### The Dominion Lands Act

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An effort has been made throughout this study to discover what government policy was concerning the allocation of the 1,400,000-acre grant to Half-breeds in particular and public lands in the North-West generally. The confrontation at Rivière aux Ilets de Bois showed that there was no room in Manitoba, in the government's view, for the concept of Half-breed "blocks" of land. The government's failure to support Archibald in this particular initiative left no doubt about this. Questions about broader aspects of policy – and of priorities – remained to be answered.

No clearer indication can be given of the priority assigned by the Canadian Cabinet in 1872 to the settlement of the 1,400,000-acre grant to the Half-breeds than is given in the Dominion Lands Act, which came into effect in April of 1872.<sup>1</sup> First of all, the claims of the Half-breeds are not mentioned at all until section 105 of the 108-section Act. Then the language of section 105 says it unmistakably:

> The Governor in Council shall at any time hereafter, subject to then existing rights, as defined or created under this Act, withdraw from the operation of this Act, such lands as have been reserved for Indians or may be required to satisfy the Half-breed claims created under Section 31 of the Act 33 Victoria Chapter 3 [The Manitoba Act].

The Act was assented to on April 14, 1872, almost two years after the negotiations between the delegates and the two Cabinet ministers, Cartier and Macdonald. Then, "subject to then existing rights, as defined or created under this act", the Governor in Council was to withdraw the lands reserved for Indians and the 1,400,000 acres to be granted to the Half-breeds. Far from being dealt with, as Archibald put it, as if they were "purchasers who had paid their money into the Crown Land Office", the Half-breeds were to be dealt with, subject not only to prior rights "defined" by the Act – this could be an administrative necessity – but also to rights "created" under the Act. As for Cartier's "as to meet the wishes of the Half-breed residents",<sup>2</sup>

there is no trace whatever left of it. One cannot but wonder whether Cartier had had any part at

all in the drafting of the Act, for any alert functionary could have pointed out to the drafters that

there was a section in the Manitoba Act which had to be taken into consideration in it.

It will be useful now to make a short study of the provisions of this Act, especially of

those dealing with "rights", "defined" or "created" by it.

Section 42 dealt with the Indian title:

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None of the provisions of this Act respecting the settlement of Agricultural lands, or the lease of Timber lands, or the purchase and sale of Mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

The Hudson's Bay Company, then active in the North-West for more than two hundred

years, was remembered in sections 17 to 21:

Whereas by article five of the terms and conditions in the surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed in townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt":

"And whereas it is found by computation that the said one-twentieth will be exactly met, by

allotting in every fifth township two whole sections of six hundred and forty acres each, and in

all other townships one section and three-quarters of a section each, therefore -

In every fifth township in the said territory; that is to say; in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

Section 21 provided that

As townships are surveyed and the...surveys...confirmed, the Governor of the said Company shall be duly notified thereof by the Surveyor General, and thereupon this Act shall operate to pass the title in fee simple...and to vest the same in the said Company, without requiring a patent to issue for such lands...

The other sections dealt with other administrative details. The Hudson's Bay Company had been well represented in the negotiations for the surrender, and the spirit of article five was certainly met in the drafting of the Dominion Lands Act.

Several of the Red River bills of rights had stated that "a portion of the public lands"

should "be appropriated to the benefit of schools...." Whether there is any connection between

this fact and section 22 of the Dominion Lands Act is not known and cannot be assumed.

Nevertheless section 22 begins as follows:

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And whereas it is expedient to make provision in aid of education in Manitoba and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

The term "school section" was soon to become part of prairie folk-lore.

The Canadian government formally requested the Governor General to ask the British government to send an expeditionary force to Red River. As we have seen, this was done on February 11 of 1870,<sup>4</sup> and we have watched the arrival and stationing at the Upper and Lower Forts of the Ontario and Quebec Rifles. Sections 23 to 28 of the Dominion Lands Act remembered the men of these regiments. Section 27 reads as follows:

And whereas by order to the Governor in Council, dated the 25<sup>th</sup> April, 1871, it is declared that, - The officers and soldiers of the 1<sup>st</sup> or Ontario and the 2<sup>nd</sup> or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land without actual residence, of one quarter section, - such grant is hereby confirmed, and the Minister of Militia and Defence

is hereby authorized and required to issue the necessary warrants therefor accordingly: ...

The other sections gave administrative details concerning the issuing and transfer of these warrants. Cartier's memory – or his influence, we probably cannot now know which – was better with regard to the claims of the men of the two regiments than it was with regard to the Red River Half-breeds.

The Act made provision for Homestead Rights on Free Grant Lands (section 33, 18 subsections), Grazing Lands (section 34), Hay Lands (section 35), Mining Lands (sections 36-41), Coal Lands (sections 43-45), Timber and Timber Lands (section 46). It made provision for the creation of new meridians (section 16), which would allow for the extension of the survey as far west or east as necessary. It dealt with the qualifications of surveyors (sections 73-88) and specified how legal subdivisions were to be surveyed and laid out (section 91). It set up the legal apparatus by which any adult British subject could come to the North-West and obtain for 160 acres of land a title so clear and distinct that it has seen probably less resulting litigation than any other system in the world. It placed an empire of lands larger in extent than the original four provinces under the supervision of a Cabinet minister known as the Secretary of State (section 2), thus making of Ottawa an imperial capital in a way equalled in no other part of the British Empire. And in its very last section it specified that the two previous orders-in-council, that of April 25, 1871, and that of May 26, 1871, were confirmed.

