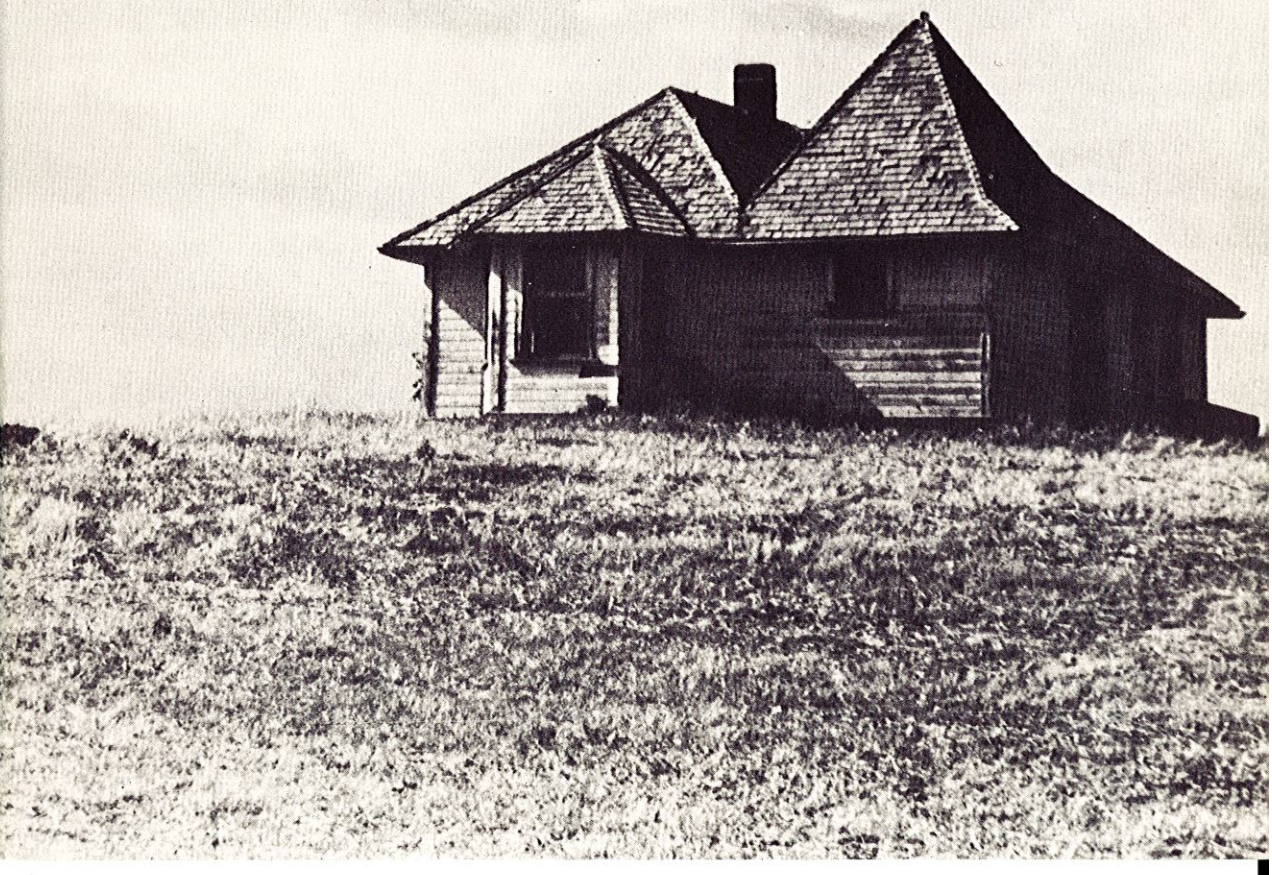


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Indian Protest Against Starvation: The Yellow Calf Incident of 1884

by Isabel Andrews

THE "Yellow Calf Incident", which occurred in 1884 on what were then known as the Crooked Lakes Reserves in the lower Qu'Appelle Valley, arose from the change in farm instructors for these reserves and the strict enforcement of the policy of the Department of Indian Affairs regarding the issuance of rations. Bloodshed and a possible Indian uprising were only narrowly averted in the confrontation between the Indians and the North West Mounted Police and departmental officials which followed. The first years of settlement on these reserves, Loud Voice, Kahkewistahaw, Little Child, and Sakimay, had not only been a difficult period of adjustment but a period with little certainty of obtaining the necessities for survival. The incoming groups were largely dependent on rations issued by the government, supplemented by the meagre returns of the farming instituted in that period, some minor sources of cash income, and indigenous food supplies. Government policy dictated that all but the elderly and sick must work in return for food rations. This policy was enforced despite the admission by the Indian Commissioner Edgar Dewdney that "the tools and implements provided at the time the treaties were made, go but a small way to keep so many employed."¹

In December, 1883, the farm instructor for the Crooked Lakes Reserves, James Setter, was dismissed for laxity in carrying out departmental policy, including the issuing of rations. Dewdney reported that "the manner in which rations were issued and kept track of, shewed great carelessness and want of interest in doing the business of the Dept."² Instructor Setter's dismissal was greeted with much displeasure by the Indians of these reserves, and combined with the strict adherence of his successor to the Department's food rationing policy, it led directly to the "Yellow Calf Incident."

Both the potentially difficult time facing the Indians and their reaction to the dismissal of Setter were revealed in a report by Lieutenant Colonel Allan McDonald, Indian Agent for Treaty 4, to Commissioner Dewdney on January 6, 1884. McDonald stated that the employment of Halford (farm laborer) and other men at Crooked Lakes had ended on December 3, but since no one had yet been sent to take over Instructor Setter's duties, he had asked him to remain until his successor arrived. McDonald noted that Setter had been giving rations to 567 persons, while 355 received no assistance, but he advised that there was no starvation, very little bacon having been issued the past month, due to the large number of rabbits and fish caught. However, he warned that:

This month and February will be the most trying for the indians. The fish do not take bait as in other months, and the rabbits are very poor, and the Crees will not take the trouble to find them.³

The agent then revealed the attitude of the Indians towards the dismissal of the instructor:

I saw all the chiefs at the Agency Farm (except "Loud Voice" who is reported ill) on New Years morning. They all express the same feeling toward having

Mr. Setter retained as Instructor. They think his removal and the appointment of a new man meant starvation to them . . . They wished to be informed the reason Mr. Setter was taken from them. I said I did not know. One thing which I could safely say, was to send a better man and one who I was sure would treat them kindly.⁴

McDonald went on to report that the chiefs had said that if their instructor left they would go also, and that some were already preparing to move. He warned:

No doubt the indians who went on the Reserves last year and some of the old ones who I saw are very much put out, with Mr. Setter's removal. The Telegram sent by some of the indians to your Hon. for a pass to Regina, was to try and have Mr. Setter returned.⁵

This Indian reaction clearly reflected their appreciation of the kindly treatment they had received from Setter. His understanding of their needs and attitudes is reflected in the brief description recorded by the Hudson's Bay Company trader, McKenzie, in reference to his first visit to the Crooked Lakes Reserves in 1881:

We camped here with John Setter, who was the son of an old Hudson Bay man, and was born in Red River settlement. He had been sent up here by the Indian Department to establish a home farm on this Reserve and generally to look after the Indians as they were being brought in from the plains. Camped all about him were destitute widows, orphans, old men and women and children to whom he was giving daily rations. This was what he called the home farm . . . he had a few grub hoes and spades, as well as a few sacks of seed potatoes and other small seeds that he was going to start operations with in the spring. They would all work together the first year, in the same garden, results of production would be equally divided among them. He said there were quite a number of Indians already settled in the valley . . . which he visited every few days . . . and always carried a little tea and tobacco for distribution to the old people who might be short.

Mr. Setter thought it would take a few years before these people would become self-supporting as they had absolutely no knowledge of farming or stock raising, and were not anxious to learn. But he was going to try his best to encourage and help them to try to make a living for themselves out of the soil, which seemed to the Indians at that time to be the utmost folly.⁶

Setter had obviously continued the understandable practice of issuing rations liberally to the old and destitute, and of carrying small gifts of tea and tobacco with him as he visited the people. Dewdney's charge against him was based on the fact that apparently full rations had been issued when little or no rations should have been given, and that Indians were allowed to loiter around his farm house and "do nothing for themselves", as he reported to the Superintendent General of Indian Affairs.⁷ The latter had replied that "very great looseness on the part of the agent and Instructor must be apparent to everyone", and that "of course none but those who really earn rations by work should receive any, save under very exceptional circumstances."⁸ It should be noted that even if the "work for rations" philosophy had merit, there is no evidence of any kind of work which could have been carried out by the Indians in the winter of 1883-84. Despite Indian objections and McDonald's evident reluctance, Setter was officially released when his replacement, Hilton Keith, arrived, on January 12, 1884. Hayter Reed, Assistant Indian Commissioner, was sent to the Crooked Lakes Reserves to determine what exact degree of dependence on rations was required, and to leave strict orders regarding

rationing procedure with Keith. Even though much opposition was voiced by the Indians, Reed cut the instructions regarding rationing to what he considered a minimum level, which amounted to a drastic reduction from the amount previously given out by Setter.⁹ The “young and ablebodied” were to get no rations, only ammunition for hunting. In the event that game and fish became too scarce to provide food, the farm instructor would be required to find work by which those men could earn rations; Setter had not, apparently, been following the Department’s strict “work for rations” policy.

In addition, Reed singled out the people on Sakimay Reserve, referred to departmentally as Yellow Calf’s band, for special treatment, applying the above regulations to this whole band. Reed justified his actions as follows:

After a close inspection of every family I decided that with two or three exceptions Yellow Calf’s band should not draw rations except as above mentioned as they were better circumstanced than any of the rest, having better chances for both fish and game as well as being fairly well provided with grain which was about being ground into flour at a mill just about to start — Yellow Calf himself being better off than many white farmers.¹⁰

Reed pointed out that the other bands “which are in a much more unfavourable condition as regards having produce of their own raising, are apparently satisfied with their treatment,”¹¹ and, apparently referring in particular to Yellow Calf’s band, stated that:

The Indians were told that as they had drawn such a large quantity of provisions when they were not actually in need of it that the issues had to be greatly curtailed for the present in order that a sufficiency might be on hand for the spring’s work.¹²

Hilton Keith followed Reed’s instructions on rationing to the letter. In so doing he provoked an event which, although it involved young men from several bands of the four reserves¹³ became known as the “Yellow Calf Incident.”

On February 18, about a month after the strict rationing policies had been enforced, a group of about 25 armed men headed by Yellow Calf went to the instructor and requested an interview, which Keith promptly agreed to. In the words of the farm instructor, the interchange proceeded as follows:

Yellow Calf, who talked in a most vicious manner, which led me to believe that he had made up his mind to talk me down, his men who were present were all young, and very able workers & hunters, said that unless I would give all his men present flour & Bacon to take home with them, enough to last them some few weeks, they would burst open the storehouse and help themselves. I told him the instructions I received from Mr. Asst. Indn. Commr. Reed would not allow of me giving his young men Rations. I said my instructions were only to give rations to the old women and old men. This I have always done.

I however said to Yellow Calf, and his men that all I could give just at present, until I had written to you [Reed] . . . was half a pound powder, 1 pound shot, and a box of caps to each man; before I had time to fulfill my promise they made a rush for the warehouse, I followed them and tried to defend our stores, whereupon I was knocked down kicked and bruised, and struck at, with a knife, by many of them, the knife ran across my leather coat thus saving me, They then all swarmed in like bees into a hive and stole right before my eyes, about sixty sacks Flour and 12 of Bacon — what could one White man do against Twenty or thirty determined Indians.

The Instructions I received from Mr. Asst. Ind. Comr. Reed, more especially the cutting down the Rations to such a fine point, so suddenly, then only to be given to a few, I fear accounts for the raid of yesterday. The lower Reserves viz. — Ka-Kee-She-way & Ka-kee-wis-ta-ha-Cha-a-chas are quietly settling down, and they like the system of peddling their food to them.

I fear if something is not done to punish the offenders they will try the same again, they are very determined.¹⁴

On receiving a report of the actions of this party headed by Yellow Calf, Inspector Deane and ten non-commissioned officers and men of the N.W.M.P. were dispatched to the scene.¹⁵ Deane was under instructions from Reed that "in case of meeting with opposition he should at all hazards avoid any collision which might involve the shedding of blood."¹⁶ On February 22, Deane and his party went from the farm instructor's house, about eight miles north west of the town of Broadview on the C.P.R. line, to the house of Chief Little Child or "Cow-essess", who was described by Deane as "a loyal chief whose band with the exception of one man were not implicated in the disturbances."¹⁷ The police waited for a guide, and, when none arrived, Chief Little Child gave them his son as a guide and "expressed regret at the late occurrences — said that the young men *would* dance instead of working, and that punishment would serve them right."¹⁸ From there, the police headed for Yellow Calf's house, arriving about 3:00 p.m., to find only women and children present; they went on to the house of Acoos, another member of that band, with the same result. They then continued on to the valley to the area "where all the male part of the population seemed to be collected."¹⁹ They arrived at the house of Jacob Bear at 7:00 in the evening, and found O'Soup, a headman of Cowessess band, there. He informed them that Yellow Calf and all the young men were in a house nearby.

The situation at this point was that Deane had ascertained that in the nearby house were 30 to 40 young men awaiting the police visit "worked up to a state of frenzy by having talked and danced without intermission since the 13th."²⁰ O'Soup had told Deane that it might be difficult to settle the matter,

. . . as the Indians considered themselves justified in their action in that they, or many of them, were in want of food at the time they took it, and that they had not had an opportunity of laying their grievances before the Lieutenant-Governor.²¹

According to Reed, Deane, a Sergeant, Instructor Keith and an interpreter were allowed to enter the house and speak to the men, with the following result:

Arrived in the house, the dance was at its height, — there being apparently at least sixty souls . . . present; for the most part painted and adorned in War Costume. In reply to Inspector Deane's representations that certain men of the band had broken the law and were required to answer for their Offence, three (3) different spokesmen set forth the views of the party to much the same purport as previously expressed by O'Soup, and all tending to the same result, viz that nothing could be settled unless, and until the Governor came to see them. The general tone, and behaviour of the party were quiet but determined. Inspector Deane left them to talk over his remarks.²²

Deane at this point decided that police reinforcements were needed and returned to the farm late that evening, and wired Superintendent Herchmer to this effect from Broadview.

Herchmer with reinforcement of an additional 10 men arrived at Broadview by

train on the morning of February 23. After being fully informed of the situation, they left the farm house, accompanied by Agent McDonald and Halford, the laborer still apparently employed there.

