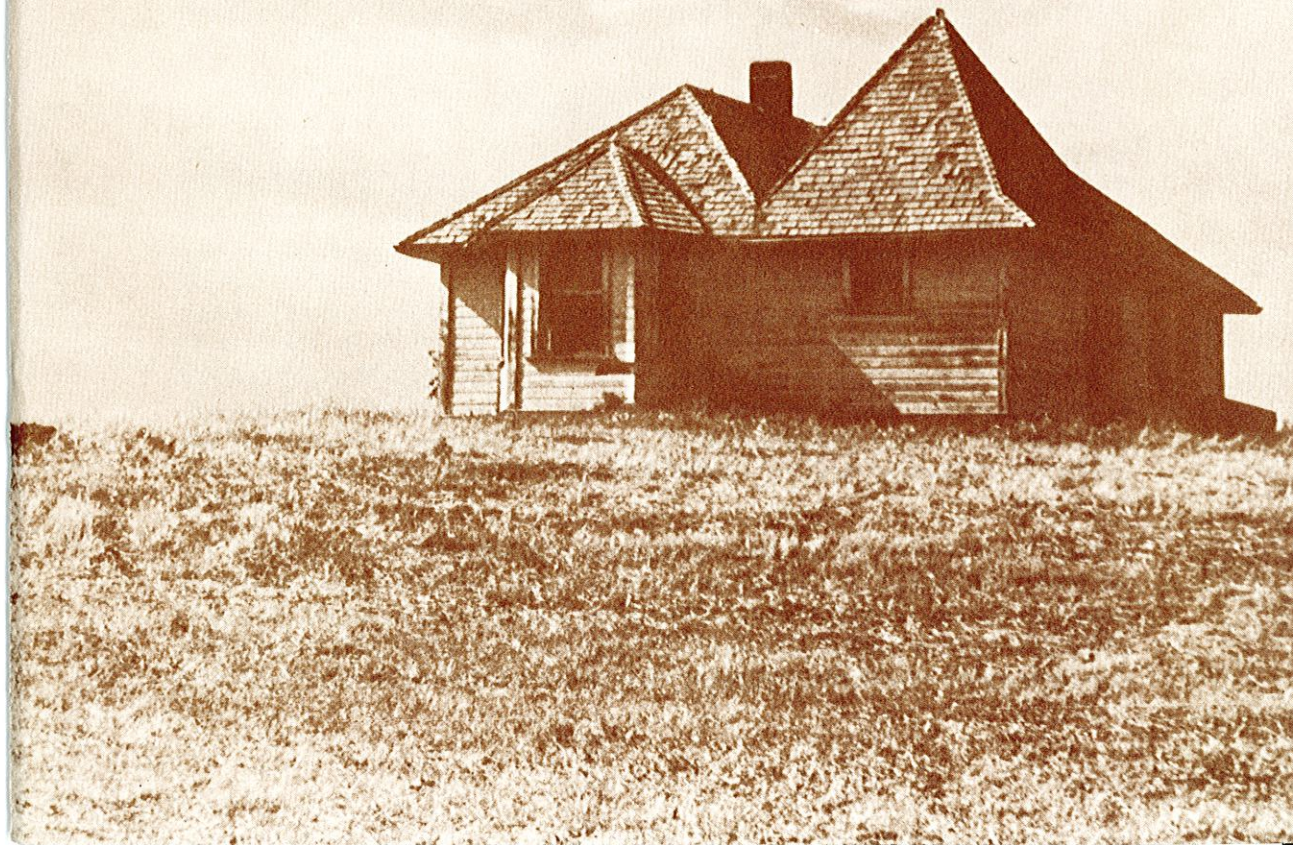


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The Trials of Poundmaker and Big Bear, 1885

by Sandra Estlin Bingham

AS THE NORTH-WEST REBELLION drew to a close in May, 1885, the Conservative government of Sir John A. Macdonald was faced with the question of how to deal with the insurgents. The decision reached was that they would be brought before the senior court in the North-West Territories, which was situated in Regina and presided over by Stipendiary Magistrate Hugh Richardson. It was natural that the trial which attracted the most attention was that of Métis leader Louis Riel. Other trials, however, were almost as significant. Among these were the proceedings against the Cree chiefs Poundmaker and Big Bear, acknowledged leaders of the two largest groups of Indians who had taken up arms.

The cases against all the rebellion defendants were prepared by a team of attorneys specially chosen for the task. They were headed by the Deputy Minister of Justice George W. Burbidge and included three eastern lawyers, Christopher Robinson, Thomas C. Casgrain and Britton B. Osler, and one Regina barrister, David L. Scott. These men began their work in Ottawa with an examination of the documents captured by the government troops at the Métis stronghold of Batoche, and then proceeded to Regina to conduct interviews with prospective witnesses. In the course of their investigations they decided to charge most of the prisoners, including Poundmaker and Big Bear, with the crime of treason-felony rather than the capital offence of high treason upon which Riel was indicted.¹ They felt that the evidence in their possession against Poundmaker made a very strong case, but that more information was needed to insure the conviction of Big Bear.²

When Poundmaker appeared for trial on August 17, the small Regina courtroom was crowded with government officials, curious spectators and reporters from all parts of Canada. The defendant impressed all these people as a superior member of his race, intelligent, sensitive and "noble — nay kingly looking."³ He was accompanied by his attorney, F. B. Robertson of Winnipeg, whom the government had retained to defend all the Indians in custody. The trial began with a formal reading of the charge, which accused Poundmaker of treason-felony on four counts; the sacking of Battleford on March 29, dictation of a letter to Riel on April 29, the battle of Cut Knife Hill on May 2, and the seizure of a supply train in the Eagle Hills on May 14. In his opening statement, the Crown prosecutor briefly described these actions, and stressed that although the charge only required proof that the defendant conspired to levy war, the best evidence of this intention was to show "that war was actually levied by him."⁴ He then proceeded to call his witnesses.

The men who testified for the Crown were called in the order they were listed on a brief prepared before the trial, but there seemed no logical reason for the sequence. Two men were called to prove that Riel had been in rebellion from March until May of 1885. Both had been captured by the Métis and confined at Batoche and Duck Lake until they were liberated by government forces. Neither witness

mentioned Poundmaker or his band, and neither was cross-examined. One of these witnesses was the third to testify and the other the ninth.

Three witnesses came to the stand to describe Poundmaker's activities at Battleford the night of March 29. The first two were Peter Ballantyne, a half-breed and one of the town's earliest citizens, who ran a store, and William McKay, the agent of the Hudson's Bay Company. Both of these men had remained on the south side of the river at Battleford when most of the white settlers had deserted their homes and sought refuge in the North-West Mounted Police stockade on the opposite shore. Both told of the arrival of Poundmaker's band, the chief's request to see Indian Agent Rae and the actions of his men in helping themselves to hay. Both witnesses had gone across the river to speak to Rae, and when they returned they found the buildings pillaged and burned. McKay provided a vivid description of the damage done.

Robertson, in a request submitted to the Crown counsel, had asked that both these men be summoned as defence witnesses,⁵ so his cross-examination was designed to bring out new evidence. He first endeavored to show "the difference between his [Poundmaker's] conduct and that of his band."⁶ Both Ballantyne and McKay agreed that the chief had acted normally while the young men with him seemed more hostile. The other line of questioning pursued by Robertson dealt with a message which he alleged Poundmaker had sent to the settlement before his arrival, stating that his intentions were peaceful. Ballantyne, however, professed to know nothing about such a message and even under intensive interrogation McKay admitted only that it was just one of several rumours which he had heard.

The other witness who testified as to Poundmaker's behavior at Battleford was William Lightfoot, a Cree Indian of Red Pheasant's band. His description of Poundmaker's actions on the night of the pillaging was considerably more damaging, as he said he had seen the chief in the store "looking for something," and later on the top of a nearby hill with a bundle of goods.⁷ Robertson tried to discredit the man himself, first by asking what the witness had been doing in the store that night, and then by bringing out that Lightfoot had acted as a guide for some of Riel's messengers.

The Crown called three witnesses, a Police superintendent and two scouts, to prove that Poundmaker had been present at the battle at Cut Knife Hill on May 2. Two positively identified him as the man they had seen riding in a buckboard, but the third said only that a man whom he did not recognize was pointed out to him as the chief. Robertson's cross-examination was designed to show that the witnesses were confused about the distances involved and were, in fact, too far away for positive identification. He did demonstrate that the three did not agree as to the distance, but the first two remained adamant that they had seen Poundmaker.

To prove the fourth act listed in the charge, the Crown called teamster John Shera, Jr. He told of the capture of the supply train and his imprisonment in the Indian camp. On cross-examination he described a Métis who "seemed to be running the thing"⁸ without consultation with Poundmaker.

However, it was mainly on the testimony of Robert Jefferson that the Crown based its case. Jefferson, the first witness of the trial, was the farm instructor on Poundmaker's reserve and was married to the chief's sister. He was one of several white men against whom the Crown had considered laying charges, because of his presence in the Indian camp, but the case against him was weak and it was decided to use him as a witness instead.⁹ He gave evidence about Poundmaker's conduct at the Cut Knife fight and the capture of the supply train, but his most important testimony concerned the letter which was quoted in the charge. He stated that during April while he was in the Indian camp, Métis arrived with a letter from Riel inviting Poundmaker to join him. This letter was introduced as Exhibit 1 and a witness was later called to identify it as Riel's handwriting. After the letter had been read to the Indians, several of them assembled in Poundmaker's tent to draw up an answer. Since none of them could write, Jefferson was summoned to act as their scribe. The letter in his handwriting had been found at Batoche and was introduced as Exhibit 2. After requesting news from Riel, and reporting Big Bear's seizure of Fort Pitt and actions of the Blackfoot, it continued as follows:

Here we have killed six men. We have not taken the barracks yet, but that is the only entire building in Battleford. All the cattle and horses in the vicinity we have taken. We have lost one man, the Nez Percé killed, he being alone and one wounded. Some soldiers have come from Swift Current, but I do not know their number. We have guns and rifles of all sorts, but ammunition for them is short. If it be possible, we want you to send us ammunition of various kinds. We are weak only for want of that. You sent word that you would come to Battleford when you had finished your work at Duck Lake. We wait for you still, as we are unable to take the fort without help. We are impatient to reach you. It would give us — encourage us much to see you, and make us work more heartily. Up to the present everything has gone well with us, but we are constantly expecting the soldiers to visit us here. We trust that God will be as kind to us in the future as he has been in the past. We, the undersigned, send greetings to you all.

Poundmaker
Co-pin-ou-way-win
Mus-sin-ass
Met-tay-way-is
Pee-yay-cheew

When this reaches you, send us news immediately as we are anxious to hear the news. If you send us news send as many men as possible.¹⁰

The last line was in a different handwriting, and Jefferson testified that it had been added by the Métis to whom he had delivered it.

Robertson's cross-examination of the witness was lengthy, taking up most of the morning session and extending into the afternoon. He tried to find errors in the testimony by asking questions concerning the exact number of Indians left on the reserve while Poundmaker was at Battleford, the relationship between the witness and Poundmaker, the actions of the Métis, and the Chief's behavior at and after the Cut Knife Hill battle. He brought out the fact that Poundmaker had tried to escape from his band after the battle, but was brought back by others with the band. Several questions were asked about the amount of authority Poundmaker actually had. The critical part of the examination, however, centered around whether or not

Poundmaker had actually authorized Jefferson to attach his name to the letter. The best Robertson could do was to have the witness admit that "I may be mistaken, [but] I don't believe I am."¹¹ All during this questioning "Poundmaker never deigned to look at his renegade brother-in-law who, to save himself, he believes, is swearing against him."¹²

Robertson's plan for the defence became evident almost as soon as his first witness was called. He intended to show that Poundmaker's intentions in going to Battleford were entirely peaceful, and that all he wanted was news and supplies. To do this he would call Joseph McKay and John Craig, two farm instructors with whom the chief had visited on his way to the town. However, as soon as he asked the first witness about Poundmaker's conversations with him, Crown prosecutor Osler objected. Richardson asked Robertson for a precedent in which this kind of evidence was allowed, and when the defence lawyer was unable to provide one, sustained the objection. Robertson was able to bring out only that Poundmaker had acted normally. He also tried to have McKay accepted as an expert on Indians so he could testify as to the significance of the soldier's tent which had been set up in the camp and its effect on the authority of the chief, but Osler on cross-examination ruined this by making the witness admit that he had personally encountered only one such tent.

Robertson's next witness was Grey Eyes, a Cree of Poundmaker's band who completely contradicted the statements of Lightfoot, saying that Poundmaker had not been in the store the night of the looting at Battleford and had not received any of the stolen property. In fact, the chief had called out to the others to stop their wrongdoing. He could say nothing about the dictation of the letter, but he did confirm that Poundmaker had tried to leave the camp. Osler on cross-examination tried to show that Poundmaker was acknowledged and obeyed as chief.

The next two defence witnesses added little to the case. Wesley Fish, one of the teamsters, told of Poundmaker's kindness to them while they were prisoners, a fact not disputed by the Crown. Robertson wanted to ask him about Poundmaker's speeches to the Indian council, but since the witness spoke no Cree and had had them translated to him, the evidence was not allowed. Solomon Desjardins, the instructor from a neighbouring reserve, was asked about Poundmaker's activities while the Indians were camped at Cut Knife Hill, but had no new information. Osler cross-examined both witnesses, endeavoring to show that Poundmaker still had some influence with his band.

The last defence witness was a Catholic priest, Louis Cochin, who gave his testimony in French through an interpreter. He told of Poundmaker coming to warn him of the restless Indians, and then of being captured and taken to the Indian camp. He was asked how much control Poundmaker had over the camp and how much authority he himself was able to exert, but his answers were somewhat confused, apparently because of a misunderstanding of the pronouns. He did name several occasions when the chief had exercised his authority to save lives and concluded from this that "his influence in the Indian camp was considerable"¹³ He stated that he had always considered Poundmaker as the chief. On redirect exami-

nation he asserted that the defendant had used the power he had for good. This closed the defence case.