This confirmation of the two orders-in-council looks innocent enough as printed in the Act until the student takes the trouble to remind himself of their content. The order-in-council of April 25, 1871, stated expansively that "every half-breed [sic] resident...at the time of the transfer, was entitled to participate in the 1,400,000 acres". "The most liberal construction" was to be put on the word "resident". Further more, "no conditions of settlement" were to be

imposed on the Half-breeds. However, "the Lieutenant-Governor" was able to "designate the TOWNSHIPS [emphasis mine] or PARTS OF TOWNSHIPS in which the allotments to the halfbreeds [sic]" were to be made.<sup>5</sup> This last requirement, however innocuous it may now appear, was for two reasons absolutely devastating to Half-breeds wishing to participate. Firstly, it meant that land could not be claimed until an area was surveyed into townships. Secondly, Halfbreeds could see that their lifestyle must change completely if they were to be scattered around on the prairie – eight families to every seven "quarters" of land – with no regard to natural features, especially the presence of a river, creek, or other body of water. Many simply saw no sense in this method of allotment. The order-in-council of May 26, 1871, was no better.<sup>6</sup> It permitted irregular squatting on land "in good faith" by "settlers", and "protected" them "in the enjoyment" of their claims. One need not be a genius to figure out that the policy as laid out in the Act was basically hostile to the Half-breed population of Manitoba. Viewed in the context of the events of 1871 and early 1872 it is not astonishing that Gilbert McMicken, after a residence in Manitoba of only eleven weeks, wrote to Macdonald in December of 1871 urging action on the land claims: "[D]o let me urge upon you," he wrote,

> the necessity of having some system for the settlement of H[alf]breed claims (that is of the 1,400,000 acres), the H[udson's] B[ay] (or  $20^{th}$ ) and the Volunteers grants definitely arranged – IT WILL NEVER DO TO PERMIT SETTLERS TO COME IN HERE IN THE SPRING [,] MATTERS BEING IN THE STATE THEY ARE NOW [emphasis mine].<sup>7</sup>

McMicken was the Commissioner of Lands, but his advice might as well have been shouted into the prairie wind. Why was this? Could policy not be changed in a special case? The answer may possibly be found in a letter that Joseph Howe, the secretary of state for the provinces, was preparing to send to Archibald the day after Christmas in 1871. Howe was advising Archibald that he did not understand Archibald's explanations about his actions at the time of the confrontation at Rivière aux Ilets de Bois. "The policy of the Government," Howe wrote,

was embodied in certain rules and regulations, first confidentially printed and carefully reviewed, and sanctioned by Order in Council [sic]. Mr. Aikin [sic] and Colonel Dennis were then instructed to carry out this policy. No authority could be given to you to change or vary it, unless sent in official form through this Department. No such instructions have been sent, and therefore I assume that the policy, whatever it is, has never been changed.

We may be mistaken, but I have discussed the Land Policy for the North West [sic] several times with Mr. Aikin [sic], and we both understand it the same way, and what is of more importance to you, is that DENNIS ACTING UNDER HIS ORDERS, IS PRACTICALLY CARRYING IT OUT [emphasis mine].<sup>8</sup>

In my opinion we may consider the matter at four separate levels, and arrive at a negative answer at each level. At what may be called the "imperial" level, a group of men – of whom only Howe and Tupper had been in Red River – had made policy. The only advice from someone who had seen Red River was that of Archibald, and he had not put forward the "block" proposal in his letter of December 27, 1870.<sup>9</sup> These men had made a policy "for the purposes of the Dominion",<sup>10</sup> and could hardly be expected to change it. At the level of "cabinet solidarity" the answer is the same. Policy had been made, printed and reviewed before being sanctioned by order-in-council. It could not be changed, but must be adhered to. At the level of departmental administration, it was unthinkable that Mr. Aikins should sanction a change of policy, however desirable. Aikins was responsible to the Cabinet, which in turn was responsible to Parliament. Policy, once chosen, must be faithfully brought into effect. Lastly, at the personal level, Archibald was the only advocate the Half-breeds had. To avoid violence he had had to stall for time by assuring the Half-breeds that for a small number of the townships near the two rivers they could have policy changed if they posted the lands they wanted and described them according to the ancient principle of "metes and bounds". The Half-breeds had used self-control and avoided violence, only to find Archibald – and their claims – repudiated by the Cabinet. Dennis, the good and loyal functionary, had, under McDougall's instructions, done his best to wage war against the Provisional Government in 1869, and could hardly be expected to risk his position by condoning any change in policy at the local level. What of Dennis's superior? What of Aikins, the man who was now in charge of administering an empire of lands of the North-West? Could he be expected to recommend to the Cabinet an alteration of policy extending over a mere sixty townships?

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We must become better acquainted with Senator James Cox Aikins, for his attitudes have now become of paramount importance to our study of the land problem in the North-West. At another place in this study we noticed his Irish descent, his early association with the "Clear Grits", and his opposition to the Hinks-Morin administration. In 1862 he was elected to the Legislative Council for the counties of Peel and Halton. At Confederation he was called to the Senate, and in December of 1867 accepted the office of secretary of state in Macdonald's cabinet.<sup>11</sup> At that time we had not learned of an interesting detail of his career in the Legislative Assembly. Readers may remember that in 1860 the Prince of Wales, the future Edward VII, had paid a visit to Canada. The Duke of Newcastle, who attended the Prince, had offended the "loyal" men of the Orange lodges near Kingston by refusing to let the Prince land unless an arch erected by the lodges was removed. The offended Orangemen declined to remove it, and the royal party went on to another point, without, however, the company of the embarrassed member for Kingston, John A. Macdonald. A similar incident occurred at Belleville. Orangemen were "insulted" by Newcastle all along the royal route. In the 1861 sitting of the Legislative Assembly T.H. Ferguson and James Cox Aikins moved a motion of regret at these "insults" to Orangemen. Cartier and Macdonald managed to parry the thrusts of the ensuing debate, arguing that it was a matter for which imperial, not provincial, ministers were responsible.<sup>12</sup> Ten years later, a senator and a member of Macdonald's ministry, Senator Aikins could hardly be expected to advocate approving of Archibald's policy when it had been attacked so vociferously by that good Orange editor of the <u>Manitoba Liberal</u>, Stewart Mulvey.<sup>13</sup> A member of the Cabinet had to listen carefully to a certain constituency, and that constituency was not made up of Red River Half-breeds.

Dominion Lands policy was "for purposes of the Dominion".

