On the part of the Government I am authorised to offer a very cordial reception to the delegates who may be sent from this country to Canada (loud cheers). I myself feel every confidence that the result will be such as will be entirely satisfactory to the people of the North-West. It is, I know, the desire of the Canadian Government that it should be so (cheers).

Mr. Riel in French, as translated by **Mr. Flett**, said — Since we have met, this may be said, in certain measure, to be the first work we have accomplished. And it would be too bad to leave it to stand alone, when so much ought really to follow from it. I did not wish to interrupt Mr. Smith, but there was plenty of room for discussing what he had been saying. There is a great deal to be done yet, and I hope the Convention will not tire until everything has been done which ought to be done. I cannot but look on the Commissioners with great respect, and especially Mr. Smith, who came pretty near to our desires, and has invited a delegation to go to Canada with the assurance that they would be cordially received, and that they could make a final arrangement when they went there. A great part of our own work, let me again remind you, has to be performed, and that is, the establishment of order, peace and security in the country (cheers).

The Chairman — I believe you will all concur with me in expressing a sense of satisfaction at having had the pleasure and honor of meeting here the three gentlemen who have favored us with their presence, the Grand Vicar, Mr. Smith and Colonel DeSalaberry (cheers). I think I might take the meeting in my own hands to the extent of telling the three gentlemen how much we are indebted to them for their interview, and for having afforded us the explanations which have been laid before us — more particularly as we feel, from the manner in which their statements have been made, that there seemed to be, on the part of all three, a simple, honest desire to deal in a frank, fair, friendly spirit with us. Therefore (addressing the Commissioners) I desire on the part of the meeting to offer each of you, gentlemen, our respectful acknowledgements.

At half past seven the Convention adjourned till ten o'clock next morning.

Convention of Forty Thirteenth Day

Council Chamber, Upper Fort Garry

Tuesday, 8 February 1870³⁹

Noon — Convention is in session.

The Chairman, in opening the proceedings said — Happily, very happily, when we last separated, it was under circumstances that opened up a fair prospect of a peaceful termination of all the difficulties and disturbances which we have been engaged in considering; and I hope that by the steady prosecution of the course that had then been entered upon, you may soon arrive at final and satisfactory conclusions.

Mr. Fraser — The first business before us is to see whether we will send delegates to Canada — how many; and also —

Mr. Scott — It seems to me that we should see first whether the Convention has the power to send delegates.

Mr. Riel — We have arrived at that point — or very near it — where we must consider the nature of this Convention. Notwithstanding our differences of opinion, we have been friendly up to this point. But we are yet in a loose, unsatisfactory way. It is now necessary for us to place ourselves in a more suitable position. We must have a more fixed existence before proceeding much farther. Unquestionably our position can be improved by drawing closer together than at present; and it is equally unquestionable that we ought to be bound together by bonds of friendship and self-interest. Union is strength. United, we command a hearing from Canada, where our rights are to come from, which we can command no other way (cheers). It is also to be borne in mind that a feeling of insecurity reigns in the minds of people which can be successfully combated in no other way than by a union. This feeling of insecurity, I need hardly say, is unsatisfactory — and all the more so when it is in our power to remove it. Here is a large Convention of representatives — able, honest and good men, — the choice of their people — men who are needed at a crisis like this. Here we have the elements from which the people look for something good. Why not throw them into a shape in which we can act effectually, and work in a more satisfactory manner? We must recognize the fact that perhaps in pushing opinion too far, we may go a long way to repeal the work we have done. We have worked carefully and wisely, and consequently believe we have done a good work. Let us not spoil it by pressing our peculiar opinions too far. For myself I feel the last four months' work to be a good one, and to be consistent, I feel called on to work to the end for the interests of the people. Still the Convention must not for a moment imagine that there is any disposition on our part to disown, or not to acknowledge others, in wishing to maintain what has been accomplished. If matters had been pushed to the extreme, there

³⁹ “Convention at Fort Garry,” *New Nation* (18 February 1870), 1.

would in all probability [have] been something disastrous before now. But there has been a spirit of moderation and friendship under all this earnest working to secure the rights of the people. One of these days, then, manifestly, 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 (cheers). As for the past, it can never be admitted that a proceeding which has saved the country is a thing to be despised. The result shows it to be a meritorious and good thing. Should this Convention separate without coming to an understanding, we leave matters worse than ever — we leave open a gap in which all our people may be engulfed; and in the angry waves of the flood which might sweep over the Settlement, we may find reason for regret that a wiser course had not been adopted when it lay in our power. Dark, mysterious, dangerous rumors are afloat all the time. I have heard a rumor as to armed men gathering in the Lower Settlement. I do not believe it. But all these rumors have a mischievous tendency. These rumors and counter-rumors are injurious to our prosperity; and we should do what we could to put an end to them (cheers). Let the Convention decide on delegates to Canada, if they will, but after that we ought to take this step for the promotion of order I have alluded to.

At this stage, one o'clock, P.M., Convention adjourned for an hour and a half, to dine.

Three o'clock, P.M. — **The Chairman** said that the business before them, had been alluded to in Mr. Riel's speech that forenoon, wherein he touched on several prominent and important matters, and in a very proper way.