Robertson then addressed the jury on behalf of the defendant. His speech was moving but not very well organized. He spoke first of the unreliability of Robert Jefferson, mentioning two occasions when he had changed his testimony during cross-examination, and stated that eventually "he was obliged to admit that Poundmaker may never have authorized him to put his name to that letter."¹⁴ He spoke of Poundmaker's lack of authority within the camp, and pointed out that an Indian chief is never in absolute control. He attacked the credibility of Lightfoot as a witness, accusing him of wrongdoing and pointing out contradictions between his testimony and that of others. He ended by apologizing for the inadequate defence, but explained it by saying that it was the fate of any Indian who is not able "to explain himself" to his counsel, and asked that the jury take that into consideration.¹⁵

The Crown summation, given by Osler, was better organized. He reminded the jury that the charge was treason-felony, not the capital charge of high treason, and pointed out that the Crown did not wish to persecute anyone. They had, however, thoroughly examined Poundmaker's conduct and found that he "is chargeable as many men are, with the company that he kept . . . with the aid he gave, be it large or small."¹⁶ He then listed the evidence against the chief, the letter and the descriptions of his activities at Battleford, Cut Knife Hill and Eagle Hills. He explained Poundmaker's desire to leave the band at the last place as a man deserting a losing cause. As to the defence allegation that Poundmaker was not in a position of authority, Osler stated that Father Cochin's testimony had refuted this and that even if he had not led the others, he was still accountable for his own actions. Robertson had mentioned that the chief had acted out of fear, and Osler declared that "fear only of personal death absolves a man from a treasonable offence."¹⁷ He agreed that an Indian would not react as would a white man in the same situation, but asked if a loyal Indian would not have gone to the officials and warned of the trouble brewing. This technique of phrasing his remarks as questions was used throughout Osler's statement and was very effective. He ended by urging the jury to be fair and to base their verdict solely on the evidence.

The last person to address the jury before they retired was Judge Richardson. He began impartially by reading the charge and explaining it in simple language. He stated that Poundmaker must not be given any special consideration because he was an Indian as the law recognized "no distinction between the red man and the white man."¹⁸ He then launched into a discussion of the evidence which was definitely slanted against the defendant. In connection with his activities at Battleford, he intimated that he had not acted normally.

If I want articles from a merchant's shop, do I say that the merchant must bring them to me or do I go to his shop and ask him if he has got such and such things?¹⁹

When Robertson interrupted to say that the Indians had gone to the store as they usually did and that the agent was the one behaving differently, the judge changed

the subject. Somewhat later in his charge he returned to it with another series of questions hinting that Poundmaker had not been loyal.

In regard to the letter, Richardson said only that the jury would be given it to examine, but he indirectly accused Poundmaker of having written it by stressing that Jefferson's testimony had not been contradicted. He noted that the witnesses who had identified the defendant as the man they had seen at Cut Knife Hill differed about distances, but emphasized that two of them had positively sworn that it was Poundmaker. He, like Osler, stated that "nothing less than apprehension of such personal injury as will deprive of life is the only justification for a traitorous action,"²⁰ but made the point even more forcefully than the Crown attorney. He ended by stating that if the jury decided that Poundmaker "was mixed up in the acts or in any one of them charged against him," then the verdict should be guilty; if they could not reach the "absolute conclusion" that he was involved, he should be acquitted.²¹

The jury retired and after a short time returned with a verdict of guilty. Richardson then asked Poundmaker if he wished to speak. "Drawing himself up to his full height the prisoner cast a hurried glance around the room, then placing his left hand on his breast and extending his right in a declaratory attitude he began. He spoke slowly at first, and waited for the interpreter to put the words into English. By and by he seemed to forget he was not understood: the words came without the slightest hesitation from his lips."²² His speech was a protestation of his loyalty. "I did everything to stop bloodshed."²³ He added that he was glad he had acted as he had because his actions had saved lives.

Richardson's statement before sentencing revealed his own sentiments even more clearly than his address to the jury:

The evidence was so strong against you that I do not see how the jury could have brought in any other verdict than they did. . . . If your heart had been loyal, had been true and good to the Queen, you would have gone across to the agent when Ballantyne told you you ought to, . . . you would have shown the authorities there who were doing wrong and assisted in punishing them.²⁴

He added that he felt the evidence had been strong enough to support even a high treason charge. He realized, however, that Poundmaker's actions were not entirely evil. He mentioned his kindness to the white prisoners and the priests who "owe their lives to your personal influence."²⁵ He added that Poundmaker's pre-rebellion record was good, and that it was his influence which had led his band to surrender. Weighing all these factors, Richardson arrived at a sentence of three years, to be served in the penitentiary at Stony Mountain, Manitoba. When this was interpreted to the chief, he stated that he would "rather be hung at once than be in that place."²⁶ He made an effort to speak to Richardson again, but was hurried out of the courtroom by the Police.²⁷

Big Bear was brought into court three weeks later, on September 11, also charged with four separate acts of treason-felony. He was accused of participating in the planning of the Frog Lake massacre on April 2, the sacking of Fort Pitt on April 17, the dictation of a letter to Riel on April 21, and the battle at Frenchman's

Butte on May 28. He, like Poundmaker, was represented by F. B. Robertson. Unlike the earlier trial, this one attracted little attention, and the press releases from it echoes the sentiment of the *Regina Leader* which stated, "We don't give details because they have been so often published."²⁸ This defendant did not appear noble, but rather confused, hostile and old.

The prosecution's case was opened with a statement by D. L. Scott, in which he referred to the existence of rebellion, the details of which were so well known that it was "now almost a matter of history."²⁹ In endeavoring to show how the defendant had been involved in this, he anticipated the direction the defence would take and tried to forestall it. He stated that it was possible the defence would prove that Big Bear had taken no active part in the outrages and had in fact tried to save lives, but this was no reason for acquittal.

If he was acting with these parties [who committed the outrages] at that time in open rebellion against the Government, and he continued to act afterwards with them . . . [then] he ought to be punished for that offence.³⁰

The lives he saved would be considered before sentence was passed. Scott ended with a brief description of the evidence he intended to produce to prove each charge.

As in the earlier case, Scott called his witnesses in an illogical sequence. The two men who came forward to testify to the existence of rebellion were the last to take the stand for the Crown. William Tompkins, who had also appeared in Poundmaker's case, told of being captured by Riel and being held for two months. Baptiste Fontaine, a government scout, testified that he too had been captured by half-breeds and taken to a camp which he was informed was Poundmaker's. There was no attempt made to connect any of this with Big Bear, and the only questions asked by Robertson established that these events had taken place some considerable distance from the chief's camp.

The first Crown witness called to prove Big Bear's involvement in the uprising was John Pritchard, the Indian Department interpreter from Frog Lake.³¹ Pritchard had been at home on April 2, and described what he had seen of the massacre that day. He was captured by the Indians at that time and later taken to Fort Pitt where he saw it pillaged and a policeman shot. He had still been a prisoner at the time of the battle at Frenchman's Butte, but had not actually seen the fighting there. On cross-examination on these points, Robertson brought out the fact that other, younger members of the band had been in control during these events, and that Big Bear had not actively participated.

However, the most important part of Pritchard's testimony concerned messages which Big Bear had despatched from his camp. One of these was sent by the chief himself to Indians at White Fish Creek inviting them to join him or "buy a swift horse and clear the country."³² The other was a letter dictated by a Métis to a friend at Lac la Biche, to which Big Bear had agreed. The letter itself had been lost, and since Robertson objected, its contents could not be introduced, but the conversation surrounding its composition was allowed. Pritchard stated that the Métis

proposed to tell his friend what had happened at Frog Lake and instruct him to give up his arms to the Indians who would take them anyway, and Big Bear had given his approval.

Scott's questions showed that he expected Pritchard to add something more to his statement. When the witness declared, "That is all he said,"³³ Scott accused him of changing his testimony. Pritchard had, in fact, left out the most damaging sentence which he had included in his pre-trial statement. In that document he had sworn that the last sentence in the letter read, "If the red coats come defend yourself before you let yourself be taken."³⁴ This was much stronger proof of inciting the rebellion than the statements made by Pritchard in court, and Scott was understandably annoyed by the sudden change in testimony.

The next two Crown witnesses provided no surprises, but neither did they present conclusive proof of Big Bear's guilt. James K. Simpson, the Hudson's Bay Company clerk at Frog Lake, told of returning home the afternoon of April 2 to find the town in ruins and several dead.³⁵ He was taken prisoner by the band and detained for three months. He had not gone to Fort Pitt, but had been in camp near the fight at Frenchman's Butte, where he had seen Big Bear. On cross-examination, Robertson showed that the chief was old and losing influence with his band. Some evidence of this had been brought out in the direct examination, when Simpson told of Big Bear blaming the trouble on his young men. Robertson also asked questions concerning the good the chief had done in saving lives and urging his band not to join Poundmaker. Scott, in a redirect examination, tried to hint at ulterior motives for these actions, and also to show that Big Bear was not completely powerless within his band.

The most damaging witness against Big Bear was Stanley Simpson, the Company clerk from Fort Pitt, who had also been a captive of the Indians. He described the pillaging when the fort was taken without any specific reference to the defendant, but told of hostile statements made by the chief on two other occasions. The first of these was made at a thirst dance, when Big Bear had cut up a piece of tobacco and stated this was an example of the way he wanted the white men treated. The second was uttered during the battle at Frenchman's Butte when the chief rode into camp and reported the death of twenty soldiers with satisfaction.

Robertson set out to destroy the effectiveness of this testimony in three ways. First, he asked the witness about his treatment in the Indian camp. Simpson had been forced to do heavy manual labor by Lone Man, his captor, and had been seriously ill later as a result. Robertson used this to show his bias against all Indians. His second line of questioning concerned the distance between the front and camp at Frenchman's Butte, over which the witness had travelled several times. He intended to show that the distance was at least four miles, and thus those seen often in the camp were obviously not directly involved in the fight. His third and most successful tactic was to prove that Simpson did not understand Cree, the language in which Big Bear had supposedly made the damaging statements. This he did by having the court interpreter read a sentence to Simpson in Cree to translate. The witness was able to pick out only two nouns from this, and missed the sense of it entirely.

The defence presented for Big Bear was much stronger than that for Poundmaker. Four witnesses were called to testify to both the character and actions of the defendant. The first was an Indian woman, Catherine Simpson, who was very nervous as she gave her evidence in Cree through the interpreter.³⁶ She told of Big Bear having breakfast at her home, where he had come to warn her of trouble. During the meal shots were heard and the chief "got up and went out, and I heard him say, don't do so."³⁷ Scott objected to this conversation being allowed as evidence, but Richardson did admit the actual words of the reply.

The next defence witness was W. J. McLean, the Company factor at Fort Pitt, who had been a prisoner of Big Bear's band. He declared that Big Bear had not taken part in either the sacking of Fort Pitt or the fighting at Frenchman's Butte. When a letter had arrived from a Métis inviting the band to join Poundmaker, the witness had gone about the camp trying to convince the Indians not to do so, and in this endeavor the chief had sided with him. On cross-examination Scott brought out that the argument used by McLean was the shortage of food in Poundmaker's camp, and hinted that this, not loyalty, had motivated Big Bear. The cross-examination also dealt with the defendant's pre-rebellion relationship with the Indian Department, a line of questioning in which Richardson intervened to show clearly that there was ill feeling. Scott also spent much time inquiring about letters written by Big Bear before April 17 to various people at Fort Pitt warning them to have the Police evacuate and the other white settlers surrender, and about his meetings with McLean before the fort was seized. His object in this, to show that Big Bear was in a position of authority and had conspired with others to help take the fort, was only partly achieved.

Robertson called his next witness with the intention of showing Big Bear's attitude before any of the trouble broke out, in spite of the fact that evidence of this kind had not been allowed in Poundmaker's case. This time, however, Richardson reversed his ruling and allowed the testimony "simply because he [the defendant] is an Indian."³⁸ The witness, a Company clerk named Henry Halpin, told of Big Bear's surprise upon hearing of the outbreak of rebellion, and his later protestations that what had happened was not his fault. Halpin had been a captive of the band, and like the others, stated that Big Bear was not actually the leader and had taken no active part in the outrages. His final testimony concerned the Crown witness Stanley Simpson, who had thought it strange that Halpin was giving evidence for the defence because Simpson's "idea was that all Indians should have been hung."³⁹

The final defence witness was W. B. Cameron, a trader from the Frog Lake area, who had developed sympathy for the old chief and had come forward to help. He was so eager to testify that he volunteered most of his information without waiting for Robertson's questions. He told of Big Bear's speech at a thirst dance in which he had complained of his lack of power, of his attempt to prevent the young braves from stealing from his store, and of several instances when the chief had saved white lives. He later reported that his words had removed "a world of trouble in the kindly expressive old eyes"⁴⁰ of the defendant. When Cameron completed

his testimony, Robertson announced that he would conclude his case because the court and jury were tired, and because more proof was unnecessary.

Robertson's summation to the jury was more positive than in Poundmaker's case, undoubtedly reflecting the confidence he felt. He began by stressing that an Indian "cannot be judged or estimated" as a white man because of cultural differences. This was particularly true in his attitude toward his band "apart from [which] he cannot live."⁴¹ He reviewed the evidence, showing that only Stanley Simpson had proved disloyal intentions, and pointed out that since he really did not understand Cree, this was just a piece of guesswork.

Scott's address to the jury was not nearly as effective as Osler's had been in the earlier case. He began a review of the evidence against the prisoner, but was interrupted once by Richardson and three times by Robertson for stretching the truth. He himself admitted that he was "going a little too far"⁴² on three occasions. He showed his lack of understanding of the Indians by stating that Big Bear had been grumbling because the government had not given him a reserve.⁴³ Scott contended that Big Bear had taken part in all the councils and was as much to blame for the rebellion as the others in his band. This participation was sufficient to warrant a guilty verdict.