The arrival of reinforcements of police rather than any indication that their request for a meeting with the Lieutenant-Governor was to be granted produced an effect on the Indians which might have been predictable. As described later by Hayter Reed, Agent McDonald first drove up to the door of the house where the Indians had gathered, but,

. . . a gigantic savage in all his war paint and trappings carrying a double barrelled gun, emerged . . . and in an excited manner waved him back; Other Indians well armed some with Winchester rifles, simultaneously appeared in the doorway, unmistakably prepared to resist intrusion. By this time the Police had dismounted from their sleighs, and stood awaiting orders. After a few minutes during which Yellow Calf who was unarmed, and seemed desirous of keeping the peace, intimated that the Indians would not allow themselves to be arrested.²³

Superintendent Herchmer approached the doorway with the intention of entering, but was met with a gun aimed at his face, while other members of the police force were at the same time covered by men with guns, standing in the doorway. At this point, Herchmer gave orders to his men to fall in; in response, rifles appeared from all side and rear doors and windows of the house. Then,

. . . an Indian named Kan-a-was threw up two of the muzzles in the doorway and there is little doubt that he thereby prevented the firing of the first shot which would inevitably have resulted in the fall of some of the Police.²⁴

Meanwhile Agent McDonald and Halford had again been warned by the Indians to move aside, and to leave, respectively.

Herchmer then ordered his men to fall out, obviously realizing the impossibility of continuing in a determined stance without a battle on the spot, in which the police were in the less advantageous position,²⁵ and no doubt realizing, as Reed pointed out later that, if by any chance the police had been the victors they would have been "picked off on the homeward trail. . . ."²⁶ In addition, Herchmer was under orders from Reed to avoid bloodshed. In the discussion which followed, Yellow Calf held the gun of one Indian who was about to fire on the police. O'Soup suggested that the police and agent go to his house nearby while he tried to persuade some of the party of Indians to meet them there. In making this suggestion "O'Soup touched upon the railway wherein there always lay a weapon of annoyance ready to the Indians hand."²⁷ At the rendezvous at O'Soup's house, to which Yellow Calf and others came, all the Indian speakers stressed their demand for the intervention of the Governor before whom they could lay their case. Yellow Calf said that when the men took the provisions their women and children were starving, and that his young men would not give themselves up to arrest, "that they would fight to the death — that they were well armed, and might just as well die then as be starved by the government."²⁸ However, he (Yellow Calf) would not only personally refund the flour taken but was willing to go to Regina to be tried since he had served as their spokesman when they took the rations. While the police returned to the farm house, Agent McDonald remained through the night with the Indians at O'Soup's house in a futile effort to persuade some of those involved to submit to arrest.

Herchmer promptly wired Hayter Reed²⁹ that arrests could not be made, and

Reed set out for Crooked Lakes, arriving the next afternoon, February 24. Agent McDonald was sent to inform the Indians that Reed wished to meet with them and that they would not be liable to arrest if they came. The next morning, February 25, at about 9:00 a.m., the Chiefs and Headmen appeared.³⁰ An armed force of Indians followed them.

At this meeting, according to his own record, Reed first reprimanded the Indian leaders, then asked that they state their grievances. The Indian spokesman, O'Soup, justified the actions of the men who took the supplies by saying that, first, they or some of them were starving; secondly, when their request for rations had been refused by the officer in charge acting under regulations, they had no choice but to help themselves; thirdly, they understood that they were taking nothing but what rightfully belonged to them, and did not know they were doing wrong in taking rations when they were starving, since, "If . . . the provisions were not intended to be eaten by the Indians why were they stored on their reserve?"³¹

O'Soup, described by Reed's interpreter as one of the most eloquent Indian orators he had ever heard, continued in his defence of the Indian men, as recorded by Reed:

Many of them were in a state of great distress — having been a hunter all his life he knew that hunting had lately become impossible. Directly the surface of the snow became touched by a thaw no animal could be approached. So with fishing, it was not possible now to catch a single fish — well then — if hunting and fishing were out of the question and the rations allowed were not sufficient to keep them alive what were they do do? They were very glad that I had come there to talk the matter over in a quiet way.

With regard to the charge of resisting the Police O'Soup said that the Indian differed from the White man in this respect — the White man in his wisdom looked far ahead and could judge of the probable consequences of a certain course of action — the Indian did nothing of this sort — he lived for the day and had no thought of the morrow.³²

Following O'Soup's speech, Yellow Calf offered to repay the cost of the flour and bacon, alone if necessary. Some of the young men eventually came in, commenting along the lines of O'Soup's points, adding that they regretted what they had done.

Reed at this point had to reach a compromise. He agreed to drop the charge of armed resistance, since "the Police were unwilling to force this charge,"³³ if some men gave themselves up on the charge of stealing, thus making some reparation for the breaking of the Queen's law. As a result, four representatives of the men, Yellow Calf, Kanawas, Penni-pa-ke-si and Mayes voluntarily surrendered to stand trial for larceny, Reed having first promised to respect so far as possible their two great objections, of being hand-cuffed and of having their hair cut in prison. Subsequently, Reed withdrew the charge against Yellow Calf because, in Reed's judgment, Yellow Calf "had acted in the interests of humanity, from first, to last."³⁴ The three others pleaded guilty before a Stipendiary Magistrate on February 26 and were discharged "on understanding that they come up for judgment if called upon."³⁵ The stolen property, if not replaced by the date of the next annuity payments, was to be deducted in cash value from the payments to all the bands, this "meeting with the expressed wishes of the Indians."³⁶

In the long report from Reed to the Superintendent General written to answer any criticisms as to why more severe punishment was not meted out to the Indians

for their action, Reed concluded by explaining his actions in seeing that "The law has been vindicated and none the less because justice has been tempered by mercy."³⁷ He wrote in terms of "understanding the Indian character." He assured the Department that:

There is no doubt that O'Soup, who is an able orator and shrewd Councillor is the man to whom the Indians look for guidance; so long as their passions are under control — nor, is there any doubt that Yellow Calf is not to be held responsible for the recent outbreak.³⁸

and that, further:

They knew their own power; they knew that the first gun shot would imperil the safety of every isolated settler throughout the whole North West. They knew that the White mans iron horse is useless when the rails on which it travels have been torn up.³⁹

Reed made only a brief reference to the change in rationing policy which, according to the statements attributed to the Indians, had initiated the disturbance. This was:

That the actual rioters were in a condition near starvation, I cannot admit for a moment, their appearance belies the supposition; and if their appearance did not, the well-filled Cartridge belts, and Winchesters would imply some means of provision; but it is certain that many of the Comparatively well to do, suffer from their Charity to the indigent and infirm.

Sickness is more or less rife amongst them, there is not a ready market even for those who have grain to sell, and the present time of year is notoriously prolific of discontent.⁴⁰

The Hudson's Bay Company trader, McKenzie, was present at Crooked Lakes at this time. His description⁴¹ of the Yellow Calf incident suggests that there was more hardship, and actual starvation, than Reed was prepared to admit:

New year had brought all my hunters of last winter [mainly She Sheep's group of Sakimay Reserve] back with big hunts again. This winter many of the others who tried to hunt have killed little or nothing, and are going to be very hard up before spring as there are no rabbits at all and the snow is now very deep, and the weather very cold. Keith has written to the Indian Commissioner at Regina for instructions to assist some of the families that have returned without any hunt, and have no means of support for themselves and children. All these newcomers had been receiving a fairly adequate ration, and with what they were able to hunt was sufficient to keep them going, but this being a very hard winter, and no rabbits or anything else which they could secure for food, put them on the verge of starvation, at least they were very hungry. When Keith's instructions came from the Assistant Indian Commissioner they were not to increase, but rather reduce the amount of rations he was issuing. There had been grumbling all through January. Now it was well on into February. The Indians were making stiffer demands on Keith every ration day for more grub. Keith told me what his instructions were, and that he intended to carry them out. I said: "Keith, for God's sake, do not reduce their rations any lower, or there will certainly be trouble." He carried out the Assistant Commissioner's instructions. A few of the Indians died. The others came time and again asked for more grub which they were denied. Finally they broke into the Government storehouse, threw out as much flour and bacon as they wanted, and threw Keith out on top of it.⁴²

McKenzie's account reveals that the Indians did not stop with the government stores, but that they approached him for food as well. He gave them what they wanted, "and they all went their way to prepare the feast, having plenty of grub for

the time being for themselves and families.”⁴³ McKenzie argued that it was a good thing that “the Indians had had a good feed, so that their tempers were somewhat cooled off by their stomachs being full”⁴⁴ or the police might not have come out of the valley alive. He stated that rations were increased after the incident, but “it took some time for the excitement of the whole episode to die out.”⁴⁵ By early spring, Keith had been replaced as farm instructor by the veteran employee of Indian Affairs, Peter Hourie. McKenzie’s comment on the change was, “Had this been done the previous fall there would have been no trouble, and much less actual expense.”⁴⁶

The claim of the Indians that their demonstration was due to extreme hunger and fear of starvation was authenticated by Edwin J. Brooks, who was living at Indian Head at that time in the process of establishing a business. In a letter to his wife dated February 26, 1884 he wrote:

Indians are around here thick enough. . . . There are lots of them dying on the reserve. They are really in a good many cases starving to death through the neglect of the Government to furnish them supplies. The Indians say they are going West next summer even if they have to fight for it, as they say it is better to die fighting than to be starved. Fifty miles east of here [Crooked Lakes] the Indians are giving a good deal of trouble through hunger. Here they are quiet enough yet.⁴⁷

And on March 7, in reply to a letter from his wife who was still in Eastern Canada, Brooks said:

I am very sorry that you should have been so badly scared over the Indian *revolt*. It might have been pretty serious but fortunately the danger was warded off without any blood being shed. We were not nervous in the least but don’t blame outsiders for being so. The Indians will probably get better grub and more of it from this time forward.⁴⁸

The coverage given the “Yellow Calf Incident” in the *Regina Leader* indicates the attention paid, not only in the North West, but in Eastern Canada to this event. In the first issue of that newspaper following the incident, the events were summarized in 17 lines on the fourth page, followed by the comment:

It is much to be hoped that these disturbances among the Indian population will not recur as it will prejudicially affect the settlement of the country. The public will of course expect to be told what cause is alleged by the Indians for their conduct.⁴⁹

However, in the next week’s edition of the *Leader*, rather than the information expected to follow from that comment, there appeared a leading editorial discussing the criticism of Lieutenant Governor Dewdney’s work as Indian Commissioner made the previous week by the *Toronto Globe*. The opening sentence in the *Leader* stated: “Owing to a recent disturbance this subject [The North-West Indians] is now receiving from the press of the country a good deal of consideration.” The “recent disturbance” which had prompted the press controversy was the incident at Crooked Lakes, as indicated in the comment:

The *Globe* accuses Governor Dewdney of pursuing a long continued course of deceit and ill-treatment towards the Indians, and attributes to this, the acts of insubordination which Yellow Calf and his band were guilty of, first, in breaking into the Government store on their reserve near Broadview, and secondly in resisting the police or threatening resistance when they went to make arrests.⁵⁰

The major emphasis of the *Leader* editorial was the defense of Dewdney against the charges made by the *Globe*. However, its closing paragraphs indicated a local recognition that the adequacy of food supply on reserves was questionable:

We are quite prepared to admit that it is of the first importance that means should be taken to prevent a repetition of these occurrences . . . And we would suggest as the easiest means of bringing about such a result, in the first place to feed the Indian population well, and in the second place to discontinue the practice of supplying them with ammunition. . . . It does not now help him to maintain himself to any extent and is only a source of danger to his white neighbor.⁵¹

In late April, 1884, Dewdney was informed of rumours circulating that the Indians of the Qu'Appelle Valley Reserves had determined to do no more spring work, and that Chief Piapot, whose reserve was then located near Indian Head had sent to the different bands in that area to meet with him.⁵² As a result, Dewdney was prompted to make another tour of inspection of the affected reserves. His observations regarding the degree of discontent at the Crooked Lakes Reserves were as follows:

At Crooked Lakes I found that very little preparation had been made for the Spring work, and the Indians generally were depressed, a large number of new arrivals had wintered on the Reserves; and those who had raised any produce had been compelled to feed grain and roots out of their stores, which they intended to keep for seed.

When they were assured by me that seed would be supplied them, sufficient to crop all the ground, they would prepare; they took fresh heart; but complained they were short of ploughs, implements, and cattle, and on inspection I found such to be the case; — I consequently thought it advisable to purchase at Broadview, two breaking ploughs, and two Cross ploughs.⁵³

About 14 lodges from "Loud Voice's" band had left their reserve at the time of Dewdney's visit, because of the death of their chief, which was, as Dewdney noted, customary. However, he was concerned that they would head for Piapot's rendezvous, since they would expect to get food there. Dewdney recorded that:

The Chiefs⁵⁴ . . . as well as the Headmen informed me, that they told all the Indians to remain on their Reserves, as they would be sure to suffer if they went to the Plains, they further said "we wish you not to give them any food; if they will go to the Plains let them suffer."

"Little Child" and "Ka-ke-wis-ta-haw" volunteered to go to Indian Head to get their Indians back; and have left for that purpose.⁵⁵

Apparently referring to all the reserves visited that month, Dewdney reported a great deal of sickness⁵⁶ with an unusually large number of deaths, and stated that:

Salt food aggravates these diseases, and all the Reserves are calling out for fresh meat, or if that is not to be got, ammunition, so that the Indians might get ducks.

I have authorized a little tea, Tobacco, and ammunition for those that work; and have instructed the Farmer, to issue a little tea to such every evening after the work is through, where it can be done.⁵⁷

There is no evidence that any response was made by the Department before the Rebellion of 1885 to the fact that "all the Reserves are calling out for fresh meat," beyond permission being granted to Agent McDonald to supply fresh meat to the Indians of his district at the time of annuity payments in 1884; for this purpose, authorization was given to kill old and disabled cattle.⁵⁸

There were to be no further outbreaks, such as the "Yellow Calf Incident," on the Crooked Lakes Reserves.⁵⁹ It had been a vehement demonstration of Indian reaction to the rationing policy and what appears from the statements of the Indians and of the trader, McKenzie, and from intimations of other regional observers, to have been actual starvation at that time. It was a power confrontation in which the Indians held the upper hand, but despite that, the police and departmental handling of the incident reflected some acknowledgement of the justice of the Indians' position and the basis for their actions. Indeed, Reed conceded that Yellow Calf acted in the interests of humanity "from first to last." O'Soup's statements reflected a logic difficult to circumvent, that the rations belonged to the Indians, else why had they been stored for them. And the younger men, as Yellow Calf stated, had decided that they might as well die quickly, in armed resistance, as to be slowly starved, an opinion apparently not confined to the Crooked Lakes reserve. There were similar incidents elsewhere in 1884, notably on the Poundmaker reserve.⁶⁰ They were ominous portents of the Indian outbreak the following year, but on the Crooked Lakes reserves, where there was excitement and alarm in 1885, there was no known participation on the side of the rebels. The Yellow Calf incident had elicited much attention in the non-Indian community, locally, regionally, and even nationally, but in its aftermath there was no revision of over-all Indian Policy, beyond some liberalization of rationing and an attempt to improve, in a very limited way, the farming capacity of the reserves.