Mr. Ross — I have a proposition to offer, with respect to sending delegates to Canada. We have received from the Commissioners an invitation to send delegates to Canada, and have had their promise that these delegates would receive a most cordial reception at the hands of the Canadian Government. That being the case, and looking at the matter as desirable and fitted to do good to the people of the country, I would propose that Commissioners be sent. The course proposed is one of the best that can be now taken for the country. At Ottawa, information will be required as to the wants and wishes of the people here — and it is impossible to get that information from books or in any other way than by written information or delegates. Seeing that we have drawn up a bill of rights, and that it has to be presented to Parliament, it is of great importance that we should have delegates there to give all the requisite information and furnish details which it would be impossible to get in any other way (cheers). Our circumstances are peculiar in a peculiar sense, and without the presence of such a delegation, the legislators in Ottawa might be unable to understand or appreciate properly the merits or bearings of all the points brought forward in the list (hear, hear).

But I am satisfied that with the delegates there — men acquainted with the discussions here and the state of the country and the public feeling, — I am satisfied that they could give such information that the bill of rights could be got easily, and more if

necessary (cheers). Mr. Scott raised the question as to whether this Convention had the power to send delegates. Mr. Scott's opinion is a very valuable one: for he takes an intelligent view of things; and I do not think that he is opposed to the view that we have the power. For my part, I have no doubt of it; and I have as little doubt of the utility of the movement. Suppose a man like Mr. Riel at the seat of Government — a man thoroughly conversant with all the feelings and sentiments of his people. Is there another man who can so well express these views and sentiments? Such a man would do immense good in that position (cheers). I now beg to move — That inasmuch as the Canadian Commissioners invited delegates from this country to Canada to confer with the Canadian Government as to the affairs of this country — and as a cordial reception has been promised to said delegates — Be it therefore resolved that the invitation be accepted, and that the same be signified to the Commissioners.

Mr. Riel — It is for the Convention to accept or refuse the invitation extended by the Commissioners, and notify them accordingly. For my part I am not ambitious to go to Canada as a representative for this country. My country has given me a position here, and I am not going to leave it for any other position, so long as my country holds me there. I am not going to descend to the position of delegate, as long as my country chooses to hold me where I am. After we accept or reject the proposition of the Commissioners, I would like to see this question of Government come up. Our first step, in my opinion, is union. An actual Government is in existence. If we join with that, we establish a Government for the country generally. It may be well that I should here repeat that in all that has been done, we have never had the least intention to interfere with, in any improper manner, our English-speaking friends (hear hear). All our efforts [have been directed?] to the benefit of the whole country; and we did so without wanting recognition. We sought the welfare of the country in good faith and without prejudice. What we have done in the past has been wholly our own. We are willing to guarantee you against all responsibility for any of our acts, even by a written instrument.

Mr. Ross's motion, seconded by **Mr. Riel**, was then put and carried, and Messrs. Tait and Laronce were appointed to convey the resolution to the three Commissioners.

Mr. Riel — The question of forming a Government is now fairly before us; and from the indications of feeling shown by the English delegates, I infer that they appreciate the importance of the question and the necessity of dealing with it.

Mr. Ross — I would like to express my conviction that we ought to deal with this question in a frank and friendly spirit. The tone and sense of Mr. Riel's speech this morning, the spirit it breathed, and the object at which it aimed, were such as to command our approbation. We can no longer waive this question (cheers). We are not in a satisfactory position in this Settlement at present. We all feel that; and, as we are met here to take such steps as may be best for the future welfare of the country, we must deal with this question of Government. I hold it to be our duty, before we separate, to come to some basis of a Government in which we can work a common cause — the good of the whole country (cheers). The fact is, we have no option in the matter. We must restore order, peace and quietness in the Settlement. The details are another matter, and I trust we will consider them calmly and on their merits. I am confident we can do so — and, further, that it is our duty to do so (cheers).

Mr. Sutherland — The grand question, to my mind, has relation to the head of the Government. Once that is settled, everything else is comparatively easy.

Mr. O'Donoghue — It must be borne in mind that the French party took action not for the benefit of any one section, but of the whole country. I have had the honor of taking a trifling part in the Government of the country during the last four months, and in that way have become pretty fully acquainted with the feelings of the people. The Provisional Government was established on the 24th of November and proclaimed on the 8th of December. Among some, I know, its advent was feared, as under such circumstances the feeling was not unnatural. But time, I believe, will obliterate all these feelings, and show that it was in the interest of the country we were working. And if, for the moment, we were not helped by all, the good effects of our action will be more thankfully recognised hereafter. The Provisional Government which was established has been recognised by the whole world — order has been preserved and life and property secured by them. As far as the influence of that Government extended, it was perfect. As Mr. Ross says, it is necessary to establish a more general form of Government. For my part I think it is only necessary to join that Government which is already in existence. I do not think it generous on the part of those who have not joined the Government to throw out the suggestion of bursting up that Government, and going to form a new one. I hope there is no such desire. This Provisional Government ought to continue till the rights of the people are secured and then let a Government constitutionally formed according to negotiations with Canada take its place. For my part I recognise the Provisional Government, I recognise its head, and until his people declare otherwise he ought to hold that position.