Richardson once again began with an explanation of the law, including a statement that it was the same for Indians as for white men, although he later ignored that principle himself by allowing certain evidence, which should have been inadmissible, to remain. He maintained, as he had done in Poundmaker's case, that the duty of a loyal Indian was "not to be found in the rebel camp, but to be found where law and order prevailed."⁴⁴ In his review of the evidence, he noted several occasions when the defendant had opportunity to leave his band and escape to the white settlements, but failed to do so. He ended by reducing the case to three basic questions:

Was rebellion extant on the 1st April? . . . Did he know of it? If he knew of it did he by any act — was he a party to any of the overt acts which are named in the charge?⁴⁵

If the answer to these questions was affirmative, the verdict must be guilty. The jury then retired.

After the jury had withdrawn, Robertson asked Richardson to recall them for further instructions. He wanted them told that if Big Bear had not been a willing participant, he should be acquitted. The judge argued that he had already done so, but agreed to have them summoned. When they were brought back into the courtroom, he told them that if Big Bear "was there against his will and giving no assistance whatever, then he would be entitled to an acquittal."⁴⁶ He then added a quotation later used in other trials, to the effect that the surgeon, the clergyman, or the reporter who voluntarily accompanied a group of men bent on unlawful purpose was as guilty as those who actually committed the crime. The jury then withdrew again and returned with a verdict of guilty and a recommendation to mercy. Richardson announced that sentence would be passed on September 25.

When Big Bear returned to face Richardson on that date, he was given a chance to speak. He, like Poundmaker, knew no English so his remarks had to be interpreted to the court. He protested his innocence of the Frog Lake massacres and defied anyone to swear that he had ordered any deaths. He declared that the land of the North-West had once been his, and ended with an appeal that his people be cared for.⁴⁷ Those listeners who sympathized with him, such as Father André, a Catholic missionary, and W. B. Cameron, found his speech passionate and moving, but one newspaper reporter described it as "more or less laughable."⁴⁸

Richardson, in a tone which Cameron described as "not unkind,"⁴⁹ attempted to answer Big Bear's appeal before sentencing. He told the chief that the land had always belonged to the Queen, who had allowed the Indians use of it, but now wished it for other purposes. In return for surrendering it, the Indians had been compensated by a gift of "the choicest portions."⁵⁰ He assured Big Bear that his band would be cared for as if nothing had happened, but as for himself, he could not "be excused from all responsibility for the misdoings of [his] band."⁵¹ The sentence given to him was the same as Poundmaker's, three years in the Manitoba Penitentiary.

The trials of Poundmaker and Big Bear were similar in many other respects as well. Both were conducted under the same system, a system which assumed, rightly or wrongly, that an Indian must be judged under the same laws and principles as a white man. These made no allowance for differences between an Indian's relationship to his band and a white man's association with a group of friends. Both trials showed that, in the eyes of the law, a chief was at least partly responsible for the activities of his band, regardless of his personal attitude toward them. In both cases, although the Crown prosecutors and the presiding judge sincerely attempted to be lenient and to recognize that the defendants had saved lives, there was a belief that imprisonment was necessary both as a penalty for acts committed and as a deterrent to others.

Another similarity between the two trials was the difficulty caused by the fact that the court functioned in English and the defendants spoke only Cree. The problem began during the pre-trial interviews, even between defence counsel and defendant, and continued throughout the trials. The Crown made every effort to provide interpreters, but even this was not entirely satisfactory as it proved impossible to render the formal charges into an unsophisticated language like Cree. Misunderstandings occasionally resulted from translations, and waiting for evidence to be interpreted slowed proceedings and made it more difficult to follow the sequences of questions. The defendants were unable to understand most of the testimony as it was given, although it was usually translated to them when the witness stepped down, and thus could not suggest possible avenues of inquiry to Robertson. Also, they were unable to plead their own cases without the aid of the interpreter, an intervention which doubtlessly reduced their effectiveness.

Under close scrutiny, however, a significant difference in the two trials becomes evident. The basic principles and the sentences were the same, but the evidence presented and the actions of the participants were not. In these areas, Big

Bear seemed to have a great advantage. The Crown's case against him was weak and was not substantiated by any documentary evidence, it was presented by the least experienced of the Crown counsel, his defence attorney was allowed considerably more latitude in the type of evidence he could introduce, and Judge Richardson acted more impartially.

The Crown counsel had realized the weakness of their case before Big Bear's trial began, but had elected to proceed in spite of it. It became even weaker when witness John Pritchard changed his testimony concerning the letter the defendant was alleged to have dictated. No witnesses swore to having seen the chief directly involved in any of the acts charged against him, and only one, whose credibility and impartiality were successfully challenged, linked him with any treasonous statements. These weaknesses were not found in the Crown's case against Poundmaker. There was no ambiguity regarding the letter he had dictated as the Crown produced it as an exhibit, and witnesses made positive identifications placing the defendant at the scenes of the crimes. The Crown's case was further strengthened by the presence of B. B. Osler, an experienced courtroom campaigner with considerable talent in cross-examination and summation. He had returned to his home in Toronto by the time of Big Bear's trial.

The weakness in the Crown's case against Big Bear was accentuated by the vigorous defence put forward by Robertson. He was able to show the prejudices and misconceptions of the Crown witnesses and to find men who would contradict their incriminating statements. His cross-examination of Stanley Simpson negated his testimony completely. Against the strong case presented at Poundmaker's trial, however, Robertson was almost completely ineffective. He planned to base his defence on evidence he should have known would be inadmissible and made no attempt to find precedents which might convince the judge to overrule objections to it. His decision to call Father Cochin did more harm than good, as his testimony was used by the Crown to prove that Poundmaker did have considerable influence with his band. He was unable to produce any witness who could contradict Jefferson's testimony concerning the letter, and for some reason elected not to call Poundmaker himself to refute this. It is possible that he feared that the chief would be led into damaging admissions on cross-examinations, but if that was his reason, he had a lower opinion of Poundmaker's intelligence than most other observers.

Big Bear received more consideration from Judge Richardson than did Poundmaker. In the first instance, the ruling admitting several of Big Bear's protestations of innocence was a direct contradiction of that given in the earlier case. Secondly, his address to the jury in the second trial was more impartial. He took more complete notes during the interrogation of the witnesses and based his statements on these rather than on memory and personal knowledge of the rebellion as in Poundmaker's case.⁵² His review of the evidence was less biased in the second case than in the first, and his assent to recalling Big Bear's jury for additional instructions gave the older chief a definite advantage.

It is difficult to find fault with the guilty verdict and the three year sentence given to Poundmaker. The evidence proved that he did dictate the letter, the words

of which are not those of a loyal subject, and that he was present at the battle of Cut Knife Hill. The testimony also showed that he was responsible for saving lives, but this was taken into account by Richardson, who could have sentenced him to life imprisonment. The case of Big Bear, however, provides more grounds for criticism. He was not shown to have written a treasonous letter nor was he identified as having been involved in the other acts listed in the charge. The evidence illustrated even more clearly than in the earlier case that he had acted to save lives. Yet, in spite of these differences in the two cases, both juries delivered guilty verdicts and the sentences pronounced were the same. The only acknowledgement of the weakness of the second case was the recommendation to mercy, and there is no way of knowing whether this was motivated by the evidence or the advanced age of the defendant. One is led to suspect that Big Bear's jury based its verdict at least partly upon the press reports of the Frog Lake massacre, and that Richardson had decided that three years was the proper sentence for chiefs found guilty and handed down that sentence with little regard to other factors. Certainly, if Poundmaker's punishment is considered just, then Big Bear's similar sentence must be regarded as excessive.

Footnotes

- The reason for this decision as explained to the Minister of Justice in a coded telegram was as follows:
After full consultation conclude there are prisoners against whom can prove treason but whose execution if convicted would not be thought of because they were not leaders or were compelled to take first steps by more or less force. These we think should be tried under 31st Victoria Chapter 69 section 5 i.e. on the treason-felony charge avoiding delay and difficulty getting witness and jury list. Think also this way may more likely secure conviction.
- P.A.C., *Department of Justice*, R.G.13, B2, Vol. 1-22, (hereafter cited as *Department of Justice Records*). Burbidge to Campbell, July 18, 1885.
- ² *Ibid.*, "Classification of Prisoners and Suspects," July 25, 1885.
- ³ *Leader* (Regina), August 20, 1885, p. 3.
- ⁴ Canada, *Sessional Papers (C.S.P.)*, 1886, No. 52, p. 265. All subsequent references to the testimony at Poundmaker's and Big Bear's trials are taken from this source.
- ⁵ P.A.C., *Department of Justice Records*, "Witnesses required for the defence of the Indians — Poundmaker," n.d.
- ⁶ *C.S.P.*, 1886, No. 52, p. 297. ⁷ *Ibid.*, p. 305. ⁸ *Ibid.*, p. 303.
- ⁹ P.A.C., *Department of Justice Records*, "Classification of Prisoners and Suspects," *op. cit.*
- ¹⁰ *C.S.P.*, 1886, No. 52, pp. 261-2. ¹¹ *Ibid.*, p. 280.
- ¹² *Saskatchewan Herald* (Battleford), September 7, 1885, p. 2. Jefferson wrote some years later that he had "as much to assert in Poundmaker's favor as against him." Robert Jefferson, *Fifty years on the Saskatchewan*, (Battleford: Canadian North-West Historical Society Publications, 1929), p. 158.
- ¹³ *C.S.P.*, 1886, No. 52, p. 324.
- ¹⁴ *Ibid.*, p. 325. ¹⁵ *Ibid.*, p. 328. ¹⁶ *Ibid.*, p. 329. ¹⁷ *Ibid.*, p. 332. ¹⁸ *Ibid.*, p. 334. ¹⁹ *Ibid.*
- ²⁰ *Ibid.*, p. 336.
- ²¹ *Ibid.*
- ²² *Mail* (Toronto), August 19, 1885, p. 1.
- ²³ *C.S.P.*, 1885, No. 52, p. 336. ²⁴ *Ibid.* ²⁵ *Ibid.*, p. 337. ²⁶ *Ibid.*
- ²⁷ *Leader*, August 18, 1885, p. 4. ²⁸ *Ibid.*, September 17, 1885, p. 4. ²⁹ *C.S.P.*, 1886, No. 52, p. 175.
- ³⁰ *Ibid.*
- ³¹ In a pre-trial memo, Robertson had requested that Pritchard be summoned to appear as a defence witness. P.A.C. *Department of Justice*. "Witnesses desired for Defence of Big Bear," n.d.
- ³² *C.S.P.*, 1886, No. 52, p. 179. ³³ *Ibid.*, p. 181.
- ³⁴ P.A.C., *Department of Justice Records*, "John Pritchard," unsigned statement, n.d.
- ³⁵ Simpson was another witness requested by the defence. *Ibid.*, "Witnesses desired for Defence of Big Bear," n.d.
- ³⁶ Catherine Simpson was the wife of Crown witness James K. Simpson.

³⁷ *C.S.P.*, 1886, No. 52, p. 204.

³⁸ *Ibid.*, p. 217. Richardson's ruling in the earlier case, that statements of the defendant's declaring his own innocence are inadmissible, was the correct one according to the rules of evidence. (Interviews with Mr. J. E. Robb, a practising attorney in Regina, and Judge Percy Gordon, a former judge of the Saskatchewan Court of Appeals, June 30 and July 2, 1970.)

³⁹ *C.S.P.*, 1886, No. 52, p. 218.

⁴⁰ W. B. Cameron, *The War Trial of Big Bear*, (London: Duckworth, 1927), p. 221. This work describes Cameron's experiences with the Indians before and during the rebellion, and protests the innocence of Big Bear.

⁴¹ *C.S.P.*, 1886, No. 52, p. 221. ⁴²*Ibid.*, p. 225.

⁴³ The situation was, in fact, the opposite. The government had been trying to force Big Bear to choose a reserve and settle his band upon it for several years, but the chief had refused to do so because of his belief that the treaties were unfair.

⁴⁴ *C.S.P.*, 1886, No. 52, p. 231. ⁴⁵ *Ibid.*, p. 232. ⁴⁶ *Ibid.*, p. 233.

⁴⁷ Cameron, *op. cit.*, pp. 224-5.

⁴⁸ *Manitoba Daily Free Press* (Winnipeg), September 26, 1885, p. 1.

⁴⁹ Cameron, *op. cit.*, p. 225.

⁵⁰ *Leader*, October 1, 1885, p. 4.

⁵¹ Cameron, *op. cit.*, p. 225.

⁵² Public Archives of Manitoba, Court Notes of Judge Hugh Richardson, 1885-1887.

Yorkton During the Territorial Period, 1882-1905

by Jane McCracken

THREE IMPORTANT phases in the evolution of Canada's National Policy directly affected the early history of Yorkton. In an attempt both to defray the debts incurred in the construction of the Canadian Pacific Railway and to help populate the vacant North-West lands, the Prime Minister, John A. Macdonald, introduced the colonization company scheme into the Government's National Policy. One of the colonization companies, the York Farmers' Colonization Company, had its land reserve in north-eastern Assiniboia. Despite the Company's endeavours to inject life into its reserve, York Colony floundered. Realizing that the colonization company scheme was a failure, Macdonald felt that colonization railroads would serve as the means by which the Government could fulfill its dream of a populous West.

