

**RECONSIDERING CONFEDERATION: Canada's Founding Debates, 1864-1999**  
Edited by Daniel Heidt

ISBN 978-1-77385-016-0

**THIS BOOK IS AN OPEN ACCESS E-BOOK.** It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at [ucpress@ucalgary.ca](mailto:ucpress@ucalgary.ca)

**Cover Art:** The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

**COPYRIGHT NOTICE:** This open-access work is published under a Creative Commons licence. This means that you are free to copy, distribute, display or perform the work as long as you clearly attribute the work to its authors and publisher, that you do not use this work for any commercial gain in any form, and that you in no way alter, transform, or build on the work outside of its use in normal academic scholarship without our express permission. If you want to reuse or distribute the work, you must inform its new audience of the licence terms of this work. For more information, see details of the Creative Commons licence at: <http://creativecommons.org/licenses/by-nc-nd/4.0/>

**UNDER THE CREATIVE COMMONS LICENCE YOU MAY:**

- read and store this document free of charge;
- distribute it for personal use free of charge;
- print sections of the work for personal use;
- read or perform parts of the work in a context where no financial transactions take place.

**UNDER THE CREATIVE COMMONS LICENCE YOU MAY NOT:**

- gain financially from the work in any way;
- sell the work or seek monies in relation to the distribution of the work;
- use the work in any commercial activity of any kind;
- profit a third party indirectly via use or distribution of the work;
- distribute in or through a commercial body (with the exception of academic usage within educational institutions such as schools and universities);
- reproduce, distribute, or store the cover image outside of its function as a cover of this work;
- alter or build on the work outside of normal academic scholarship.



**Acknowledgement:** We acknowledge the wording around open access used by Australian publisher, **re.press**, and thank them for giving us permission to adapt their wording to our policy <http://www.re-press.org>

## Resisting Canada's Will: Manitoba's Entry into Confederation

ROBERT WARDHAUGH AND BARRY FERGUSON

The story of Manitoba and Confederation is unique in that it was the only province created against the designs of the Canadian government. Manitoba emerged from the Red River Resistance of 1869–70. Canada was unprepared for the acquisition of Rupert's Land from the Hudson's Bay Company (HBC) and the country blundered its way into the vast territory of the North-West. The Red River Settlement of twelve thousand people—a diverse community the majority of whom were Métis—stood up to Canada's haphazard approach, opposed its peremptory occupation, reconstituted local power with a provisional government, and demanded a British form of representative government through negotiation. Manitoba was the only province where a portion of its Indigenous population was involved in its creation. The Manitoba Act of 1870 guaranteed a land grant for the Métis “to extinguish Indian title.” But while the Red River Resistance that resulted in the creation of Canada's fifth province provided a temporary victory for the Métis, it laid the foundation for a full-blown Rebellion fifteen years later, as well as serious provincial and regional grievances. Manitoba entered Confederation in 1870 on an unequal basis with the other provinces. Saskatchewan and Alberta in 1905 would experience the same inequality, thereby establishing a powerful sense of western alienation.

## *Canada's Claim to the North-West*

Canada's acquisition of "Rupert's Land and the North-Western Territory" was conducted under the "power to admit" provision in Article 146 of the Constitution Act of 1867.<sup>1</sup> As a project of settler colonialism, Canadian politicians were certain that the vast territories were theirs for the taking.<sup>2</sup> What Canada and Britain did not comprehend was that the area had its own economic and social structures and, in the case of the Old Settlement (as it was called) of Red River, a political system that could resist the plans and terms imposed from outside. When the Canadian and British governments negotiated the terms of the dominion's expansion, they neglected to consider the region, the people, and the institutions they were so confident of acquiring.

A significant amount of historical work has been done on the Red River Resistance and Manitoba's entry into Confederation. Recent work, however, has shed the nation-building perspective that permeated older studies, offering a chance for a refreshed understanding of the political issues that shaped the course of events in 1869–70.

### *Red River under the Hudson's Bay Company*

The Old Settlement of Red River was not new to political, economic, and cultural conflict at the time Canada federated in 1867.<sup>3</sup> After the HBC's authority over the region was reconfirmed in 1835, Red River acquired its own political order in the form of the non-elected Council of Assiniboia and a legal system, the General Quarterly Court of Assiniboia. The Council and Court emerged gradually from HBC control.<sup>4</sup> Red River asserted political and economic rights in the form of self-regulation; it developed a capitalist market economy and an agricultural colony apart from HBC sway. The Settlement, however, was not an autonomous self-governing colony by the 1860s, and it suffered from all the ambiguities of Company authority and British Imperial scrutiny.<sup>5</sup>

The rule of the Hudson's Bay Company over Rupert's Land was controversial for decades prior to the transfer. In 1857, its tenure was reviewed by a Select Committee of the United Kingdom Parliament. The review was thorough and the Company was critically interrogated for its commercial practices, its failure to sponsor settlement, and its inability

to assist in acquiring educational, religious, or social services.<sup>6</sup> The Select Committee reviewed a petition signed by 575 “inhabitants and natives of the Settlement situated on the Red River.” The petition claimed that, contrary to contractual relations with the HBC, the rights of settlers were crimped, including land tenure, crop sales, and trading rights. The petition also asserted that legal authority over the North-West lay not with the HBC but with the Crown under the Proclamation of 1763.<sup>7</sup>

The 1857 Committee Report recommended a limited renewal of the HBC “license” to trade in the North-Western Territories. The Company was ordered to vacate Vancouver Island for failing to promote settlement and to cede the Red River and North Saskatchewan River districts to the Province of Canada.<sup>8</sup> Desultory negotiations to acquire the North-West commenced but little headway was made.<sup>9</sup>

### *Negotiations to Acquire the North-West*

After 1867, Great Britain informed Canada that urgent action was needed.<sup>10</sup> The new dominion passed a series of resolutions on the matter, including authorizing the Imperial government to negotiate with the HBC. The minister of Public Works, William McDougall, proclaimed that Canada must acquire the entire North-West and indeed all the lands to the Pacific coast. “If we did not expand,” he warned, “we must contract.” Through expansion, Canada would realize its destiny as a “new nationality.”<sup>11</sup> The British government forced the pace by passing the Rupert’s Land Act in July of 1868 which stated that the Company would surrender its “Lands, Rights, Privileges, Liberties, Franchises, Powers, and Authorities” upon transfer to the new dominion.<sup>12</sup> In March 1869, the British government imposed the terms of a settlement.<sup>13</sup> In return for control of Rupert’s Land, Canada would pay the HBC £300,000 and 1/20<sup>th</sup> of all arable lands. Nothing specific was stipulated about the rights to land ownership or political representation for the residents of Red River.<sup>14</sup>

In May of 1869, the Canadian government introduced legislation to take over the North-West. Already on the defensive for sending out preliminary exploratory/survey crews, cabinet minister George-Étienne Cartier extolled the move as a project that would accomplish in a few years what the United States had taken half a century to achieve. Cartier boasted that the acquisition cost was modest: the purchase price was in the form of a

