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**Frank H. Underhill at the University of Saskatchewan: Formative
Years In His Intellectual Development**

**The Riel Trial Revisited: Criminal Procedure And The Law In 1885
From Saskatoon to Moose Jaw with the Prisoner Riel**

SASKATCHEWAN HISTORY

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FRANK H. UNDERHILL AT THE UNIVERSITY OF SASKATCHEWAN: FORMATIVE YEARS IN HIS INTELLECTUAL DEVELOPMENT

By R. D. Francis

It was a bright and warm September day in 1914 when Frank H. Underhill, a young and well-dressed academic, descended from the Canadian Pacific Railway train at the Saskatoon station. A recent graduate of Balliol College, Oxford, having completed his first degree at the University of Toronto, he had come to the golden West, the land of opportunity, to take up his first academic position in the Department of History at the University of Saskatchewan. His situation was not unique: Western universities had a significant number of faculty members who were Eastern graduates and who had done one of their degrees in England. Nor would any one have predicted that he would distinguish himself from most of the other Easterners who had come West by the thousands in those years of migration in the first two decades of the twentieth century. He did not come with any special knowledge of the West nor with a desire to live there and to contribute to its growth. Yet his nine years in the West were indeed formative in Underhill's intellectual development. He came to the University of Saskatchewan an inexperienced university professor, an avid imperialist, a conservative, and an untrained student of history with a paucity of knowledge of Canadian history. He left a popular and respected teacher, an anti-imperialist, a radical, and the originator and chief exponent of the economic interpretation of Canadian history which placed Western Canada in such a favourable light.

It was William Milner, Underhill's former Classics professor at the University of Toronto, who had arranged for Underhill to get the position at the University of Saskatchewan. He wrote to Underhill, while still completing his degree at Balliol College, to inform him of the offer (which came a week later in the mail), and to advise him to accept the position. "I cannot think of anything that would give you fuller personal development. You will know your country. Saskatchewan is a pivotal province in Canada — *the* pivotal province." Milner also spoke highly of the University's President, Walter Murray. "I may say too that literally no man in Canada knows our country as well as President Murray. You will find this is deliberate opinion of many public men, and he is a glorious man to wax with."¹

The University of Saskatchewan was not Underhill's first choice for launching his academic career, but the offer was one that he could hardly refuse: a full professorship, a handsome salary of \$2500, and an opportunity to shape the education at a new university of only 350 students and 23 professors in an expanding region of the country. He was given the choice of the chair in Greek or History. Murray assumed that Underhill would want to teach Greek, since he was trained as a classicist, but if he chose History, he would replace Professor Edmund H. Oliver,

who had become Principal of Presbyterian Theological College, and would join Arthur S. Morton, a distinguished Western Canadian historian, as the only other member of the department. Underhill unequivocally accepted the History chair, feeling that he was not qualified enough in Greek grammar to teach the subject. In the end, due to staffing problems, he was asked to do mainly Greek for one year, with one course in Medieval English history. He was promised that in his second year he would become a full-time member of the History Department, free to choose his courses within the context of departmental offerings.²

When he left for Western Canada in the fall of 1914, he did not know what to expect. He did not have any first-hand knowledge of the region, and relied for his impressions on Rupert Brooke's rather unfavourable description of the West as presented in a series of articles in the *Westminster Gazette* in 1913 and later published as *Letters from Canada*. His friend, Charles Cochrane, warned him not to expect too many distractions in Saskatoon. "The river is muddy and the sand blows in your eyes."³ Underhill went with the attitude of many Easterners that he had more to offer Westerners than they could give him. He was a young and sophisticated graduate of the finest universities who was coming to educate the unsophisticated. He was surprised, therefore, to pick up a copy of the *Manitoba Free Press* during the stopover in Winnipeg, and to discover the enlightened views of its editor, John W. Daffoe.⁴ Maybe the Prairies were not as backward as the architecture indicated and Easterners assumed.

Unfortunately, this brief enthusiasm was unsustainable. Although he found a comfortable place to live with two other bachelors on the faculty, he found Saskatoon a lonely and isolating city. It had all the limitations of a frontier town, especially evident after his years in the sophisticated and mature society of upper-class England. There were few cultural events to attend, and so he succumbed out of boredom to attending picture shows and even the occasional church service. He found himself going for long walks along the North Saskatchewan River reminiscing about the glorious days at Oxford. He tried to recapture the spirit of England by establishing a cozy English sitting room in his bachelor suite. Unfortunately he lacked two essential ingredients: a fireplace and a china tea set.