Footnotes

- ¹ Canada, *Sessional Papers* (hereafter cited as *C.S.P.*), 1881, No. 14, p. 91.
- ² Public Archives of Canada, Record Group 10, Black Series (hereafter cited as R.G. 10, Black), File 10,181, Dewdney to Superintendent General of Indian Affairs, December 10, 1883.
- ³ R.G. 10, Black, File 10,181, McDonald to Dewdney, January 6, 1884. McDonald's statement three years earlier, regarding the transition of the Cree, should be recalled at this point: "The Indians [Plains Cree] are totally ignorant of farming or the ordinary way of making a living, such as even making or setting a net, killing fish or small game, having always lived on the plains hunting the buffalo." (*C.S.P.*, 1881, No. 14, pp. 104-105).
- ⁴ R. G. 10, Black, File 10,181, Agent McDonald to Indian Commissioner, January 6, 1884.
- ⁵ *Ibid.*
- ⁶ McKenzie, N.M.W.J., *The Men of the Hudson's Bay Company*, (Fort William, Times-Journal, 1921), pp. 70-71.
- ⁷ R. G. 10, Black, File 10,181, Dewdney to Vankoughnet, Dec. 10, 1883.
- ⁸ *Ibid.*, RG10, Private Letter Book, Vol. 1085, pp. 12-13, Vankoughnet to Dewdney, December 20, 1883.
- ⁹ R.G. 10, Black, File 10,181, Reed to Superintendent General, February 21, 1884.
- ¹⁰ *Ibid.*
- ¹¹ *Ibid.*
- ¹² *Ibid.*
- ¹³ R.G. 10, Black, File 10,181, Wm. Herchmer to Fred White, Comptroller, N.W.M.P., Ottawa, February 26, 1884.
- ¹⁴ R.G. 10, Black, File 10,181, H. Keith to Indian Commissioner, February 19, 1884.
- ¹⁵ The events following the break-in are summarized in the succeeding pages as reported by Assistant Commissioner Hayter Reed, and by Captain Deane and Inspector William Herchmer of the N.W.M.P.
- ¹⁶ R. G. 10, Black, File 10,181, Reed to Superintendent General February 27, 1884.
- ¹⁷ R. G. 10, Black, File 10,181, Captain R. Burton Deane to Herchmer, Inspector of N.W.M.P., February 26, 1884.
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*
- ²⁰ R.G. 10, Black, File 10,181, Reed to Superintendent General, February 27, 1884.
- ²¹ *Ibid.*
- ²² *Ibid.*
- ²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Herchmer's apparent show of bravado may be partially explained by comments in his own report where he admitted that it was Kanawas, "a part Sauteaux . . . who saved the firing," and that, "Knowing the Indian character as well as I do I feel certain that they must have been put up to this move by half-breeds — the ones implicated not being full blooded Indians." (R.G. 10, Black, File 10,181, Herchmer to White.) In other words, he may have conceivably expected a show of bravery to carry more weight than it did.

²⁶ R.G. 10, Black, File 10,181, Reed to Superintendent General, February 27, 1884.

²⁷ *Ibid.* The meaning behind this statement is made clear in Reed's report to Ottawa, see footnote 39.

²⁸ R.G. 10, Black, File 10,181, Herchmer to Fred White, Comptroller, N.W.M.P., Ottawa, February 26, 1884.

²⁹ Indian Commissioner Dewdney was on a leave of absence in British Columbia at this time.

³⁰ It is not recorded that all five bands were represented by Chiefs and Headmen; however, the context of Reed's report would indicate this. However, Loud Voice is known to have been near death at that time; it is more likely that Reed and/or the Indians was satisfied that each band was represented by its leaders.

³¹ R.G. 10, Black, File 10,181, Reed to Superintendent General, February 27, 1884.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ McKenzie, *Op. cit.* pp. 115-117.

⁴² McKenzie also stated: "I ran up from the store in time to save Keith's life, took him away from them, and told him what a foolish mistake he had made. Before I got him to my store he took one of the fits which he was subject to and remained unconscious for fully an hour." Keith had made reference to his state of health as the reason why he had not reported the incident until the following day. (R.G. 10, Black, File 10,181, Keith to Indian Commissioner, February 19, 1884).

⁴³ McKenzie, *Op. cit.*, p. 116.

⁴⁴ *Ibid.*, p. 117.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*, p. 118.

⁴⁷ E. J. Brooks, "Documents of Western History: The Edwin J. Brooks Letters, Part III," comp. by Lewis H. Thomas, *Saskatchewan History*, (Vol. XI, Spring 1958), p. 74.

⁴⁸ *Ibid.*, p. 75.

⁴⁹ *Leader* (Regina), February 28, 1884.

⁵⁰ *Leader* (Regina), March 6, 1884.

⁵¹ *Ibid.*

⁵² R.G. 10, Black, File 12,667, Dewdney to Superintendent General, April 28, 1884.

⁵³ *Ibid.*

⁵⁴ From the context of this letter, it is not clear whether or not the Chiefs and Headmen here referred to included Cha-ca-chas, and/or Yellow Calf; the latter, although not accepting a title, was often thus referred to by departmental officials.

⁵⁵ *Ibid.*

⁵⁶ Dewdney had found on his tour that one of Piapot's main concerns was the increasing amount of sickness on his reserve. Consumption and related pulmonary infection predominated. This marked the beginning of the epidemic of Tuberculosis which was to rapidly sweep away large numbers of the Indian population. Shortly after Dewdney's visit, Piapot was allowed to change his reserve site to the Upper Qu'Appelle Valley to be near a supply of fresh fish.

⁵⁷ *Ibid.*

⁵⁸ R.G. 10, Letter Book, Vol. 4490, p. 891, Vankoughnet to Dewdney, July 19, 1884.

⁵⁹ Although there was much excitement and alarm on these reserves during the 1885 Rebellion, there was no known participation on the side of the rebels. Punishments meted out following that rebellion undoubtedly convinced them that further militant protest was futile.

⁶⁰ G. F. G. Stanley, *The Birth of Western Canada*, (Toronto, University of Toronto Press, 1963), pp. 283-288.

The Saskatchewan Farmer-Labor Party, 1932-1934: How Radical Was It At Its Origin?

by George Hoffman

MUCH OF the writing which has been done on the early Cooperative Commonwealth Federation (C.C.F.) has emphasized its radical socialist nature. This holds true for both the national party and its Saskatchewan counterpart from 1932 to 1934, the Farmer-Labor party. Historians generally argue that both were radical and socialist at their origins in 1932 and 1933. They also maintain that the party broadened out and became more moderate, particularly after the mid 1930's, because of the political realities of the time. They claim that it was necessary for the party to change its stand on certain issues because the original position was too radical for the majority of Canadians.¹

One cannot seriously dispute that the Farmer-Labor party, founded in Saskatoon in July, 1932,² was a good deal more radical than the other major political parties in the province at the time. Judging from many of the policy statements of the United Farmers' of Canada (U.F.C.), the Independent Labour Party (I.L.P.) and the Farmer-Labor party between 1930 and 1934, it would seem that the new political movement which emerged in Saskatchewan was unmistakably socialist. In the spring of 1930, prior to the federal election held that year, the U.F.C. issued a program which called for, among other things, "the abolition of the present competitive system of manufacture and public ownership and democratic operation of public utilities and natural resources."³ At the 1931 U.F.C. convention proposals even more radical were put forward and accepted. One resolution which was passed condemned the capitalist system and called for social ownership and cooperative production.⁴ Another, which was supported by the majority of the delegates, favored nationalization of farm lands and the implementation of a use-lease system of land tenure.⁵ In the fall of 1931, when the Independent Labor party was established, a platform which contained similar proposals to those put forward by the U.F.C. was formulated. Included were planks which called for the nationalization of banking, a planned economy, and a national health scheme.⁶

The first detailed Farmer-Labor party policy statement was adopted by the political directive board of the party in September, 1932. This program reflected the policies adopted earlier by the U.F.C. and the I.L.P. The preamble to the statement read:

In the opinion of the organized Farmer-Labour Group in Saskatchewan the present economic crisis is due to the inherent unsoundness of the Capitalist system which is based on private ownership of resources and the capitalistic control of production and distribution.⁷

The party's stated objective was "the social ownership of all resources and the machinery of wealth production to the end that we may cooperatively produce and distribute for use and service rather than for private gain."⁸ In order to achieve this objective the party called for such things as the establishment of a planned national

economy, socialization of the country's financial system, social ownership, development, operation, and control of utilities and natural resources, and socialization of all health services.⁹

Thus there is no doubt that certain policies of the U.F.C., the I.L.P., and the Farmer-Labor party can accurately be described as socialist or radical. However, radicalism and socialism meant different things to different people. Walter Young's comments about the early C.C.F., that "there was no unanimity about what the new federation stood for," and that "socialism is susceptible of a wide variety of interpretation,"¹⁰ hold equally true for the Saskatchewan Farmer-Labor party. The various programs which authors have described as radical or socialist also contained provisions which can hardly be described as such. Perhaps most significant of all was that throughout the formation of policy, the moderates at conventions and conferences were always in control. Their point of view consistently won out over that of radicals who wanted the party to take a stand further to the left. This was evident at every major conference in which Saskatchewan Farmer-Labor spokesmen participated. And nowhere was it more evident than at the 1931 U.F.C. convention, an event which frequently has been treated as a great triumph for the radical wing of the farmers' movement.¹¹

The two radical resolutions concerning the capitalist system and the use-lease scheme which were passed at the 1931 convention did indicate that the organized farmers were moving in a socialist direction. The depression had made many of the province's farmers desperate, and they were willing to turn to new solutions. But despite this, a close examination of the proceedings of the convention indicates that the left wing of the U.F.C. was not in control and certainly did not dictate what should or should not be passed. As much can be learned from the measures rejected at the convention as from those approved.

Early in the convention the following resolution was introduced:

THAT legislation be enacted to prevent foreclosures, evictions or seizures until the next session of the Legislature, and that at that time the bill automatically come up again for reconsideration.¹²

Ben Lloyd¹³ then moved an amendment to the resolution which stated:

THAT legislation be enacted to prevent foreclosures, evictions or seizures and that until this legislation is enacted we instruct our members to organize mass resistance to foreclosures, evictions and seizures.¹⁴

The debate on the resolution and amendment indicated the degree of radical sentiment at the convention. H. E. Mills, a U.F.C. member from Colonsay and associate of Ben Lloyd, favored the amendment.¹⁵ "I think the time has come," Mills argued, "to act exclusively in our own interests. If we cannot get the legislatures to act for us we must take it [*sic.*] into our own hands."¹⁶ However, other delegates strongly opposed the Lloyd amendment. Tom Johnson, a prominent figure in the provincial C.C.F. in later years, spoke against it. He referred to it as a direct incitement to revolution and anarchy and urged delegates to bring about improvement of economic conditions through proper channels.¹⁷ Later in the debate Johnson reinforced his argument:

I do not know if you have all realized what this [Lloyd's] amendment means. Just read the resolution and then read the amendment. . . . The resolution as

amended would mean this that every single, solitary soul, whether he was worthy or not, would not be amenable to the laws. Mr. Lloyd's amendment means that there shall be a moratorium forever . . . That is what I object to. . . . I know farmers in my district who . . . for their own good and for their neighbors . . . should be evicted. Their farms are nothing but weed beds. That kind of farmer should be evicted and if you adopt that amendment that kind of farmer cannot be evicted.¹⁸

When the Lloyd amendment finally came up for a vote, it was defeated, and the original resolution was passed. The radicals suffered a clear defeat.

Certainly the most controversial proposal which emerged from the 1931 convention was the use-lease plan of land tenure. The U.F.C. executive brought forward a resolution which favored modifications in the system of tenure which existed in the province. Its resolution read:

THAT no more Provincial lands or resources be alienated, that no more homesteads be granted or farm lands sold, but that "Use Leases" be instituted for all land and resources now owned by the Province and all titles permanently retained by the Province.¹⁹

H. E. Mills amended the resolution to include all land:

THAT no more Provincial lands or resources be alienated, that no more homesteads be granted or farm lands sold, but that "Use Leases" be instituted and that all land and resources now privately owned be nationalized as rapidly as opportunity will permit.²⁰

A long and hotly contested debate followed. When a vote finally was taken, the Mills amendment was carried by a narrow margin.²¹ Thus the U.F.C. supported the idea that the government should "own" all land and that it be leased to the farmer.

The Mills amendment, which intended that the use-lease system apply to all land in the province, was more radical than the original resolution which stated that use-leases should be instituted only for crown lands. On the surface it appeared that the viewpoint of the radicals had won out. However, the arguments used in the debate modify such a view. Mills made the original amendment, but the majority of those who spoke in favor of it were not supporters of the extreme left. One example was Mrs. A. Hollis of Shaunavon who was certainly not known for her radical views.²² In favoring the Mills amendment, she argued:

if we believe in "Use Leases" . . . for the land which is not at present alienated from the Crown, I think we should go a step further and believe that the land which we are supposed to own, but which we know is practically owned by the big mortgage companies . . . as rapidly as opportunity will permit, become socialized.²³

The use-lease plan was acceptable to delegates like Mrs. Hollis because they had become convinced that the times called for drastic action. They supported use-lease not because they questioned the right of private ownership of property, but rather because they viewed it as the only means of preventing the mortgage companies from seizing the land. In this sense support for the use-lease plan was very much in the old Progressive tradition.