The future of Yorkton and York Colony was dependent upon the completion of the colonization railroad, the Manitoba and North Western Railway, to the hamlet. Once the track was completed to Yorkton in 1889, the effect the railway had on the growth of Yorkton is notable. As the terminus of the Manitoba and North Western Railway, Yorkton attracted a small trickle of pioneers, and in 1894, Yorkton reached village status. Following the incorporation of new vigorous immigration policies by the Department of the Interior, thousands of immigrants flocked to the Canadian West at the turn of the century. The pattern of their settlement was dictated by the railroads and Yorkton became the distribution point for thousands of Ukrainian and Doukhobor immigrants. The village grew and prospered from the business gained through the influx of immigrants and in 1900, Yorkton was incorporated into a town. The unceasing flow of immigrants into the Yorkton area doubled the population of Yorkton within the first five years of the twentieth century.

To weld the country into a viable economic unit, the Prime Minister pivoted his government's national policy around a transcontinental railway line. Macdonald perceived that the railway would serve a dual purpose. Besides linking British Columbia with the eastern provinces, it would traverse the wide prairies, opening the land for settlement. The ratification of the contract with the Canadian Pacific syndicate in February, 1881, necessitated new land regulations which divided the land into four belts. The even-numbered sections in all four areas were open for homesteads and pre-emptions; the odd-numbered sections in class A could be purchased from the Canadian Pacific Railway. The odd-numbered sections in classes B, C and D sold at prices ranging from \$2.50 an acre to \$2 an acre.

The construction of the Canadian Pacific Railway engendered great interest among Ontario businessmen. Expectations of a massive rush for land led to wild speculation in business enterprises, and when Macdonald let it be known that the Government would set aside land reserves in belt D for corporations willing to promote the settlement of the land, the Prime Minister's office was flooded with applications. The land regulations of December 23, 1881, stipulated that the land

would be sold to the colonization companies at \$2 an acre, to be paid in five equal annual instalments. The companies had to settle two colonists on both the odd and even-numbered sections of their respective reserves within five years. If a company fulfilled its contract, it was granted a rebate of \$120 on the purchase price for each *bona fide* settler. As an additional bonus, the company was promised a further rebate of \$40 for each *bona fide* settler if the tract was settled within the five year period. In locating two settlers on each section, a company earned a rebate of \$1 per acre, which reduced its purchasing price by a dollar.¹ The odd-numbered sections, then, could be sold at prices ranging from \$3 to \$20 per acre.²

The Opposition press and party were very critical of the colonization company scheme. However, Macdonald was confident that the scheme would be a success. As land in the American mid-west was taken up, the flow of immigration would be diverted into the Territories. The Prime Minister was equally confident that the scheme would defray the expenses incurred by the Canadian Pacific Railway.

(B)y this year, there will be 10,000,000 acres granted to colonization companies, . . . which means the eventual payment of \$10,000,000 into the Treasury besides the proceeds of such other casual sales as are made during this year. So that in one year we may fairly say we have got half of the whole \$25,000,000 that we are pledged to pay the Canadian Pacific Railway.³

The colonization companies would act in much the same way as the railway companies had in the United States, which Macdonald asserted were "the best immigration agents."⁴

However, the enthusiasm displayed by businessmen for the scheme slowly dissipated. The contracts that the companies had to sign with the government dictated strict duties to the companies. Discouraged, many investors dropped out of the scheme. The companies then began to encounter difficulty in raising enough money to meet the first instalment payment. The dwindling enthusiasm for the scheme was made apparent when only twenty-seven of the one hundred and six companies were able to meet the deadline.

One of the companies which was able to meet the first instalment payment was the York Farmers' Colonization Company. In March, 1882, a small group of eleven men met in Toronto to organize a colonization company. Confident that a great deal of money could be made, the directors of the York Farmers' sought also to open the virgin north-west to the land hungry farmers of York County in the Toronto area. Hoping that the Ontario farmers would be attracted by land that reminded them of Ontario, the York Farmers' Colonization Company applied for a land reserve in the parkland region of the district of Assiniboia. York Colony, as the company called its tract, consisted of townships 22, 23 and 27 in range 2, townships 25, 26 and 27 in range 3 and township 26 in ranges 4 and 5, west of the second meridian.

Soon after the York Farmers' received its tract, the company made appeals to those living in south-western Ontario and in the spring of 1882, the managing director of the York Farmers', James Armstrong, accompanied J. J. Smith, W. F. Smith, William Meredith and C. J. MacFarlane to York Colony. These first pioneers were soon followed by seven additional men from Ontario. These settlers

spent the summer building some type of shelter for the winter, and clearing the required ten acres of land as stipulated by the homestead law. Some homesteaded near York City, the capital of the Colony, while others took up homesteads in the Wallace district.

With the coming of winter, most of the settlers returned to Ontario. Only five men decided to remain in the Colony that first winter. No doubt that first winter was a trying one. Isolated from the rest of the world, the five survived on a diet of flour, oatmeal, tea, syrup, dried apples and some salt pork. After the long winter, two of the five men set out for Fort Ellice to replenish their depleted supplies.

During the winter months, the York Farmers' Colonization Company had been busy preparing pamphlets and booklets, advertising York Colony. The company offered easy terms of payment for purchasers of an odd-numbered section and claimed that the prospective settler would be choosing his land in an already settled and prosperous tract. The advertisement of the York Farmers' painted both York Colony and York City in glowing terms. The company claimed that York City already had been established and could offer the colonist everything he needed from a general store, to hotels, post offices and hardware stores. The company continued with promises of the early completion of a saw mill, grist mill, a brickyard, a church and a school. However, the settlers arriving in the Colony in 1883 must have been surprised to discover that the company exaggerated conditions in York City. York City, in fact, had little to offer the settler. Instead of the developed nucleus of a town, the pioneers "only found a station house and a primitive tent for a store."⁵ However, by the end of 1883, the efforts of both the company and the settlers were beginning to show signs of bearing fruit. A. E. Boake established an emporium for agricultural implements and Joel Reaman built the Queen's Hotel, a combined stopping house and general store.

Unquestionably influenced by the company's advertising campaign, an encouraging number of land seekers arrived in the colony in the late spring of 1883, augmenting the number of settlers in the colony to 158. The York Farmers' Company established a ferry across the Qu'Appelle River and a stagecoach brought a weekly mail delivery to the colony. Cash advances were made to the settlers and the company employed settlers to haul freight from the Canadian Pacific Railway⁶ for the dam and proposed grist mill. The York Farmers' also intended, as soon as the town plot was surveyed, "to make free deed to each *bona fide* settler . . . of a building lot . . . the conveyance to be perfected when the settler had completed his homesteading obligations as required by law."⁷

By the autumn of 1883, the speculative fever that had caught the imagination of the businessmen declined and it was obvious that depression had returned once again. The westward movement of settlers almost came to a halt and despair reigned among the colonization companies; it was clear that the companies would not reap the lucrative profits they had initially anticipated. The York Farmers' Colonization Company then hoped to recuperate some of its financial outlay by improving York Colony to make it attractive enough to retain those pioneers already settled there. Nevertheless, deterioration in morale was apparent.

Economic difficulties led to a modest degeneration of the harmony which had characterized the relationship of the Company and the settlers at York Colony. The company became involved in two lawsuits with the settlers and in one of these the company was the plaintiff.

In a memorandum to the Minister of the Interior in 1884, James Armstrong enumerated three reasons for the failure of the York Farmers' to attract more settlers and to retain those colonists who had already settled in York Colony. The morale of the farmers was lowered when the crop of 1884 again suffered from early frosts and the settlers, for the third consecutive year, were forced to buy seed grain for the next year's crop. Armstrong also did not hesitate to point out that York Colony could not survive without railway facilities. But with the failure of the Canadian Pacific Railway to build a branch line and situated as the main line was, seventy miles south of the colony, York Colony was doomed to stagnation. However, the managing director was most critical of the opening of the even-numbered sections for homestead entries in the Mile Belt. Situated near the railway line, these homesteads were being occupied by the small trickle of settlers who moved to the north-west.

Despite all the troubles and setbacks that the York Farmers' had suffered during the previous two years, the company looked forward to the 1885 season, hoping for a steady increase in immigration to the north-west. But these hopes were soon dashed by the outbreak of the Metis Rebellion in 1885. Frightened, the colonists at York Colony demanded protection against the Indians from the nearby reserves. The Minister of the Militia sent Major T. C. Watson to Yorkton to organize a home guard and to build a stockade. The York Farmers' Colonization Company again demonstrated its concern and interest in the settlers and in the future of Yorkton, by donating three town lots for the stockade. The enclosure, christened Fort Watson, was a proper stockade in every respect, having an inner sod embankment, four bastions, loopholes for the rifles and an outer ditch.⁸

Although the feared Indian attack never materialized, the home guard had two encounters with the Indians. The first occurred on April 20th when Little Bones' band pitched camp on the Little White Sand River opposite Fort Watson. Major Watson offered them tobacco, tea and pork, which the Indians accepted. When Major Watson refused to give the Indians more supplies the Indians began to raid a few of the settlers' homes. The home guard then marched to the Indians' new camp on Cussed Creek and persuaded the Indians to return to their reserves, after promising them provisions from Reaman's store. By June, the Yorkton area appeared quiet and Major Watson returned to Ottawa.

The morale of the settlers was lowered further in 1885 when drought and early frosts ruined the chances of a good crop. Armstrong felt that it was the company's responsibility to improve the colony to make it attractive for the settlers. The grist mill which was ready for operation in 1886 was an important part of the company's plan of retrenchment. But, because of the poor harvests, the grain was not a marketable commodity.

The York Farmers', by the end of 1885, was in deep despair. The rebellion

drastically affected immigration to the prairies; the number of homestead entries throughout the north-west dropped from 3,753 in 1884 to 1,858 the next year. The rebellion proved to be the climax to numerous setbacks and had put the finishing touches on the government's fruitless first attempt to have the northern part of the Territories developed by land companies. Rather than attempt further colonization of their tracts, the various colonization companies became more interested in extracting from the government the best possible cancellation of their settlement commitments. As early as the autumn of 1884, the company directors had met in Toronto to discuss mutual problems and had drawn up a draft petitioning the government for relief of their colonizing duties. The companies requested a reduction of a dollar on the purchase price of \$2 per acre for the odd-numbered sections, plus patents for land to be determined by the expenditures of the companies.⁹

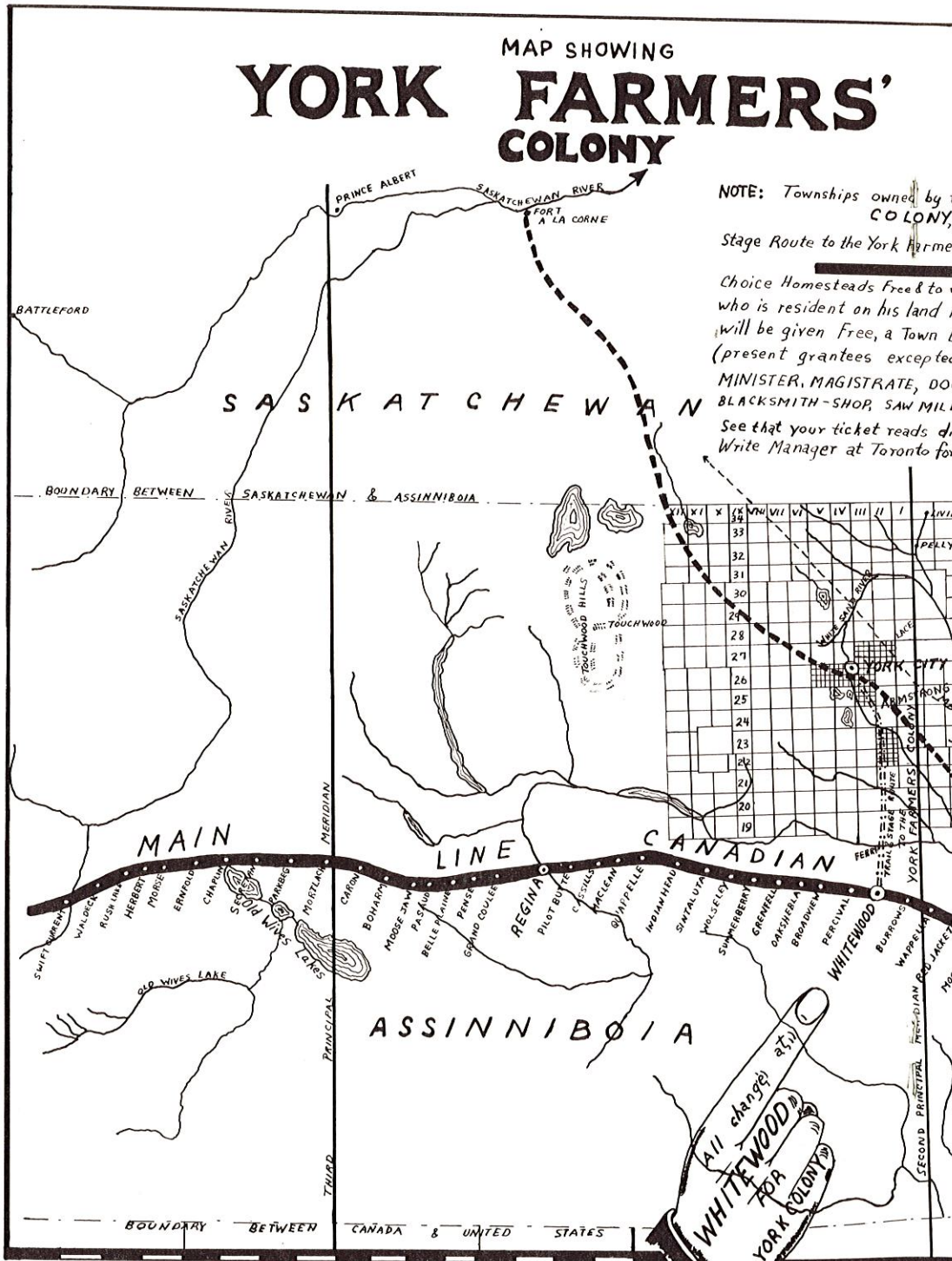
With the outbreak of the rebellion, the companies increased the pressure on the Minister of the Interior, D. L. Macpherson, for a satisfactory settlement, but negotiations floundered over the price of the land. Then, in July 1885, the acting Minister, A. W. McLelan, suggested that the colonization companies be divided into two groups — those which did little to attract settlers or develop their tracts and those companies which had made an honest attempt to execute their settlement duties. Of those companies in the latter classification, only seven companies had brought out more than fifty settlers,¹⁰ the York Farmers' Colonization Company being the most successful in placing 164 settlers in York Colony.