Mr. Ross — I would suggest as an easier and more satisfactory way of arriving at a conclusion in this subject that we refer this matter to the committee previously appointed by the Convention, whose business it would be to discuss it fully and report tomorrow morning, and that in meantime the Convention adjourn.

Mr. O'Donoghue — I object to that committee. I do not myself think it is the business of a committee. There seems to be in this matter a want of gratitude and generosity to a gentleman whom, were he not present, I would speak more. Persons who have not done one single thing to achieve this unparalleled political triumph, now wish to depose the leader of the movement,— a man who forced Canada to recognise us as a people, and not as buffaloes. It is not for those people to come here now, and with feelings of ingratitude, seek to throw aside the leader of the movement as one unfit for the position of governor of the country.

Mr. Sutherland — I would like to say that we did not take any active part in the proceedings alluded to, because we did not see our way clearly. Many of our people say to-day that they did not consider these proceedings at all necessary. The greater part of the list of rights which has been drawn up, we expected to get at all events. The commission given to Mr. Macdougall⁴⁰ includes in the main your bill of rights; and on

⁴⁰ William McDougall.

these grounds we did not consider it necessary to join in the former proceedings. But at present we occupy a different position and are willing to form a government for the sake of harmony and good will. We are willing to go as far as we can with our friends on the other side, and form a Government. Another point is, that it was generally felt that by joining the Provisional Government our people incurred too much responsibility, and threw away a certain portion of loyalty. We are all British subjects, and the general enquiry among our people was how far would it be right and proper for us to join a Provisional Government unless we have legal authority for so doing — and where can we get that authority?

Mr. O'Donoghue — In reply to Mr. Sutherland, I would observe that my remarks did not apply to the Convention. The authority coming here from Canada was not, certainly, a legal authority in any sense of the word. When that bogus proclamation was issued by Macdougall, it was said that it was all right and everything was legal. Was it so? Had not the Provisional Government a better authority for its acts? As to the English people having any fear of joining the Government lest they might throw away a part of their loyalty, I do not see how there can be any fear on that score. If we are to hold to our loyalty as British subjects, then we must have our rights as such, and we have never had them here; and yet we hear men harping continually on their loyalty as British subjects.

Mr. Riel, in alluding to Mr. O'Donoghue's sentiments towards him personally, said — I have worked in the past for the good of the country, and that will be my guiding sentiment in the future (cheers). As to the gratitude or ingratitude of any party, all I can say is that I will do my best to deserve the thanks of all, and will retain my position as long as the people wish to keep me there (cheers).

Mr. Fraser — I do not wish to detract from the respect due to any; but I must say that the good we are to realize from the movement of the last three or four months, remains to be seen. If good comes out of it, I have no doubt the whole Settlement will gladly honor and praise those who risked so much to secure that good.

Mr. O'Donoghue — If the English people are sincere — if they wish a union — here is a Provisional Government established,— now is the time for them to recognize it,— and form one body for the Government of Rupert's Land and the North-West.

Mr. Riel — The Provisional Government is an actual fact. Why not recognize it? You have, in reality, practically recognized it by your acts in this Convention. It has accomplished some good. Help it to do more. A proclamation was issued from Mr. Macdougall on December 1. Some of you would hardly admit of dispute, when I offered to doubt the genuineness of that document. It turned out to be a baseless affair, from first to last; and the blame rests between Mr. Macdougall and the Canadian Government. For my part, I think that whatever faults Mr. Macdougall has been guilty of he can be freed from that, and the blame laid upon the Canadian Government. But suppose the real proclamation from the Queen to be out, as was then supposed, where would the Hudson

Bay Company now be, legally? Outside the line — stuck somewhere on the plains, around Boivaeris house (laughter).⁴¹

At this stage, there was a lull in the business, while two members of the Convention, Messrs. Sutherland and Fraser, were “interviewing” Governor Mactavish. On their return, at the request of the Convention they gave a brief account of what passed.

Mr. Sutherland said — In order to clear away my own doubts, I went with Mr. Fraser to see Gov. Mactavish, I asked his opinion as to the advisability of forming a Provisional Government. He replied, “Form a Government for God’s sake, and restore peace and order in the Settlement” (cheers).

Mr. Fraser — Another question we put to him was,— Will you delegate your power as Governor, to another? He answered,— I will not delegate my power to any one.

Mr. Riel — I would like to ask Mr. Fraser whether Mr. Mactavish declared himself the Governor.

Mr. Fraser — He did not.

Mr. Riel, (hastily) — It is well he did not, as out of this Convention I would have formed a Council-of-War; and we would have seen the consequences.

At seven o’clock P.M. the Convention adjourned till next day.

⁴¹ See Alan Macdougall, “Eighth Ordinary Meeting: Canadian Cattle Trade and Abattoirs,” *Proceedings of the Canadian Institute, Toronto: Being a Continuation of ‘The Canadian Journal of Science, Literature and History,’* new series, vol. 2, *Session 1883–1884* (1884?): 53, which suggests that ‘Boivaeris house’ might be an inaccurately rendered translation: in the Canadian cattle trade the sheds or barns where animals were kept to cool down after being driven to market were known as ‘bouverie.’ Riel appears to have been referring to hapless Governor-in-waiting McDougall’s ignominious lodging at Pembina.