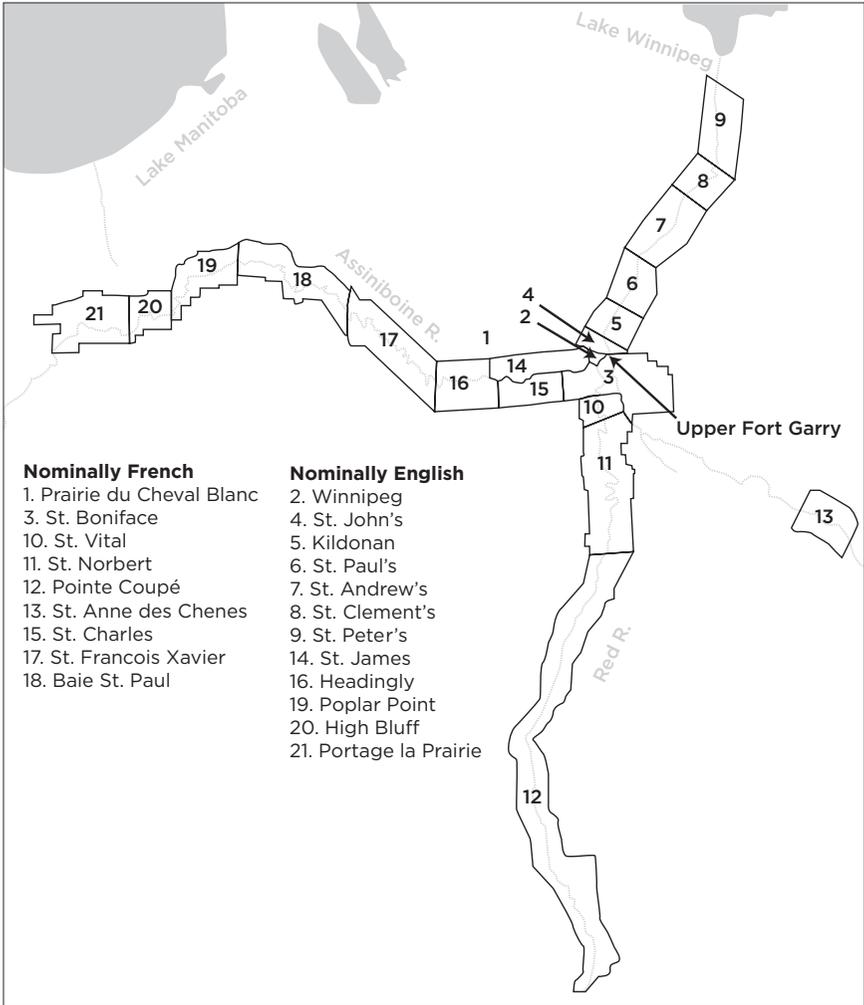


Fig 6.1 The Red River settlement, 1870, showing the locations of the predominantly French and English parishes. Developed from: Gerhard J. Ens, *Homeland to Hinterland: The Changing Worlds of the Metis in the Nineteenth Century* (Toronto: University of Toronto Press, 1996), 11; Gerald Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1987), 91; Norma Jean Hall, "The People," *The Provisional Government of Assiniboia*, <https://hallnjan2.wordpress.com/resources/definition-provisional-government/the-people-electorate/>; George Stanley, *The Birth of Western Canada: A History of The Riel Rebellions*, 2<sup>nd</sup> edition (Toronto: University of Toronto Press, 1961), 14.

loan from the British to the Canadian government, payable over forty-five years. Prime Minister John A. Macdonald introduced an “Act for the temporary Government of Rupert’s Land and the North-Western Territory when united with Canada.” The legislation gave the lieutenant-governor complete authority to make arrangements as he saw fit for governing Red River and the North-West. The only concession to the residents of Red River was a clause stating that existing laws and current officials would continue at the pleasure of Canada (although Ottawa had no records of them). The legislation was approved with government assurances that the formal take-over would occur sometime later in the year.<sup>15</sup> Canada and Great Britain then dithered over the final terms.

### *The Failed Canadian Take-Over*

In the summer of 1869 Canadian survey crews moved into the Red River area. Local concern turned into anger by late August when surveyors, acting on instructions from William McDougall, began staking out 800-acre farm plots over existing occupied lands. A month later, William MacTavish, president of the Council of Assiniboia and HBC Governor of Rupert’s Land since 1858, informed the Catholic Bishop of St. Boniface, Alexandre-Antonin Taché, that the locals (particularly the Métis) were disturbed by these violations and were threatening “trouble.”<sup>16</sup>

Prior to the official transfer, on 28 September 1869 Canada named McDougall as lieutenant-governor of Rupert’s Land. He was ordered to proceed “with all convenient speed to Fort Garry” and make “preliminary arrangements for the organization” of territorial government by liaising with existing officials of the Council and the HBC. He was also ordered to review conditions among the Indigenous Peoples as well as the role of the HBC. In particular, McDougall was instructed to conduct an inventory of existing laws and ordinances, taxes and licenses and, finally, land holding. His instructions demonstrated that the Canadian take-over was conducted with almost no idea about the existing administration.<sup>17</sup>

McDougall slowly made his way to Red River via the United States. Meanwhile, Joseph Howe, now minister responsible for the provinces, also traveled to the Settlement on an informal, hurried visit. His meetings with representative groups led him to a very sympathetic understanding of why Red River was agitated over the activities of the Canadians at Red River

and the prospects of Canadian administration. Howe carried back a copy of the records and legislation of the Council of Assiniboia. During his return trip, he met McDougall in Minnesota. They spoke for a brief time due to inclement weather. Howe cautioned McDougall and later wrote a strong letter warning him to avoid aligning himself with the “Canadians” or otherwise provoking the sensitivities of a divided Settlement.<sup>18</sup>

The moribund Council of Assiniboia, headed by a seriously-ailing William MacTavish, reconvened on October 16 and addressed a statement to McDougall. It welcomed the new lieutenant-governor but apprised him of the “mixed feelings” in the Settlement about the transfer and the “misgivings” over the future. The Council was concerned that “all just rights of the old settlers will be respected [and] that the transition will be made as easy for them as possible.”<sup>19</sup> Simultaneously, a group of Métis had put together a *Comité National des Métis de la Rivière Rouge*.<sup>20</sup> On October 21 the *Comité National* sent a notice forbidding McDougall from setting foot in the North-West without its permission.<sup>21</sup>

A few days later, the Council of Assiniboia again met. It expressed “reprobation of the outrageous” act of the group that had threatened to bar McDougall. The heads of the *Comité National*, Louis Riel and John Bruce, were called to explain their actions. Riel claimed that the Métis Committee objected to Canada’s imposition of authority without consultations and demanded that the whole Settlement—and not only the *Comité National*—send “delegates” to negotiate Canada’s entry. The Council tried but failed to convince Riel of the “erroneous nature” of his arguments and warned him about the “highly criminal character” of Métis actions.<sup>22</sup>

Governor MacTavish also wrote McDougall about the serious “discontent” among the Métis in the Settlement, arguing that it was impossible to divert the Métis from their course of action. He recommended that McDougall remain at Pembina, North Dakota until “conciliatory negotiations” occurred.<sup>23</sup> McDougall also received information from others, including the head of the Canadian survey party, Colonel J.S. Dennis, about increasing hostility to Canada and tensions within the Settlement. McDougall concluded that he should press on to Red River. He started out but was barred at the Pembina border by an armed Métis force. A perplexed McDougall urged MacTavish to establish authority for him.<sup>24</sup>

After the confrontation, public life in Red River grew tumultuous. On November 2, the *Comité National* seized the HBC’s Upper Fort Garry

headquarters (present-day central Winnipeg), the symbolic centre of commercial and political authority. The Métis called for the creation of a council of equal representation from each of the French and English communities including the leader of the nearby Saulteaux, Henry Prince. This “Council of Twenty-Four” met between November 9 and December 1. Its deliberations were marked by debate as to whether the Council should remain an advisory body or declare itself a provisional government.<sup>25</sup>

In late November, the Canadian government postponed final agreement with the HBC and Britain. It cited growing evidence of unsettled conditions in the North-West and Canada’s inability to effectively control the area. The British government was not pleased at being left in charge of an area it could not immediately control. The Colonial Secretary, the Earl of Granville, tried to insist on the take-over and stated that Canadian actions had led to the unsettled conditions.<sup>26</sup>

