

The Sayer Trial at Red River 1849

Establishing Metis Free Trade

In 1849, Hudson's Bay Company Chief Factor John Ballenden arrested Pierre Guillaume Sayer, André Goulet, Hector McGinnis and Norbert Larond of Grantown as they were about to leave on a trading trip to Lake Manitoba. They were subsequently brought to trial before the General Quarterly Court of Assiniboia on May 17, 1849. Sitting on the bench were Major Caldwell, Governor of Assiniboia, Recorder Adam Thom, and three councilors of Assiniboia (also Justices of the Peace) Alexander Ross, John Bunn and Cuthbert Grant.

After their arrest Sayer and the others were temporarily released on bail and a trial date was set for the upcoming Ascension Day (17 May 1849) in the General Quarterly Court of Assiniboia at Fort Garry. The authorities felt that due to the holy day, they would avoid having the courthouse crowded with Métis, whose anger was readily apparent. Adam Thom was to act as judge at the trial. He was the "Recorder" of the Council of Assiniboia, an employee of the Hudson's Bay Company (HBC) and a Scotsman who only spoke English although he did speak French, held trials in English and refused to name an interpreter.



The man on the left is believed to be Guillaume Sayer, with Louis Riel Sr.
Archives de la Société historique de Saint-Boniface, Antoine Champagne Fonds
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Before the trial started a large group of armed Metis protesters appeared in front of the court house. The driving force of this Metis protest was Joseph-Louis Riel, who rallied his friends from the neighboring parishes and missions so successfully that the crowd, after hearing Low Mass instead of High Mass as the authorities had assumed, counted no less than 377 guns in its ranks, not including other arms and projectiles of all sorts. Thus

the stage was set for the trial of William Sayer to become the occasion of what was to be commonly called “Magna Carta Day” in the Red River Settlement.

The Metis had a long list of grievances against the Hudson’s Bay Company and its administration. In an attempt to stop the smuggling of furs to Norman Kittson’s post, established at Pembina in the USA in 1844 (later moved to St. Joseph) the Hudson’s Bay Company had implemented a number of draconian measures:

- Imposing a 7.5% import duty;
- reading incoming mail;
- searching Metis homes for contraband;
- seizing furs from Metis cart trains travelling to Pembina and St. Paul;
- arresting and penalizing those who breached its monopoly; and
- requesting Father Belcourt’s removal from the Red River area after he helped the Metis draft a petition to the British government in 1846.

When Sayer’s name was called in court he was not present. In his place James Sinclair, Peter Garrioch and several other Metis came to the bar as delegates of the large number of Metis who were outside. Sinclair, as spokesman, gave the Clerk of Court a list of grievances to hand to the Governor. Recorder Thom noted that these were issues for the Royal Charter of the HBC, and had to be dealt with in England. In reply Sinclair gave Thom an August 1848 copy of *The Times* of London which indicated that a large number of the British House of Commons had doubts as to the validity of the HBC Charter which had not been renewed since 1670. Thom then allowed Sinclair to act as Sayer’s representative in court. Sayer then came to court. Sinclair objected to five of the juror’s (selected already for previous cases) and 11 more on the panel, before a jury was finally selected.

Prosecutor Ballenden called two witnesses against Sayer, Magnus Linklater and Louison Sayer, Guillaume’s son. Sinclair called two witnesses for the defense; Antoine Morin and Alexe Goulet. Both testified that the HBC had been encouraging Metis trading. Upon deliberation Donald Gunn, foreman of the jury, found Sayer guilty but recommended mercy as it was apparent that he and the other three accused were under the impression that as Metis they had a right to trade in furs. Ballenden acceded to the recommendation of mercy and declared that he would not proceed with the other three cases.

In a loud voice, Louis Riel Sr. announced to the waiting crowd that the case had been settled and that the accused was a free man. Hearing this, the crowd repeated his triumphant exclamation:

« Le commerce est libre; vive la liberté! »

Sayer had been set free and the company’s monopoly effectively destroyed. The Recorder was discredited by this incident, which some said was brought about by his own

scheming, and was no longer seen on the bench. He was eventually replaced by a judge who came from Montréal.

Pierre Guillaume Sayer (1803-1868)

Pierre Guillaume Sayer was the son of John Charles Sayer Jr. (b. 1775) and Mary C. Cameron. Sayer was the grandson of John Sayer Sr.¹ a North West Company partner who traded in the west Lake Superior area. His grandmother was Bwa-ne-Quay or Obemaunoqua (Marguerite), the daughter Mamongazida (Big Foot) an Ojibway.² Guillaume moved to Grantown in 1824. He farmed there and participated in the buffalo hunt. He married Josephte Frobisher, elder daughter of fur trader Alexander Frobisher and his Cree wife, on March 2, 1835 at St. Francois Xavier. Josephte, born about 1795-1807 was baptized the same day as the wedding. She and Sayer had eight sons and four daughters. Guillaume Sayer died sometime before 2 October 1875, when his widow Josephte made an application for Manitoba Metis Scrip at Baie Saint-Paul.

References:

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- Stubbs, Roy St. George. "Adam Thom" in *Four Recorders of Rupert's Land*. Winnipeg: Peguis Publishers, 1967: 1-47.
- Western Law Times*, Vol. 2, 1891: 12-15.



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¹ In the fall of 1804, John Sayer, a partner of the North West Company and his crew departed from Fort St. Louis, near modern-day Superior, Wisconsin. Sayer originally intended to build a post near Cross Lake, but the location for his wintering operations changed to a site two miles up the Snake River, after he conferred with local Ojibway leaders. The exact period of the post's operation remains a mystery, but recent research indicates the post saw several seasons of operation. Sometime after the post was abandoned it was destroyed by fire. Today, the North West Company Fur Post, a reconstruction of John Sayer's post, is owned and operated by the Minnesota Historical Society. The site consists of approximately 93 acres on the north and south sides of the Snake River, with the historic reconstruction on the south side.

² Big Foot aka Loon's Foot Mamongazida was born around 1727 in Lapointe. His father was No-ka or Nokay and his Ojibwa mother (unnamed) had previously been married to Snow Mountain Wabasha (a Dakota). Mamongazida often travelled to Quebec and had fought against the British with Montcalm at the Plains of Abraham in 1759.