Other delegates who spoke in favor of the Mills amendment also used arguments which in many ways were not radical to support their viewpoint. One delegate asserted:

The use-lease will provide more incentive to improve the land than the present system. In my opinion . . . this matter of the private ownership of property is just a state of mind. We imagine we are owners . . . The "Use-Lease", . . . will provide . . . that you can pass the right of your lease on to your next-of-kin. . . . There is no security at the present time, and there is that advantage behind the "Use-Lease" system . . .²⁴

Such statements were not arguments in favor of state ownership of the land. Many delegates maintained that the use-lease plan would not give the land to the government but in fact would ensure that each individual farmer would be given security of tenure on his land. In this way use-lease was viewed as a means of maintaining the traditional way of rural life in Saskatchewan. It was meant to preserve family farms, not to create state farms.

It was evident from the debate on the use-lease resolutions that it was not the extreme left of the U.F.C. who carried it through. The resolution was supported by men like Ben Lloyd, H. E. Mills, and L. P. McNamee, but they did not have the following to force through the proposal. Immediately after the passage of the use-lease plan, McNamee attempted to introduce another resolution which he said would deal with the "mortgage and interest phase of ownership."²⁵ His right to do so was challenged because the subject was not on the agenda. The delegates were asked by the chairman if they wished to allow the McNamee resolution to be introduced, and they responded in the negative.²⁶ It was clear that the convention was not controlled by McNamee and the men who shared his radical views.

Similar generalizations can be made concerning the program adopted by the I.L.P. in 1931. Most of the platform certainly cannot be described as radical. Proposals calling for a national health scheme, unemployment insurance, and improved labor legislation were clear indications of the party's moderate Fabian nature. M. J. Coldwell later recalled that Saskatchewan I.L.P. leaders read Blatchford's *Merrie England* and material from the National Labor College in Britain. He always maintained that I.L.P. doctrine was "very much a British socialism."²⁷ The program of the Saskatchewan I.L.P. owed more to Blatchford than to Marx.

Similar conclusions can also be drawn regarding the Farmer-Labor party's program. The provincial economic policy of the party published in the fall of 1932 contained some proposals that could be termed radical but also called for such things as the extension of cooperative enterprises, electoral reform, and retention of all existing social legislation.²⁸

In addition, evidence suggests that some of the Farmer-Labor socialization proposals were supported by both leaders and rank and file of the party from what is not commonly accepted as a socialist point of view. The best example of this was the stand that many took on monetary reform. Socialization of the country's financial system was consistently advocated by the Farmer-Labor party prior to 1934. But it must also be remembered that a large number of people, socialist and non-socialist, believed that the improper functioning of the monetary system was at the root of the depression.²⁹ Supporting monetary reform, and even going so far as favouring the socialization of the financial system did not necessarily indicate that one was a doctrinaire socialist in the west of the 1930's.

The popularity of monetary reform at this time ensured that the social credit ideas of Major C. H. Douglas were given a serious hearing in Saskatchewan. The reaction of the Farmer-Labor party to social credit is interesting. As one would expect, some socialists in the party argued strongly against social credit proposals. Wells Bentley, a veteran socialist from Preeceville, commented:

the Douglas plan would still leave private ownership of the means of production, both natural resources and the tools of production. The only difference between this and our present system, being that the control of credit would be in hands responsible to the electorate instead of in the hands of irresponsible people as at present.³⁰

However, not everyone in the party was critical of Major Douglas' ideas. Violet McNaughton, a prominent Saskatchewan Progressive in the 1920's and a supporter of the C.C.F. in the 1930's, favored this type of monetary reform. "I am becoming more sold to the Social Credit theory as the shortest road out of the present depression," she noted in 1932.³¹ Mr. F. Gable, the principal of the Viscount school and an early Farmer-Labor supporter in that area, wrote to George Williams in 1933:

. . . at the request of a number of interested persons here last fall, I have carried on a series of meetings on Economics according to the C. H. Douglas school. . . . I think these meetings have predisposed a considerable number of people here to a large part of the Farmer-Labor platform, and fairly strong support may accordingly be expected at this point.³²

Another supporter of the Farmer-Labor party from the Kerrobert constituency, where social credit ideas were particularly popular, wrote to party headquarters and asked, "May the C.C.F. adopt the Douglas system as their [*sic.*] economic policy. . . .?"³³ On the whole, there appeared to be considerable amount of support among the rank and file of the Farmer-Labor party throughout the province for the social credit economic program.

More surprisingly, some of the leaders of the party also at times showed a clear sympathy toward the economic proposals of Major Douglas. This was particularly true of Frank Eliason, the party secretary. "While we have no fault to find with the principle which the Douglasites advocate," he informed E. M. Graham of Major, Saskatchewan, "it is as far as we are able to ascertain impossible to have any of the old parties put their program into effect and if it were put into effect, it does not go far enough and will simply be a patch on capitalism."³⁴ He expressed a similar point of view in a letter to a Farmer-Labor supporter from the Shaunavon constituency: "I see no essential difference in their [Social Credit's] final program and that of the C.C.F., and I cannot understand why they do not whole-heartedly come out in support of our policy."³⁵ In addition Farmer-Labor leaders often stressed the monetary issue in their many public addresses throughout the province prior to 1934. M. J. Coldwell, who was chosen to lead the party at its founding convention, sounded very much like William Aberhart, when in a speech in Avonlea in 1933, he described the existing monetary and banking system as "the greatest racket on earth," and "the principle [*sic.*] cause of a depression in the midst of plenty." "Bankers of the world," the Farmer-Labor leader went on, "control the destiny of the human race, and Sir Herbert Holt controls the destiny of Canada, not Mr. Bennett and Mr. King as most people think."³⁶

Thus, while it is true that some within the party rejected the monetary proposals of social credit as being anti-socialist, others found no difficulty in seeing similarities between the economics of social credit and the financial policies advocated by the Farmer-Labor party. Eliason's views on monetary reform and social credit are particularly significant. No one had more influence than he in policy making or in the day-to-day running of the party prior to the 1934 provincial election.

The stand which the Farmer-Labor party took on monetary reform was an indicator of the great variation of opinion within the party. On this issue, as on so many others, the moderates, the reformers within the party were very strong. The sympathy which many Farmer-Labor leaders and supporters had for social credit economic ideas in the early 1930's showed that the party's support of socialized banking was not based entirely on socialist ideals.

An examination of various speeches and declarations of Farmer-Labor leaders on party policy in the early 1930's also generally reveals a moderate approach and attitude. George Williams, who was considered to be on the left wing of the party, serves as an example. In 1932 the party published a booklet entitled *What is this Socialism* in which Williams explained socialism Farmer-Labor style. In the foreword he pointed out that Canadians were not interested in any particular "ism" but that they wanted to be reasonably sure an economic system would work before they supported it.³⁷ His comments throughout the article illustrated the pragmatic, moderate philosophy of Farmer-Labor socialism.

Socialism provides for the private ownership of personal property such as the home in which an individual dwells, or the personal comforts of life that are used in order to make life fuller and better. Socialism does not mean, as some people would have you believe, that if you have two shirts you must give one to your friend or share your house with a stranger. It does mean that no one will be obliged to go without a shirt or without lodging. These things — shirts, homes, radios, washing machines, brooms, mops, automobiles, a dress suit, a sewing machine, and chewing gum are personal property. Socialism not only recognizes the right to the possession and enjoyment of personal property, but wants to make it possible for people to enjoy a great deal of it.³⁸

Williams' stand on the question of land nationalization was another indicator of his political philosophy. In addressing the founding convention of the national C.C.F. in Regina in 1933, he stated that "the basis of the C.C.F. land policy was a recognition of the family farm as the fundamental unit. What we want in Saskatchewan," Williams said, "is the benefit of socialism for the farmers, that the products of the farmers' industry will be used for social purposes. . . ."³⁹

M. J. Coldwell, on numerous occasions, also made statements and speeches supporting a moderate reform socialism. In one address he stated that he was definitely a socialist and then went on to say that to him "socialism meant simply putting into practice the principles of Christian brotherhood."⁴⁰ He constantly denied that the program of the Farmer-Labor party was in any way similar to the Russian plan.⁴¹ In a speech in Regina in January, 1934, he described Farmer-Labor policy as a middle way between communism and fascism and spoke favorably of the Roosevelt New Deal.⁴² In general, Farmer-Labor leaders portrayed the party as a moderate, Fabian, reform orientated movement, based on the principles of

practical Christianity. A conscious effort was made to disassociate the party from anything that could be termed doctrinaire or Marxist socialism.

The leadership of the Farmer-Labor party was in fact strongly opposed to those within the party who attempted to spread the principle of Marxism. A great deal of difficulty was experienced with certain labor spokesmen who went into rural areas and preached such doctrines. One case in point was that of Fred Fix, a Marxist socialist and a member of the Melville branch of the I.L.P. In 1933 he travelled into rural areas to address gatherings on behalf of the Farmer-Labor party. When reports of these meetings reached headquarters, leaders quickly intervened, and he was no longer allowed to speak on behalf of the party. After one of Fix's speeches Williams wrote to Eliason:

The boys from Young came over to my Viscount meeting and told me that Mr. Fix of Melville told the farmers around Young at the Mowhawk school that all the farmers would be collectivized. They would all live together and work 4 hours a day. It did a lot of harm and now we have to send an agricultural speaker to counteract it even then we will still lose some votes. . . . It seems that it is unwise for us to send industrial speakers to farmer meetings. . . .⁴³

Eliason was even more explicit on the subject.

The industrial socialist, whether he be Canadian, American, or European, will do us more harm than any other type of speaker that I can think of because they [*sic.*] will not adhere to the principles as laid down by our annual conventions. As a matter of fact, they [*sic.*] are absolutely opposed to a definite program of any kind and insist that we should only issue a manifesto. However, I point out to this type of people that the Saskatchewan farmers will not accept a manifesto but are clever enough to want to know just what this is all about before they decide [*sic.*] to cast their vote in favour of our principles.⁴⁴

Eliason continued and made some interesting general comments regarding socialism and the Farmer-Labor party:

. . . I have hesitated from the very beginning to style myself as a Socialist. I am of the opinion that I am on far safer ground if in reply to the question "Am I a Socialist?" I come back with the reply "That I am a supporter of the economic program which was laid down by the July convention of the Farmer-Labor Group and if that is Socialism then I am a Socialist and if it is Toryism then I am a Tory."⁴⁵

Such statements clearly indicated the pragmatism of Eliason's ideas and his lack of enthusiasm for any dogmatic socialist position.

The relationship which existed in the province between the Farmers' Unity League (F.U.L.) and the Farmer-Labor party also throws considerable light on the ideology of the latter. The Farmer-Labor party was not only criticized by the two established parties and the right wing press but also was attacked bitterly from the left. Throughout the early 1930's the Farmers' Unity League denounced it as just another capitalist organization.

The Farmer's Unity League was established at a conference in Saskatoon in December, 1930.⁴⁶ The meeting was called by the Farmers' Educational League, the radical group which had operated within the organized farm movement since the creation of the U.F.C. Among the delegates to the founding conference were such well-known Saskatchewan left-wingers as Fred Shunamen, Ben Lloyd, H. E.

Mills, and Walter Wiggins.⁴⁷ The F.U.L. claimed to have a different outlook than other farm bodies, stressing the class division in agriculture and basing itself upon the poorer farmers.⁴⁸ It drew up a list of immediate demands including debt cancellation, organized resistance to foreclosures and evictions, tax boycotts, and a \$1,000 per year guaranteed income for all farmers.⁴⁹ Its founders decided that F.U.L. members would work both inside and outside of existing farm organizations.⁵⁰ They also voted unanimously to extend greeting to the All-China congress of Soviets which was meeting at that time in China and later declared complete support for the policies of the Soviet Union.⁵¹

There is little doubt that the Communist party of Canada played a direct role in the launching of the Farmers' Unity League. By 1931 many of its founders were open supporters of that party. As well, evidence of the direct connection between the League, the Communist party of Canada, and Moscow was brought forward during the trials of Canadian Communist leaders following their arrests in 1931. Among the various documents seized at Communist party headquarters in Toronto were instructions from Moscow on an agrarian program for the Communist party of Canada.⁵² The party's agricultural policy was based on these instructions. In November, 1930 the party recommended that a left wing agrarian organization to be known as the Farmers' Unity League be created. Tom Ewen, one of the Canadian Communists arrested and brought to trial, testified that all farmers who were members of the Communist party went into the F.U.L. and that these men formed the leadership of the League.⁵³

From the beginning the League was hostile to the United Farmers of Canada. Although it approved of its members working within the U.F.C., the purpose of such activity was to radicalize the existing farm organization and capture its leadership. The Communist party was said to have instructed F.U.L. members to participate within the U.F.C. as long as it would help in the eventual disintegration of the latter body as it then existed.⁵⁴ At the Communist trials in Toronto in 1931, Tom Ewen was asked if it was the purpose of the F.U.L. to destroy all existing farm organizations. His reply indicated the official attitude which the League took toward the U.F.C.:

Not to destroy them but to transform them into weapons of struggle in the interests of the membership of the farmers. The farmers in these organizations, in United Farmers of Canada, for instance, find themselves in much the same position as the workers in the Reformist unions in that their interests are being sold out by those in command, by the leadership.⁵⁵

The *Furrow*, the League's official publication, reflected this position toward the U.F.C. and later the Farmer-Labor party. In November, 1930 in an editorial critical of U.F.C. leadership, it asked: "Has the U.F.C. become a sort of 'windbreak' to shelter the government from the wrath of the outraged farmers?"⁵⁶ In March, 1932 the paper commented on the recent U.F.C. convention: "Radicalism in word, and reaction in deed, reached its peak in the convention of the U.F.C. just past. The delegates passed resolutions demanding a Co-operative Commonwealth and almost in the same breath provided careful safeguards for individual ownership of land. . . ."⁵⁷

Similar attacks were made on the Farmer-Labor party and its leaders. In one editorial the *Furrow* referred to the C.C.F. as the third capitalist party in Canada

and compared Frank Eliason to R. B. Bennett.⁵⁸ At the first national convention of the F.U.L. held in Saskatoon in July, 1932, the Farmer-Labor party was referred to as an organization which mouthed some socialist phrases but which in reality was a reactionary capitalist party. The party was condemned for advocating another method of preserving the capitalist system.⁵⁹ At times the F.U.L. viewed the Farmer-Labor party as its most deadly enemy. "Parliamentary reformism is social-fascist in essence, because it essentially places its faith in the capitalist class and has no confidence in the toilers. . . .," the *Furrow* wrote in 1934. "The so-called leftist in such a position is more dangerous than the milder demagogue and must be fought that much more strenuously."⁶⁰ F.U.L. spokesmen argued that Farmer-Labor leaders were the worst kind because it was difficult for the masses to view them as their class enemies. Or as one F.U.L. supporter put it in a letter to *The Western Producer*: "they lead up very close to what is needed but yet fail or refuse to take such steps and action that will lead to a complete solution of the farmers' and workers' economic problems."⁶¹

Despite this opposition to the leadership and programs of the U.F.C. and the Farmer-Labor party, the League did not condemn the individual members of these two organizations. To the League the majority of members were "oppressed farmers" who were being misled by what the *Furrow* commonly referred to as the "Kulak elements" in the farm movement. The policy of the F.U.L. was to work within the U.F.C. and develop the class consciousness of the poor farmers and "rescue" them from their reactionary leaders.⁶² The League's policy toward the Farmer-Labor party was even more ambivalent. In areas where there was some support for the League, and perhaps where Farmer-Labor opposition to the League was also strong, it considered nominating a candidate to participate in elections. Thus it chose Walter Wiggins to contest the 1934 provincial election in the Pelly constituency, totally independent from and in opposition to the candidate of the Farmer-Labor party.⁶³ In other areas of the province, where circumstances were different, the League was more willing to work with the Farmer-Labor party. The best example was in the Elrose constituency where Farmer-Labor party and F.U.L. members seemed prepared to nominate a joint candidate.⁶⁴

The position which the F.U.L. took presented great problems for the Farmer-Labor party. Leaders of the party decided that if it was to have any chance of electoral success, it had to disassociate itself clearly from the League. Like other democratic socialist parties, it attempted to distinguish its solution to economic problems from that of the communists. Farmer-Labor leaders argued that their party aimed to attain social justice for the farmers and workers by constitutional means, while the F.U.L. planned to use revolution as a means to gain its ends.