McDougall, meanwhile, was cautioned not to act hastily. Howe again warned him that “as matters stand you can assert or claim no authority” until informed by the Canadian government that it had “annexed” the territory. Prime Minister Macdonald was more blunt. The situation had become “grave” and McDougall was ordered to avoid any precipitous action, including public statements. If civil strife broke out at Red River, the prime minister warned, Britain and Canada would be unable to maintain public order, which would show that there was “no legal government” in the Settlement and that the residents would be entitled “by the law of nations” to form their own administration “for the protection of life and property.” Hasty action could legitimize a provisional government under customary law. The United States, moreover, might well use such events as a pretext for intervention.<sup>27</sup>

McDougall did not receive either of these letters from Howe and Macdonald before undertaking a second and final attempt to impose his authority over Red River. On December 1, he ordered the posting of a Proclamation at Fort Garry in the name of the Crown claiming he was now the lieutenant-governor of the North West Territories. It was a disastrous claim made worse by further pronouncements. McDougall appointed Colonel Dennis as “Conservator of the Peace” against unspecified “bodies of armed men” and commanded him to create a force authorized “to attack, arrest, disarm or disperse the said armed men so unlawfully assembled and disturbing the peace.” Bellicose words led to a second

Proclamation apprising the public of the new authority. But McDougall remained in Dakota, with almost no public sympathy, support, or recognition. For his part, Dennis struggled to contain the incitements to confrontation and balked at the order to take up arms.<sup>28</sup> McDougall had evoked the authority of the Crown without authorization, moved in defiance of the Canadian government's authority, and threatened the use of a force he did not possess.

### *Red River's Initiative: Political Convention & Provisional Government*

Canadian and British officials recognized the situation they had created. The Governor General, Sir John Young, was well aware that British military forces could not be deployed to Red River due to the lack of efficient transportation links. Young issued a proclamation offering amnesty to all those "misguided persons" who had violently blocked "ingress" to the area as long as they abandoned their course of resistance. The proclamation presumed that the agitators were acting in good faith, were loyal to the Crown, and had acted solely in order to express legitimate concerns over the preservation of their civil, religious, and property rights, all of which would be guaranteed.<sup>29</sup>

Howe informed McDougall of the Governor General's proclamation and ordered him to withdraw his previous expressions of authority. On Christmas Eve 1869, Howe wrote to rebuke McDougall for his "entirely illegal actions," including invoking the Queen's authority without permission. While McDougall continued to issue reports and to defend his actions, he retreated to Minnesota and then back to Canada.<sup>30</sup> The Canadian government tried to regain the initiative by appointing two commissions. One was a duo of French Canadians, Fr. J-B. Thibault and Colonel Charles de Salaberry, both former residents of Red River who were sent to assess and calm the populace. The other was a single commissioner, Donald A. Smith, a senior HBC official resident in Montreal, who was instructed to conduct an inquiry and report on the means to resolve the situation by ensuring negotiations between Red River and Canada.<sup>31</sup> These appointments began the process of negotiation that should have occurred six months earlier.<sup>32</sup>

Meanwhile, on December 2, the Council of Twenty-Four had issued a “List of Rights,” enumerating fifteen tenets as the basis for Red River’s entry into Confederation as a territory of Canada. It demanded political representation in local and national legislatures, the creation of administrative and legal institutions, equal standing of the French and English languages, recognition of existing “customs, privileges and usages,” and the negotiation of “Treaties” with the “several tribes of Indians” in the Territory. It would be the first of four such Lists devised by the Settlement’s political representatives.<sup>33</sup> The Council then proclaimed itself a provisional government and issued its own “Proclamation” on December 8. As a result of the abortive sale by the HBC and the efforts of Canada to “subjugate” the residents of Red River, the Proclamation invoked the fundamental principle that a people who had no government was free to give or refuse allegiance to authorities by its own choosing.

Red River now possessed an effective government. Regardless of whether it was supported by the majority of its inhabitants or recognized by Canada, it plausibly claimed to be in charge.<sup>34</sup> The new regime raised a flag consisting of the fleur-de-lis and shamrock, although it also raised the Union Jack.<sup>35</sup>

### *The Provisional Government in Operation*

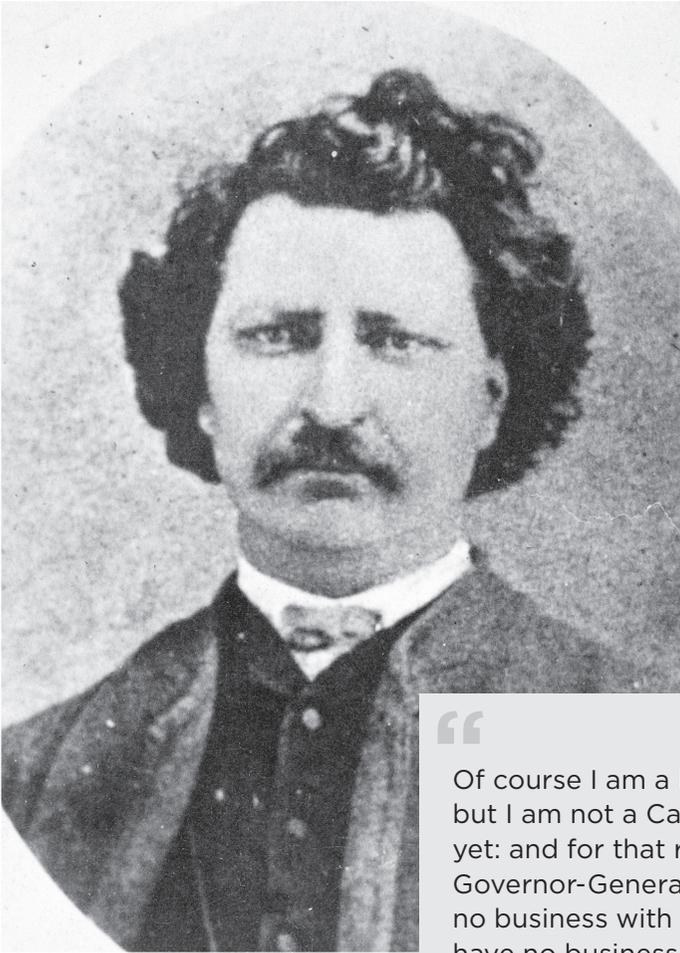
The next four months proved to be a time of trouble, marked by civil unrest, violent incidents, and mass arrests undertaken by the Provisional Government. It was also a time of political deliberations that resulted in a programme for negotiations with the Government of Canada. The *Comité National*, meanwhile, organized a paramilitary force that could muster two hundred to three hundred men. It was used to patrol the perimeters of the Settlement and ensure the occupation of Upper Fort Garry. A serious confrontation occurred over the December proclamation of the Provisional Government. Members of the Canadian Party—a combination of long-disgruntled residents of Portage la Prairie and Canadians at Fort Garry—organized a force of armed men to overthrow the new government. The Métis responded by promptly arresting forty-five men, including their ringleader, Canadian adventurer Dr. John Christian Schultz, and jailing them in Fort Garry. The provisional government and *Comité National*, led by Louis Riel, had become the *de facto* law and order in Red River.<sup>36</sup>

Political deliberations continued in this tense atmosphere. Local Convention meetings and provisional government deliberations worked out terms and procedures to resolve the impasse. In late January, a new popular Convention was called comprising of twenty delegates each from the English-Protestant and French-Catholic parishes. This “Convention of Forty” promoted by leaders in each community and by the Canadian commissioner, Donald Smith, deliberated on negotiations with Canada. The new organization, starting with a subcommittee including James Ross, John Black, Louis Riel, and Louis Schmidt, drew up a new list of rights that was more extensive and specific than the previous version. There was heated debate in the Convention over the question of seeking territorial or provincial status (the latter would have meant more local expenses but also promised local control of public lands). Riel favoured provincial status but he could not carry the Convention. The “Second List of Rights” was subsequently revised on two occasions, but it was this second list that constituted the core of Red River’s goals. They included local and national political representation, an elected legislature within three years, adequate local government revenues, and provision by Canada of communication and transportation links and local public works such as public buildings and funds for schools, roads, and bridges. The List demanded recognition of property and other rights, including the use of French and English in the legislature and courts, and recognition and acquisition of citizenship rights for the residents of the new territory.<sup>37</sup>