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# Appendix "A"

# Titles of sections of 35 Victoria Cap. XXIII, Dominion Lands Act, 14 April, 1872.

Sections	Titles
1	Preliminary – Interpretation
2	Dominion Lands Office
3-16	System of Survey
17-21	Lands Reserved by H.B.C.
22	Education Endowment
23-8	Military Bounty Land Claims
29	Ordinary Sale and Purchase
30	Payment For Lands
31-2	Town Plots, etc.
33	Homestead Rights on Free Grant Lands
34	Grazing Lands
35	Hay Lands
36-41	Mining Lands
42	Indian Title
43-5	Coal Lands
46	Timber and Timber Lands
47-52	Other Timber and Timber Limits
53-56	Further Obligations of Parties obtaining Licenses
57	Liability of Persons Cutting Without Authority
58-60	Resisting Seizure Removing Timber Seized Condemnation of Such Timber
61-2	General Provisions
63-4	Slides, etc.
65-72	Patents
73	Surveys and Surveyors
74	Board of Examiners
75-88	Admission of Deputy Surveyors
89	Standard of Measure
90	How To Renew Lost Corners and Obliterated Lines
91	How Legal Subdivisions Are To Be Surveyed and Laid Out
92	To Draw Division Lines in Fractional Sections
93-97	Original Boundary Lines
98-100	Evidence Before Surveyors
101-4	Protection To Surveyors
105-7	General Provisions
108	Previous Orders-in-Council

Schedule-Forms A - E

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# Appendix "B"

# Extract from a Manitoba Liberal editorial published August 16, 1871.

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## "Our Public Lands"

"By the last mail we perceive that the press of Canada are almost unanimous in condemnation of Governor Archibald's land policy.

"We regret that the Governor was so easily led away by wily demagogues into the serious blunder of taking upon himself the apportionment\* of the Half-breed grant. That his actions were premature and without authority, there cannot be a doubt. If his advisers possessed the least particle of statesmanship, they would never have advised him to the course which he pursued, because they might have known that excitement and ill-feeling amongst the community would be the inevitable result. Had the Governor only read the land regulations carefully, he would have seen that he was powerless to act as he did. In any case, his judgment would have told him that apportioning out Manitoba to parishes before the survey, or without knowing what portions of land they were entitled to, was altogether premature. When he ascertained, by Mr. Aiken's [sic] order, that he had overstepped his bounds in slicing up the province and handing it over to the French, why did he not at once back down and acknowledge his error? In such a case his crime would allow of palliation, but as it is, he cannot too highly be censured. He considered that two wrongs make a right, and to extricate himself out of his awkward predicament, he despatched agents through all the English-speaking parishes to induce them to follow the example of the French and demand their share of the grant. With what result let the minutes of the meeting at St. Andrews declare. Mr. Boyd, on behalf of the government, stated that His Honor did this on his own responsibility without even consulting his advisers. If this statement

of Mr. Boyd's be true, we must pronounce His Excellency's conduct as an unwarrantable usurpation of powers which do not at all belong to him..."

\*That is, by his letter of June 9, published in The Manitoban for June 17, 1871. See Appendix

"A" of the chapter "The Confrontation at Rivière Aux Islets de Bois".

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- <sup>1</sup>35 Victoria, Cap. XXIII. See Appendix "A" for a summary.
- <sup>2</sup> The expression is from Cartier's letter of May 23, 1870. See Appendix "A" of the chapter on "Negotiations Leading to the Manitoba Act".

- <sup>3</sup> See Begg, <u>Creation</u>, 110-111, 157-8; <u>Begg's Journal</u>, 291-5. <sup>4</sup> See the chapter "Errand, Mission, Expedition", note 3. <sup>5</sup> C.S.P. 1871 (No. 20), 2-3, "Distribution of the 1,400,000 acres".
- <sup>6</sup> PAC PC1036, 26 May, 1871. An extract may be found in C.S.P. 1873 (No. 45), 7, <sup>7</sup> PAC MG26A Vol. 61, McMicken to Macdonald, Dec. 22, 1871.
- \* PAC MG24 B29 Vol. 9, Howe to Archibald, Dec. 26, 1871.
- PAC Department of Interior Records, RG15, Vol. 228, No. 796, Archibald to Howe, Dec. 27, 1870.
- <sup>10</sup> The phrase is from section 30 of the Manitoba Act.
  <sup>11</sup> See the chapter "The Confrontation at Rivière aux llets de Bois".
  <sup>12</sup> W.L. Morton, <u>The Critical Years</u>, 86-90.

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13 USNARS microfilm T24 Roll 1, Taylor Papers, clipping "Our Public Lands" from The Manitoba Liberal, August 16, 1871. No copy is known to exist in public collections. See Appendix. "B".

#### The Election Riot of September 19, 1872

The "loyal" or "Canadian" party showed its true colors in late September of 1872. W.F.

Butler had something to say about it:

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Representative institutions had been established in the new province of Manitoba, and an election for members of Parliament had just been concluded. Of this triumph of modern liberty over primeval savagery, it is sufficient to say, that the great principle of freedom of election had been fully vindicated by a large body of upright citizens, who, in the freest and most independent manner, had forcibly possessed themselves of the poll-books, and then fired a volley from revolvers, or, in the language of the land, "emptied their shooting irons" into another body of equally upright citizens, who had the temerity to differ with them as to the choice of a political representative.<sup>1</sup>

Butler, about to set out on a second journey across the North-West, had been witness to a deliberate attempt, on the part of the "loyal" or "Canadian" party, to seize and destroy the pollbooks at the St. Boniface polling place. His sarcastic comment on the incident is only one of a number of references to it which can be found in historical works.<sup>2</sup> For Archibald, who had striven mightily for more than two years to establish representative institutions in Manitoba, the incident must have been a revelation, brutal in the extreme, of the extent to which he had been naïve in his trust of the Canadian government, of the actual alignment of factors in Manitoba and Ontario, and of the completeness of his failure as Lieutenant-governor of the province.