Convention of Forty Fourteenth Day

Council Chamber, Upper Fort Garry

Wednesday, 9 February 1870⁴²

Eleven o'clock, P.M. — Debate on the establishment of a Provisional Government resumed.

Mr. Ross — We have been discussing for some time past, the organization of a Government for Red River and the North-West, and have, I think arrived at a point, whence we may come to a conclusion. We are all anxious for union (cheers) — provided that union can be effected on a basis which we can justify to ourselves, our consciences, and our constituents. I look upon union as a boon above almost anything else we can secure at present (cheers). So far we have not acted in one way with the same means. We are but a small Settlement, and it cannot be possible but we can find a common basis, on which we can work together harmoniously and like brethren (cheers). We are natives of the country with common interests and common aims and yet we are disunited. Is there any sufficient reason to justify this divergence — a divergence fraught with peril and injury to the public welfare? For my part, having looked at the matter fairly and fully, I have come to the conclusion that there is a basis on which we can unite, and yet save our principles. The greatest difficulty the English people had to come into a union with their French brethren, was the legality of the Government. We did not like to go outside the law, lest it might involve us in responsibilities which we did not like to incur. That difficulty is, I conceive, now done away with. The man in this country who has — if any body has — legal authority — authority from England — has told us plainly that for his part, we are at perfect liberty to go forward and form any Government we think best for the welfare of the country (cheers). I am glad we have got rid of that difficulty. It relieves our people at one stroke from a sense of responsibility which they felt to be weighing them down to the ground. Another serious difficulty our people felt was that the Government organized by our French brethren had done certain things which we could not endorse. Our French friends were the party of action, and chose to act in a way respecting which we had strong scruples. Now we find ourselves in this position. From the words uttered by the head and front of that Provisional Government — uttered in all frankness and sincerity — we find that he, and those acting with him are willing to assume the whole responsibility of all that is done up to the time of union. If necessary, he will give us in writing a contract freeing us from all the responsibility of any acts done by his party and himself up to the time of union. There again, a load has been removed from our minds (cheers). I will refer to one other topic, because our people feel strongly on it,— I mean the prisoners (hear, hear). This question has troubled the English mind. It has been the act, not of the whole Settlement, but of the Provisional Government, representing one half the Settlement. And I have not the least doubt but that our French friends will meet us on this point in a manner to satisfy us (cheers). I believe we will have

⁴² “Convention at Fort Garry,” *New Nation* (18 February 1870), 1–2; AM, E.9/1, 16–17.

such assurances on this ground that we will feel perfectly at liberty to come to an agreement, and shake hands once for all with our French friends (loud cheers). Apart from this general view of the question,— which I believe will command the attention and approval of our people,— I would say that in my opinion, if we agree on the principle of union, the mere matter of details as to the particular form of Government may be settled easily by committee.

Mr. Riel having complimented Mr. Ross on the views he expressed, said — In view of the great benefits to be secured by this union, if it is consummated, we, on our part, will withhold nothing. Not only will we rejoice, but Canada and England will rejoice if we find a basis on which we can all unite (cheers). Having spoken at some length Mr. Riel concluded by saying — This moment is a happy one for the Red River people — for we are determined to unite and be brethren henceforth (cheers). To secure such a boon anything in our power will be granted (renewed cheers).

At one o'clock the Convention adjourned for dinner.

Three o'clock P.M. — Debate resumed.

Mr. Ross suggested that the committee appointed to draw up the List of Rights, be appointed to arrange the details of the new Government for the North-West.

Mr. Fraser, seconded by **Mr. D. Gunn**, moved — That the Committee previously appointed to draw up the List of Rights be reappointed to discuss and decide on the basis and details of the Provisional Government which we have agreed is to be formed for Rupert's Land and the North-West Territory,— Carried, with the substitution of Mr. O'Donoghue for Mr. Schmidt,— who was absent.

Convention adjourned to allow the committee to proceed with their labors.

Seven o'clock P.M. — Convention sitting.

The committee which had been at work stated that Mr. Ross had been appointed Chairman and Dr. Bird Secretary. Dr. Bird then handed in the following resolutions which had been agreed to by the committee.

1. That the Council consist of twenty-four members; twelve from the English and twelve from the French speaking population.⁴³
2. Each side decide as to the appointment of its own members of Council.

⁴³ AM, E.9/1, 16; see also Begg, *Creation of Manitoba*, 270.

3. That Mr. James Ross be Judge of the Supreme Court.
4. That all Justices of the Peace, Petty Magistrates, Constables, &c., retain their places, with the exception of William Dease, Justice of the Peace, whose place shall be taken by Norbert Laronce.
5. That Henry McKenney, Esq. be Sheriff as before.
6. That Dr. Bird be Coroner, as before.
7. That the General Court be held at the same times and places, as formerly; and that the Petty Court be held in five Districts: Lower, Middle, Upper, St. Ann's (Point de Chene), and St. Margaret's (Laprairie).
8. That Mr. Bannatyne be continued Post-master.
9. That John Sutherland and Roger Goulet be Collectors of Customs.
10. That the President of the Provisional Government be not one of the twenty-four members.
11. A two-thirds vote to over-ride the veto of the President of the Provisional Government.
12. That Mr. Thomas Bunn be Secretary to the Provisional Government, and Mr. Louis Schmidt, Under-Secretary.
13. That Mr. W.B. O'Donoghue be Treasurer.