February saw a renewal of conflict. Riel’s frustration at the defeat of provincial status led to further incarcerations, including the mortally-ill William MacTavish and several of Riel’s rivals amongst the Métis. The “Canadian Party” again organized themselves to overthrow the provisional government. The Métis force moved in and captured a group of about fifty members of the Canadian Party. Several prisoners were threatened with execution, including the leader, former militia Major Charles Boulton. Feverish negotiations ensued and most prisoners were released, but Riel and his closest associates decided to make an example of one prisoner and force Canada to “respect” the new government. Thomas Scott, a member of the Canadian Party, was executed by military court martial on March 4 for threatening the life of Riel, President of the provisional government.<sup>38</sup> Scott’s death became a grave symbol to Protestant Ontario

**Louis Riel**  
*Convention of 40 Representative  
and Métis Leader*

27 JANUARY 1870



CONFEDERATION QUOTE 6.1  
Quotation from Convention of Forty,  
Second Provisional Government of  
Manitoba, 27 January 1870  
Photograph by Duffin and Co., from Library  
and Archives Canada, C-052177

“

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.

”

in later months and years. It weakened the legitimacy of the Red River government and marred Riel's standing for the rest of his days.

The Convention of Forty was shocked by the turn of events. It turned immediately to revise the terms for negotiation with Canada. Five days after Scott's execution, the influential Bishop Taché returned to Red River from an epochal Ecumenical Council in Rome, called back at the request of the Canadian government. Taché met with George-Étienne Cartier and John A. Macdonald in Ottawa on his return journey, and he brought with him assurances on behalf of the Canadian government to do justice to the demands of the people of Red River. The Council spent mid-March honing the List of Rights. This "Third List" now included Riel's demand for provincial status. The Council commissioned three delegates to depart immediately for Ottawa to negotiate terms. The first was John Black, formerly Recorder and vice-president of the Council of Assiniboia, an active representative in the provisional government, and a leader of the "English" community. The second delegate was Rev. Noël-J. Ritchot, a parish priest at La Salle since 1862 and close advisor to the Métis throughout the fall of 1869 and winter of 1870. The third representative was Alfred H. Scott, identified as a young "American" merchant and member of the provisional government. By March 24, the three delegates had left for Ottawa. Ritchot possessed a revised copy of the List of Rights—a "Fourth List"—that was reworked by the provisional government executive to strengthen demands for "denominational schools."<sup>39</sup>

### *Negotiating the Manitoba Act*

The arrival of the Red River delegation in Ottawa in mid-April caused a major uproar in Ontario where Thomas Scott's execution had spawned widespread indignation. The Canadian Party in Red River was supported and represented in Ontario by a group of ardent nationalists, the Canada First Movement. The province's press also played up the "murder" of a loyal Anglo-Ontarian by the French-Catholic "half-breeds," and French-English and Catholic-Protestant antagonism reached a fevered pitch. Mass demonstrations were held in Toronto on April 7 and the Canada First movement subsequently secured a warrant for the delegation's arrest. Upon their arrival in Ottawa on April 11, and after an initial meeting with cabinet ministers George-Étienne Cartier and Joseph Howe, Noël-J.

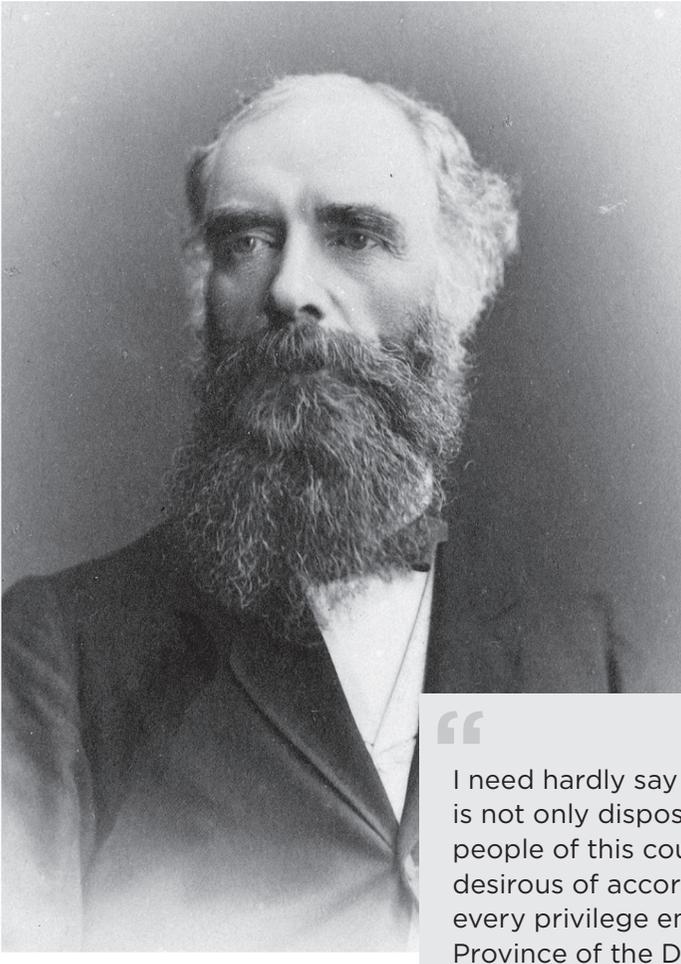
Ritchot and Alfred Scott were held by Ottawa police for a week, swept up by the campaign to punish those responsible for the death of Thomas Scott. The warrants were eventually declared beyond the authority of Ontario and the two delegates freed. Meanwhile, Black resided unmolested in the Russell Hotel in a room adjacent to Commissioner Donald A. Smith.<sup>40</sup>

The Canadian government was wary of recognizing the delegates in any official capacity but Cartier and Macdonald met with them. Negotiations continued at Cartier's private residence between April 22 and May 2. The List of Rights formed the basis for the goals advanced by Black and Ritchot. Scott was not an active participant. It was pitted against a draft document less generous to the Manitobans advanced by Cartier and Macdonald who were guided by Smith's unsympathetic Report on the grievances of Red River.<sup>41</sup>

The most contentious issues under discussion were provincial status and public lands. Macdonald and Cartier conceded provincial status but not local control of natural resources, including public lands. Instead, they insisted that lands and natural resources must be vested in the dominion government so it could foster homestead and railway policies. Ritchot was alarmed because control of public lands was a tenet of the List of Rights and was the crux of the demand for provincial status. Existing land tenure would be threatened and the means for future settlement and public revenues would be lost. Realizing that he did not have the support of John Black and was likely to lose on the issue, Ritchot sought an alternative: "We could not give up control of the lands," he wrote in his journal, "unless we had compensation or conditions that, for the people there now, would be the equivalent to control of the lands of their province."<sup>42</sup> Ritchot then brought up a proposal that, although not part of the delegates' official instructions, had been discussed in Red River. As descendants of the Indigenous Peoples, the Métis believed they had inherited some form of share in the Aboriginal title to the lands. While it was not necessary to sign treaties with the Métis because they were not and did not think of themselves as "Indians," an argument could be made that they were deserving of special recognition. Ritchot viewed a grant of large blocs of land for the Métis as an acceptable form of compensation for loss of provincial control. The land grant or reserve would ensure continued Métis and French-Canadian farm populations and security of tenure. Macdonald and Cartier accepted the compromise, but they offered only a grant of one

**Donald Alexander Smith  
(1st Baron Strathcona)**  
*Canadian Special Commissioner*

27 JANUARY 1870



**CONFEDERATION QUOTE 6.2**  
Quotation from Convention of Forty,  
Second Provisional Government of  
Manitoba, 27 January 1870  
Photograph from Library and  
Archives Canada, C-5489

“

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.