A man who had become a good friend of Archibald's, the American Consul, James Wickes Taylor, saw Archibald's failure too, and described it in frank terms to his superior within a week of the event:

> I can only describe the present condition of things as an anarchy. The Government is HAPPILY SURPRISED [emphasis mine] that the soldiers have not fraternized with the populace, but I have no expectation that there will be any serious attempt to punish the guilty parties. I cannot better describe the situation than in language which I felt constrained to use in my dispatch No. 94 of

April 22, 1872: 'The Government is paralysed at all points by the breach of faith which accompanied the Canadian occupation of the country in 1870. If the Queen's Proclamation of General Amnesty had closely followed the Manitoba Act, actual peace [,] not a hollow pretence of peace, would soon have been assured. As it is, the administration of affairs is a series of makeshifts – a constant effort to avoid responsibility, and in no department are the results more palpable, than in the demoralization of the Judiciary.' 1 reserve further comments.<sup>3</sup>

As has been noted elsewhere, there were to be elections in only three of Manitoba's four federal constituencies. Riel and Clarke had been persuaded to allow Sir George Cartier to be elected in Provencher by acclamation. Voters in Lisgar, Marquette and Selkirk still had to register their votes, and it was in Selkirk that the "loyal" or "Canadian" party, known by the Métis as "orangeistes", staged the riot. There were several pretexts for their actions. As early as May of 1872 the Manitoba Liberal had protested about the fact that the names of such people as Riel, Lépine, Ritchot, Royal, Dubuc, Schmidt and Létendre were on the Provencher voters' list. Le Métis republished the Liberal's protest in this way:

> The <u>Liberal</u> adds in a menacing tone that if such men are permitted to vote, men... 'shall and will record their votes'. Which means, whether they are on the list or not, whether they have the right to vote or not, they will vote.<sup>4</sup>

On the other hand, the names of newcomers, people with only a few weeks' residence, were not to be found on the lists. While the voters' lists had been brought up to date, it is, indeed, doubtful whether the name of Frank Cornish, who had arrived in Manitoba in July, was on the list. That of Stewart Mulvey most definitely was.<sup>5</sup> The <u>Manitoba Liberal</u> alleged as the immediate reason for the riot that a Mr. Genton had not been "allowed" to be a candidate.<sup>6</sup> However, as Archibald pointed out in a letter to Macdonald.

[Genton] did not wish to run. He declared in writing which was delivered to the Returning Officer and produced at the Hustings before one o'clock that he would not run.<sup>7</sup>

The withdrawal of Genton left only two candidates, Wilson and Smith contesting the election.

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There were three polling places in Selkirk: one at Headingly, one at the police station in Winnipeg, and one at the home of Roger Goulet in St. Boniface.<sup>8</sup> Rumors had circulated in Winnipeg the day before the election that a party of Wilsonites planned to cross the river and seize the poll-books.<sup>9</sup> Events were to prove the rumor well-founded. Voting went on very quietly, and there was nothing whatever to provoke any violence. However, about three o'clock,<sup>10</sup> between forty and fifty of Wilson's supporters crossed the river to St. Boniface, taking with them a wagon bearing the slogan "Vote for Wilson". The wagon was filled with new wagon wheel spokes, "curious playthings to take across", the Gazette Extra commented, "if the party merely went over from curiosity to see how things were going". The men had the advantage of surprise. The poll clerk was seized from behind, and his book was snatched from him and destroyed. A group of St. Boniface people attacked the intruders, wagon wheel spokes were seized, and a general mêlée ensued, in which the Wilsonites were driven off. A number of them drew revolvers and proceeded to fire at the St. Boniface men.<sup>11</sup> James Farquharson was seen to drop on one knee, take deliberate aim at Mr. Genton, and fire his revolver again and again and again.<sup>12</sup> Fortunately no one was killed, but several were severely wounded.<sup>13</sup> The Wilsonites withdrew towards the ferry landing meaning to return to Winnipeg. However, they found that, as they later learned, Mr. McMicken<sup>14</sup> had given orders to have the ferry<sup>15</sup> rope cut, and the ferry scow had drifted downstream.<sup>16</sup> Some Wilsonites found rowboats and canoes lying handy and used them to cross the river, while the rest thought they would have to swim for it. The timely arrival of a steamer bringing a company of Volunteers from Pembina kept them from having to do this. The boat's captain sized up the situation and transported the Wilsonites to Winnipeg.<sup>17</sup>

There is a certain amount of confusion in the reports of what then happened in Winnipeg. It would appear, however, that after the mob's unprovoked attack on St. Boniface, the authorities decided to call upon the military for help. The soldiers made their appearance under the command of Major Irvine and drew up in a line some distance down the street from the police station.<sup>18</sup> The Liberal Extra stated that several people were prevented from voting by the excitement created by the appearance of the soldiers. The Manitoban Extra, however, insisted that "20 or so" of the mob went in to vote, only to find out what they already well knew, that is, that they had no vote. All sources agree that, upon the appearance of the soldiers, Mr. Cornish got on a wagon or a stagecoach and addressed the crowd, abusing the soldiers and the officers in charge of them and saying that is was against all British principles of law and justice for soldiers to interfere in an election.<sup>19</sup> He attacked Archibald and Donald Smith. The sheriff, he said, was a perjured and base man, the chief of police a "toad-eating Communist".<sup>20</sup> He was followed by Stewart Mulvey, who continued in an effort to excite the feelings of the mob and incite them to acts of violence.<sup>21</sup> When the poll closed the soldiers were withdrawn, and the mob then made efforts to lure the police away from the platform of the police station. These efforts failed for a time, the police being determined to remain passive until something occurred to force them to act. Eventually a fight broke out in the crowd --probably started purposely - and the combatants were instantly surrounded by men brandishing sticks and wagon wheel spokes. This had the effect of drawing the police away from the police station to stop a fight. In the resulting mêlée Captain de Plainval was surrounded and beaten, suffering severe cuts and bruises on his head.<sup>22</sup> The sources do not agree on what happened at the end of this fight. One stated that de Plainval and his force had to give way and retreat to the shelter of the police barracks.<sup>23</sup> However, Stewart Mulvey told Schultz, and Schultz reported to Donald Gunn, that "Plainval got badly