No one struggled harder against the Farmers' Unity League than Frank Eliason.⁶⁵ He condemned the League for the type of tactics it advocated. In a letter to *The Western Producer* he wrote:

They oppose the Farmer-Labor policy because we aim to set up a new economic order by peaceful constitutional means, . . . we must keep cool heads, rally in support of the Farmer-Labor economic program and bring about a reorganization of society in a sane manner.⁶⁶

On another occasion Eliason described the F.U.L. as having "no reasonable arguments to offer, no practical program to suggest." "They cry out in support of

the poor," he wrote, "but when they are asked what should be done in a practical way towards finding a solution for these problems of the farmers, then they are void of any practical suggestions."⁶⁷

Eliason was at the center of the controversy with the F.U.L. which arose in 1932 over the situation in the Elrose constituency. The difficulty began in October, when a meeting was held by the local constituency committee of the U.F.C. to discuss nominating a farmer candidate for the next provincial election. No speakers from the central office of the Farmer-Labor party attended, but Cyril Harding of the F.U.L. was present. The meeting passed a resolution favoring cooperation between the F.U.L. and the Farmer-Labor party in the next provincial election. Five members of the Farmer-Labor party constituency committee were appointed to meet with League representatives to plan a united front. It also was decided that another meeting would be held in the near future at which a united front program would be adopted.⁶⁸

Upon receiving the minutes of the Elrose constituency meeting, Eliason immediately contacted members of the Farmer-Labor constituency committee and advised them of the danger of lining up with the League.⁶⁹ In addition, he sent each official a copy of certain extracts from the Communist party trials in Toronto which clearly indicated the link between the F.U.L. and international communism.⁷⁰ Eliason also wrote a special letter to the five members of the Elrose constituency committee who were appointed to meet with the League to plan a united front. He pointed out that a Farmer-Labor candidate must support Coldwell's leadership and subscribe to the economic policies laid down by the party.⁷¹ His swift intervention in the affairs of the constituency effectively blocked the possibility of a joint U.F.C.-F.U.L. candidate. However, the constituency remained a problem for the Farmer-Labor leaders. Early in 1933 Eliason wrote to a party organizer who had been sent into the Elrose area by central office:

. . . the eyes of the Province are focused upon the Elrose constituency. The Liberals and the Conservatives would, of course, like to see a union of our forces in that constituency. They would then immediately tag us definitely with the Russian tag and it may mean a loss of many votes in the rest of the Province.⁷²

Walter Young argues that democratic socialist parties, on occasions, harmed themselves by condemning the communists. He states that in some cases such attacks weakened the socialist front because in attacking communists, democratic socialists were denouncing enemies of the capitalist class, an action which often was difficult to justify to rank and file supporters.⁷³ However, this does not appear to be the case in Saskatchewan during the early 1930's. Support for a united front was not great among the province's farmers. Denouncing the Farmers' Unity League undoubtedly helped more than it harmed the Farmer-Labor party in its appeal to the electorate. The Elrose constituency was the only example prior to 1934 where there appeared to be any significant amount of grass roots support for a united front of U.F.C. and F.U.L. farmers.⁷⁴

The position which the Farmer-Labor party adopted toward the F.U.L. indicated that the party leaders were clearly anti-Marxist and anti-Communist. There is no evidence that the leadership of the party seriously considered any type of

co-operation with the F.U.L. Even George Williams, who at one time had been a close associate of many of the leaders of the League, strongly opposed any kind of alliance. Williams approved the stand taken by Eliason on the Elrose situation. After Eliason's decisive action, he wrote:

I believe you did exactly the correct thing with reference to the Farmers' Unity League, only I believe you should go further. I believe you should send a copy of that letter . . . to everyone of our constituency chairmen and to all Sect. Campaign Managers. The sooner you do this the better because they are going to try to horn in on all of our nominations.⁷⁵

The evidence therefore suggests that the policies and leaders of the Farmer-Labor party from the earliest point were not as radical or as socialist as is commonly believed. The party's policies, the views of its leaders, the attitudes of its leaders and supporters toward other reform movements, and its relations with the extreme left of all indicate this. John Bennett and Cynthia Krueger, in their article on the early C.C.F., attempt to point out the pragmatism of its platform. They write: "The C.C.F. began compromising its radical doctrine the day after the Regina Manifesto was issued in 1933."⁷⁶ It would have been more accurate to say that a good deal of moderation, pragmatism, and compromise existed from the very beginning in the C.C.F.'s programs and in the minds of the men and women who formulated them and took them to the people. The generally held theory that the "radical fathers of the party" substantially moderated and compromised their ideas after 1934 needs to be seriously reassessed. Tommy Douglas was probably closer to the truth when he stated recently that his views were far more radical now, in the 1970's, than they were during the years of the depression.⁷⁷

Footnotes

- ¹ Several authors interpret the early years of the Farmer-Labor party and the C.C.F. in this manner. See, for example, S.M. Lipset, *Agrarian Socialism*, Anchor Books (Garden City, New York: Doubleday & Company, Inc. 1968), ch. VI, and John W. Bennett and Cynthia Krueger, "Agrarian Pragmatism and Radical Politics," Lipset, *Agrarian Socialism*, pp. 357-360, for an application of this interpretation at the provincial level. For a similar view in regard to the national C.C.F. see Walter Young, *The Anatomy of a Party: The National C.C.F. 1932-1961* (Toronto: University of Toronto Press, 1969), ch. VI, and Leo Zakuta, *A Protest Movement Becalmed* (Toronto: University of Toronto Press, 1964), pp. 35-38.
- ² The party was founded at a joint convention of the United Farmers of Canada (Saskatchewan Section) and the Independent Labor party. The U.F.C. voted to enter politics in February, 1931 at its annual convention, and political organization began in some constituencies as early as July. From the beginning it was assumed that political action would involve some type of cooperation with labor. In October a province wide Independent Labor party was formed at a convention in Regina. M. J. Coldwell was selected leader, and co-operation with the United Farmers' political movement was approved. Thus the stage was set for the formal launching of the Farmer-Labor party the following summer.
- ³ *Leader-Post* (Regina), May 23, 1930, p. 23.
- ⁴ Archives of Saskatchewan (A.S.), *U.F.C. Papers*, Minutes and Reports of 1931 U.F.C. Convention, p. 211.
- ⁵ *Ibid.*, p. 200.
- ⁶ *Leader-Post*, October 26, 1931, p. 2.
- ⁷ A.S., *C.C.F. Papers*, Minutes of Political Directive Board Meeting, September 24, 1932, p. 9.
- ⁸ *Ibid.*
- ⁹ *Ibid.*, p. 10.
- ¹⁰ Young, *National C.C.F.*, p. 40.
- ¹¹ See, for example Lipset, *Agrarian Socialism*, pp. 108-110.
- ¹² A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 Convention, p. 160.
- ¹³ Lloyd was an active left-winger within the U.F.C. In the late 1920's he was among those who bitterly criticized the leadership of the farmers' movement for not being radical enough. See A.S., *Edwards Papers*, George Edwards to W. J. Brummett, August 22, 1927.

- ¹⁴ A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 U.F.C. Convention, p. 161.
- ¹⁵ Like Lloyd, Mills was active in the Farmers' Unity League in the early 1930's. See Mills, *Stout Hearts Stand Tall* (Vancouver: Evergreen Press, 1971), p. 196.
- ¹⁶ A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 U.F.C. Convention, p. 161.
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*, p. 170. What is also significant is that Johnson cannot simply be dismissed as a right wing spokesman within the U.F.C. He was a strong supporter of George Williams, U.F.C. president from 1929-31 and one whom always was considered to be on the left of the farmers' movement.
- ¹⁹ A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 U.F.C. Convention, p. 198.
- ²⁰ *Ibid.*, p. 200.
- ²¹ *Ibid.*, p. 209.
- ²² See Leo Courville, "The Saskatchewan Progressives" (unpublished M.A. thesis, University of Saskatchewan, Regina), pp. 208-210, and Hoffman "The Saskatchewan Provincial Election of 1934," ch. IV.
- ²³ A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 U.F.C. Convention, p. 208.
- ²⁴ *Ibid.*, p. 201.
- ²⁵ *Ibid.*, p. 209. McNamee was a well-known farm radical. In 1933 he ran as a United Front candidate in a federal by-election in Mackenzie constituency, against a candidate nominated by the C.C.F.
- ²⁶ A.S., *U.F.C. Papers*, Minutes and Reports of the 1931 U.F.C. Convention, pp. 209-210.
- ²⁷ Young, *National C.C.F.*, p. 40.
- ²⁸ A.S., *C.C.F. Papers*, Minutes of Political Directive Board Meeting, September 24, 1932, p. 9.
- ²⁹ *The Western Producer*, the leading farm paper in the province advocated an inflated currency throughout the early 1930's. See, for example, *Western Producer* (Saskatoon), June 21, 1934, p. 6. Mackenzie King, the national Liberal leader was shocked to find the popularity of inflation among western Liberals. See H. B. Neatby, *William Lyon Mackenzie King 1924-1932 The Lonely Heights* (Toronto: University of Toronto Press, 1963), p. 396.
- ³⁰ Letter to *Western Producer* (Saskatoon), March 8, 1934, p. 17.
- ³¹ A.S., *Violet McNaughton Papers*, File No. E70, Socialistic Groups, 1931-1942, McNaughton to George Williams, November 9, 1932.
- ³² A.S., *C.C.F. Papers*, F. Gable to George Williams, March 2, 1933, p. 29276.
- ³³ *Ibid.*, E. M. Graham to Frank Eliason, January 28, 1933, p. 24588.
- ³⁴ *Ibid.*, Eliason to E. M. Graham, February 14, 1934, p. 24592.
- ³⁵ *Ibid.*, Eliason to W. Olsen, February 19, 1934, p. 25063.
- ³⁶ *Leader-Post*, January 17, 1933, p. 8.
- ³⁷ A.S., *C.C.F. Papers*. Subject Files, 1931-1952, *What is this Socialism*, 1932, p. 29006.
- ³⁸ *Ibid.*, p. 29008.
- ³⁹ W. G. Godfrey, "The 1933 Convention of the Co-operative Commonwealth Federation" (unpublished M.A. thesis, University of Waterloo, 1965), pp. 43-45. Angus MacInnis, then a labor delegate from British Columbia, objected to the Saskatchewan delegates' interpretation of socialism. He argued: "If the farmer wants a co-operative commonwealth in which everything is socialized but himself, then he better have a commonwealth of his own." *Ibid.*, p. 42.
- ⁴⁰ *Leader-Post*, August 5, 1933, p. 8.
- ⁴¹ *Ibid.*, July 7, 1933, p. 12.
- ⁴² *Ibid.*, January 10, 1934, p. 8. The selection of Coldwell as Farmer-Labor leader was itself an indicator of the moderate nature of the party. A veteran of the Progressive movement, he was looked upon as less radical than the other serious contender for the leadership, George Williams. Shortly after Coldwell was picked as leader, he was depicted by the *Leader-Post* as: "a thoughtful student of affairs, solid, steady, a keen debater, modest and capable, . . ." *Ibid.*, September 12, 1932, p. 3.
- ⁴³ A.S., *C.C.F. Papers*, Williams to Frank Eliason, March 13, 1933, pp. 12069-12070.
- ⁴⁴ *Ibid.*, Eliason to George Williams, March 16, 1933, p. 12071.
- ⁴⁵ *Ibid.*
- ⁴⁶ *Saskatoon Star-Phoenix*, December 11, 1930, p. 3.
- ⁴⁷ *Ibid.*, December 10, 1930, p. 3.
- ⁴⁸ *Furrow* (Saskatoon), February, 1931, p. 1.
- ⁴⁹ *Saskatoon Star-Phoenix*, December 12, 1930, p. 1.
- ⁵⁰ *Furrow*, February, 1931, p. 1.
- ⁵¹ *Western Producer*, December 18, 1930, p. 2.
- ⁵² A.S., *C.C.F. Papers*, D. Disberry to Frank Eliason, January 7, 1932, pp. 12958-12960.
- ⁵³ *Ibid.* Also see Ivan Avakumovic, "The Communist Party of Canada and the Prairie Farmer: The Inter-War Years" *Western Perspectives* 1, (Toronto: Holt, Rinehart and Winston, 1974).
- ⁵⁴ A.S., *C.C.F. Papers*, D. Disberry to Frank Eliason, January 7, 1932, p. 12959.
- ⁵⁵ *Ibid.*, p. 12960.
- ⁵⁶ *Furrow*, November, 1930, p. 2.
- ⁵⁷ *Ibid.*, March, 1932, p. 1.
- ⁵⁸ *Ibid.*, January 15, 1933, p. 2.
- ⁵⁹ *Ibid.*, August, 1932, p. 4.
- ⁶⁰ *Ibid.*, April, 1934, p. 3.
- ⁶¹ *Western Producer*, August 20, 1931, p. 7.
- ⁶² *Furrow*, August, 1932, p. 2.
- ⁶³ *Ibid.*, December 15, 1932, p. 2.
- ⁶⁴ *Ibid.*, January 15, 1932, p. 2.