”

hundred thousand acres for the descendants of the Métis.

On April 28, after three days of negotiations, Macdonald and Cartier presented the delegates with another draft of the bill. But when discussion recommenced, Macdonald suddenly left the table. As it turned out, the prime minister was withering under personal problems and anxieties. He lapsed into a drinking bout that lasted several days.<sup>43</sup> The prime minister's absence meant that Cartier had to orchestrate the remaining negotiations. Between Ritchot's insistence and Cartier's sympathetic outlook, the two sides agreed upon the grant of a very large bloc of 1.4 million acres or one-sixth of the land area of the new province for current and future Métis people. Other matters, including fiscal arrangements, economic links, as well as legal, linguistic, and educational rights on the basis of dualism between French and English, and Catholics and Protestants, were negotiated amicably. It was in Macdonald's absence, however, that the final terms were struck.<sup>44</sup>

On May 2, John A. Macdonald returned to present a surprisingly cogent summary of the newly agreed-upon Manitoba bill, which was still being printed. The prime minister reviewed the legislation deftly enough, explaining that a province would be created since a "territory" was apparently unknown in the British colonial system. "Manitoba" would replace "Assiniboia" as a more euphonious, poignant aboriginal name ("the meeting of spirits," he claimed). His account was thorough, although he relied upon Cartier's clarification of such points as the guarantee of legal occupation of land by existing populations, and a peculiar comparison of the Métis land grant to that provided the United Empire Loyalists. The new legislation would "be satisfactory to the people of all classes and races of that country." Macdonald ended by announcing the subsidiary legislation that would support a small military "expedition" of British regulars and Canadian militia to alleviate the fears of the local population about Indian hostility and foreign threats to peace.<sup>45</sup>

Macdonald's announcement drew the first of many critical Opposition responses to what Liberal leader Alexander Mackenzie described as the "reprehensible" payment to the HBC for a territory that Canada had by right and "ludicrous" legislation making a province out of two or three "counties." William McDougall, now back on the Liberal side of the House, offered the first of several speeches that criticized the proposal and defended his own previous actions, a tactic that drew sharp comments

from cabinet ministers such as Sir Francis Hincks and a strong rebuke from Joseph Howe.<sup>46</sup>

The day the Manitoba Act was to be debated, Macdonald fell seriously ill with gallstones, and would remain out of the fray for months. On May 7, Alexander Mackenzie argued that the Manitoba Act was a question of “vast political importance to the future of the country” and in effect agreed to quick passage.<sup>47</sup> During the debates, members questioned but did not strongly oppose provisions for denominational schools and they did not challenge recognition of French and English as languages of government and law. Many, however, spoke against the reservation of 1.4 million acres for the Métis population. Many MPs criticized the generous fiscal terms and both Conservatives and Liberals revealed their confusion over whether the Métis land was an aboriginal settlement or a grant of land in recognition of the resident population. On May 12 the bill was given final assent.<sup>48</sup> When the provisional government of Assiniboia was informed and apprised of the Act, it too gave formal approval.<sup>49</sup>

The new province created by the Manitoba Act was proclaimed on 15 July 1870, the same day the sale of Rupert’s Land was completed. In December the election of the first provincial legislature occurred. The Manitoba Act departed radically in some respects from the British North America Act that had created Confederation in 1867. The provisions for the province to receive four members of parliament and two senators, as well as provision for federal control of Crown lands contravened sections on the Senate, House representation, and most importantly provincial powers under the Constitution Act. Not surprisingly, the acquisition of Manitoba was later placed upon the footing of a separate Imperial Statute, the British North America Act of 1871.<sup>50</sup>

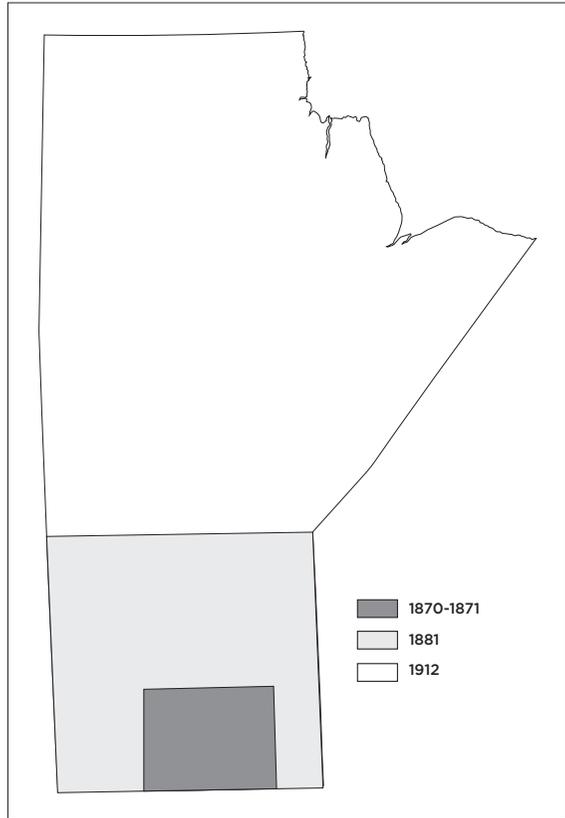
The Canadian take-over of Red River was irregular from start to finish. Parliament’s last move in the process caused further unease and trouble. It authorized a military Expedition—sought by the Macdonald government for some time—of 400 British regulars and 800 Ontario and Quebec militiamen, infantry, and artillery. The Red River Expedition set off in the summer of 1870 with the avowed purpose of protecting the Settlement. Led by British Army Col. Garnet Wolseley, it was touted as a presence to buttress the transfer. As the Expedition neared Red River in late August of 1870, in advance of the new civilian lieutenant-governor, Adams Archibald, Wolseley wrote the locals that the “mission is one of peace”

whose purpose was to “secure Her Majesty’s sovereign authority.” He also promised the “strictest order and discipline” amongst the troops. Wolseley led the British battalion in advance of the Canadian militia and it marched into Red River on August 24 in military formation “prepared for a fight.” The Settlement was in effect turned into an armed camp. Large numbers of Métis men had departed for the buffalo hunt. Riel consequently lacked military or civilian support, and Manitoba’s “Father of Confederation” was forced into hiding. On September 2, Adams Archibald arrived as did the Canadian militia battalions. Wolseley’s forces left a week later. Tension and sporadic conflict ensued, including several Métis deaths, notably Riel’s associate Elzéar Goulet who was run into the Red River and drowned.<sup>51</sup>

The Canadian official now in charge, Adams Archibald, was a moderate Nova Scotian and an ally of Joseph Howe, who had some sympathies for the stated positions of the Manitobans. Archibald undertook the laborious process of negotiating the structures of government and politics. He spent two arduous years implementing the formation of a provincial legislature (divided equally between French and English parish-based constituencies) and the formation of courts and administrative agencies of government. During his time in office, he was effectively the head of a colonial and not a “responsible” form of government. The formation of a responsible government under a premier did not emerge until the mid-1870s.<sup>52</sup>

Manitobans gained the core of what they had sought in 1870: representative government, federal representation, institutions based on local society, a fiscal base, assurances about communication links, and a land reserve for the resident population. Offsetting these gains, however, were three factors. The first was the issue of the amnesty for the actions of the Provisional Government. Amnesty was repeatedly sought during and after 1870, but neither Canada nor Britain accepted responsibility. The former absolved itself of anything but sympathy, and the latter claimed that certain criminal actions remained open to prosecution, so the amnesty issue became a perpetual cloud over Louis Riel and a blight on politics. The second issue was the entrenchment of dominion control over natural resources and public lands. The administration of the promised Métis lands was vested in Ottawa. The fairness of the administration of Métis lands became a matter of dispute during the 1870s, when substantial numbers of the locals dispersed to the west, and has remained so since. This form of jurisdiction subordination led to a third point: the guarantees of