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beaten about the head and ran like a lamplighter".<sup>24</sup> Mulvey added that "the police were disarmed of their batons and they themselves thrust in the Police Station down stairs and locked up". Schultz later boasted that "Plainval's head [was] still badly swollen and his stick or baton of office [was] in the hand of Tom White as a trophy of the day".<sup>25</sup>

The village was quiet for a time, but not for long. As soon as it was dark a crowd of 50 or 60 gathered and made their way to the office of the <u>Manitoban</u>,<sup>26</sup> then in the "large Ross building".<sup>27</sup> Here they smashed the windows, broke down the doors, and completely sacked the premises, upsetting the type and doing their best to destroy the presses.<sup>28</sup> The <u>Manitoban Extra</u> noted that while the <u>Manitoban</u> and <u>Métis</u> newspaper files were torn into shreds, the <u>Liberal</u> file, "which hung conspicuously on the same rack was left untouched". The mob then turned their attention to the <u>Métis</u> office in the McDermott block, where the <u>Gazette</u> was also printed. Here the performance at the <u>Manitoban</u> was improved upon, as the mob mutilated the presses and threw the type out the window. They would have set fire to the building, but the fire did not take hold, and the village was saved from a serious disaster, since a high wind had sprung up.<sup>29</sup> According to the <u>Manitoban</u> "two panes of glass were smashed in the <u>Liberal</u> office, and a handful of type scattered on the floor. But the device is too thin – the sham is too transparent."<sup>30</sup> John C. Schultz was ecstatic about the damage to the three printing plants. "The <u>Métis</u> office press and type," he wrote to John Gunn, "went out the window and it will be some time before 'Jean Baptiste' can express his grievances in print."<sup>31</sup>

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The police were not able to interfere in these attacks on the printing establishments, but the soldiers under Major Irvine made another appearance in the village. When the soldiers appeared the mob was in front of McMicken's land office making threatening demonstrations. No damage was done, however, and the mob gradually dispersed. Irvine stationed soldiers in 518

front of the newspaper offices, and a large body of armed special constables patrolled the village until the early hours of the morning.<sup>32</sup>

"Jean Baptiste" was not the only one rendered temporarily incapable of expressing ideas in print. The damage done to the publishing industry in Winnipeg by the riot was significant. The <u>Manitoban</u> was the first of the damaged plants to issue an "Extra", with the aid of a hand press belonging to the Bishop of Rupert's Land and "a little type scraped together from the rump". The <u>Manitoban</u> did not resume regular publication until November 30. The <u>Métis</u> Extra appeared on the 23<sup>rd</sup>, probably printed with the same press and type borrowed by the <u>Manitoban</u>. Except for one issue put out on October 12, the <u>Métis</u> suspended publication until November 30, by which time the plant had been moved over to St. Boniface. The <u>Gazette</u> Extra, published on the 24<sup>th</sup>, was probably published on the same press. No further issues of the <u>Gazette</u> appeared until November 13. The <u>Liberal</u>, then, except for the October 12 <u>Métis</u> mentioned above, was the only newspaper serving Manitoba until the <u>Manitoba Free Press</u> began publication on November 9. In a very real sense the crippling of the newspapers on September 19 – along with the imminent departure of Archibald – marks the end of one era and the beginning of another in Manitoba's history.

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Schultz's alibi was excellent. As he wrote to Donald Gunn, he had been out of town<sup>33</sup> in the Lisgar<sup>34</sup> constituency: "the horse being tired I only came to Mr. Tait's last night, - and [came] from there up to here this morning."<sup>35</sup> "It seems to be a fact... that the French struck the first blow," he later wrote to John Gunn, "and fired the first shot across the River, and that Ricey Howard<sup>36</sup> commenced the scrimmage on this side, hence with them rests the onus of the row."<sup>37</sup>

Having "got the rights of the story" from Mulvey and Wilson and written to Donald Gunn, Schultz went to see the Lieutenant-governor and warn him "against making arrests". Schultz said he "had heard" that a "body of French Half Breeds [sic] were to be called in as Special Constables to aid in the arrests". Archibald replied that no such idea had been entertained. Schultz then advised that it would never do to make any arrests at all. If the attempt were made the officers would be resisted and there would be civil war. He gave it as his opinion that the soldiers would take sides with the mob.<sup>36</sup>

After this interview there could no longer be doubt as to Schultz's opinion of where

power was in Manitoba!

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Schultz knew, and knew that Archibald knew, exactly who would be involved if arrests

were, indeed, made. Archibald proceeded to inform Macdonald on the point and ask advice:

The Ringleaders inciting the mob are Cornish and Mulvey; the former you know at least of repute, the latter is Editor of the "Liberal" and captain of a militia company. Both harangued the mob on the occasion of the row at the Polling booth, stimulating them to disorder by every kind of foul epithet hurled at the authorities. Mulvey declared to the mob that if the soldiers were ordered to fire, they would not obey their officers, and they need therefore not fear them. Many of THE MEN WHO WERE AT ST. BONIFACE [emphasis mine] are in Mr. Mulvey's company and they are affectionately and not inaccurately spoken of by himself as "Mulvey's tigers".

Archibald then turned to the part played in the St. Boniface fight by James Farquharson;

I do not lay much stress upon the fact that that man "Farquharson" who is particularly and not improperly known as "Old Depravity" is Dr. Schultz's Father-in-law. A very good man may be unfortunate in having a black guard hold that relation to him, but of course, in the popular mind, it leads to very natural, if not entirely logical inferences.

"The officers of the Force assure me," Archibald went on, "that the men will do their

duty. I am inclined to think they will ... "

Oh that I had 100 trained English soldiers. For preserving the peace in the difficult circumstances we are placed in on both sides they would be of more use than 1,000 of these men.

"Now," Archibald concluded, "the question arises what is to be done?"

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Are we to take Dr. Schultz's advice and do nothing? Is property here to depend upon the will of a mob, and life upon the accuracy of aim of such men as Farquharson[?] It seems to me that not to correct some of the ringleaders would be to abdicate the functions of government and that it ought to be done at whatever risk. I shall telegraph you for instructions but have written this more fully that you may have all the materials for judgement.