Mr. Nolin — Since a number of officials has been named I think it would be well to name also the President of the Council.

Mr. Laronce — I would move that the name of Mr. Riel be added to the report, as President of the Provisional Government.

Mr. Riel left the chamber.

Mr. Flett — The other officers having been named, for my part I have no objection to our appointing the President at once. But I would like to hear from my parish on the subject, and would return an answer as fast as possible.

Mr. Tait — This is a new matter on which we really are not authorised to act.

Mr. Riel (having again entered the room) — I assume that some of the English delegates are a good deal changed and bound, and in that possibly, have possibly deceived us. You may be bound by certain pledges, but I do not see how you can let these stand in the way of union. We have arrived at a feasible, sensible plan for getting out of our trouble, and the report of the committee ought, I think, to be adopted. Even were I President, the two-thirds vote, would leave me feeble, weak and powerless. Under all the circumstances I hope you will finish before leaving. Your people are full of prejudices; and I can only say for my part that if a better head is secured for the Government, I am at

your service. I know that you are bound by your people; but why did you not say so when we were organising the committee? What was the use of appointing the committee, if you could not act? That committee gave the English people all of the officers but one or two. But it is an organisation without a head. I will give you a bit of advice. Let us give public notice of what you think and have said to-day, and get an expression of public opinion. If it is your duty to go back, go; and if you do not come again, why your people can stay as they are. As for us, we will work as we have done,— we will do, not our work alone, but your work — without distinction. If you do not come back we will look upon what has been done as nothing at all. We will make out a new bill of rights, form a Provisional Government, and try to make it obeyed. On my life (continued Mr. Riel in a passionate outburst) I will say so. If the prejudice of your people are to prevail, they may do so,— but it will be in my blood.

Mr. Ross — I think, with Mr. Riel, that we have arrived at a point where we ought to cast all mere prejudices aside. I should be sorry to think that under the commission by which we sit here we should be trammelled by mere prejudices, and should not take into hand fairly whatever concerned the welfare of the country. For my part I have no hesitation in saying that were Mr. Riel the choice of the people of Red River to-morrow, I would vote for him as head of Government. I move the adoption of the report.⁴⁴

Mr. Scott — I think it but right and proper that Mr. Riel should be declared President. He has worked nobly, and not only in my own name, but that of my constituents, do I acknowledge him.

Mr. Boyd — If this programme is to be taken up point by point, I decline to vote on it. If taken up as a whole, then I say that every man in my parish has a right to know what we are asked to agree to, and how are they to know unless I get time to tell them. I will undertake to go down at once to my constituents, point out to them the advantage and necessity of forming a Government, and leave it to the [people to?] decide (hear, hear). Their decision [illegible line].

Mr. O'Donoghue compared the [act?] 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. It seems

⁴⁴ AM, E.9/1, 17, has notes, apparently on the debate about Ross's motion, but they are crossed out.

strange to me that the English population cannot place that confidence in their representatives that the French do, but must always bind them down.

Mr. Fraser — I do not know that we have received from our people the necessary powers to sanction us in setting to work to form a Government. Such a thing as our forming a Provisional Government never came into their heads when they sent us. Further, let me say that since we came here it took some time and labor to convince us, delegates, of the propriety of having this Government. Our people have no such knowledge. They did not give us *carte blanche* — to do as we liked. We must have time for reflection and consulting our constituents.

Mr. Riel (walking the chamber and soliloquising) — My goodness. I like better to fight than to work this way.

Mr. Spence (Indian Settlement) — I will do anything to secure the peace and welfare of this country. Let us not be servants of man but of God!

Mr. O'Donoghue — It is very strange that while seeking security for life and property, the English delegates do not recognise the Provisional Government,— which gives that necessary security.

Mr. Fraser — I think it is not all surprising our people have not thought of joining the Provisional Government. They esteemed the Hudson Bay Company, the only legal authority in the country, and therefore did not wish to subvert it. We feel, as well as you, that some change is needed, as for months back many in the Settlement have not done six pence worth of work.

Mr. Ross again put his motion. **Mr. Nolin** seconded it.

Mr. D. Gunn — I am exceedingly sorry I have not power to deal with the question before us summarily. Individually I would be satisfied with the appointments proposed.

Mr. Xavier Pagee moved in amendment that the name of Mr. Riel be added to the report of the committee, as President of the Provisional Government.

Mr. D. Gunn renewed his statement, that the delegates from St. Andrews were not sent to the Convention to form a Provisional Government, and urged that they should be allowed to consult their constituents.

Judge Black — With regard to this motion, I rise merely to say, that I have refrained altogether from speaking upon it, and that I shall decline to vote upon it. Apart from other considerations, there are obvious reasons, personal to myself, why I should take that course: and I am sure you will all easily understand my motive.