Fig 6.2 Manitoba's expansion, 1870–1912. Reproduced with permission from John Welsted et al. "Manitoba: Geographical Identity of a Prairie Province," *The Geography of Manitoba: Its Land and Its People*, eds. John C. Everitt, Christoph Stadel, and John E. Welsted (Winnipeg: University of Manitoba Press, 1996), 5.



religious and linguistic rights for Roman Catholics and French-language Manitobans were dependent upon the goodwill and intent of subsequent governments of Canada and Manitoba. As later events would prove, the guarantee of denominational and language rights and the fair administration of provisions enshrined in the Manitoba Act were not fully entrenched. Manitoba was not a province like the others and would not be so for sixty years. Its subordination was a constitutional watershed, as historian Chester Martin argued a century ago and was echoed by almost every historian since. The Act was a “second Confederation” establishing a model for subordinate provinces that created problems for decades. As Martin put it, the Manitoba Act as validated by the British Parliament in 1871, meant that “Canada was transformed from a federation of equals into an Empire.”<sup>53</sup>

## *Treaty-Making, 1871–76*

Canada's acquisition of Manitoba and the North-West was not completed by the take-over of 1870. As the Provisional Government's List of Rights had stipulated, "treaties" with the "Indian tribes" of the region still needed to be negotiated, and both the First Nations of the entire North-West and the Government of Canada were motivated to proceed. The First Nations were well aware of Canada's grandiose plans for their homelands. They had already experienced Canada's bumptious and insensitive approach to Indigenous Peoples as well as the increasingly serious concerns about outbreaks of disease and declining food sources.<sup>54</sup> They were aware of the experience of the Red River Métis with the Canadians. For its part, Canada had already shown its determination to absorb the North-West into its expansion strategy, while realizing it lacked the capacity to enforce its schemes in the way the United States was doing through a policy of warfare and mass settlement.<sup>55</sup>

The First Nations had a history of mutual accommodation during the HBC era and they were prepared to pursue the same approach with the Canadians. Accordingly, Indigenous Peoples in the areas in and around the new province sought treaty negotiations almost as soon as Adams Archibald arrived in Manitoba. They were stalled by the habitual disorganization of the Canadian government and by the lieutenant-governor's focus on creating a political and administrative structure for the new province.

By mid-1871, Archibald and a newly-appointed Indian commissioner, Wemyss Simpson (former HBC trader and Conservative MP), engaged in treaty talks. The first agreement, Treaty No. 1 or the "Stone Fort Treaty," was signed at Lower Fort Garry, downriver from Winnipeg, on 3 August 1871 with the "Chippewa and Swampy Cree Tribes of Indians" of Manitoba. This was an area of 43,250 square kilometres encompassing, but spilling over from the new province to east and west. The ceremonial aspects of the signing reflected the momentousness of the agreement and the negotiations were intense at times. About one thousand Anishinaabeg people gathered while their leaders concluded talks with the Canadians.<sup>56</sup> Treaty No. 2 was signed on August 21 at the "Manitoba Post" on Lake Manitoba. It was for an area of 92,000 square kilometres in an arc north and west of Treaty 1.

The terms of the Treaties No. 1 and No. 2 reflected the seriousness of

the situation. Like all later treaties, they were reciprocal agreements—not with Canada—but between Her Majesty the Queen and peoples of the region. In return for a general acceptance of opening the specified lands for “settlement and immigration” and an agreement to observe the treaty and maintain the peace, First Nations were guaranteed grants of lands—160 acres [64.75 ha.] per family of five, an annual payment of fifteen dollars per family, a ban on the sale of “intoxicating liquor,” and the provision of a school “on each reserve” at the desire of the inhabitants.<sup>57</sup>

Archibald introduced the signings for each treaty by emphasizing the Crown’s commitment to “justice to all” and the dominion’s promise of seeking the “good of all races.” He stated that the Queen “though she may think it good for you to adopt civilized habits, has no idea of compelling you to do so. This she leaves to your choice, and you need not live like the white man.” To underline this point, he stated that the reserves provided an abundance of land for their perpetual use either “by tilling” or by “the chase.”<sup>58</sup> Commissioner Simpson stated in his speech to First Nations and in his report to the minister that it had also taken some convincing to disabuse band leaders of what he claimed were excessive demands for land grants, such as a demand by the Chiefs in the Treaty 1 area for a reserve of two-thirds of the province. He also noted that Métis in the areas along the Assiniboine who were eligible for land grants under the Manitoba Act had tried to gain reserve lands, though they were stymied.<sup>59</sup>

While Archibald and Simpson expressed fine sentiments on behalf of Queen Victoria, the government they represented promptly neglected its Treaty obligations, which led to agitations among the signatory First Nations during the next four years. This agitation led to a revision of the treaties by 1875. As Archibald’s and Simpson’s successor in negotiations, Alexander Morris admitted: “Certain verbal promises . . . were not included in the written text of the treaties, nor recognized or referred to, when these Treaties were ratified by the Privy Council.” A memorandum was subsequently signed that raised the annuity to five dollars per capita and stipulated special gratuities to Chiefs and Headmen.<sup>60</sup>

Two other treaties were signed with First Nations in areas that became part of Manitoba by the 1880s. Alexander Morris became lieutenant-governor of Manitoba and the North-West Territories from 1873 to 1876 and J.A.N. Provencher became Indian commissioner. Treaty No. 3, the “North-West Angle” agreement, was signed in 1873 principally with

bands of Saulteaux from north-western Ontario. These negotiations, for an area of 124,450 square kilometres, were characterized by more pointed demands from the Chiefs based on their understanding that the lands they possessed contained valuable timber and minerals, and that the signatories to Treaties No. 1 and No. 2 already were dissatisfied. They negotiated better terms, including a larger annuity of five dollars per person, a family land grant of 640 acres (259 hectares), the supply of equipment and stock for farming, and equipment for fishing as well as the promise that they had the right to “pursue their avocations of hunting and fishing throughout the tracts surrendered.”<sup>61</sup> This promise of access for hunting and fishing rights, not uncommon in previous treaties throughout British North America, was entrenched in each subsequent treaty.

The final agreement pertaining to Manitoba was Treaty No. 5, the “Winnipeg Treaty” of 1875–76 (Treaty No. 4 impinged on the western edge of the province). It encompassed Indigenous Nations of the northern ends of Lakes Winnipegosis and Manitoba over a region of 259,000 square kilometres, an area specifically including waterways as well as lands. It was even more precise than previous treaties in accounting for entitlements to land, annuities, schooling, prohibition, and equipment and stock for farming. The Treaty was later extended in 1908 via further adhesions which added the rest of northern Manitoba, an area of some 345,500 square kilometres.<sup>62</sup>

The four treaties negotiated between 1871 and 1876 were based on the recognition of the autonomy and significance of the Indigenous Peoples that no amount of subsequent administrative sloth or perfidy could deny. The texts alone, apart from the rich context of prior agreements and the recorded discussions that framed the negotiations, reveal the complexities of the treaties. They were agreements between the Crown (not merely the Government of Canada) and the Indigenous Peoples. Canada was obliged to recognize perpetual obligations through annual ceremonies and commemorations, the payment of the annuities, a commitment to recognize Indigenous rights of possession and use of lands and waterways for their material well-being, and purported respect for both existing and new ways of life. First Nations were obliged to maintain treaties by keeping the peace and cooperating with settlement and development. All of the treaties were made possible by the willingness of Indigenous Peoples and the Crown’s representatives to negotiate, and by the essential work of credible

Métis interpreters like James McKay, Charles Nolin, and others from Red River, and by the involvement of Catholic and Protestant clergy who had the trust of many Indigenous leaders.<sup>63</sup> These agreements ensured that the framework for Canadian control of the North-West and Manitoba did not collapse, although it nearly fell apart during the Rebellion of 1885.