Life at the University did not prove any more stimulating. He was active on University Council, the most important committee responsible for directing the affairs of the University, and participated in or attended many academic events such as debates, guest lectures and clubs, but found most of his colleagues uninspiring. He was also disappointed with his teaching. He could admit that his initial lectures were not the best, crammed with detail and presented in a nervous voice and in a jerky manner. He also relied too heavily on his notes from Oxford in teaching his medieval history course, and much of the material was too advanced for undergraduates in an introductory course whose knowledge of English history was negligible. Still he spent long hours preparing his lectures which were written out in full. And he expected more enthusiasm from his students. Instead, he complained in a letter to his mother:

Education is a matter of getting in a certain number of classes involving a certain number of hours each year, and it is all arranged with the precision of an American factory. I am going to plow about half my students this Christmas in order to frighten them and impress on them the fact that history is a serious study.⁵

Most upsetting was the relaxed way that men and women students mixed

socially. He refused to allow women students to take tutorials with men, even though he admitted that he had a couple of very intelligent lady students, and instead arranged for separate tutorials. He was convinced that shy female students in the group inhibited male students from expressing themselves freely, thus lowering the general quality of the tutorial. He even noted the negative influence of the weaker sex in the poor quality of tennis played at the University where women were allowed to challenge men on the courts.

The most memorable occasion of that first year at the University was his meeting of J. S. Woodsworth, the popular prairie minister and social reformer, who was addressing a group of farmers in a "crash" course. "I have only heard him once when he was splendid,"⁶ Underhill informed his mother.

At the root of Underhill's disappointment was a feeling that he was not fulfilling himself. He felt that he was a non-entity on the edge of nowhere. "I wish I were doing something worthwhile myself instead of spending my time away off from everything out here,"⁷ he concluded in a letter home. He lacked ambition and searched for a cause to commit himself to.

That cause very quickly became the war effort. Underhill had arrived in Saskatchewan just after the outbreak of the war. He was impressed throughout the Fall with the attention and recognition that Saskatoon was giving to its enlisted men. The local paper, *The Saskatoon Phoenix*, reported recruits faithfully, while the University student newspaper, *The Sheaf*, contained articles written to inspire students and faculty members to join the cause. One such article, "Saskatchewan Men at the Front" concluded: "All honor to those who have responded so nobly to our Empire's call in the hour of great need. For freedom and for right they will go forth to fight."⁸ As further enticement, the University Governors granted leaves of absence with half pay to any faculty or staff member who went to the front. Underhill was also in touch with former student colleagues in England and Eastern Canada who had joined the army. He confessed his regret that he had not joined the Oxford Officer Training Corps, and had decided as early as October, 1914 to join a regiment in Saskatoon "to get some training and then volunteer sometime next spring when the academic year is through."⁹

He left the University in the spring of 1915 not to return for four years. After a summer in Toronto, he enlisted in September, 1915 in the Fourth University Company at McGill in Montreal, and embarked on a military career, first as a private in the Canadian Army until 1916 when he received a promotion, through the assistance of Lionel Curtis, the high ranking member of the Imperial Federation League, to lieutenant in the Hertfordshire Regiment of the British Army.¹⁰ He received the recognition that he craved. An article in *The Sheaf* noted:

During the summer another of our Professors has answered the call to arms. It is hard for us to realize what a great sacrifice Professor Underhill has made. After spending the best years of his life in the best Universities preparing for his professorship to be called away at the very outset of his career is indeed a notable case of self-surrender. During his short stay among us he made many friends who are sorry that he will not be with us this year, but who wish him God-speed in his assistance to 'the cause', and a safe return to our midst.¹¹

During his years in the Army, the University of Saskatchewan was as far from his thoughts as he was from the campus. He lost touch with colleagues (although he corresponded regularly with Toronto and Oxford friends), and only wrote to the President on essential matters of business. When by 1918, he had planned to return to the University, he had to write A. S. Morton to help him recall what courses had



Frank H. Underhill, Saskatoon, 1919.

been taught in the department while he was there in 1914-1915. From February to July, 1919 he taught History under George Wrong at the Khaki University at Ripon, England to Canadian soldiers waiting to be demobilized, and then returned to Saskatoon in September to resume his regular teaching position.