Archibald wrote his letter on September 25. On the seventh of October Macdonald wrote his reply.<sup>39</sup> Since Archibald had left Manitoba on Board the "International"<sup>40</sup> on October 9<sup>41</sup> the letter must have found him gone from Manitoba and followed him to Nova Scotia. By that time he had put Manitoba behind him and probably preferred not to hear more about it. Macdonald assured him that he should "by all means get Cornish and Mulvey indicted". A complaint should be sent to the Adjutant of Militia. A court of inquiry could then be held.

> I note what you say about Schultz. His reelection for Lisgar is, in one sense, to be regretted, but WE MUST TREAT HIM NOW AS A FRIEND AND SUPPORTER. [emphasis mine]

"This, however, should not deter you from pursuing a firm course in the way of vindicating the law."

A few days later Macdonald received a letter from Gilbert McMicken, giving particulars about the situation in Manitoba.<sup>42</sup> Things were still very unstable, he said, "indeed already they have a lot of roughs in from Moorhead during the excitement. Schultz, Lynch, Cornish, Mulvey and Davis CAN AT ANY TIME THEY PLEASE plunge us into the wildest disorder...."

Turning to the matter of the appointment of a Lieutenant-governor, McMicken wrote,

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You could not do better than LET MR. A[RCHIBALD] RETURN.

<sup>1</sup> Sir W.F. Butler, The Wild North Land, 13-4.

- <sup>2</sup> There are excellent sources for information about the riot. Each of Winnipeg's four newspapers published an "cotra" giving details of the event. In addition, letters written about it at the time by Archibald, Schultz and J.W. Taylor have survived. Secondary sources are, on the whole, not too helpful. Begg and Nursey, in their <u>Ten Years</u> in <u>Winnipeg</u>, published in 1879, touched on the event without identifying in any way those who had been instrumental in fomenting it: "We have no wish to dwell on this scene of disorder and destruction, it was alike discreditable and unfortunate for the town, but it is a subject of congratulation that, since that time our city has been remarkably free of any such misfortunes." Their account is, however, completely accurate in his assessment of the riot's effect on Winnipeg's newspapers. Begg, in his <u>History of the North-West</u> (Vol. 2), was more forthright in his treatment of the essentials and in his identification of Mr. Wilson's supporters as the chief protagonists. Bryce, in <u>A History of Manitoba</u>, gave a very brief account, writing of a "political cyclone" and emphasizing the attacks on the newspapers. Butler's short reference has been quoted verbatim. F.H. Schofield, in Vol. 1 of <u>The Story of Manitoba</u> goes into a fair amount of detail, but mistakenly places the St. Boniface events in Winnipeg. Schofield's is the only account that mentions the steamer. He does not mention the destruction of the <u>Gazette</u> or the survival of the <u>Liberal</u>. MacBeth, in the <u>Making of the Canadian West</u>, mistakenly states that the not took place in connection with the first election in Winnipeg.
- <sup>3</sup> USNARS, T24 Roll 2, Taylor Papers, Taylor to Hale, Sept. 23, 1872.
- <sup>4</sup> Le Métis, 22 mai, 1872; LLM, Liberal, May 18, 1872.
- <sup>5</sup> PAM MG12 AL #744 "Abstract of names added to and names struck from the electoral list", Sept. 9, 1872.
- <sup>6</sup> Liberal, Extra, Sept. 20, 1872.
- 7 PAC MG26A, Vol. 187, Archibald to Macdonald, Sept. 25, 1872.
- Manitohan Extra, Sept. 21, 1872.
- Gazette Extra, Sept. 24, 1872.
- 10 Archibald to Macdonald, Sept. 25, 1872.
- <sup>11</sup> Gazette Extra, Sept. 24, 1872.
- 12 Archibald to Macdonald, Sept. 25, 1872; Métis Extra, 23 sept., 1872.
- 13 Gazette Extra, Sept. 24, 1872.
- 14 Liberal Extra, Sept. 20, 1872; Taylor to Hale, Sept. 23, 1872.
- 15 PAM MG2 C25, Schultz Papers, Schultz to Donald Gunn, Sept. 20, 1872.
- 18 Schofield, The Story of Manitoba, Vol. 1, 326.
- 17 Schofield is the only source to mention this detail.
- 18 Gazette Extra, Sept. 24, 1872; Liberal Extra, Sept. 20, 1872.
- 19 Ibid.

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- <sup>20</sup> Manitoban Extra, Sept. 24, 1872
- <sup>28</sup> Gazette Extra, Sept. 24, 1872; Liberal Extra, Sept. 20, 1872.
- 22 Gazette Extra, Sept. 24, 1872.
- 29 Ibid
- <sup>24</sup> Schultz to Donald Gunn, Sept. 20, 1872.
- <sup>25</sup> Schultz to John Gunn, Sept. 23, 1872.
- 26 Gazette Extra, Sept. 24, 1872.
- 27 Le Métis, 28 soût, 1872.
- 28 Gazette Extra, Sept. 24, 1872.
- <sup>29</sup> Gazette Extra, Sept. 24, 1872; Métis Extra, 23 sept., 1872; Manitoban Extra, Sept. 21, 1872.
- 30 Manitoban Extra, Sept. 21, 1872.
- 34 Schultz to John Gunn, Sept. 20, 1872.
- 32 Manitoban Extra, Sept. 21, 1872.
- 39 Schultz to Donald Gunn, Sept. 20, 1872.
- 34 Archibald to Macdonald, Sept. 25, 1872.
- <sup>35</sup> Schultz to Donald Gunn, Sept. 20, 1872
- <sup>36</sup> Presumably Thomas Howard, the Lieutenant-governor's secretary, who would have to sign the order for the use of the military.
- <sup>37</sup> Schultz to John Gunn, Sept. 23, 1872.
- 34 Archibald to Macdonald, Sept. 24, 1872.
- 39 PAC MG26A Macdonald Papers, Macdonald to Archibald, Oct. 7, 1872.
- 40 Manitoba Gazette, November 13, 1872.