## NOTES

- 1 British North America Act 1867.
- 2 See Doug Owram, *The Promise of Eden* (Toronto: University of Toronto Press, 1980), and W.L. Morton, *The Critical Years: The Union of British North America 1857–1873* (Toronto: McClelland & Stewart, 1963).
- 3 See E.E. Rich, *The Fur Trade and the Northwest to 1857* (Toronto: McClelland & Stewart, 1967), W.L. Morton, *Manitoba: A History*, revised edition (Toronto: University of Toronto Press, 1966), and, for a more recent account, J.M. Bumsted, *Fur Trade Wars: The Founding of Western Canada* (Winnipeg: Great Plains, 2003).
- 4 E.H. Oliver, *The Canadian-North-West*, I (Publications of the Canadian Archives, no. 9, Ottawa, Government Printing Bureau, 1915), 35ff., “minutes”, 266–618.
- 5 Besides Morton’s *Manitoba* and D. and L. Gibson’s *Substantial Justice: Law and Lawyers in Manitoba* (Winnipeg: Peguis Press, 1972), the more thorough analyses are: G.A. Friesen, *The Canadian Prairies: A History* (Toronto: University of Toronto Press, 1985) and Gerhard Ens, *Homeland to Hinterland: the Changing Worlds of the Red River Metis in the Nineteenth Century* (Toronto: University of Toronto Press, 1996). Dale Gibson has recently compiled a massive history of court records with a lengthy introduction that is in part a political history: *Law, Life and Government at Red River, Vol. I, 1812–1872* (Montreal: McGill-Queen’s University Press, 2015).
- 6 See United Kingdom Parliament, “Select Committee . . . under the Administration of the Hudson’s Bay Company,” *Report*, London, 1857, passim. Witnesses included churchmen from Red River (Rev. David Anderson, Rev. G.O. Corbett), former residents (Alexander Isbister and Dr. John Rae), Canadian officials (Alfred Roche and W.H. Draper), and British officials.
- 7 *Report*, London, 1857, Appendix 15.
- 8 *Report*, London, 1857, Recommendations 7, 10, 12, 3.
- 9 John S. Galbraith, *The Hudson’s Bay Company as an Imperial Factor 1821–1869* (Los Angeles: University of California Press, 1959), 341–54, W.L. Morton, *The Critical Years*, 30–40.
- 10 Galbraith, *The Hudson’s Bay Company*, 355ff. and 413ff. and Morton, *The Critical Years*, 60–3, 69–70.
- 11 McDougall in Canada, *House of Commons Debates*, 6 December 1867.
- 12 United Kingdom Parliament, “Rupert’s Land Act,” 31–32 Victoria, c. 105, 1868, see article 3.
- 13 Galbraith, *The Hudson’s Bay Company*, 413–24, Morton, *The Critical Years*, 223–25, 233ff.

- 14 The specific agreements are printed as “Memorandum of Agreement” 22 March 1869, and “Memorandum” of the Speakers of the House and Senate and the “Deed of Surrender” 29 and 31 May 1869, in Oliver, *The Canadian North-West*, II, 949ff. and 945ff.
- 15 Canada, *House of Commons Debates*, 1869: Cartier, 28 May 1869, McDougall, 28 May 1869, Galt, 28 May 1869. John A. Macdonald, 4 June 1869, John Rose, 9 June 1869, A. Mackenzie and L.H. Holton, 18 June 1869.
- 16 Morton, *Manitoba*, 118–20; William McDougall to J.S. Dennis, 10 July 1869 and Dennis to McDougall, 21 August 1876, in Canada, Sessional Paper #12, 1870; MacTavish to Bp. Taché, 4 September 1869, in Canada, “Committee . . .” 1874). Communication between Red River and Ottawa was awkward. Ordinary mail could take weeks, while telegraphy through the United States was broken by a three-day trek into Assiniboia: see D.N. Sprague, *Canada and the Metis* (Waterloo: Wilfrid Laurier University Press, 1988), 44.
- 17 Joseph Howe Secretary of State, to William McDougall, Lt.-Gov., 29 September 1869, “Papers Relating to Canada 1867–1874,” *Irish University Press Series of British Parliamentary Papers* (Shannon: Irish University Press, 1968), vol. 27 and Oliver, *The Canadian North-West*, II, 878–80.
- 18 Murray Beck, *Joseph Howe, Vol. II: The Briton Becomes Canadian* (Montreal: McGill-Queen’s University Press, 1983), 255–63; Howe in *House of Commons*, 21 February 1870 reproduced by *The Confederation Debates*, [https://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-02-21.html](https://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-02-21.html); Howe to McDougall, 19 October 1869, tabled in *House of Commons Debates* 1870, 1473.
- 19 Council of Assiniboia, Minutes, 19 October 1869, “Address to Governor McDougall,” in Oliver, *The Canadian North-West* I, 610–13, 613–14.
- 20 The triumph of this particular group out of a complicated Métis politics was analyzed by Gerhard Ens, “Prologue to the Red River Resistance: Pre-liminal Politics and the Triumph of Riel,” *Journal of the Canadian Historical Association* 5, no. 1 (1994), 111–23.
- 21 John Bruce and Louis Riel to Wm. McDougall, 21 October 1869, in Oliver, *The Canadian North-West*, II, 880.
- 22 Council of Assiniboia, Minutes, 25 October, in Oliver, *The Canadian North-West*, I, 616–18.
- 23 MacTavish to McDougall, 30 October 1869, in Oliver, *The Canadian North-West*, II, 884–87.
- 24 Morton, *Manitoba*, 121–23; J.S. Dennis to McDougall, 27 October 1869, in Oliver, *The Canadian North-West*, II, 881–83, McDougall to Howe, 4 November 1869, British Parliamentary Papers, 27, Canada 1867–74, McDougall to MacTavish, 2 November 1869, in Oliver, *The Canadian North-West*, II, 887–89.
- 25 The sequence of events may be pieced together from W.L. Morton, editor, *Alexander Begg’s Red River Journal* (Toronto: Champlain Society, 1956), 163ff. and Alexander Begg’s own book, *The Creation of Manitoba*, (Toronto: 1871), ch. 1–3.
- 26 See Galbraith, *The Hudson’s Bay Company*, 426–27; British Parliamentary Papers, 27, Canada 1867–74, Granville to Young, 25 November and 30 November 1869.
- 27 Howe to McDougall, 19 November 1869 in British Parliamentary Papers, 27, Canada 1867–74; Macdonald to McDougall, 27 November 1869, Howe to McDougall, 29 November 1869, William McDougall Papers, LAC.
- 28 The text is found in many places: see Oliver, *The Canadian North-West* II, 893–95, and subsequent Orders to Col. J.S. Dennis and a second “Proclamation” announcing the