Meanwhile, Macpherson resigned as the Minister of the Interior, and the new Minister, Thomas White, kept the colonization companies in abeyance for another year. He finally decided that the purchase price should be left at \$2 an acre for all companies, but that those companies in the second category should be allowed a rebate of \$160 per *bona fide* settler and should be given credit for the expenses incurred in the development of the reserves. This credit could be applied to the purchase of land at the rate of \$2 per acre. On December 22, 1887, the York Farmers' was granted 51,358 acres chosen from the unoccupied odd-numbered sections within the colony.¹¹

The crux of the reason behind the failure of the colonization companies and the York Farmers' in particular lies with the failure of the government to build branch railway lines. The Canadian Pacific Syndicate received thousands of square miles on either side of its proposed track, effectively cutting off the reserves of the colonization companies from direct access to the only railway line. The companies' tracts, situated as they were, could have been successful only if there had been a steady and heavy influx of immigration. The few settlers who did venture to the north-west, though, homesteaded near the railway once the Mile Belt was opened. Without settlers, the colonization companies were economic abortions.

As early as 1879, Macdonald had recognized the value of the colonization railroad policy, but such a policy was not seriously entertained until 1883, when it was evident that the colonization companies could not fulfill the objective of the Prime Minister. The Deputy Minister of the Interior, in 1879, had recommended that the sale of land in Belt E at the purchase price of a dollar an acre to the

MAP SHOWING YORK FARMERS' COLONY





NOTE: Townships owned by YORK COLONY

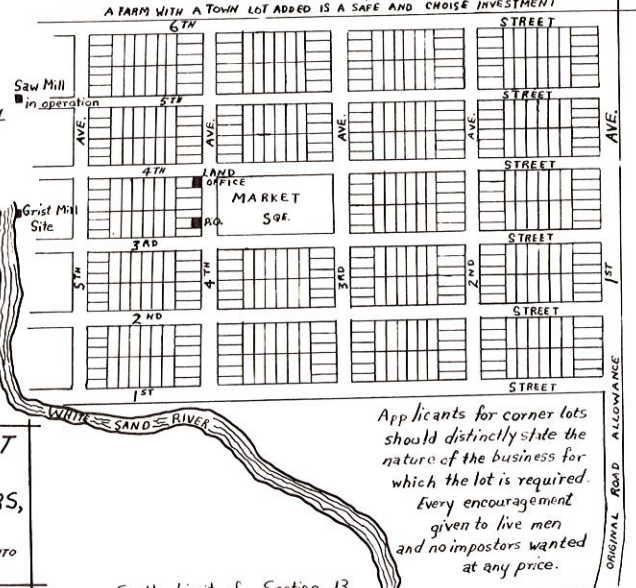
Stage Route to the York Farmers' Colony

Choice Homesteads Free & to be given to any settler who is resident on his land for 3 years. A Town Lot will be given Free, a Town Lot (present grantees excepted) to the MINISTER, MAGISTRATE, DOCTOR, BLACKSMITH-SHOP, SAW MILL, etc. See that your ticket reads "YORK FARMERS' COLONY". Write Manager at Toronto for more particulars.

S'

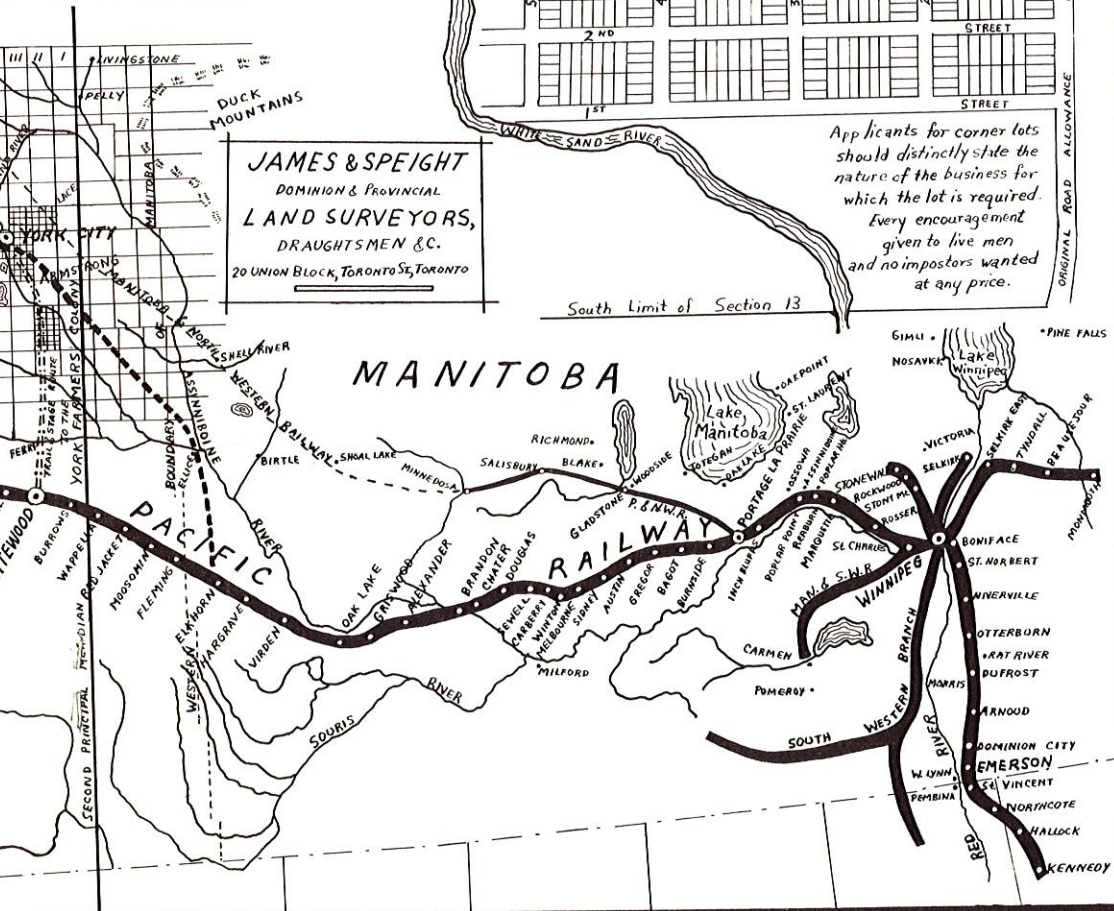
lands owned by the York Farmers' COLONY, marked thus 
 the York Farmers' Colony marked thus 
 roads free to each Homesteader and purchaser on his land from June 1st to October 15th 1884.
 (free, a Town lot in York City.
 fees excepted)
 MINISTER, DOCTOR, POST OFFICE, STORES, HOTELS, SLOP, SAW MILL &c. &c. in the Colony,
 ticket reads direct to WHITEWOOD, C. P. R.
 at Toronto for best rates.

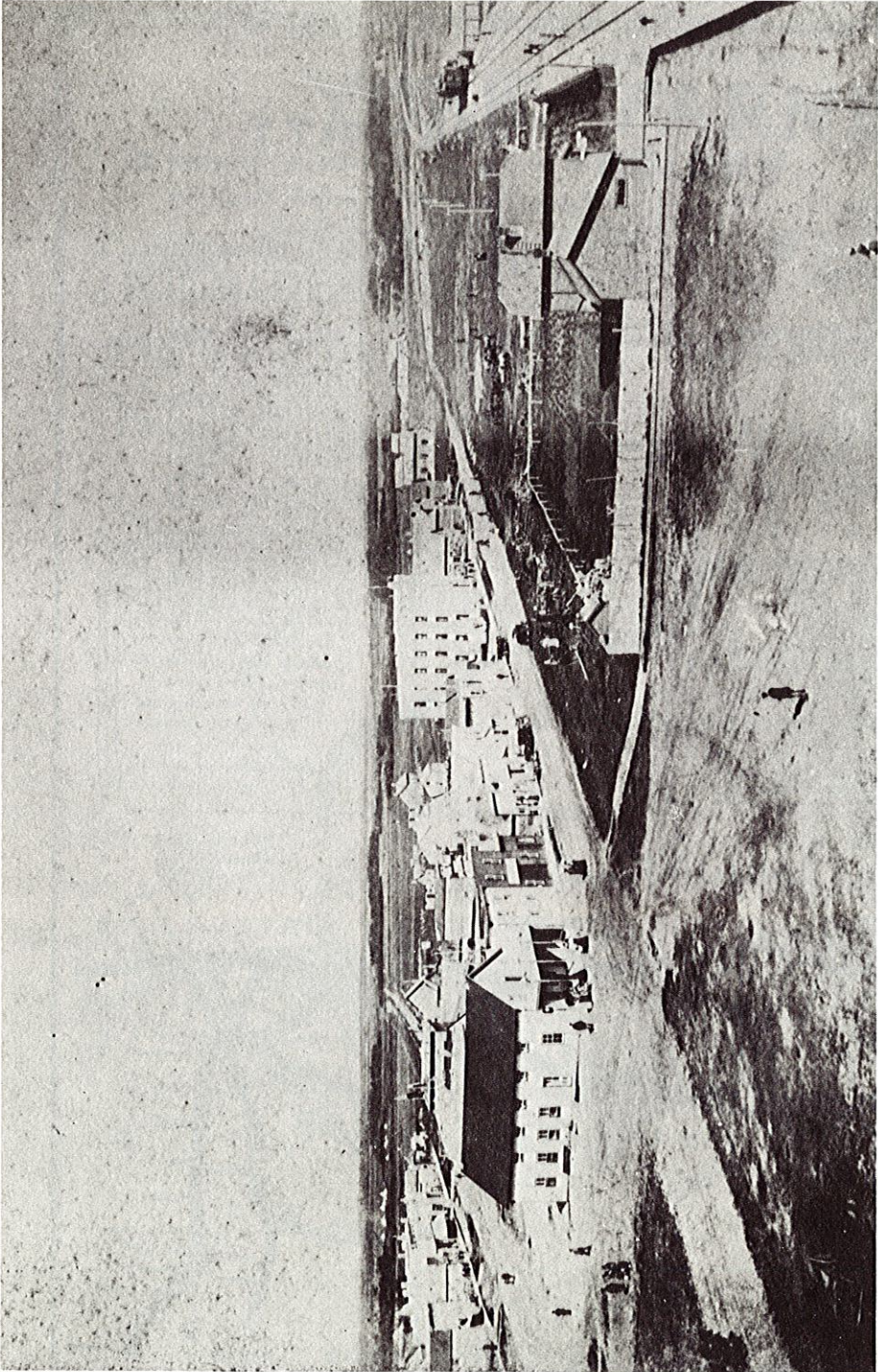
PLAN OF
YORK CITY
 PART OF S.E. 1/4, SECTION 13, TOWNSHIP 26,
 Range IV, W of 2nd Principal Meridian
 ASSINIBOIA, N.W.T.



Applicants for corner lots should distinctly state the nature of the business for which the lot is required. Every encouragement given to live men and no impostors wanted at any price.

JAMES & SPEIGHT
 DOMINION & PROVINCIAL
LAND SURVEYORS,
 DRAUGHTSMEN & C.
 20 UNION BLOCK, TORONTO ST., TORONTO





Livingstone Street and Broadway, Yorkton, 1900

colonization railroads would prove to be of mutual advantage to both the government and the railroads.¹² However, the colonization railroads soon began to harass Ottawa for free land grants, such as the Canadian Pacific Railway had received, in lieu of their purchase price of one dollar per acre. Under pressure, Ottawa finally agreed to grant 6,400 acres of land to the railway companies for each mile of track laid.¹³ Although such a land grant system could have produced admirable results, it proved only to be a cheap method by which the railway companies could extract lands from the government. These lands, all too often, were held by the railways for speculation. The worst offense, though, was the persistence of the railroads in demanding north-west lands for Manitoba railway mileage; more than half the acreage granted to the colonization railways lay in the Territories, although less than 24.4% of the track was laid in the north-west.¹⁴

The Portage and Westbourne and North Western Railway Company planned to run a line from Portage la Prairie to Prince Albert, which entitled the company to a very large land reserve enveloping the Yorkton area. In May 1883, the railway had its name changed to the Manitoba and North Western Railway Company. The free land reserve earned by the company, however, was not enough to secure financial success and the company harassed Ottawa with appeals for relief. Although the contract stipulated that fifty miles of track had to be laid each year, these appeals resulted in either an extension in time for railway construction, or, a reduction of the annual mileage to only twenty miles of track. Eventually, only 225 miles of track was completed, 52.59 miles of which lay in the Territories. The company, however, received 71.7% of its land grant in the North-West Territories.¹⁵

Although the Manitoba and North Western Railway reached Minnedosa in 1883, it was not until 1888 that the railway reached Saltcoats sixteen miles south-east of Yorkton. In debt, the officials of the railway decided to halt construction of the line, and make Saltcoats a divisional point. The directors of the York Farmers' Colonization Company, who had considerable interests in Yorkton and in the surrounding district, applied pressure on the railway officials to have the line extended to Yorkton. The railroad was surveyed and graded as far as Yorkton, but in the summer of 1889 the Manitoba and North Western Railway diverted its track four miles south-west of Yorkton. Unfortunately, the cause of this diversion of the line is unknown.¹⁶

Yorkton, like all other frontier settlements, desperately needed transportation and communication lines to connect it to the main line of the Canadian Pacific Railway. The citizens of Yorkton were aware of the importance of the Manitoba and the North Western Railway to the future of the community and realized that Yorkton could not survive the four mile diversion. A few shrewd businessmen felt that it would be more expedient to move the townsite south to the railway tracks, than to try to force the unnatural relationship of the hamlet to the railway. The first to move from Yorkton to the railway tracks was John Thorton, who established a general store there. Others, realizing that direct access to the railway line was necessary, soon followed. Donald Livingstone built a rival general store and John

Mann established a livery stable just east of Thorton's store. The first hotel was owned and built by Thomas Ruttle, who also established a machine shop in the new community. All these businesses were located on Front Street which ran parallel to the tracks.