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<sup>41</sup> Le Métis, 12 octobre, 1872. <sup>42</sup> PAC Macdonald Papers, Vol. 246, McMicken to Macdonald, Oct. 13, 1872.

### The Unforgiven "Colony of a Colony"

By late September of 1872 a shrewd observer of the Manitoba scene could have

discerned that an intermediate period in the province's history had ended. We do not need to

speculate about this, since there were shrewd observers who reported on it at the time. American

Consul James Wickes Taylor described the state of affairs as "anarchy". Gilbert McMicken saw

where power was and reported to Sir John A. Macdonald;

Schultz, Lynch, Cornish, Mulvey and Davis can at any time they please plunge us into the wildest disorder...<sup>1</sup>

Archibald too saw where power was and longed for a force of "100 trained English soldiers".

However, since he had no such force he was reduced to asking Macdonald what to do:

Are we to take Dr. Schultz's advice and do nothing? Is property here to depend upon the will of a mob, and life upon the accuracy of aim of such men as Farquharson?<sup>2</sup>

Macdonald's reply ranks among the most cynical of replies ever made by Canadian politicians:

I note what you say about Schultz. His re-election for Lisgar is, in one sense, to be regretted, but we must treat him now as a friend and supporter. This, however, should not deter you from pursuing a firm course in the way of vindicating the law.<sup>3</sup>

Schultz's supremacy was especially noticeable where the publication of news and ideas was concerned. Only the <u>Liberal</u> was appearing on a regular basis and it would be November

before its opponents made their reappearance.<sup>4</sup>

An important part of Manitoba's political situation in late 1872 was the continuing lack of a general amnesty. In his efforts to persuade Taché of the importance of Riel's withdrawing from the Provencher election Archibald had alluded to the possibility of Sir George Cartier's making increased efforts to have an amnesty declared. In this line of thinking Archibald was mistaken: neither Cartier's election nor his death in 1873 would make any difference in the process of having an amnesty issued<sup>5</sup>. Cartier had already done his very best in this regard, only to have his efforts effectively neutralized by Governor General Sir John Young and others. We have already seen what happened. In forty-seven words Sir John Young had given a communication from a partisan of the Red River disturbances the same weight as a long and well-reasoned memorandum from his acting prime minister,<sup>6</sup> a man who had been in Canadian politics for twenty-two years, five of them as co-premier with Macdonald, a man who had been a Father of Confederation and had, more recently, ably participated, as minister of militia, in the successful efforts to repel a Fenian invasion of his country.

The result was that the ablest men of Manitoba, the men who had had the confidence of the Settlement's people over a period of many months, did not dare to come forward to give leadership at a time when leadership was desperately needed. In the months before the passing of the Dominion Lands Act these men could have called the attention of the Canadian general public to the fact that Macdonald and Cartier were taking Confederation in a direction that the Fathers of Confederation had not envisaged. Macdonald and Cartier had created Manitoba as a monstrosity among the provinces making up the Canadian Confederation. Though equipped with a bicameral legislature its people had no control over the province's chief resource, its land, not even over that portion of it referred to in section 31 of the province's constitution.

In September of 1872, at the time of the Dominion elections, the population of Manitoba was becoming aware that their province was not a province like the others. The process of learning can be traced by reference to articles, editorials and letters published in their province's newspapers. For example, in the April 1, 1872, issue of the <u>Manitoban</u> this editorial appeared:

If the 31<sup>st</sup> clause of the Manitoba Act means anything at all, it must mean that on the day the Act was passed, the children of the halfbreeds [sic] resident in the province at the time of the passing of the Act, were endowed with the right to the possession of 1,400,000 acres. With the right thus given them, why should there be any tampering or delaying with regard to the possession? The land is theirs – was entered into on this understanding and on the understanding that possession was to be obtained at once. What is the use of delaying? Why not arrange the whole matter at once and have done with it... Why does not the Governor General at once give authority to the Lieutenant-Governor [sic] to select the lots or tracts, and settle the thing forever?<sup>7</sup>

Three and one-half months later, on July 20, the Manitoban commented that Manitoba

should have been given its public lands when the Dominion Lands Act was passed, and that the

Manitoba legislature should have "been at pains to ascertain what was going on". "Every foot of

land in the province," the Manitoban went on,

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belongs to the Dominion and must be administered by an agent of the Dominion. Even our hay lands!<sup>8</sup>

Then the Manitoban asked what many wanted to ask:

Is Mr. McMicken, as accredited agent of the Dominion Government here, after the Dominion Lands Act has become law, to interpret that Act: or has the local government anything to do with the lands of the province in any respect whatever, seeing that the new Act deals with hay lands, wood lands, mineral lands, and all kinds of lands, individually?<sup>9</sup>

E.H.G.G. Hay must have been discomfited when, as part of his unsuccessful campaign against

John C. Schultz in Lisgar, he wrote to the Manitoba Gazette in early September:

I have always maintained and still do, that as a province we ought to enjoy all the rights and privileges of a province, in accordance with the B.N.A. Act. These lands would not only be a source of revenue to our province, but would have saved the ill-feeling that has been caused through the negligence and ignorance of the Ottawa government as to the requirements of the people of Manitoba.<sup>10</sup>

If Louis Riel read the letter - and he was known to be at home in Manitoba at this time - he must

have smiled a wry smile as he read Hay's words!