- authority of Dennis: "Commission Appointing Col. Dennis" 1 December 1869, Proclamation, 2 December 1869, Oliver, *The Canadian North-West* II, 896–98 and 898–99.
- 29 Proclamation, 6 December 1869, Oliver, *The Canadian North-West*, II, 899–900.
- 30 Joseph Howe to William McDougall, 7, 11 December, and 24 December 1869; McDougall to Howe, 16 December 1869, 1 January 1870, 20 January 1870, Canada, *House of Commons Sessional Papers* #12, 1870.
- 31 Howe to McDougall, 7 December 1869, Canada, *House of Commons Sessional Papers* #12, 1870; Howe to Fr. Thibault, 4 and 6 December 1869, Canada 1874, 190.
- 32 Joseph Howe to Fr. Thibault, 4 December 1869, in *House of Commons Sessional Papers*, 1874, Howe to Smith, 10 December 1869; LAC William McDougall Papers, Commission issued to Donald A. Smith, 17 December 1869, Oliver, *The Canadian North-West*, II, 906–07.
- 33 See "List of Rights," December 1869, published in many places, Morton ed. *Alexander Begg's Red River Journal* (Toronto: Champlain Society, vol. 34, 1955), 193ff., Begg's own 1871 book *Creation of Manitoba*, 110ff. J.M. Bumsted rightly points out that this List, usually described as the 1<sup>st</sup> List, was actually the second version of a shorter List drafted in November by the Council of Twenty-Four: J.M. Bumsted, *Red River Rebellion* (Winnipeg: Great Plains, 1996), 93–95.
- 34 "Declaration of the People of Rupert's Land and the North-West," signed John Bruce, Pres., and Louis Riel, Sec., 8 December 1869, in Oliver, *The Canadian North-West*, II, 905–06. The Catholic conservatism of the document is explained by Thomas Flanagan, "Political Theory of the Red River Resistance: The Declaration of December 8, 1869," *Canadian Journal of Political Science* 11, no. 1 (March 1978), 153–64; legal historian Dale Gibson argues in favour of its legality: the Provisional Government met the three main tests of a legitimate provisional government: *Law, Life and Government at Red River, vol. I, 1812–1872*, 243–44.
- 35 The battle of the pennants is recounted in Morton, ed. *Alexander Begg's Red River Journal*, for March of 1870: 361–62 and 372–74.
- 36 There is no convenient single source, but see Alexander Begg's 1871: *The Creation of Manitoba*, passim, and D.N. Sprague, *Canada and the Metis*, 33–52.
- 37 Begg transcribed the 2<sup>nd</sup> List in W.L. Morton, editor, *Alexander Begg's Red River Journal* (Toronto: Champlain Society, vol. 34, 1955), 291–95, reprinted as "Second List of Rights" in *Manitoba: Birth of a Province*, ed. W.L. Morton (Altona: Manitoba Record Society, 1965), Appendix I, pp. 242–44.
- 38 First-hand accounts are D.A. Smith's melodramatic "Report . . .," *House of Commons Sessional Papers*, #12, 1870, in Morton, *Manitoba: Birth of a Province*, 38–42 and the more neutral report of Alexander Begg in Morton, *Alexander Begg's Red River Journal*, 3–9 March 1870, 327–32. J.M. Bumsted has investigated the matter in *Thomas Scott's Body* (Winnipeg: University of Manitoba Press, 2000), 3–10 and 197–209.
- 39 Thomas Bunn, Secretary of Provisional Government, to Fr. N. Ritchot, 22 March 1870, in Canada, Select Committee . . . 1874, 71.
- 40 The episode may be followed at first hand in Fr. Ritchot's *Journal* for April 1870, in Morton, *Manitoba: Birth of a Province*, 133–6 and Philippe Mailhot's invaluable "Ritchot's Resistance: Abbé Noel Joseph Ritchot and the Creation and Transformation of Manitoba," PhD diss., University of Manitoba, 1986.

- 41 D.A. Smith, *House of Commons Sessional Papers*, #12, 1870 and Smith to Howe, 12 April 1870.
- 42 Ritchot's *Journal*, 27 April 1870, both in Morton, *Manitoba: Birth of a Province*, 140; see also Thomas Flanagan, *Métis Lands in Manitoba* (Calgary: University of Calgary Press, 1991), 33–34.
- 43 Stafford Northcote, "Diary," 29 April 1870, in Morton, *Manitoba: Birth of a Province*, 91 and Patricia Phenix, *Private Demons: The Tragic Personal Life of John A. Macdonald* (Toronto: McClelland & Stewart, 2006), 204–05.
- 44 See the journal entries of Northcote and Ritchot for late April and early May of 1870 in Morton, *Manitoba: Birth of a Province*, 90–101 and 139–43.
- 45 John A. Macdonald, *House of Commons*, afternoon session, 2 May 1870. Reproduced by *The Confederation Debates*, [https://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-05-02.html](https://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-05-02.html).
- 46 Alexander Mackenzie, William McDougall, Francis Hincks, Joseph Howe, Louis-R. Masson, Canada, *House of Commons*, 2 May 1870. Reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-05-02.html](http://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-05-02.html).
- 47 Canada, *House of Commons Debates*, 21 February 1870 and 9 May 1870, reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-02-21.html](http://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-02-21.html) and [http://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-05-09.html](http://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-05-09.html).
- 48 Canada, *House of Commons Debates*, 7 May 1870, reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-05-07.html](http://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-05-07.html). Canada, *House of Commons Debates*, 9 May 1870, reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/lgHC\\_MB\\_1870-05-09.html](http://hcmc.uvic.ca/confederation/en/lgHC_MB_1870-05-09.html).
- 49 Morton, *Manitoba: A History*, 142. See Oliver, *The Canadian North-West, II*.
- 50 United Kingdom, Parliament, British North America Act c. 28, 1871.
- 51 G.F.G. Stanley, *Toil and Trouble: Military Expeditions to Red River* (Toronto: Dundurn, 1989), 160–70; David W. Grebstad, "Rowboat Diplomacy: The Dominion of Canada's Whole of Government Approach to the Red River Rebellion," *Canadian Military Journal* 13, no. 3 (2013): 57–66, argues that the Expedition was an early version of state occupation.
- 52 See letter of appointment: E.A. Meredith, under-secretary of state, to A.G. Archibald, 4 August 1870, Oliver, *The Canadian North-West, II*, 974.
- 53 Chester Martin, "The First 'New Province' of the Dominion," *Canadian Historical Review* I, no. 4 (1920): 377; Martin's more extensive argument is found in *The Natural Resources Question* (Winnipeg: King's Printer, 1920).
- 54 J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), 155; on Indigenous conditions, see James Daschuk, *Clearing the Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013).
- 55 Miller, *Compact, Contract, Covenant*, ch. 6, Friesen, *The Canadian Prairies*, ch. 5, and Aimee Craft, *Breathing Life into the Stone Fort Treaty: An Anishinabe Understanding of Treaty One* (Saskatoon: Purich, 2013).
- 56 In addition to summaries in Miller and Friesen, see Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories* (Toronto: Belford, Clarke & Co. 1880), 15ff. reproduced by *The Confederation Debates*, <http://hcmc.uvic.ca/confederation/en/lgTreatyNeg.html>, and a government of Canada website, Canada, Aboriginal

Affairs and Northern Development Canada (AANDC), "Treaties in Manitoba," 2015: <https://www.aadnc-aandc.gc.ca/eng/1100100020406/1100100020407>; the first boundaries of Manitoba covered but 33,000 square km., expanded to 189,000 square km. in 1881.

- 57 Specific details are found in the Treaty documents: Canada, Aboriginal Affairs and Northern Development Canada, "Treaty Texts: Treaties No. 1 and No. 2", 2013: <https://www.aadnc-aandc.gc.ca/eng/1370373165583/1370373202340> and AANDC, "Treaties in Manitoba."
- 58 Specific details in AANDC, "Treaty Texts, Treaties No. 1 and 2," and "Treaties in Manitoba." Comments on the negotiations are in Morris, *The Treaties of Canada*, 28–29.
- 59 Morris, *The Treaties of Canada*, citing Archibald to Howe, 20 July 1871, 33–35, and 3 November 1871, 37–43, reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/Morris\\_Chapter\\_04.html](http://hcmc.uvic.ca/confederation/en/Morris_Chapter_04.html).
- 60 Morris, *The Treaties of Canada*, 126–27, reproduced by *The Confederation Debates*, [http://hcmc.uvic.ca/confederation/en/Morris\\_Chapter\\_07.html](http://hcmc.uvic.ca/confederation/en/Morris_Chapter_07.html).
- 61 AANDC, "Treaty Texts, Treaty No. 3," and AANDC, "Treaties in Manitoba."
- 62 AANDC, "Treaty Texts, Treaty No. 5," and AANDC, "Treaties in Manitoba."
- 63 Miller, *Compact, Contract and Covenant*, 184–86.