With the establishment of Broadway Avenue, which ran west off Front Street, men of enterprise and ambition located along the second business street. Thomas Collacott established a blacksmith shop on the south side of Broadway and later, in 1895, established a hardware store on the corner of Broadway and Third Avenue. George Betts built a second livery stable and feed barn on the corner of Broadway and First Avenue. J. J. Smith built the first lime kiln near the new townsite; he then built a brickyard, a general store on Argyle Street and a grist mill on Front Street. William Dunlop was appointed Deputy Clerk of the District Court in Yorkton in 1890. Later, he established a farm machinery and implement shop and was able to build up a large real estate business. But by far the most enterprising and ambitious businessman was Yorkton's "merchant prince", Levi Beck. When he moved to Yorkton in 1889, he and his wife established a boarding house. This small enterprise was the beginning of his "empire". Over the next two decades, he established an implement store, a butcher shop, a general store, a harness shop, a confectionary, a bake shop, a lumber yard and a flour and feed business.

Hoping to avoid the drought and early frosts of the prairie regions, a small trickle of pioneers moved northwards along the Manitoba and North Western Railway to the parkland belt of Assiniboia. The railway, with Yorkton as its terminus for fifteen years, had an immediate impact on the settlement. At a public meeting held in the school house on Argyle Street, on July 15, 1894 it was announced that Yorkton had reached village status.¹⁷ The pressure for municipal incorporation came from the citizens, who, accustomed to the municipal system as they had known it in Ontario, demanded the adoption of the same in Yorkton.

Over the next few years, a civic consciousness grew among the citizens of Yorkton. Convinced that Yorkton had a prosperous future, men such as J. H. Nelson, W. P. Hopkins, Dr. T. A. Patrick, J. J. Smith, William Simpson, Thomas Collacott and others all contributed actively in the discussions and decisions made at the annual meetings. Drainage ditches were dug; all street and road crossings were graded and gravelled; the nuisance grounds were established outside the village limits, and three ladders and two dozen buckets were acquired for protection against fire.

There were other indications to suggest the development of the village. The first church structure in Yorkton was the Methodist church, built in 1893. Later in 1899, the trustees of the Methodist church felt that the growing membership demanded a larger building. Also in 1893, the Presbyterians decided to build their own church. The Anglicans shared religious services with the Presbyterians until 1897 when they felt their membership was large enough to support a separate church. The Baptists, however, did not have a regular church building. The first services were held in a tent in 1897, and later, in a hall over a store on Broadway Avenue. In 1896, the first printed weekly newspaper, the *Yorkton Enterprise*, was

established by James Peaker. And in 1898, thirty-eight businessmen met to form the Yorkton District Board of Trade to encourage immigration and industry to the village.

The stimulus that the village received from the Manitoba and North Western Railway was also reflected in the development of the Yorkton district. Although the settlers in the 1800's had hoped to establish grain farms, natural disasters such as early frosts, drought and gophers, led to discouragement. The farmers though, learned to diversify their farming operations. They turned to stock raising and the ranching industry throughout the Yorkton district experienced rapid expansion until after 1900.¹⁸ In 1901, Yorkton claimed that "the number (of cattle for export) leaving Yorkton exceeded that of any shipping point in Manitoba or the Territories, excepting, of course, Winnipeg, totalling an aggregate of 5,400."¹⁹ The farmers of the Yorkton district also raised dairy cattle and prompted by the Territorial Assembly, a number of the merchants and farmers formed a company, the Yorkton Creamery Association, to manufacture butter and cheese.

As part of the government's policy for the development of the Territories, the colonization railroads succeeded where the colonization companies failed. The York Farmers' enterprise was unsuccessful because York Colony lay seventy miles north of the only railway line. The Manitoba and North Western Railway was the catalyst which prompted the success and development of Yorkton and the surrounding district. Only five years after the completion of the railway line, Yorkton grew from a small settlement to village status. But, the village could not parallel the growth rate of other prairie towns without an influx of settlers. What was needed desperately in the 1880's for the colonization companies to be successful and what was needed at the end of the nineteenth century, was the heavy and unceasing flow of immigrants from Europe and the repatriation of Canadians from the United States.

Prior to 1896, Canada's immigration policies had been highly selective. The Conservative government classified immigrants to Canada as either "preferred" or "non-preferred". Immigrants from Great Britain especially, but also those from Scandinavia and western Europe, were classified as "preferred", whereas, east European immigrants were labelled as "non-preferred".²⁰ However, this was only one reason why the government was unable to attract the numbers of immigrants it sought. The depression years of the 1880's had severely limited the funds needed for an extensive publicity campaign of north-west homesteads, with the result that few Europeans immigrated to Canada.

Changes in tempo and in policy came in 1896 when Clifford Sifton became the Minister of the Interior in the new Laurier government. The federal election coincided with the gradual upswing in the Canadian economy and therefore, Sifton was able to undertake an intensive advertising campaign of the Canadian west. Immigration agents were established in Britain, Europe and throughout the United States. Pamphlets, folders and maps were freely distributed by the agents. However, most of the nations of western Europe discouraged emigration. This left the "non-preferred" countries of eastern Europe. With its high density of poverty-stricken

farmers, the Austro-Hungarian empire was the most desirable of these countries. Head agencies were established in the Ukrainian provinces of Galicia and Bukowina to facilitate Slav immigration to Canada.

In Austria, the land reforms of 1848 had left the ex-serf personally landless; instead, the land belonged to the commune or village. This reduction in social status, along with the low acreage yields, the political subjection of the Ukrainian people and the heavy taxes, rendered the Slavs highly susceptible to the offers of the Canadian government. Between 1896 and 1914, 170,000 Slavs immigrated to Canada.

The Ukrainian immigrants were divided into groups. At Saltcoats, a minority was allowed to remain there, but the majority was transferred to Yorkton. Two Ukrainian colonies were established in the Yorkton district, one at Beaver Hills and the other at the Crooked Lakes. Through hard work, perseverance and the practise of strict economy, the Ukrainian settlements at Beaver Hills and the Crooked Lakes progressed favourably. During the summer months, the men in the colonies left their homesteads to find employment on the railway construction gangs of the Canadian Northern and the Pacific Grand Trunk. The Manitoba and North Western Railway also hired these immigrants and in 1898 the men from the Crooked Lakes earned nearly \$10,000 in cash from that railway.²¹

The Ukrainians represented the largest influx of immigrants into the Yorkton area, transforming the district. Once a British and Canadian area, Yorkton became the commercial centre for a large immigrant population.

Another group to settle in the Yorkton area were the Doukhobors who emigrated from Russia due to the sect's political differences with the Tsarist government. The Canadian government set aside a total of forty-five townships throughout Manitoba and the Territories as Doukhobor reserves. Due to the Doukhobor conviction of the injustice of violence, the Canadian government granted the Doukhobors exemption from military service. However, this military exemption was the only immunity they were granted. The government informed the Doukhobors that they were to conform to all other Canadian laws, including the homestead law.

Three major blocs were set aside for the Doukhobors in the Territories; one at Devil's Lake, known as the "South Colony", forty-five miles north of Yorkton, one at Rosthern and the third at Thunder Hill. The Doukhobors cultivated their reserves in the name of the commune, not in the name of the individual.

Like the Ukrainians, the Doukhobor men worked on railway construction gangs during the summer months. It was not long before economic inequalities among families became apparent. Those men who earned a great deal of money soon began to oppose the communal ownership of land, machinery and livestock and by 1900, nearly a third of the Doukhobors had broken away from the commune to work their quarter-section as their own personal property.

Prior to 1902, the Doukhobors caused few problems. But, in that year, religious fanaticism caused the community Doukhobors to leave their reserves in Oc-



Group of Doukhobors at Yorkton



Doukhobors camped at the Immigration Hall, Yorkton

tober in search of the "promised land". They marched south through Yorkton to Minnedosa. There, starving and frozen, the Doukhobors allowed the police to load them onto a train bound for Yorkton. The 1902 march resulted in widespread ramifications. The Doukhobors had procrastinated the registration of their homesteads for fear that the registration and the taking of the oath of allegiance would subject them to military service. Therefore, some contemporary observers regarded the 1902 march as a political move on the part of the Doukhobor leaders to force the government to concede its demands for the registration of their homesteads.²² The march also brought into focus the sharp dissension and rivalry between the Doukhobor factions.

By 1903, differences between the Doukhobors and the Canadian government reached a critical point. Protesting the government's insistence on the registrations, a small group of Doukhobors staged a nude parade through Yorkton. Parades and hunger-strikes became commonplace after 1905 when Frank Oliver, the new Minister of the Interior, gave the Doukhobors the choice of registration or confiscation of their homesteads. Refusing to register their homesteads, the community Doukhobors had their reserves confiscated in 1907.

A combination of Sifton's immigration policies, the upswing in the Canadian economy and the demand for Canadian wheat on the world market resulted in the astounding growth rate of Yorkton and its hinterland. In 1894, Yorkton had been incorporated into a village. In 1900, Yorkton had a population of 600 and the village was incorporated into a town; by 1905, the population figure jumped to 1,200. The reason for Yorkton's growth is not far to seek. The pattern of settlement of the immigrants was dictated by the railroads. The Manitoba and North Western served as the means of transportation and of employment for the immigrants. Yorkton flourished with the business engendered by the Doukhobor and Ukrainian immigrants. The merchants in Yorkton did all they could to outfit them adequately at a reasonable cost. As the main centre of the area, Yorkton soon became a major distribution centre, with a trading area extending "beyond Melville to the south, beyond Sheho to the west and as far as settlement extended to the north."²³ Yorkton's future was now well established.

In 1900, the new Town Council had a number of considerations to undertake. Yorkton's rapid growth demanded further sanitation measures and greater fire protection. Additional purchases of equipment for the volunteer fire brigade were made in 1900, but by the next year the brigade had to request that the Town Council purchase more sophisticated equipment to meet the needs of the growing town. After purchasing a ladder truck and a fire engine, the Council also decided to place a telephone in the home of the fire chief. The town arranged that the telephone exchange, owned and operated by a jeweller, Thomas Paul, would relay a fire alarm to the fire chief and to the members of the brigade.

Despite increased sanitation measures, a typhoid epidemic broke out in town in the autumn of 1901. Alarmed, the citizens recognized the need for a hospital and the board of trustees accepted the offer of the Victorian Order of Nurses to build a cottage hospital. When completed in October, 1902, the Queen Victoria Cottage

Hospital had on staff four doctors, a dental surgeon and two nurses. In 1903, the inspector of hospitals reported that although the operating room was "exceedingly well equipped", there was need of an isolation ward. The Town Council, however, procrastinated and only when an epidemic diagnosed as diphtheria broke out, did the council pledge to undertake immediately the construction of the isolation hospital. Yorkton's success in attracting new industries was due to the promotion of the town by the Board of Trade. In turn, the Board of Trade's success at inducing new industry to Yorkton was dependent upon railway facilities. The board was able to convince the Canadian Pacific Railway, which had purchased the Manitoba and North Western Railway in 1898, to facilitate the traffic on the line to Yorkton by increasing the weekly number of trains.²⁴ However, receiving little encouragement from the merchants in town, the board faded from sight in 1902.

The defunct board had its duties shouldered by the Town Council. The council was well aware of the importance of railway facilities to the town's future, and when, in 1903, the council learned that the Grand Trunk Pacific Railway intended to build a line through the parkland belt, the council called a public meeting to discuss the possibility of inducing the company to build its line through Yorkton. At this point, the Board of Trade was revived and its new directors were determined to place Yorkton in the forefront by persuading railway companies to build their main line or branch line through Yorkton. The board was successful in having the Grand Trunk Pacific Railway build a branch line from Regina to Yorkton.²⁵

The colonization railroads were to act as immigration agents. However, they were unable to promote the rapid development of settlement and the new Liberal government took the initiative by creating new immigration policies which combined with the scarcity of land in Europe and the United States, favourable world-wide economic conditions and a substantial demand for wheat on the world market, led to the rapid growth of the Canadian west.

The founding and growth of Yorkton during the Territorial period illustrates that the development and settlement of the Canadian west was instigated by federal government policies. Yorkton was founded by a colonization company; its survival was assured by the Manitoba and North Western Railway; and its expansion was due to the arrival of east Europeans who homesteaded in the Yorkton area. The early history of Yorkton demonstrates clearly the intimate relationship between private enterprise, the settler and the government.

FOOTNOTES

¹A. Lalonde, "Settlement in the North-West Territories by Colonization Companies 1881-91" (unpublished Ph.D. Thesis, Laval University, 1969), pp. 85-87.

²*Ibid.*, pp. 85-87, as cited from *The Mail*, February 2, 1882.

³Canada. *Debates of the House of Commons*, April 21, 1882, p. 822.

⁴*Ibid.*, April 21, 1882, p. 803.

⁵*Yorkton Enterprise*, July 14, 1955.

⁶Department of the Interior, Dominion Lands Branch, file No. 41345, Transcript of the Official Report on the York Farmers' Colonization Company, by R. Stephenson, Inspector of Colonization Companies, 1883.