Mr. Riel — We very well understand the position our President occupies. We always found Mr. Black an honorable member of the Hudson Bay Company. Public necessity is paramount to any private feelings we may have, and with all respect we have

for that gentlemen, we still make the change. But my last words are, respect and thanks to Mr. Black (cheers).

Mr. Bunn — Before Mr. Pagee's amendment is put, let me say that I believe it to be absolutely necessary to secure a unanimous vote. For one I am ready to cast in my lot with a Provisional Government, and any reasonable man will understand that the formation of such a Government is our only safe course just now (cheers). There is really no other course open to us. Look back at the past four or five months. You know as well as I do, the oppression resting on the minds of all, which still rests there. This morning a gleam of light broke through that gloom (cheers). But again the gloom is gathering. Is it to overspread all our fair prospects? What is, after all, the objection to joining in a Provisional Government? This morning we all agreed that it was essentially necessary to form such a Government. A committee was struck to lay down a [report?] of union. They reported — and this evening members hark back on account of groundless fears and prejudices (hear, hear). Why should these gentlemen be afraid of their constituents if they took the motion urged? I am not. When I go back to my constituents and tell them that I have secured peace — that, at last, there is safety for life and property — and that this has been effected by forming a Provisional Government they will be astonished (cheers). When I tell them further that we have released the prisoners,— that they may now proceed confidently with their avocations, as property, public and private, will be respected, they [illegible line] and I [illegible phrase] future to predict that I will be thanked and not blamed for helping to form a Government (cheers). I am rather doubtful, if we part to-night, as we are, whether we will ever again have an opportunity of uniting. People's minds are disturbed: and I say it will endanger the future welfare of the country if we part tonight without finishing the work which we have labored at so long and anxiously (cheers). I now appeal to you, in the interests of this country — I appeal to you in behalf of the whole industrial population of the Territory — for your own sakes — for the sake of your homes — your firesides — your altars — and by yet another appeal, to which all must bend an ear, by all who are near and dear — you do not leave us disunited,— finish the work which you have so well begun (loud cheers).

Mr. G. Gunn — It is too far for me to go back and consult my constituents. But I would say it would suit our people very well to be let alone. The people here ought to cast aside prejudice and form a new Government by all means. As for us, we don't need much governing, and can get on very well alone.

Mr. Riel (to Mr. Cummings) — Are you of the same opinion?

Mr. Cummings — Yes.

Mr. Riel (angrily) Then I ask that your name be struck off the minutes everywhere you voted.

Mr. Cummings — I am quite agreeable.

Mr. Riel denounced the Poplar Point and High Bluff delegates, and said that if they did not decide at once in joining in a Provisional Government arrangement, there would be war — war within fifteen days.

Mr. Ross withdrew his amendment in order to allow Mr. Pagee to incorporate it with his.

Mr. Boyd — I have no objection to the programme placed before us, and will do what I can to carry it through among my people, believing, as I do, that we must all make concessions in order to assure the union; but I decline to vote on it.

There was a brief interval here, while the English delegates consulted.

Mr. Pagee, seconded by **Mr. Thibert**, then moved — That the report of the committee be adopted, and that the name of Mr. Riel be added to it as the President of the Provisional Government.

The motion was carried without a dissenting voice — the Chairman, Mr. Boyd and Mr. Cummings did not vote.

Mr. Riel — In view of the present attitude of affairs,— appointed head of the Government, by the voice of the people — I feel a greater responsibility than ever before. (Turning to the French delegates he said) — I would ask you as an act of grace, to consent to Dr. O'Donnel's⁴⁵ immediate release from confinement (cheers). Let us also release Mr. Bannatyne, Dr. Cowan and Mr. Mactavish from all confinement (renewed cheers).

Orders were given for the release of these prisoners.

The Chairman — No one can be more rejoiced at this than I am; and since the thing has reached this stage. I hope the rest of the prisoners will be restored to liberty as soon as possible.

Mr. Ross — I, too, must express the very great pleasure I feel at this result. It is one I have longed to see. We are meeting here as brethren and let us hope that soon we'll hear of the release of all the prisoners (cheers).

At a quarter past ten, P.M. the Convention adjourned till to-morrow.

⁴⁵ Dr. John Harrison O'Donnell, who arrived at Red River in November of 1869 from Canada.

Convention of Forty
Fifteenth Day

Council Chamber, Upper Fort Garry

Thursday, 10 February 1870⁴⁶

Noon — Convention again in session.

Mr. Sutherland and **Dr. Bird** said they were absent last night, when the vote was taken, but had they been present, they would have voted with the other members of the Convention.

At the suggestion of **Mr. Ross**, a debate [arose?] with regard to the period of holding the next Quarterly Court. It was agreed that the present session, which ought to open on the 17th should be foregone, in prospect of the Court sitting at the usual time in May next.

Mr. O'Donoghue, seconded by **Mr. Lascerte**, moved that Mr. DeLorme take Mr. Dease's place, and Mr. Laronce that of Councillor for his own parish — Carried.