- ⁶⁵ Eliason's attitude toward the League was comparable to that taken by Woodsworth, Coldwell, and David Lewis toward the Communists at the national level throughout the 1930's. See Young, *National C.C.F.*, pp. 255-284. Eliason was one of the *Furrow's* favorite targets. See *Furrow*, January 15, 1933, p. 2 for an editorial entitled "Mr. Eliason Shows His Hand."
- ⁶⁶ *Western Producer*, December 15, 1932, p. 5.
- ⁶⁷ A.S., *U.F.C. Papers*, Miscellaneous Correspondence File, Eliason to J. F. Hogg, April 4, 1935.
- ⁶⁸ A.S., *C.C.F. Papers*, Eliason to George Williams, October 28, 1932, p. 12001.
- ⁶⁹ *Ibid.*
- ⁷⁰ *Ibid.*, Eliason to Members of the Farmer-Labor Constituency Committee in the Elrose Provincial Constituency, October 26, 1932, pp. 12958-12961.
- ⁷¹ *Ibid.*, Eliason to M. J. Coldwell, October 26, 1932, p. 3110.
- ⁷² *Ibid.*, Eliason to H. Greenwood, January 11, 1933, p. 24612.
- ⁷³ Young, *National C.C.F.*, p. 255.
- ⁷⁴ Later during the 1930's the C.C.F. ran into similar problems in a few other parts of the province. See Peter Sinclair, "The Saskatchewan C.C.F. and the Communist Party in the 1930's," *Saskatchewan History*, Vol. XXVI, no. 1 (Winter, 1973), pp. 1-10.
- ⁷⁵ A.S., *C.C.F. Papers*, Williams to Frank Eliason, September n.d., 1932, p. 12002.
- ⁷⁶ Bennett and Krueger, "Agrarian Pragmatism and Radical Politics," p. 357.
- ⁷⁷ Mr. Douglas made this remark in an unpublished address delivered March 24, 1973 at the Social Gospel Conference held at the University of Saskatchewan, Regina Campus.

The Meaning of Treason in 1885

by D. H. Brown

IN THE years since Louis Riel was executed as a traitor, a growing literature has discussed and debated his life and times. In particular, his trial and the circumstances surrounding it have been exhaustively examined in long legal arguments, some of which began even before the trial itself.¹ Curiously, however, none of the documents examined during the research for this paper discuss the charge of treason in any depth, a few make more than a passing mention of the indictment, except to question its validity. Typical of this treatment is the following passage from W. M. Davidson's *Louis Riel*:

The charge against Riel was unusual — he was accused of high treason, which is the offense of a subject who takes up arms against his sovereign. But Riel was not a subject of the British sovereign or of Canada; he was a naturalized citizen of the United States. The statute covering the offence [sic] was one passed in 1351 [sic] in the reign of Edward III.²

In the same vein, G. F. G. Stanley notes that “there was no specific mention of the fact that Riel was an American citizen, nor was it implied in the charge.”³ These criticisms are echoed by much contemporary opinion which, however, goes further and asserts that Riel's was a political crime and that, since the Statute of 1352 specifies that treason can only be committed against the person of the sovereign of England and a few other specified individuals, the charge was not valid and proper. These arguments tend to gather weight when a reading of the transcript of Riel's trial reveals that his own lawyers were confused as to which statute the charge was laid under.⁴

In an effort to discover how much weight attaches to these criticisms, this paper will examine the legal circumstances which led to the charge of treason. However, to limit the scope of the investigation, it will be confined to three areas of inquiry. Firstly, was the charge of treason properly applicable to Riel's crime? Secondly, was it legal to lay such a charge against a United States' citizen? Thirdly, was the 1352 Statute of Treasons the law in the North-West Territories at the time of Riel's trial?

High treason or, more simply, treason, was a common law offense long before Edward III assented to the Statute of Treasons in 1352. In fact, according to Professor J. G. Bellamy, the first specific reference to treason is in the laws of Alfred (899-924).⁵ But even before that time, Anglo-Saxon legal codes had defined the essence of the crime as being a violation of the king's peace and punishable by him alone.⁶ This, in turn derived from even older Germanic and Roman concepts. “The Germanic element was founded on the idea of betrayal or breach of trust [*treubruch*] by a man against his lord, while the Roman element stemmed from the notion of *maiestas*, insult to those with public authority.”⁷ Thus, from its very beginnings, treason has been a political crime. For to break the king's peace in any large way is, implicitly, to undermine his authority and to thus precipitate regal or in the modern sense, political change. That this is not a new notion is evidenced by the sixteenth century epigram of Sir John Harrington:

Treason doth never prosper, what's the reason? Why, if it prosper, none dare call it treason.

A case in point is the American Revolution. If it had failed, any person who had borne arms against the British or who had given aid and comfort to such a person "would have been in strict law a traitor liable to be treated as such."⁸

Prior to 1352 the king and his council, advised by the judiciary, decided if the actions of an individual were treasonous.⁹ The judgment rendered at the trial of such a person then became a part of the common law, and a precedent for the future. While there was no absolute consistency on the part of the judiciary in deciding what was treason, certain crimes became generally recognized as treasonous. Prime among these were killing the king; sedition or betraying him; betraying the army, or betraying the realm.¹⁰ Inasmuch as treason was the most serious crime that could be committed by a subject, the punishments were designed to fit the crime. Of course, the death penalty was mandatory, and the manner in which the sentence was carried out, by drawing, hanging and quartering, was cruel and unusual.¹¹ However, while the physical punishment was barbarous, it only affected the guilty person. On the contrary, when it came to the disposal of his lands and effects, it concerned others, and this fact had ominous portents.

According to feudal law, if a subject committed an offense classified as a felony, he was tried by the *mesne* court. If convicted and executed, his estates escheated, or reverted to his feudal lord. Evidently, treason was treated as a felony up to about 1300. After that time however, and possibly because of the extension of the common law and the creation of the king's courts in which cases of treason were tried, the practice evolved whereby a traitor's lands escheated to the king in perpetuity, rather than to his lord.¹² Not surprisingly, the practice was unpopular with the magnates.

Another aspect of a charge of treason which was unpopular was that persons so indicted were denied benefit of clergy.¹³ Thus, the trial was held in a secular court where the chances of conviction were much greater than for a trial conducted in an ecclesiastical court.

Early in the fourteenth century, cases of treason began to increase, but it was noted with some concern by the magnates that many of the offences now construed as treasonous had heretofore been felonies and thus triable in the *mesne* courts with the felons' lands reverting to his feudal master. By and large, these new treasons were private wars or battles between feudatories or the king, and often were fought for his favour. Such affairs had not been officially noticed in earlier times, but they now caused petitions to be brought to the king's courts as being disturbances of his peace. In other words, they were political crimes against the king in a political capacity, rather than against him as a person. While there was good reason for the new treasons,¹⁴ they were not popular and the Parliament of 1348 petitioned against their proliferation. The move was unsuccessful because the king continued to insist that a legal judgment should pronounce for or against a charge of treason in each case as it arose,¹⁵ and the situation therefore remained unchanged. This caused the Parliament which convened in January, 1352, to request Edward III to declare what was treason and what was not. Since the King was desperate for supplies for his continuing war with France, the Statute of Treasons was the result.¹⁶ This

enactment did away with all the "constructive" treasons of the immediate past and, apart from proscribing "men who do levy War against our Lord the King in his Realm,"¹⁷ it defined the crime very narrowly and limited the objects of treason to the persons of the king, certain members of his family, and justices performing their duties. There was no mention of crimes against the realm; that is, against the king in his political capacity and, indeed, private quarrels were specifically designated as felonies and the matter of escheates was spelled out. 25 Edw. III c.2., as it is referred to in the statute books, has never been repealed, and it has since become the basic law of treason in the common law countries. As such, it forms the core and even provides some of the phrases for the present Canadian statute.¹⁸

Although the royal courts tended to keep to the letter of the law in the years immediately following 1352, "treason against the realm"¹⁹ reappeared in 1381 when rebels captured during the Peasants' Revolt were charged with treason in that they sought "the destruction of the Kingdom."²⁰ Since that time, whether by a "constructive" interpretation of 25 Edw. III c.2., or by a statute to outlaw a specific act, large crimes against the government have resulted in charges of treason. It was by the latter method that most monarchs preferred to proceed, and the succeeding centuries saw a succession of treason statutes enacted. For example, during the reign of Henry VIII no less than nine Acts created new treasons concerned with securing his position in relation to the church and providing for the succession to the crown after his various marriages.²¹ His son and daughters, as they became sovereign, also created new treasons. In fact, during the sixteenth century it became the custom for a new monarch to gain popular favour by repealing all the treason statutes assented to by his predecessor. Then, as the reign progressed, and circumstances dictated, new treasons would be enacted.²² In this way, the acts in force remained few, and by 1670, when the Hudson's Bay Company was chartered, the only remaining statutes were 25 Edw. III c.2., one which had to do with the succession, two concerning religious supremacy, and one which was to expire with Charles II.²³

Previously, Lord Chief Justice Coke had firmly established the legal connection between crimes against the state and treason. In his *Institutes*, first published in 1628, he discusses the treason of levying war, and lays it down that: "if any levy war to expulse strangers, to deliver men out of prisons, to remove Counsellors, or against any statute, or to any other end, pretending Reformation of their own heads, without warrant; this is a levying of war against the king."²⁴ Lord Chief Justice Hale, writing in 1685, echoes and amplifies Coke's words,²⁵ and also makes more explicit the indivisibility of king and government: "The offense of high treason is an offense, that more immediately is against the person or government of the king; and the greatness of the offense and the severity of the punishment is upon these two reasons."²⁶ In the following century, Mr. Justice Blackstone, whose *Commentaries* greatly influenced the law of treason in the United States, laid down what is probably the definitive statement of the clause of 25 Edw. III c.2. concerning the levying of war: "This may be done by taking arms, not only to dethrone the King, but under pretence to reform religion, or the laws, or to remove evil counsellors, or other grievances whether real or pretended."²⁷ It is important here to realize that these men were all practising judges and that what they wrote in abstract legal treatises, they practised on the bench.

A case at law which illustrates this and which has particular relevance when considering the charges laid against Riel was that of *Rex v. Maclane* which began on March 1, 1797. David Maclane, a citizen of the United States,²⁸ was apprehended in Quebec City, and indicted, convicted and executed for treason. The charge was that he had conspired with others to raise a rebellion in Lower Canada on behalf of France, and thus to compass the king's death.²⁹ With regard to the charge, Chief Justice Osgoode, in an unusual and very lengthy preliminary address to the jury, reviewed the history of the crime, largely by paraphrasing Hale and Blackstone, and specified that it was treason to dethrone the king with a view to "altering the measures of government" and that "by construction of law it extends to those cases where insurgents move not immediately against the king's person, but for the purpose of carrying into execution any general and illegal design."³⁰ The Attorney General, who conducted the prosecution, amplified these remarks and drew a clear distinction between the natural life and the political existence of the monarch and told the jury that "to aim at the destruction of the one or of the other constitutes the crime of treason."³¹

Thus, by the end of the eighteenth century the jurists of Britain had completely undone the work of the magnates of 1352. By a process of judicial legislation which continued into the nineteenth century they transformed the narrow concept of the magnates, which defined treason as a breach of personal faith to the sovereign, into the judicial view of 1863, which saw it as "armed resistance, made on political grounds, to the public order of the realm."³² And this was, of course, the crime for which Riel was indicted some twenty-two years later.

As the concept of treason was first developed in early medieval legal writings, and extended by judicial legislation, so, too, was the concept of allegiance. The two are inseparably related because, as Mr. Justice Foster observed, "High Treason [is] an offence against the Duty of Allegiance."³³

Writing in the twelfth century, the author known as Glanville defined the relationship which should exist between lord and subject.³⁴ In effect, this was the feudal system whereby the vassal or tenant held his lands in subjection to his lord, who also protected him in the enjoyment of such lands. In return, the vassal, in an act of fealty, swore to be faithful to his lord and to protect him from his enemies. "But," wrote Coke, "between the sovereign and his subject there is without comparison a higher and greater connexion: for as the subject oweth to the king his true and faithful ligeance and obedience, so the sovereign is to govern and protect his subjects."³⁵ From this he goes on to conclude that protection draws allegiance and allegiance draws protection ("*protectio trahit subjectionem, et subjectio protectionem*"³⁶). Coke then goes on to cite evidence to the effect that in several acts of parliament down to the time of writing (1609), subjects have been termed "liege people," and that the king has been referred to as the "liege lord of his subjects."³⁷

Ligeance, Coke found, was of four kinds:³⁸ natural, local, acquired, and legal. The two latter have no relevance for this paper and will not be considered further. Natural ligeance was the obedience a subject owed to the sovereign by reason of his birth in the realm.³⁹ In return, certain advantages accrued to the subject, not the least of which was the right to purchase, own and devise real property, and he was

able to protect his rights to such property in the king's courts.⁴⁰ These rights were denied to aliens residing in the realm. However, it was found that such persons owed the sovereign a local ligeance, so long as they remained within the realm, in return for the king's peace and protection, which enabled them to carry on their business or commerce, and to protect their interests at law.⁴¹

Hale echoes and amplifies Coke's words especially where allegiance touches treason:

Because as the subject hath his protection from the king and his laws, so on the other side the subject is bound by his allegiance to be true and faithful to the king: and hence all indictments of high treason run *proditorie*, as a breach of the trust that is owing to the king, *contra ligeantie sue debitum*, against that faith and allegiance. . . . But if an alien the subject of a foreign prince in amity with the king, live here and enjoy the benefit of the king's protection and commit a treason, he shall be judged and executed, as a traitor; for he owes a local allegiance.⁴²

It was in accordance with this doctrine of local allegiance that the American, David Maclane, was indicted for treason over a hundred years later.⁴³

Foster paraphrases Hale for the most part, but he expands on the concept of birthright. This, he explains, is the sum of all the responsibilities and privileges of natural born citizens, and is perpetual. "And consequently, the Duty of Allegiance which ariseth out of it and is inseparably Connected with it, is in Consideration of Law likewise Unalienable and Perpetual."⁴⁴ Blackstone covered all the ground again, but he also took notice of a new concept: that of naturalization.⁴⁵ An alien may be naturalized by an act of parliament, he wrote, although this does not confer all the rights of citizenship on him.⁴⁶ Moreover, it does not, without the realm, absolve him of his natural allegiance.⁴⁷