⁷*Ibid.*

- ⁸Department of Militia and Defense of the Dominion of Canada, Report upon the Suppression of the Rebellion in the North-West Territories and Matters in Connection therewith in 1885, Appendix No. 2. Report on Organization of Company and Erection of Stockade at Yorkton, Major T. C. Watson to Major-General Middleton, January 20, 1886 (Archives of Saskatchewan, hereafter cited as A.S.).
- ⁹Lalonde, *op. cit.*, p. 203, as cited from the Department of the Interior, Dominion Lands Branch, file No. 83083, Memorial presented to the Minister of the Interior, December 23, 1884 (A.S.).
- ¹⁰J. R. A. Pollard, "Railway and Settlement (1881-1891)", *Saskatchewan History* I (Summer 1948): 17.
- ¹¹[Z. M. Hamilton] "Colonization in Saskatchewan", Papers of the Saskatchewan Historical Society 68:54 (A.S.).
- ¹²J. B. Hedges, *Federal Railway Land Subsidy Policy of Canada* (Harvard: Harvard University Press, 1934), p. 71.
- ¹³A. S. Morton and C. Martin, *History of Prairie Settlement and 'Dominion Lands' Policy* (Toronto: Macmillan Co. of Canada Ltd., 1938), pp. 284-286.
- ¹⁴*Ibid.*, p. 302.
- ¹⁵*Ibid.*, p. 303.
- ¹⁶One source declares that the railway company encountered difficulties in construction. A more likely explanation, though, deals with the question of the location of the track which was to be laid. The land, at the end of the steel, would increase substantially in value. Possibly, the railway was reluctant to terminate their line on property that did not belong to them and therefore, shifted the line four miles so that it would terminate on the railway's land.
- ¹⁷"Minute Book: Unincorporated Town and Village", 1894 (A.S.).
- ¹⁸R. W. Murchie, *Agricultural Progress of the Prairie Frontier* Vol. V, (Toronto: The Macmillan Co. of Canada Ltd., 1936), pp. 51, 58.
- ¹⁹*Yorkton Enterprise*, July 26, 1901. Editorial.
- ²⁰N. I. Gold, "American Migration to the Prairie Provinces of Canada 1890-1934" (unpublished D.Phil. Thesis, University of California, 1933), pp. 131-132.
- ²¹V. J. Kaye, *Early Ukrainian Settlements in Canada 1895-1900* (Toronto: University of Toronto Press, 1964), pp. 296-297, as cited from Department of the Interior, file No. 73855, Report re Galicians and other colonies 1896-1901, Speers to Frank Pedley, Superintendent of Immigration, January 31, 1899 (Public Archives of Canada).
- ²²S. Holt, *Terror in the Name of God* (Toronto: McClelland & Stewart Ltd., 1964), p. 35.
- ²³*Yorkton Enterprise*, July 6, 1933.
- ²⁴*Ibid.*, May 17, 1900.
- ²⁵*Daily Standard*, August 4, 1906.

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Rt. Hon. J. G. Gardiner and 1905

by Norman Ward

The short memoir by James G. Gardiner which follows this introduction has two possible sources. Gardiner was a prolific writer, of long explanatory letters to electors all over the country, of clear cabinet memoranda, of many of his own speeches, and of a variety of reminiscences, some in fictional form. The memoir below, which is undated, may be part of a speech written to mark some particular occasion, such as Saskatchewan's Jubilee in 1955.

In Gardiner's papers, however, the memoir is in a file of biographical material immediately preceding correspondence and other documents related to the book *None of it Came Easy*, by Nathaniel A. Benson, published in 1955 to coincide with the Jubilee; although that was not the original intent. There is nothing in the book to suggest that it is anything more than a short biography of Gardiner by Benson, with a foreword by Burton T. Richardson.

The book's provenance, however, is more interesting than that: Gardiner himself not only wrote extensive parts of the first draft, but provided (or arranged for) much of the money for its publication, and helped distribute it afterwards. The original author selected was Burton T. Richardson, who as early as July 1951 was writing to Gardiner about funds. The choice of Richardson as secretary of the Royal Commission on the South Saskatchewan River Project may have been related to the need for him to have a secure income while preparing the manuscript (a similar royal commission post had once been found for Nicholas Flood Davin); but that is not wholly clear. What is fairly clear is that the secretaryship, followed by the editorship of the *Toronto Telegram*, kept Mr. Richardson too busy to complete the project, and in 1955 he sought and found, with the aid of publishers in Toronto, a willing writer in Benson, a Toronto high school teacher. Benson specified that he be allowed to choose the title; and sought to produce an inspiring book that would be a useful addition to school libraries. Gardiner had some initial reservations about Benson, who came of an old Tory family, but Benson's own enthusiasm (he saw the story as "Lincolnesque") soon allayed them. Benson, in frequent communication with Gardiner and Richardson, and working mainly from material already available, actually wrote the book in the seven weeks preceding July 31, 1955. He was paid \$1,200.

In the correspondence Benson asked Gardiner for material like that which follows, which is what connects Gardiner's memoirs with *None of it Came Easy*. In the top right-hand corner of the first page of the memoir is a note, in what appears to be Gardiner's hand: "See end of this for JGG's personal recollections of Sir W. Laurier at Regina, Sept. 5/1905." There is far more about Laurier in the book than in the memoir, which ends so abruptly as to suggest that at least one page may be lost. The memoir is, however, unquestionably authentic, and is a good example of Gardiner's straight-forward prose style. It follows verbatim.

My Personal Experiences Associated With The Birth of Saskatchewan

by Rt. Hon James G. Gardiner

I arrived in Regina on a C.P.R. train from Winnipeg in August, 1904. I was part of one of the great migrations of people from east to west. The train had on it people from all parts of Great Britain, people from most countries in Europe, people from many of the states of the United States, and a few Chinese would-be laundrymen or restaurant operators. We were all headed for the last great west. We were all enthusiastic because there was spread out before us the territories of Assiniboia, Alberta, Saskatchewan and Athabaska offering free homesteads in a land about to be organized into two new provinces which would complete the chain from the Atlantic to the Pacific.

When we descended from the coach steps we landed on the typical plank platform about twelve feet wide and extending for half a block in front of the usual C.P.R. station similar to that yet to be seen at Indian Head and other points along the line. There were all the indications that harvest was just getting underway. Farmers were button-holing everyone who looked as though he might have arrived in Winnipeg on a harvesters' excursion and was working his way west. My aunt in Manitoba had supplied me with enough lunch in a basket to feed me all the way across the continent. I was sharing a hard slat seat overnight with a young fellow from eastern Canada who had been unable to afford a real meal since he left home. We finished the food before we reached Regina, and a farmer took him away to work and food from the train.

Regina had a police force which all came to meet the trains in the person of Chief Ed Sample. I asked him where I could find a hotel where the charges would not be too high, and was directed to the Alexandra round the corner. When I came down looking for supper an old familiar friend, the son of the home town minister of the Presbyterian Church, Mr. W. M. Martin, was directing the members of the Masonic Lodge into the dining room. I soon learned that he, through lacrosse and law, had already become a prominent citizen of the territorial capital and it was no surprise when he became the successor to Walter Scott at Ottawa when the province was formed.

Regina was the capital of the Northwest Territories and the headquarters of the Royal Northwest Mounted Police. The city hall, a frame building, consisted of a Council chamber, police quarters for the lone policeman, and fire department occupying the first floor, and the public hall in which the residents gathered on important occasions was on the second floor. It was located at the corner of Scarth and Eleventh across the street from the present post office.

The main centre in town was at the corner of Scarth and Twelfth. The north-east corner was occupied by the post office; the north-west corner where the McCallum-Hill building now stands, by the Assiniboia Club; the south-east corner by Knox Presbyterian Church; and the south-west corner by a block of unoccupied bare prairie known as Victoria Park.



Canadian Pacific Railway Station, Regina

The longest board sidewalk in the Northwest Territories extended from the post office north to Railway Avenue, west to Albert Street, north to Dewdney Avenue, and west a mile and a half to the Northwest Mounted Police Barracks. Most of the youth in Regina walked to the Barracks and back in pairs on pleasant summer weekends. In doing so they passed the home of Alex Ross, now Judge at Yorkton, Wm. Trant, well-known writer and magistrate, the Territorial Legislative Buildings, Government House, and many homes.

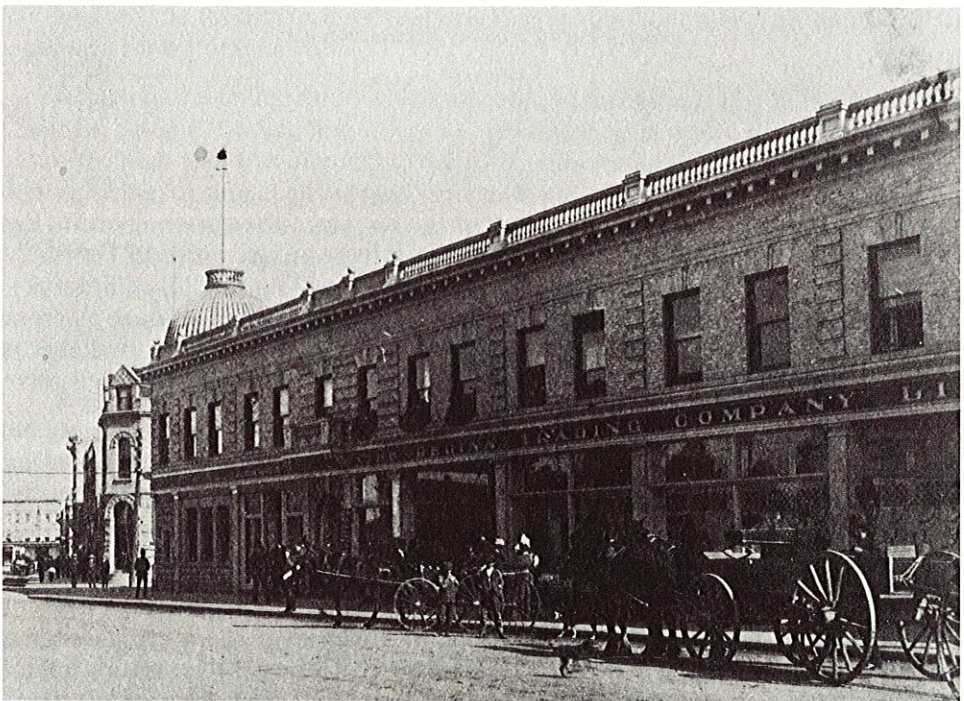
The Territorial Government offices were over the Regina Trading Company's general store located on Railway Avenue directly across from the railway station, which store was operated by Mr. Frank Bole as manager.

I had gone to Regina with the intention of teaching school. I had a Manitoba Second Class non-professional Teacher's certificate in my pocket, but had not attended Normal. I visited the Government offices over the Regina Trading Company's store and met Mr. J. A. Calder, Deputy Commissioner of Education, now Senator Calder. He granted me a permit to teach conditional upon my returning to Regina to attend the spring term of Normal opening in January of 1905.

I returned to Regina for Christmas and attended Normal in the old Alexandra School still standing on Hamilton Street. In view of some of the happenings in the school it is only natural it should have later been utilized as a Police Station. This is only important in this story because it was the beginning of the year during which the inauguration of the province took place and brought me in touch with many persons who have been prominent throughout our first fifty years. The Principal of the School was D. P. McColl, later Deputy Minister, the assistant, T. E. Perrett, later Principal, and the other teachers Mr. Fenwick, Mr. Bennett and Miss Rankin, long-known in Normal circles.

The papers *The Regina Leader* and *The Standard* were full of reports of discussions in the House of Commons, in the Territorial Legislature, at public meetings, and in the Regina Council, on the terms of the Act setting up two provinces.

One very important meeting was held upstairs in the old town hall before the end of the Normal term. The meeting was called by the Mayor, H. W. Laird, later Senator Laird, to arrange the ceremonies for the celebration of the inauguration of the province on September 4, 1905. The Mayor and Councillors were seated about a table on the platform, and the hall was filled to capacity. Persons were called up from the audience to make speeches. About ten o'clock it had been decided they would have many guests invited and the Little Black Devils of Rebellion fame up from Winnipeg. The Mayor finally was about to put to the meeting a resolution to



South Railway Street, Regina, about 1904

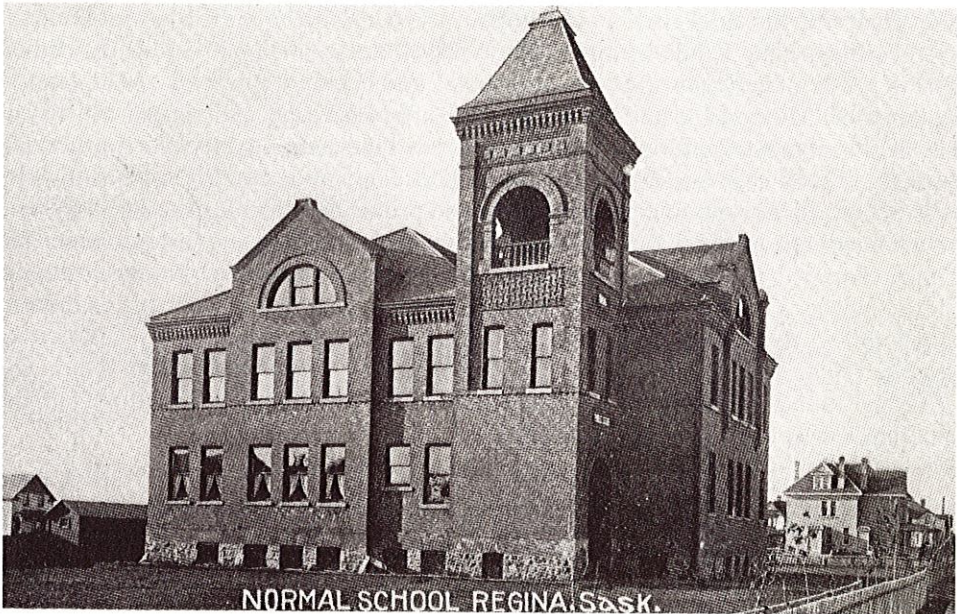
the effect that the chief speakers invited for the occasion be the Governor General Earl Grey and the Prime Minister, Sir Wilfrid Laurier, when Mr. J. K. McInnis, one of the outstanding local orators of the day and Editor of the Standard, appeared at the door. Although he and the Mayor had differed greatly with regard to many of the details of the discussions which had preceded the meeting, His Worship at once suggested J. K. express his views. The audience applauded vociferously and J. K. came forward. He mounted the platform and proceeded to compliment Sir Wilfrid and his government on the terms of the measures setting up the province. He finished up with the statement that under the circumstances it was natural to expect the Governor General and Prime Minister to take part, but in view of resolutions condemning the terms of the legislation passed by the Regina City Council he doubted if the Mayor and that body were the proper authority to invite them. The meeting ended in a kind of uproar which J. K. was adept in creating, but the invitation was later sent and accepted.