It was a "new West" to which Underhill returned that fall. The Progressive revolt of Western farmers was at its peak. He recalled in later life the significance of the unrest:

The Prairie West . . . in those days was refusing any longer to remain a colonial prize to be fought over by the rival cultural imperialisms of Ontario and Quebec, the rival economic imperialisms of Toronto and Montreal, the rival political imperialisms of Grit and Tory. It was engaged in achieving Dominion status with the Canadian Commonwealth.¹²

Yet in those early years, he appeared to be unaffected by the political events around him. He did not write any articles on the subject, nor did he participate to any great extent in political events among Western farmers. He recalled in later life attending a few Grain Growers' meetings in Saskatoon, but there is no evidence that he was strongly influenced by what he heard, or inspired to write about the ideas expressed.¹³

His preoccupation in these early years in Saskatchewan after the War was with the implications of the War for Canadian national status. He was, in other words, more interested in national than in regional concerns. He presented his nationalist views in the concluding paragraph of his study on "The Canadian Forces in the War", written in the first year after his return to the West, and later published in C. A. Lucas' *The Empire at War*: "The four year career of her fighting troops in France forms the real testimony to Canada's entrance into nationhood, the visible demonstration that there had grown up on her soil a people not English nor Scottish

nor American but Canadian — a Canadian nation.”¹⁴ This would be the theme of the few speeches he gave in the years 1919-1923, and it governed his own personal activities during this period.

He returned from the War determined to arouse Canadians into taking a more responsible position in international affairs commensurate with their newly-acquired national status. In an address to the Student Christian Movement at the University in November, 1922, Underhill reminded students that a nation is an evolving entity like a human being and must assume more responsibilities as it grows, “and thereby builds up a devotion or patriotism, and only when these responsibilities are assumed in common do we have a nationality.” Implicit in his nationalism was international involvement; if Canadians truly came of age during the War and in post war activities such as the signing of the Armistice and the formation of the League of Nations, then they needed to show evidence of their maturity by becoming informed and regularly involved in world affairs. This was essential for each Canadian citizen: “What do we, as individuals, know about the League of Nations?” he asked.

Canada has entered the League of Nations, and, by Canada, we do not mean an abstract thing; it is really every individual who has entered, and as individuals it is our duty to know something about this important organization in world affairs. Then, as Christians, are we putting out [sic] beliefs into practice? We can not be unless we are doing something to promote world peace, unless we pay some attention to international affairs.¹⁵

Underhill accepted his personal responsibilities as a Canadian nationalist. He requested approval to teach a course on Nineteenth-Century Europe to graduating students “so that they’ll go out into the world knowing something about it.”¹⁶ In his senior Canadian history courses, he avoided the conventional constitutional history, and examined instead the “climate of opinion” at various periods in the past and more importantly current views in an effort to get students to better understand the current Canadian political scene. Students discussed the ideas of such contemporaries as J. S. Ewart, Henri Bourassa and J. W. Dafoe. He also taught an introductory Political Science course to third and fourth year students in which he examined current political topics such as the changing nature of the state, sovereignty and political obligations, and contemporary tendencies in political theory and in government.

He was a very demanding teacher. Students were expected to read widely on their own, extensively in the subject, and to keep abreast of the recent periodical literature and newspapers. He recommended a lengthy list of British newspapers and journals whether the course was in British or Canadian history. He informed one class that the *Manitoba Free Press* was probably the only paper in Canada that was worth reading.¹⁷ He had little patience for those students who failed to do the work, and did not refrain from expressing his emphatic negative feelings towards weaker students, especially pass students, even in class. His best students, however, would write to him after graduation and would frequently begin their letters with a note of apology for their inadequate performance in his classes, and would then go on to praise his stimulating and informative classes. It was Underhill’s extensive knowledge and precise, cogent and logical mind that won him respect and admiration among gifted students, and conversely that created anxiety and caused intimidation in poorer students. Hilda Neatby, one of the women students at the