All of this led naturally to the doctrine which was publicly promulgated in the British declaration of war on the United States in 1812, with respect to British born seamen serving on American ships. In this pronouncement it was held that allegiance was not an optional duty which such persons could accept or renounce at will but "a call which they are bound to obey: it began with their birth and can only terminate with their existence."⁴⁸ Nor did the British recognize American certificates of naturalization as being valid outside the United States.⁴⁹

In Canada over fifty years later this doctrine still held true. In 1866, one, McMahon, who claimed to have been born in Ireland and to be a naturalized citizen of the United States was arrested during a Fenian raid on Fort Erie. Since no evidence was produced to show that he was British born, he was charged as an American citizen, under the Fenian Act, with intent to levy war, and was convicted. He appealed the conviction *inter alia*, on the ground that he should have been tried as a British subject. In the course of his judgment on the appeal (which was denied) Mr. Justice Draper discoursed on natural allegiance and treason, and followed the same reasoning to the same conclusions as had the earlier English justices. His concluding remark in this section of the judgment has particular relevance where Riel is concerned: "It is however needless to go behind the conclusion of Blackstone, 'Natural Allegiance is therefore a debt of gratitude, which cannot be forfeited, cancelled or altered by any time, place, or circumstance.'"⁵⁰

When Britain began to people colonies by settlement (as opposed to occupation after conquest) British law went with the settlers either explicitly, by the terms of the charter of incorporation or, in the earlier years, implicitly.⁵¹ Rupert's Land received its laws by the former method in that the Royal Charter of 1670 incorporating the Hudson's Bay Company provided that the "Governor and his council . . . may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom. . . ."⁵² In other British dominions, Jamaica for instance, the situation was not so clear cut,⁵³ and many cases at law arose to plague the British Courts. At length the Privy Council, in answer to an appeal from the "foreign plantations" laid it down that if a new country was found and settled by British subjects, such country was to be governed by British law, "though" it also provided, "after such country is inhabited by the *English*, acts of parliament made in *England*, without naming the foreign plantation will not bind them."⁵⁴ Thus, unless specifically amended by the British Parliament, or by the Governor of the Hudson's Bay Company⁵⁵ the law of Rupert's Land was the same as the law of England of 1670. Moreover, while theoretical arguments have been adduced⁵⁶ to show that French Law should have prevailed in part or all of Rupert's Land, there is now little doubt that British law was the first to extend up the reaches of the Saskatchewan River, and to the country thereabouts, if only by reason of prior exploration and occupation.⁵⁷ That this was the view in 1822 is made explicit in the instructions to Andrew Bulger, the newly appointed Governor of Assiniboia.⁵⁸ Thirty years later the Council of Assiniboia was also of the opinion that the laws in force in Rupert's Land were the English Statutes of 1670,⁵⁹ and Mr. Justice Johnson of the Manitoba bench concurred with this view in a judicial opinion rendered after the Manitoba Act came into force.⁶⁰

Prior to Mr. Justice Johnson's opinion being delivered, and before their annexation to Canada, legislation for the temporary government of Rupert's Land and the North-Western Territory had been enacted.⁶¹ This provided that all the laws then in force in these two territories and which were not inconsistent with the British North America Act, were to remain in force until altered by further legislation or statutory authority. Amending legislation was enacted in 1875, with the passage of the North-West Territories Act. Section 6 of this statute laid it down that:

All laws and ordinances now in force in the North-West Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, by the Governor in Council, or by the Lieutenant-Governor and Council under the authority of this act.⁶²

Although later enactments altered other sections of the Act and, in 1880,⁶³ changed the numbering of the sections, the wording of the paragraph quoted above was not amended until June 2, 1886,⁶⁴ eight months after Riel's execution. Furthermore, an exhaustive search of the sources has failed to turn up any legislation amending the law of treason, other than the stipulation that any person charged with treason could not challenge more than six jurors.⁶⁵ It is clear then, from the foregoing, that when the North-West Rebellion took place, the law in respect to treason was the English law of 1670. And this, it will be recalled, was 25 Edw. III, c.2., since the other treason statutes of the time were inapplicable by reason of being Acts pertaining to a specific crime.

However, it must be remembered that in the common law countries, even through the words of a statute may remain the same over hundreds of years, the meaning of these words may be altered out of recognition by judicial decisions rendered during that time. Just such a process was described above, and it is a fact that although 25 Edw. III, c.2. was the law of treason in the North-West Territories in 1885, its meaning was entirely different from what one would suppose from just reading the words. This being so, it is reasonable to inquire if committing acts to bring about and continue the North-West Rebellion could be compassed within the meaning of treason at that time.

There is no doubt as to the physical facts of the Rebellion: arms were shouldered, men did organize and march, acts of defiance were made to the government, troops did respond, and battles were fought. It was then, and particularly when the antecedent events to the Rebellion are considered, a political crime with political ends in view. As such it fitted exactly Mr. Justice Stephen's 1863 description of treason. Therefore, since there was ample evidence to show that Riel had been instrumental in raising the Rebellion, the charge of treason against Riel was perfectly proper.

Moreover, in consideration of Mr. Justice Draper's 1863 judgment in *Regina v McMahan*, and the words of his judicial predecessors respecting the doctrine of natural allegiance, the charge of treason was a perfectly proper one to lay against a naturalized United States' citizen who had been born in a British dominion. Indeed, it would appear to be mandatory that the charge be framed against Riel as being a subject of the Queen. And this is how the first of two sets of charges in Riel's indictment was worded.⁶⁶

However, in the second set of otherwise identical specifications, Riel is charged, not as a subject owing natural allegiance, but as a person living in Canada under the protection of the Queen.⁶⁷ This is the form of an indictment against an alien owing local allegiance, such as that framed against the American, Maclane, in 1795 and understandable in view of the time, the place and the circumstances. In 1885 the Canadian North-West was relatively unpeopled, and the trans-continental railroad was unfinished. Riel was a naturalized United States' citizen and was well known to be so. Moreover, he had been in communication with the American consul at Winnipeg⁶⁸ whose government was opposed to the British doctrine of natural allegiance (n.49). Therefore, if Riel were charged only as a British subject, as he had to be by virtue of his Canadian birth, a legal wrangle would probably ensue at the trial over his citizenship, and this could become embarrassing, if not dangerous, should the United States take official notice of the charges laid against Riel as a subject of the Queen. In view of this situation it was probably thought politic by the law officers of the Crown to frame the second set of charges under the doctrine of local allegiance. Thus, if political considerations during the trial dictated that Riel be treated as an alien, the indictment would stand. Since the American law in respect to local allegiance was exactly the same as the British and Canadian, the United States' Government would have no cause for complaint. Nor, as G. F. G. Stanley remarks, was any complaint made.⁶⁹

In the foregoing, it has been shown that the law of treason in force in the North-West Territories in 1885 was 25 Edw. III, c.2. and that this was the statute

which Riel was indicted under. It was written in the idiom of the fourteenth century, but the words did not convey the nineteenth century meaning which, among other crimes, compassed the raising of a rebellion as treason. Therefore, at law it was a proper charge to lay against Riel in consideration of the known facts of the Rebellion. Furthermore, at law, the fact of Riel's United States' citizenship did not weigh in the balance since, by judicial precedent, he was a British subject till his death. And, if political considerations intervened to nullify such precedent, since the acts he was charged with were committed on Canadian territory, where he had been resident prior to the Rebellion, he was legally chargeable as an alien under the doctrine of local allegiance which was the same in both the United States and Canada.

Footnotes

- ¹ *Canada, Sessional Papers 1886*, XIX, no. 12 (Paper no. 43), pp. 19-37.
- ² W. M. Davidson, *Louis Riel 1844-1885* (Calgary: The Albertan Publishing Company Limited, 1955), p. 189.
- ³ G. F. G. Stanley, *Louis Riel* (Toronto: The Ryerson Press, 1964), p. 345.
- ⁴ It was not until the end of the first day of the trial that it was established that the charge was laid under 25 Edw. III, s.5., c.2. (1352). Until that time the defence presumed that Riel was indicted under 31 Vic. c.69. (1868) *Canada, Sessional Papers 1886*, XIX, no. 12 (Paper no. 43), p. 36.
- ⁵ J. G. Bellamy, *The Law of Treason in England in the later Middle Ages* (Cambridge: University Press, 1970), p. 1.
- ⁶ *Ibid.*
- ⁷ *Ibid.*
- ⁸ J. F. Stephen, *A History of the Criminal Law of England* (New York: Burt Franklin, 1883), II, p. 242.
- ⁹ Bellamy, *op. cit.*, p. 87.
- ¹⁰ *Ibid.*, p. 4.
- ¹¹ For details of the punishments see Leon Radzinowicz, *A History of English Criminal Law* (New York: Macmillan Company, 1948) I, pp. 209-227.
- ¹² Bellamy, *op. cit.*, p. 21.
- ¹³ The law relating to benefit of clergy is explained in detail in Stephen, *History of the Criminal Law*, pp. 459-474. However, the essence of the privilege is as follows: if a "clerk", i.e. a person who could read, was indicted for a felony, he could claim "benefit of clergy" upon which he had to be turned over to the ecclesiastical authorities. Here, he was "tried" by a bishop. The trial consisted of the prisoner making an oath of innocence, and twelve other clerks then swearing they believed him. As Stephen remarks, the prisoner was usually acquitted. *Ibid.*, p. 460.
- ¹⁴ According to Bellamy the royal judges tried to extend the law of treason in order to provide for better law enforcement in the realm when the king was engaged in prosecuting the war in France. Bellamy, *op. cit.*, pp. 100, 215.
- ¹⁵ *Ibid.*, p. 72.
- ¹⁶ *Ibid.*, p. 77 ff.
- ¹⁷ Great Britain, *Statutes at Large*, 25 Edw. III, c.2. (1350) [sic].
- ¹⁸ Canada, *Revised Statutes of Canada 1970*, II, p. 1528.
- ¹⁹ Bellamy, *op. cit.*, p. 207.
- ²⁰ *Ibid.*, p. 208.
- ²¹ Stephen, *op. cit.*, p. 255.
- ²² *Ibid.*, p. 260 ff.
- ²³ *Ibid.*, pp. 261, 262.
- ²⁴ Edward Coke, *The Third Part of the Institutes of the Laws of England* (5th ed. London, 1671), p. 9.
- ²⁵ Matthew Hale, *The History of the Pleas of the Crown* (London: E. and R. Nutt, 1736), I, p. 133.
- ²⁶ *Ibid.*, p. 59.
- ²⁷ William Blackstone, *Commentaries on the Laws of England* (12th ed. rev.: London, A. Strahan, 1795) IV, p. 81.
- ²⁸ Great Britain, *State Trials*, XXVI (1813), col. 754.
- ²⁹ *Ibid.*, cols. 732-747.
- ³⁰ *Ibid.*, col. 727.
- ³¹ *Ibid.*, col. 751.
- ³² J. F. Stephen, *A General View of the Criminal Law of England* (1st ed.; London: Macmillan Company, 1863), p. 36. It is to be noted that Mr. Justice Stephen later presided in cases of treason and his opinion therefore carries added weight. Stephen, *History of the Criminal Law*, II, 280.
- ³³ M. Foster, "Discourse on High Treason," *Crown Law* (Oxford, Clarendon Press, 1762), p. 183.
- ³⁴ *Calvin's Case*, 77 English Reports 382 (1609).

³⁵ *Calvin's Case*, *loc. cit.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*, p. 383.

³⁹ *Ibid.*, p. 382.

⁴⁰ It was over this very question that Calvin's Case arose, Calvin, a Scot, purchased property in England about the time James I ascended the throne. He was dispossessed without remuneration by two native born Englishmen, whereupon he sued. After arguments in every court in England, he won his case on the grounds that as he was a liege subject of James I by birth, he owed ligenance to him when he became King of England. Therefore he became a citizen of England, and entitled to all the privileges of citizenship.

⁴¹ *Calvin's Case*, p. 384.

⁴² Hale, *op. cit.*, p. 59.

⁴³ *State Trials*, col. 733 ff.

⁴⁴ Foster, *op. cit.*, p. 183.

⁴⁵ Blackstone, *op. cit.*, I, p. 362.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, p. 358.

⁴⁸ Great Britain, *Cobbet's Parliamentary Debates*, XXIV (1813), col. 375.

⁴⁹ These certificates of naturalization were issued in accordance with the American doctrine of allegiance which, with respect to natural allegiance, was the exact opposite of the British; i.e. an American subject could renounce his citizenship at will. By so doing he gave up those privileges which accrued to him as a citizen, but he was also absolved of any responsibilities, including allegiance, to the United States. This difference had been a point of friction long before the war began, and it continued to be so long after 1815. However, the doctrine of local allegiance, derived from the same source as the British, was identical in both countries. St. George Tucker, *Blackstone's Commentaries* (Buffalo, New York.: Dennis and Co. Inc., 1966), II, Appendix, 90; V. Appendix, 31. (Reprint: originally published in Philadelphia, 1803).

⁵⁰ *Regina v. McMahon*, 26 Upper Canada Queen's Bench 195 (1866).

⁵¹ *Blankard v. Goldy*, 91 English Reports 356 (1694).

⁵² E. H. Oliver, *The Canadian North West: Its Early Development and Legislative Records* (Ottawa: Government Printing Bureau, 1914), I, p. 150.

⁵³ *Blankard v. Goldy*, *loc. cit.*

⁵⁴ *Case 15*, 24 English Reports 646 (1722).

⁵⁵ Authority to amend the laws was granted in the Charter. Oliver, *op. cit.*, I, p. 145.

⁵⁶ See C. C. McCaul, "The Constitutional Status of the North-West Territories of Canada," *Canadian Law Times*, IV (No. 1, 1884), pp. 1-15.

⁵⁷ E. E. Rich, *The Fur Trade and the Northwest to 1857* (Toronto: McClelland and Stewart, 1967), p. 70 ff.

⁵⁸ Oliver, *op. cit.*, I, p. 222.

⁵⁹ *Ibid.*, I, p. 369.

⁶⁰ Dale and Lee Gibson, *Substantial Justice* (Winnipeg: Peguis Publishers, 1972), p. 71.

⁶¹ Canada, 32-33 Vic. c.3.

⁶² Canada, 38 Vic. c.49., s.6.

⁶³ Canada, 43 Vic. c.25., s.8.

⁶⁴ Canada, 49 Vic. c.25.

⁶⁵ Canada, 43 Vic. c.25., s.76., ss.10.

⁶⁶ Canada, *Sessional Papers 1886*, XIX, no. 12 (Paper no. 43), p.16.

⁶⁷ *Ibid.*, p. 16.