The outstanding excitements around Regina in 1904 and 1905 apart from inauguration were the piping of water in eight miles from Boggy Creek, the coming of the Bell Telephone, and the marvellous weather. In the summer of 1904 the long distance telephone line from Winnipeg was completed into Regina. Central was a little frame house near the Alexandra Hotel. During that summer the pipe line was laid and a day declared upon which the band and most of the city's population turned out over on the north side of Dewdney Street behind the railway station to officially watch the Mayor turn on the water. The water storage tank is still doing service at that point.

But the winter fifty years ago was a remarkable experience. There was very little snow, and what there was disappeared early in February. The ice was out of the rink in the middle of February, and we were playing baseball and soccer football throughout March and April. Some farmers even seeded a little wheat in the last week of February and early March. Those of us who were newcomers thought we had at last found a northern area which was mild, but the nearest approach we have had since is in 1955 when nature itself has been celebrating the fiftieth anniversary.

The most interesting sight of those days was the coming-in of the immigrant trains. These trains arrived constantly from the eastern ports, bringing Austrian, Polish, German, Scandinavian and British Settlers, and from the United States bringing the first or second generation of those who had previously settled on the prairies to the south. They often squatted in what is now called the east end of Regina for a short time, explored the homesteading possibilities of the areas at considerable distances from the city in all directions, filed on their land and came back to purchase wagon, oxen or horses, load up their families and all their worldly possessions, and started out to support new homes, often on the first land they ever had an opportunity to own.

In the spring of 1905 one hundred and fifteen graduates of the last Territorial Normal School class migrated from Regina to follow the immigrants out over the Northwest Territories to their homesteading areas, help set up their new school districts, even help build and paint the schools and begin teaching. For my part I taught during that period south of where Francis now is, at Alpha, north of Hirsch,



north of Frobisher, north of Kisby, on Moose Mountain, west of Weyburn near Lockwood, and eventually at Lemberg. It was a wonderful introduction to University because one could learn first-hand the characteristics of almost every European nationality. From these we have our western Canadians who acknowledge Regina as their provincial Capital city, Saskatoon as their educational centre, Moose Jaw as their railway centre, Prince Albert and Battleford as the gateway to the north, and Queen Elizabeth II as their sovereign.

But eight classes like that could have occupied all the schools there were in Saskatchewan when it was formed. In 1904 we had the main line of the C.P.R., a railroad from Winnipeg to Yorkton, a line from Brandon to Estevan, and one into Arcola, and a railroad from Regina to Prince Albert. They were busy pushing one through from Arcola to Regina, from Yorkton to Saskatoon, and from Kirkella via Bulyea to join the Yorkton-Saskatoon line at Lanigan. The Canadian Northern was beginning to push its way through the timber areas of Prince Albert. There were six hundred miles of graded roads on the 25,000 miles of road allowance in the province. We travelled by trail. The Touchwood Trail from Qu'Appelle to Prince Albert was still a main artery of communication; so was the telegraph line by the same route. There was one city with a population of a few thousand.

[The only known manuscript copy of Gardiner's memoir ends there; but it is apparently continued in *None of it Came Easy*']

"There were about two hundred thousand people in the area when the province was set up. We who were here then or earlier have witnessed the growth since brought about through the activities of those who came later.

The meeting at the city hall had decided upon September 4, 1905, as the day upon which to celebrate the inauguration of the Province of Saskatchewan. A stand

was erected in Victoria Park about where the monument now is. The park, as it was then, was a block of raw prairie. We all squatted on the grass and watched Lieutenant-Colonel Chambre march the 90th Regiment (or "Little Black Devils") of Winnipeg, and Commissioner Perry muster the Mounted Police into position for review. The guests of honour included two previous Lieutenant-Governors of the Territories, the Hon. David Laird and Mr. C. H. Mackintosh, Senators Watson and Davis, Chief Justice A. L. Sifton, Mr. F. W. G. Haultain, Mr. Walter Scott, M.P., Mr. W. F. MacLean, M.P., Dr. Elliott, Commissioner of Agriculture, Mr. Wm. MacKenzie, Mr. Justice Newlands and Ex-Chief Justice T. H. Maguire, many members of Parliament, ex-members of the Territorial Legislature and members of city and Town Councils were seated in places of prominence.

His Excellency Earl Grey read messages including one from H. M. Edward VII: "Accept my best thanks for your telegram. Am deeply gratified by the expression of loyalty on the part of the newly inaugurated North-West Provinces. Pray convey to them my earnest hope that great prosperity may be in store for them. Edward R. I."

Mr. Forget was then sworn in as Lieutenant-Governor and an address was presented to him by Mayor W. H. Laird of Regina, to which he replied reviewing his experiences extending over 29 years in the West.

An address was presented to Earl Grey who spoke briefly. It was not intended that Sir Wilfrid Laurier would speak in the open air because of a troublesome throat. The crowd would not be denied, however, and called for him. He arose, tall and distinguished with his 'white plume' and knightly bearing, and in his gracious manner said: "Citizens of the new Province of Saskatchewan, I know you will understand that even your Prime Minister must obey the orders of his physician. My orders are that I should not speak this afternoon. I wish you great prosperity and happiness, and will speak at greater length at the luncheon." There was great applause.

At the luncheon, Sir Wilfrid referred to the *Royal Commission-to-the Lieutenant-Governor* being issued by the King, on the advice of his Privy Council in Canada. "We are a free nation, but the King of this nation is the King of Great Britain and Ireland. Canadian Confederation has been founded and framed on peace and, as the cords of liberty are braided and loosed, the bond of union is made stronger. The bond is ever growing and will grow between Canada and England and her colonies."

Fireworks and a ball in the evening closed the inaugural celebrations, and we all found our ways home to our separate vocations, I to my teaching in the Jewish colony at Hirsch."

¹Nathaniel A. Benson, *None of it Came Easy: The Story of James Garfield Gardiner* (Toronto, Burns & MacEachern, 1955), pp. 87-8.

Book Reviews

THE ROMAN CATHOLIC CHURCH AND THE NORTH-WEST SCHOOL QUESTION: A STUDY IN CHURCH-STATE RELATIONS IN WESTERN CANADA 1875-1905. By Manoly R. Lupul. Toronto: University of Toronto Press, 1974. 292 pp. Map. \$15.00.

This book gives a thorough and well-documented account of the participation of the Roman Catholic Church in the politics of early school development in the North-West Territories. Through use of the archives of the Roman Catholic Church Professor Lupul gives firm insight into the Church's approach. Its view that separate school provisions were the Church's basic right, and not special privilege, emerges clearly. Also, any stereotype of a monolithic church view is dispelled in the disagreement which is evident among church officials as to the extent and the means of securing desired provisions. More than local colour is evident, for example, in the comment of the tenacious Archbishop of St. Boniface, directed obviously toward the more moderate Bishop of St. Albert in the territorial district of Alberta, referring to "our 'ministres cowboys' ". (200).

The detailed presentation of thirty years of church activity in school affairs inevitably creates an initial impression of unceasing and general foment. Professor Lupul provides perspective in revealing a surprising time lag upon occasion before church officials noticed significant changes in territorial school legislation. (28). He points out also that activity and concern was confined largely to the clergy, with Catholic laymen much less inclined to see separate schools as essential to the maintenance of the Catholic faith. (133). It is noted also that the separate school question was of even less interest to the population generally and was insignificant in territorial elections. (120, 131).

Following the carefully researched background of separate school fortunes throughout territorial days, the reader is faced in chapter 9 with a surprising collapse of both logic and convincing documentation in an assessment of the 1905 school controversy. Granting the well-known complexities and ambiguities which comprise this dispute, the evidence which the author presents, and his conclusions, nevertheless seem to point in opposite directions.

Professor Lupul clearly outlines the circumstances which formed the basis of the dispute. Federal legislation of 1875 gave the Territories the right to establish separate schools but without detail as to their precise nature. Territorial legislation passed under authority of this federal Act provided for church control over an early system of denominational, or "confessional" schools. This legislation was amended after 1884 to bring separate schools under direct government supervision. The early church-controlled system, and the later government-controlled system, thus had each existed under the broad umbrella of the 1875 Act.

Against a background of quiet agreement among federal and territorial politicians that the existing system should continue in the new provinces, Prime Minister Laurier introduced a school clause couched in terms of the 1875 federal legislation,

without any of the restrictions of later territorial legislation. This raised the spectre of a return to the earlier system of church-controlled separate schools rather than the government-controlled separate schools presently in existence.

Was Laurier aware of the implications of the clause which he introduced and was he hoping, under the guise of its general wording, to secure an opening wedge for a return to the earlier system; or did he genuinely think the clause ensured only the status quo? This question was discussed by his contemporaries and has been debated by scholars ever since.

Professor Lupul says, "There can be little doubt that Laurier only wished to secure the educational status quo". (178). The only evidence which he cites however that "Laurier and Fitzpatrick had both made clear their intention not to tamper with existing school legislation in the Territories" (178) were the statements of good intent made by these men in debate in the House of Commons, at a time when the autonomy crisis was at a peak and the Prime Minister and his Minister of Justice were under heavy fire.

The author's statement that "there is no evidence that Laurier or Fitzpatrick wished to nullify any of the territorial school legislation that had modified the status of Catholic schools after 1884" (178) does not follow from his account of events. Although *proof* cannot be claimed, *evidence* cannot be dismissed.

Among such evidence is the undoubted recognition by the Bishop of St. Albert of the distinction between the types of separate school systems before and after the changes in territorial legislation, and the transmittal of a detailed account of these differences to the Apostolic Delegate in Ottawa (167, letter cited in fn. 31); persistent representations of the Apostolic Delegate to Laurier and Fitzpatrick even after Laurier had clearly committed himself to a system of separate schools (168); prolonged and extremely careful preparation of the education clause involving Laurier, Fitzpatrick, and members of the Catholic clergy (170-75); after the government subsequently was forced to abandon the original clause after a crisis of almost a month, Archbishop Langevin's later reference to Laurier having "capitule" (183), as well as the Archbishop's opposition to Walter Scott as "a strange person who had practically cut Laurier's throat by objecting to his giving the minority confessional schools". (210).

This is not a book to be picked up lightly. Complexity is inherent in the interaction of at least four distinct sets of participants including Roman Catholic Officials (from Rome and Ottawa to St. Albert); federal politicians; territorial politicians, and territorial school administrators. Had the author however dealt with certain issues in broader outline, (for example, eliminating the names and stand taken by losing candidates in a territorial election) it would have lessened the feeling of the seemingly inexhaustible appearance of new participants. The index is good, but it could have provided even more help to the reader if the positions and dates of incumbency had been included with the names of the various church and government officials. A useful aid which is included is a map showing the relationship of the political boundaries with those of the Diocese of St. Albert, which included the greater part of the settled area of the Territories.

Reservations respecting interpretation or details of presentation mentioned above do not diminish the staunch contribution which the book makes to available knowledge in this area of study. The combination of new material from the Church archives with a careful selection from other primary sources has resulted in a valuable book for the serious scholar.

Evelyn Eager

NOTES ON BOOKS RECEIVED

British Emigration into the Saskatchewan Valley, the Barr Colony, 1903, its Bibliographical Foundation, by G. R. Lyle. 1975. Pp. IV, 57. \$8.00. Available from the author: 2229 Tanglewood Road, Decatur, Georgia, U.S.A. 30033.

Mr. Lyle has long been interested in the history of the Barr colony, one of the largest and perhaps the most prominent of the British emigration settlements in the North West Territories. This bibliography is the end product of Mr. Lyle's search over the years for source material on the Barr colony and it will be an invaluable reference work for anyone who wants to study the history of the colony.

A Doukhobor Publication, Part II, Government Publications, Reference Publication No. 33, 1970; *Books and Periodicals*, Reference Publication No. 38, 1972; *The Doukhobor File*, audio visual and unpublished writings by and about Doukhobors, Reference Publication No. 43, 1973: Compiled and annotated by Mrs. Maria Horvath, Vancouver, University of British Columbia.

Those three little publications provide a useful bibliography of the material available on Doukhobors at the University of British Columbia. The cataloguing and annotations are excellent. The collection at the University of British Columbia on Doukhobors is quite extensive so these publications are of particular interest and value to anyone working on the history of these people.

Chronology of Ukrainian History, by A. Gregorovich. Toronto: Ukrainian Canadian Committee, 1974. Pp. 64. \$2.00. Available from the author, 239 Chaplin Crescent, Toronto, Ontario, M5P 1B1.

This is a chronology of over 400 dates of Ukrainian Canadian history. Included is, as the author indicates, a representative sampling of dates from pioneering history, political, educational, economic, social, religious, organizational, artistic, sport, literary, linguistic and professional life. I noted one error in that the author states that Mary Batten was elected to Parliament in 1956. In fact she was elected to the Legislative Assembly of Saskatchewan and served as a member to 1964. The chronology is interesting even as casual reading and it probably serves as a very useful guide for those interested in Ukrainian history.

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