A debate then arose on the subject of sending delegates to Canada.

Mr. Ross — We have agreed on the principle of sending delegates to Canada, but left undecided how many, and who. In connection with that, I would like to ask if anybody can throw light on the question of how the expenses of the delegates are to be met.

Mr. Riel — For all the trouble caused in this country by Canada, I hope she will be kind enough to pay the delegate's bills, one way or another. As to their appointment, that is a matter which ought to be dealt with by the Provisional Government, formed last night. It is not respectful to me or my Government to take this out of our hands.

Mr. O'Donoghue — I think the Canadian Government has a disposition to pay the expenses of the delegation. One of the Commissioners, Colonel DeSalaberry, assured me that he would take on himself, in the name of the Canadian Government, to pay the expenses of the delegation,— unless too many were sent.

The Chairman — This morning I saw Mr. [Smith? illegible] for a few minutes, and alluding to this question, remarked that the expenses of the delegates was a somewhat important question. The result was, that without giving me any positive assurance on the point, he led me to believe that he was quite prepared to hear any application from the meeting on the subject, and that probably he might arrange the matter — in fact, saying pretty much the same thing as Col. DeSalaberry appears to have said to Mr. O'Donoghue.

⁴⁶ "Convention at Fort Garry," *New Nation* (18 February 1870), 2; AM, E.9/1, 17.

Mr. Riel — The work of the Convention seems about at an end. Having alluded to the difficulties under which the English delegates laboured — which difficulties had been cleared away — he said, The first Provisional Government assumes the full responsibility of all its acts. As to the prisoners, I not only repeat to you the assurance I gave yesterday, but will at once state that all the prisoners are to be released (cheers) — some in one way and some in another. A few will have to leave the country, as men considered dangerous to the public peace, if left here at large. But the hardship in their case will not be very great as they are single men. One other, William Hallet, will be released, after giving full guarantees. In respect to Dr. Schultz, the position is this — he is exiled forever, and if found in the country is liable to be shot. All his property, also, is confiscated. But here again, I would remind the Convention that the first Provisional Government assumes all the responsibility of these acts. For the support of the present Government I would further say that it is at least desirable — and I should request it — that if any one sees Schultz in the country, he should report it. Mr. A. Lepine will receive orders to administer the oath of allegiance to the prisoners who are to be released, as he is in charge of the Fort. As for Schultz, as I said, his goods are confiscated; and in this way some of those to whom he is indebted will be provided for.

Mr. O'Donoghue — I would not like to take the responsibility to pay *all* his debts.

The question of sending delegates to Canada was again brought up by **Mr. Ross** and **Mr. Bunn**, but was opposed on the same grounds as before by the President and Treasurer of the new Government.

Soon after, a vote of thanks was passed to the Chairman, and the Convention adjourned for an hour.

The following delegates were then nominated by the President and ultimately elected:— Rev. Mr. Richot, Judge Black, Alfred H. Scott.

In the case of Mr. Scott, there was some opposition on the score that a Half-breed ought to be elected; but ultimately his nomination was confirmed and the Convention adjourned *sine die*.

Appendix A⁴⁷

Bill of Rights

1. That in view of the present exceptional position of the North West duties upon goods imported into the Country shall continue as at present (except in the case of spirituous liquors) for three years, and for such further time as may elapse until there be uninterrupted railroad communication between Red River Settlt [sic] and St. Paul, and also Steam Communication between Red River Settltmt [sic] & Lake Superior.
2. That as long as this Country remains a Territory in the Dominion of Canada there shall be no direct taxation except such as may be imposed by the local legislature for municipal or other local purposes.
3. That during the time this Country shall remain in the position of a Territory in the Dominion of Canada all military, civil and other public expenses in connection with the general government of the country — or that have hitherto been borne by the public funds of the Settlement, beyond the receipt of the above mentioned duties, shall be met by the Dominion of Canada.
4. That while the burden of public expense in this Territory is borne by Canada, the Country be governed by a Lieut^t. Governor from Canada, and a Legislature, three members of whom, being heads of Depts [sic] of the Government shall be nominated by the Governor General of Canada.
5. That after the expiration of this exceptional period, the Country shall be governed as regards its local affairs, as the Provinces of Ontario and Quebec are now governed, by a Legislature by the people, and a Ministry responsible to it, under a Lieut. Governor appointed by the Governor General of Canada.
6. That there shall be no interference by the Dominion Parlt [sic] in the local affairs of this Territory other than is allowed in the Provinces; and that this Territory shall have and enjoy in all respects, the same privileges, advantages [&] aids in meeting the expenses of this Territory as other Provinces have and enjoy.
7. That while the North West remains a Territory the Legislature have a right to pass all laws local to the Territory over the veto of the Lt Governor [sic] by a two-thirds vote
8. A Homestead & pre-emption law.

⁴⁷ A.M. E.9/1, 18–20. Note: pages 21–22 of this collection of papers include entries titled “Losses at Red River,” “Retiring Interest of Officers,” and “Expenses in London.” See also Begg, *Creation of Manitoba*, 255–259, for a version of the Bill of Rights with the full 20 articles – though the article relating to the hay privilege is absent.