On October 9 Archibald left Manitoba on board the steamer "International".<sup>11</sup> Archibald was in a more enviable position than the men of the Union St. Alexandre, successor to the Métis National Committee and recently organized by Riel, Lépine and Schmidt and named in honor of Taché.<sup>12</sup> Archibald could decide that his departure now would not cause a civil war or other violence, and he was eager to escape from what had long been for him an intolerable situation. It was intolerable for the Union St. Alexandre, too, but they could not walk away from it. It was hard to decide which aspect of it caused the most mental torture, the absence of a general amnesty, the Canadian government's delay in apportioning the 1,400,000 acres, the arrogance and belligerence of those squatting on what were considered to be Métis lands or the insolence of the "Orangiste" party in Winnipeg. As Riel and Lépine were later to express it, it was almost as though the Canadian government considered their people as "an enemy" causing "more than two years" of "public strife, dangerous and inimical to the interests of the Province."<sup>13</sup> Probably the most serious of all, from the point of view of the Union St. Alexandre was the general malaise concerning the 1,400,000 acres. Few believed in the promise of Section 31 any more. Many had sold out and left the province, saying that they would never be back.<sup>14</sup> Others had said nothing, but their actions spoke more loudly than words as they did not even bother to shut the doors of their abandoned houses and stables.<sup>15</sup> Each passing day saw the population of the province change gradually and irrevocably. Everyone, clergy, "loyaux", "provisoires" and Union St. Alexandre could see that Manitoba already was not the Manitoba of July, 1870, and nothing, it appeared, could be done about it. The only bright spot for the Union St. Alexandre was the fact that the behavior of the "Orange" party had had the effect of forcing the English Half-breeds into taking sides with the French,<sup>16</sup> and that such men as Bannatyne had continued as active allies and editor Robert Cunningham had taken their side.<sup>17</sup>

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An incident occurred in July of 1872 which gave a hint that the pressure being experienced by Riel and the Union St. Alexandre at that time was taking its toll. Robert Stalker, a harness-maker of Winnipeg, met Riel in the vicinity of St. Vital on July 16. In the ensuing conversation Riel is reported to have spoken along these lines:

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Riel remarked [to Stalker] on the difference in spirit which animated the two populations. Mr. Stalker could move about anywhere in the French parishes without being either molested or insulted, while it was impossible for Mr. Riel or the French Métis to appear in certain English localities without exposing themselves to the risk of being injured, beaten, or even knocked out. And yet, Riel added, if we wanted to act we could do it, but that's not what we want. And at the same time this gentleman is reported to have fired his pistol into the air....<sup>18</sup>

According to Stalker Riel's two companions said, "Do not do that", and tried to take the pistol away from Riel, but were not successful.<sup>19</sup> Clearly Riel had suffered too much frustration for too long.

Ironically the situation in Manitoba in late 1872 was not unlike that predicted by the arrogant and boastful young Canadians in the summer and fall of 1869 – and hoped and schemed for by John C. Schultz<sup>20</sup> - when the Métis National Committee had been stung into taking action.<sup>21</sup> The Métis were becoming hewers of wood or drawers of water or were being dispersed into the seemingly endless lands of the West. What far-sighted British colonial administrators in the Colonial Office in London had foreseen and feared, as they sought to establish workable principles for the governing of a far-flung empire, had come true in Manitoba.<sup>22</sup> The chief resource of a people was under the control of a department located not in their own local capital but in a distant imperial capital and headed by a man who had never seen either that land or the people who lived in it. To make matters worse, the land was being used, not for purposes of Manitoba but "for purposes of the Dominion".<sup>23</sup> The people of Manitoba had striven to avoid

this fate, and their efforts had resulted in so little violence and loss of life that the whole affair

looked a bit absurd when compared with contemporary popular movements elsewhere.

Amnesty, however, was not part of Canadian government policy because an "indignation

Manitoba had become in 1872 the unforgiven "colony of a Colony".<sup>23</sup> and the hidden

agendas of Cartier, Macdonald and Schultz had become facts of Canadian life.

Schultz received abundant rewards. After his service in the House of Commons he was

appointed to the Senate in 1882 and, in 1888, was named Lieutenant-governor of Manitoba.

12 Writings - Riel, Vol. 1, 159-60, 169.

15 AASB Pere LeFloch, Saint Joseph, Sept. 2, 1872, T10872-10875.

16 PAC Macdonald Papers, McMicken Correspondence, McMicken to Macdonald, Oct. 13, 1872; Oct. 23, 1872. 17 PAM MG14 B16 People of St. Vital to Robert Cunningham, July 23, 1873, on motion of Charles Nault, seconded by Louis Sansregret.

A. Begg, "Dot It Down", 107, 282.

<sup>&</sup>lt;sup>1</sup> PAC Macdonald Papers, Vol. 246, McMicken to Macdonald, Oct. 13, 1872.

Archibald to Macdonald, Sept. 25, 1872.

<sup>&</sup>lt;sup>3</sup> PAC MG26A Macdonald Papers, Macdonald to Archibald, Oct. 7, 1872,

See, above, the chapter "The Election Riot of Sept. 19, 1872".

<sup>&</sup>lt;sup>5</sup> "Report - 1874", Archibald's deposition, 164-5.

<sup>&</sup>lt;sup>6</sup> PRO CO42 Vol. 687, Young to Granville, July 6, 1870.

Manitoban, April 1, 1872.

Manitoban, July 20, 1872.

<sup>9</sup> Ibid.

<sup>1</sup>º Manitoba Gazette, Sept. 7, 1872.

<sup>11</sup> Le Métis, 12 oct., 1872; Manitoba Gazette, Nov. 13, 1872.

<sup>13 &</sup>quot;Report - 1874", Riel and Lépine to Lieutenant-governor Morris, Jan. 3, 1873.

<sup>14</sup> AASB Père LeFloch, Saint Joseph, Aug. 13, 1872, T10780-10787.

<sup>18</sup> Le Métis, 24 juillet, 1872.

<sup>19</sup> Manitoba Gazette, July 27, 1872.

<sup>&</sup>lt;sup>28</sup> Begg, Creation, 21-2.

<sup>&</sup>lt;sup>22</sup> Herman Merivale, Lectures on Colonization and Colonies, [1861], August M. Kelly Publishers, New York, 1967, 435; Hugh Edward Egerton, A Short History of British Colonial Policy, 1606-1909, Methuen and Co. Ltd.,

London, 1897-1945, 311-12. <sup>20</sup> The Manitoba Act, Section 30.

<sup>24 &</sup>quot;Report - 1874", Taché's deposition, Taché to Young, July 23, 1870, 40-1.

<sup>&</sup>lt;sup>25</sup> Isaac Cowle, Company of Adventurers, 450.

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