⁶⁸ G. F. G. Stanley, *The Birth of Western Canada* (Toronto: Longmans, Green and Co., 1936), p. 386.

⁶⁹ *Ibid.*

Newspaper Scrapbook

BETTER FARMING TRAIN LEAVES FOR TOUR OF PROVINCE

Made Up of Twelve Coaches With Six Sections; Demonstrations to be Given Every Day.

The Better Farming train, which was at the C.P.R. station yesterday, left last night for a tour of the province. The train is made up of twelve cars and is being conducted under the joint authority of the department of agriculture and the department of education. The C.P.R. is co-operating by supplying the coaches, engine and crew of the train.

Six sections, all of interest to the agriculturist, are in the twelve coaches. There is a section for livestock, one for grains, farm machinery and engines, poultry, and a section for the boys and girls, and another for household science.

The train will go from here to Macklin, right near the Alberta border. It will then make a tour of the province, finally returning to Saskatoon. Two demonstrations will be given daily.

Professor Shaw and Professor Greig are in charge of the train and will do the demonstrating. They are experts, and the farmers will get the best advice.

The moving picture car, which was a popular feature of the train last year, will again be the leading feature of attraction for the boys and girls, and splendid new films have been secured, the best of these being the moving pictures of pelicans, blue herons, terns and other curious birds, which were taken at Lake Johnston last year under the direction of F. Bradshaw, chief game guardian of the province. There will be two coaches fitted up for men's lecture cars, a coach for women's lecture cars, a nursery car fitted up with sand piles, slides and cribs, and with capable nurses in charge, so that tired mothers can leave their children in care while they are attending lectures or visiting the various exhibits on the train. There will be three large coaches used in displaying field husbandry exhibits, and another car to display dairy, mechanical, building and poultry exhibits.

The Saskatoon Phoenix
May 31, 1920.

BETTER FARMING TRAIN HAS FIRST STOP AT MACKLIN: RAIN LOWERS ATTENDANCE

The Better Farming train, consisting of 13 cars, started on its tour of five weeks' duration at Macklin, Sask., yesterday morning. The train will finish the tour at this city.

There was a heavy rain lasting all forenoon, and although it was a blessing to the crops in the Macklin district, it made for a small attendance. Another demonstration was given yesterday afternoon.

The exhibit and lecture cars are filled with demonstration material attractively

arranged for instructional purposes. There is no question but that the train is better equipped and arranged for its purpose than any time during the five years in which these trains have been run.

F. H. Auld, deputy minister of agriculture, followed by Captain Acheson, of the agricultural department of the Canadian Pacific Railway, opened proceedings with brief addresses, explaining the purposes of the Better Farming train. After the addresses the crowd of interested agriculturists dispersed to attend the various lectures and exhibits.

The government never had a more brilliant idea than the Better Farming trains to give the farmers new ideas on all branches of the work. The C.P.R. co-operates by giving the train and the crew.

The Saskatoon Phoenix
June 1, 1920.

FARMING TRAIN IS VISITED BY LARGE NUMBER OF WORKERS

Farmers All Along the Line Seeking Much Information.

The Farm Machinery car on the Better Farming train, directed by Professors Greig and Smith, of the University of Saskatchewan, is attracting a great deal of attention among the visitors to the train. There are no set lectures in this car, but it is continually full of farmers seeking information and the solution of any difficulties which they may be experiencing with their machinery.

At one end of the car is a line shaft to which is attached a variety of apparatus designed for increased convenience and labor-saving both in the farm house and the barn. There is a churn, a pump, a washing machine, cream separator and so on.

There is a Ford car engine stripped to show all the parts, with a large diagram showing the simple ignition system. Tractor parts are also displayed, and many owners of these machines will here for the first time learn all about its make-up.

Housewives Also Attend.

Housewives have declared that they would rather have water installed in the farm home than have an automobile, and in this car is shown a system which can be installed at low cost, and which does away with all necessity for pumping. When the water in the tank reaches a certain level, a pump is automatically started, and when the tank is filled to the proper capacity, the pump is automatically cut off.

There is a Westinghouse starting and lighting apparatus for automobiles, with Edison battery and Bandix drive — a most ingenious device. There is also a Delco starting and lighting system as used on McLaughlin and other cars.

A Fairbanks Morse farm house or barn lighting system is operated with 32 volt storage battery.

How Light is Provided.

Ignition troubles are the most common, and in the engine section are five different models of magnetos, carburetors and so on, while the walls are covered with charts and diagrams to illustrate the models.

There is also a Uni Electric Light plant, which furnishes lights for the lantern and moving picture show in the boys' and girls' section. This attracts much attention for its simplicity and convenience. It works at 110 volts, which is the usual voltage in most cities and towns.

Farmers declared that an inspection of this car alone was well worth a visit to the train.

The Saskatoon Phoenix
June 4, 1920.

MANY HUMOROUS INCIDENTS
BROUGHT OUT ON TOUR
OF BETTER FARMING TRAIN

The Better Farming train, both on the Cut Knife and Kelfield branches attracted large crowds of interested persons and officials on the train, as seeding gradually approaches completion, anticipate even larger attendance as the tour progresses.

The household science car is the Mecca of the women, where most interesting lectures and demonstrations are daily being given. Mrs. Archibald is lecturing on foods, Miss Campbell is giving cooking demonstrations and Miss Browne is speaking on school hygiene and sanitation, while Professor Baker gives talks on poultry and P. E. Reed on marketing of dairy products. None of these lectures urge the audiences to adopt any fancy theories, but are giving useful and helpful hints for the solution of everyday problems.

The lectures are specially useful to mothers as regards the feeding and care of children, while the protection of their health in the schools is another important matter dealt with. The lectures are followed with the keenest attention and are full of interest from beginning to end.

Humorous incidents are not lacking, which set all the officials laughing. One farmer stated that he was going to give up testing his dairy cows, for he had been doing this for six months and his cows were not giving a bit more milk at the end of the time than at the beginning. Another asked Professor Baker how long a hen took to hatch her eggs, and was told twenty-one days.

"How long does the incubator take," he asked, and was again told twenty-one days.

"Well," he said, "if the machinery can't beat the hen, I don't want it."

Another asked how he was to farm under such dry conditions with any chance of success. He said he had on his farm a three year old bullfrog which had never had a chance to learn to swim.

The Saskatoon Phoenix
June 7, 1920.

BOOK REVIEWS

TO THE ARCTIC BY CANOE 1819-1921; THE JOURNAL AND PAINTINGS OF ROBERT HOOD. Edited by C. Stuart Houston. Montreal, The Arctic Institute of North America and McGill-Queen's University Press, 1974. Pp. 217. Illus. \$17.50.

We think with wonder and admiration of the venture into peril and the unknown by the astronauts on their journeys to the moon. But the early explorers who travelled to Arctic Canada and the searchers for the Northwest Passage were setting out for what in many respects was much more of the unknown, and the courage, resourcefulness and perseverance required of them might be considered even greater.

The members of the Franklin Exploration Expedition of 1819-22, of which Midshipman Robert Hood was one, were not the first Europeans to travel overland to the Arctic Ocean, having been preceded by Samuel Hearne who reached the mouth of the Coppermine in 1771, and by Alexander Mackenzie who in 1789 travelled down the river which bears his name. By 1819 there were a few Hudson's Bay and Northwest Companies' fur trading posts in mid-northwestern Canada and in the western Arctic where some supplies and assistance might be expected, although neither was provided to Franklin's party in the amount hoped for or required. But the area they were instructed to explore, the northern coast of North America, was completely unknown except for the very restricted points attained by Hearne and Mackenzie, they were neither prepared nor equipped for the terrible difficulties of terrain and climate, there were none of the advantages of modern technology to assist them in living and travelling in what to them was an almost unbelievably harsh land, and more than twenty-five years were to pass before John Rae was to demonstrate that it was possible to live off that land.

Robert Hood was 22 when he joined the Expeditions as one of its five youthful officers, the eldest of whom, Franklin, was 33. His *Journal*, printed here for the first time in its entirety and in its original form, covers the period May 23, 1819, the date of the party's departure from England, until September 15, 1820 when they reached Point Lake at the south end of the Coppermine River and north of Fort Enterprise to which they returned to spend the winter. By that time the Expedition had travelled 2,201½ miles since leaving York Factory, the start of their overland journey. Hood's death in October 1821 when he was shot following the argument with an Iroquois Indian who had accompanied the party, had in any event been made inevitable by the severity of the terrain and the extreme hardships of cold and semistarvation.

A man of very little formal education by today's standards, having joined the naval service at 14, Hood shows in his *Journal* a remarkable power of expression and breadth of interest. Chosen for his artistic and scientific abilities, he made very significant contributions to almost all of the tasks assigned to the Expedition by the authorities — in surveying and map-making, protracting the routes covered, and recording observations of aurora borealis, magnetic variations, and meteorology, all with amazing accuracy and under almost incredible conditions of discomfort. But particularly, both in words and paintings, he showed the artist's eye, being fully appreciative of the beauties of the country through which they passed as well as its harshness and desolation. He was remarkably observant not only of what he was

employed to take note of, but also of all aspects of the country — its vegetation and wildlife, its native peoples and their ways of life — and of all he provided detailed and perceptive descriptions.

This is a beautiful book — in layout and topography, and in the reproductions, both in colour and black-and-white, taken from Hood's original water-colour paintings of landscapes, seascapes, Eskimos, and Wildlife, only three of which had been previously published. Many of these paintings were loaned by surviving relatives of Hood, the others being provided by the National Archives of Canada. Five maps show very clearly the routes followed by the explorers and are easily accessible for reference.

Just as the publishers are to be congratulated for the appearance of the book so is the editor to be commended for the excellence of his work. Perhaps the most important aspect of his contribution is the informative introduction which outlines the background to the expedition, describes the rivalry between the two fur trade companies which lay behind the paucity of aid and supplies they provided, comments on the observations made and the events described in the *Journal*, and gives the reader an appreciative portrait of the life, personality, and achievements of Hood. An extensive commentary on his paintings and brief biographies of the men of the expedition, from Franklin to the Indians, Eskimos and voyageurs who accompanied it, ten of whom, like Hood, lost their lives in its service, add much to the book's value. The footnotes are helpful, often very interesting, and not obtrusive.

Christine MacDonald

MEN IN SCARLET. Edited by Hugh H. Dempsey. Calgary, Historical Society of Alberta and McClelland and Stewart West. Pp. 230. Illus. \$10.00.

I must admit that when I was asked to review this book about the North-West Mounted Police I hesitated because there has been so much written recently on the history of the first twenty-five years of the force that it is becoming repetitious and I have had some unfortunate experiences with multi author books. My fears, I am happy to say, were unfounded. The thirteen articles that make up this book are interesting and well researched and they give a much fairer picture of the force than is usually the case.

This book consists of thirteen papers originally presented at a conference sponsored by the Alberta Historical Society and held at Lethbridge in May, 1974. The conference was held to mark the centennial of the assumption of duties by the newly formed Mounted Police force in Western Canada. The papers were edited for publication by Hugh Dempsey. The book begins with the famous march west and is followed by chapters on Indians, politics and ranching. It examines the career of one policeman and ends with the history of the police as seen by novelist, historian and archaeologist.

The first eight chapters could almost meet the requirements for a short course in Canadian history. A point that is made several times is the difficulty that the men in the field faced in trying to interpret orders prepared for them by someone in a far off office who had little or no idea of conditions in the field. It was not a unique problem and no doubt still exists at some levels in government administration today.

S. W. Horrall, a former member and now historian of the force describes the march west, which is probably the best known exploit of the force and is generally agreed to have been a 'remarkable accomplishment'. But why was this march west considered such an accomplishment, when white men had been travelling back and forth across the country for a hundred years? Why would a march, along a reasonably straight line by a quasi military troop with all the resources of the Federal government at their command be considered remarkable, particularly when you consider the fact that the Boundary Commissions was working on the border just a few miles away? Horrall and George F. G. Stanley author of chapter two, "The Man Who Sketched the Great March" explain the problems encountered, and or, caused by the march west, and why it was so remarkable an achievement.

John Jennings in the chapter on "The Plains Indian and the Law" takes the 'Wild' out of our Canadian west. He sets in proper perspective the conditions prevailing in the Canadian West as opposed to those in the American West, during the last half of the 19th century. Crime statistics for the whole of the Canadian West in 1879 were less than those expected in a small town on Saturday night in to-day's society. In 1879 sixteen Indians were arrested and only four of those were convicted of a crime. During the same year 18 whites were charged with liquor violations. In 1880 eight Indians were convicted, five for horse stealing. Other than horse stealing Indian crime was practically non-existent. With the arrival of the white man in numbers a few short years later, things were to change.

In Chapter five W. R. Morrison takes a look at the "Native People of the Northern Frontier" and the first contact with the police. He explains in some detail the early attitude of the Police toward the Indian of the north and of the attitude toward the Eskimo and how as the years went by this was to change.

Ian Getty, describing the role of the Mounted Police outposts in Southern Alberta comments on a recommendation made by Superintendent Deane that to make more patrols efficient pack horses should be stationed at each post to 'save' on horse flesh. "One had doubts, however, whether Deane was more concerned with the welfare of the horses than his men." There is more to this statement than meets the eye. Unless the man is well mounted his efficiency is certainly curtailed, to look after the horse is also to look after the man. In later years in the force it was transport, unless the 'police car' was in good condition, the man's efficiency suffered. It was often said that the two most important items on a Detachment were the car and the typewriter, not necessarily in that order. A breakdown of both, or either and it was a catastrophe. A Detachment member's first duty every Monday morning was to type the 'daily diary' for the past week, in quadruplicate, each sheet a different color, including such things as high and low temperatures, weather conditions (which in southern Saskatchewan usually read 'windy'), road conditions (which was a standard 'rough') and send it off to Headquarters, to what fate I never did learn. This policy remained in effect until the 1950's when this important information no longer had to be forwarded to Headquarters, apparently its value questionable.

Colin Poole's chapter 13 on the "Identification of Mounted Police Outposts in Southern Alberta" is supported by detailed charts of the areas involved. All too soon are the 'Posts' of yesteryear lost and forgotten. As an example, what has been done to preserve the important past of "Woodend" here in Saskatchewan? As its

name suggests it was the last place where wood was available to travellers going west. It was a well located camping place in a gently rolling valley, near the international border and was for a time used as a customs and immigration station when the police performed these duties. When I last visited the site some twenty years ago two buildings were still standing and the foundations of others were clearly visible. It is to be hoped that Colin Poole's efforts in Alberta will excite some one to the same efforts in Saskatchewan.

Angus McAuley

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