9. That while the North West remains a Territory the sum of \$25.000 [sic] a year be appropriated for schools, roads & bridges.
10. That all public buildings be at the expense of the Dominion Treasury.
11. That there shall be guaranteed uninterrupted Steam Communication to Lake Superior within 5 years And also the establishment by rail of a connection with the American railway as soon as it reaches the International line.
12. Struck out.
13. That the English & French languages be common in the Legislature & Courts And that all public documents & Acts of the Legislature be published in both languages.
14. That the Judge of the Supreme Court speak the French and English languages.
15. That treaties be concluded between the Dominion and ^{the} [inserted] Several Indian tribes of the Country as som [sic: soon] as possible.
16. That until the population of the Country entitles us to more, we have 3 representatives in the Canadian Parliament — 1 in the Senate & 2 in the Legislative Assembly.
17. That all the properties, rights & privileges as hitherto enjoyed by us be respected, and that the recognition & arrangement of local customs usages & privileges be made under the control of the Local Legislature
18. That the two Mile hay privilege be converted into fee simple ownership.

This last article was under discussion when the Committee adjourned the Feb 2^d

Appendix B⁴⁸

FRIDAY, FEBRUARY 11, 1870

Last Acts of the Convention

Formation of the Provisional
Government of Rupert's Land

LOUIS REIL [sic], President.

THOS. BUNN, Secretary of State.

LOUIS SCHMIDT, Assist. Sec. State.

W.B. O'DONOGHUE, Sec. Treasury.

JAMES ROSS, Chief Justice.

Council of the People to be Elected.

THE BILL OF RIGHTS

THE DELEGATES TO CANADA

The situation at present is one which enables the Canadian Press fond of using the word "rebel" to apply that epithet equally to all in this Settlement. The Convention of forty representatives from all Parishes, English, Scotch, and French, after drawing up a Bill of Rights to be demanded, insisted upon, and guaranteed, before this Territory shall pass into Confederation, has terminated its labors by unanimously confirming the election of Mr. Louis Riel as President of the Provisional Government: by the election of Mr. Jas. Ross as Chief Justice; Mr. Thos. Bunn, Secretary of State; Mr. Louis Schmidt as Assistant Secretary, and Mr. W.B. O'Donoghue as Secretary of the Treasury. A general election is to take place at once for the formation of a Council composed of twenty-four representatives from every portion of the Colony. In short the Government will, as speedily as possible, be completed in all its functions and in perfect running order.

⁴⁸ "Friday, February 11, 1870: Last Acts of the Convention, Formation of the Provisional Government of Rupert's Land," *New Nation* (11 February 1870), 3.

We cannot too highly commend the members of the Convention for their persevering, untiring efforts culminating in the final and irrevocable union of the different factions in our midst, and it should be a matter of congratulation, that thus far no violent display of hostilities has occurred, and bloodshed has been avoided. Henceforth we trust that actuated by common desires and kindred interests, the kindly feeling now pervading every bosom may be a guarantee for perfect peace and harmony. The Hudson Bay Government having voluntarily surrendered the Administrative power to the people, the people now rule, and for them we hope and expect a magnificent future.

The selection of a President has been a most judicious and politic one. It places as Chief Executive an individual possessing administrative abilities of the highest order, and who - fully understanding and appreciating the public mind upon the momentous questions at issue, will deal with them in the manner which will best subserve [sic: subserve] the general weal. The other officers elected are too well known in this Colony to require any eulogy at our hands. Their high personal characters and well known capacity and integrity, we feel assured, will win the warmest approbation for their selection.

The Bill of Rights framed by the Convention we take to be a very moderate one, and one which, if Canada is as deeply desirous of attaining this Territory as represented, she will unhesitatingly grant. Should she not, however, there is another country toward which we look with longing eyes, and which will guarantee us interests compared with which those held out by the Dominion are truly insignificant.

The confirmation of Louis Riel as President of the Provisional Government of Rupert's Land, by the Convention, was announced amid salvos of artillery from the Fort, and the cheers of the delegates. The Town welcomed the announcement by a grand display of fire-works and the general and continued discharge of small arms. The firing and cheering were prolonged until [sic] late in the night, everyone joining in the general enthusiasm. As a result of the amicable union of all parties upon one common platform, a general amnesty to political prisoners will shortly be proclaimed, the soldiers remanded to their homes to await orders, and everything be placed upon a peace footing.

“Vive la Republique.”

The following gentlemen were yesterday appointed Delegates to Canada, on behalf of the people of Red River:—

Judge Black, Rev. Mr. Richot, Alfred H. Scott.

The English Delegates have arranged the mode of election for their twelve representatives, to the Provisional Government, and apportioned the representation as follows:—

St. Clements 1; St. Andrews 2; St. Paul's 1; Kildonan 1; St John's and Town of Winnipeg 1; St. Jame's [sic] 1; Headingly 1; St. Ann's 1; St. Margaret's 1; St. Mary's 1; — 12.

The elections are to come off if possible during next week. The voters in each Parish are all the male residents of the age of 21 years, and the mode of election will be by public meeting. No time has been fixed for the first Council, but it is understood that it will be as soon as possible.