University of Saskatchewan whom Underhill respected and strongly supported in her academic pursuits, recalled in later life:

Underhill could occasionally speak loftily of the mental outlook of the average undergraduate. But the mentally limited undergraduates trembling below were well aware that he took the trouble to give them his very best as a teacher — and we had an idea (a perfectly sound one) that his best would be very good anywhere. No matter what a professor says, students know when they are respected.¹⁸

In the lecture hall, he soon overcame the uneasiness that he felt in his first year of teaching, although he continued to display many of his nervous tendencies, such as his reluctance to look at his audience or the rubbing of his hands together. He soon acquired the reputation of a popular and respected lecturer. His night class in History in 1921 presented him with a camera in appreciation for his "enjoyable lectures" which,

added to our information, gave us fair and unprejudiced views and altogether has given us a new interest in Canadian history. We realize that to prepare and give these lectures each week meant to you the giving up of the otherwise free evenings, and we want you to know that we appreciate what you have done.¹⁹

He would yearly revise his lectures in light of new material that he was reading and in an attempt to improve their quality. He prided himself on clear, polished, well-organized lectures with a nice sprinkling of witty and even sarcastic comments which delighted students who were unaccustomed to professors having a sense of humor.

From his years at Toronto and Oxford, Underhill had learned that a professor's responsibilities went beyond the classroom. In 1920, he helped to organize a "United Order of Canada" group in Saskatoon, a round-table organization committed to British ideals and to the promise of "greater unity and higher type of Canadian national spirit."²⁰ During the following winter, he was instrumental in establishing an Officers' Training Corps at the University. On Monday, January 17, 1921, an organizational meeting was held at which Underhill, along with other faculty members who had served overseas, spoke for a few minutes upon the merits of the organization as enabling students "to acquire a military training which would stand them in good stead."²¹ He consented to becoming adjutant in the training corps and in October became Captain of the Saskatchewan University Contingent of the Canadian Officers' Training Corps. In a special commemorative issue of *The Sheaf* for November 1923, Underhill submitted an article in which he emphasized the responsibility of the universities "to be training the future leaders of our Canadian community" so that they will be prepared to assume higher and more responsible duties than those of a mere private.

Every university man is a potential leader. But leadership in both war and peace can only be achieved by the willingness to make sacrifices to undertake responsibilities. If another war should come let it not be said that the Canadian university man has failed to make the sacrifices and to undertake the responsibilities involved in fitting himself for commissioned rank while he is still enjoying the glorious ease of the undergraduate.²²

He resented those faculty members who had not enlisted and who appeared to have advanced within the University during the War years. It seemed to him that an inordinately large number of those who stayed were graduates of American universities while the English graduates, like himself, had gone. This heightened his already evident dislike of Americans.

In 1924 he organized a League of Nations Club at Saskatchewan which met once every three weeks at his home. One of the accomplishments of the club was to send a couple of Saskatchewan students to Geneva on League scholarships to get a first-hand view of the international organization. In addition, he wrote a series of articles in *Modern Education* in which he itemized the League's responsibilities and discussed its achievements and failures to date. Clearly Underhill took his responsibilities as a Canadian nationalist seriously.²³

Underhill was during these early postwar years an avid Canadian imperialist in his views of national and international affairs.²⁴ Shortly after his return to the University after the War, he wrote an article for *The Sheaf* "English and Canadian: A Few Unpleasant Reflections" in which he defended the English staff officers and regimental officers. "... I beg to bear witness that one individual, at least never had a better time in his life than during the period he spent with English officers in an English mess." He regretted the "falling out" in English and Canadian relations as a result of the War and hoped that both sides would soon solve their differences. "Perhaps, when we have thought it over, we shall not only understand, but also like each other better."²⁵

He also criticized those Canadian nationalists such as J. W. Dafoe, O. D. Skelton, and J. S. Ewart, who were in the immediate postwar era advocating greater Canadian autonomy from imperial ties which he interpreted as isolationism. He believed a policy of isolationism was unrealistic and irresponsible for Canada.

A country which has an Atlantic coast and a Pacific coast and sells three-quarters of its wheat all over the world, has given hostages to fortune, and we can no longer let the great big world keep on turning round while we and our American cousins unmindful of it all flirt only with one another across the 49th parallel.

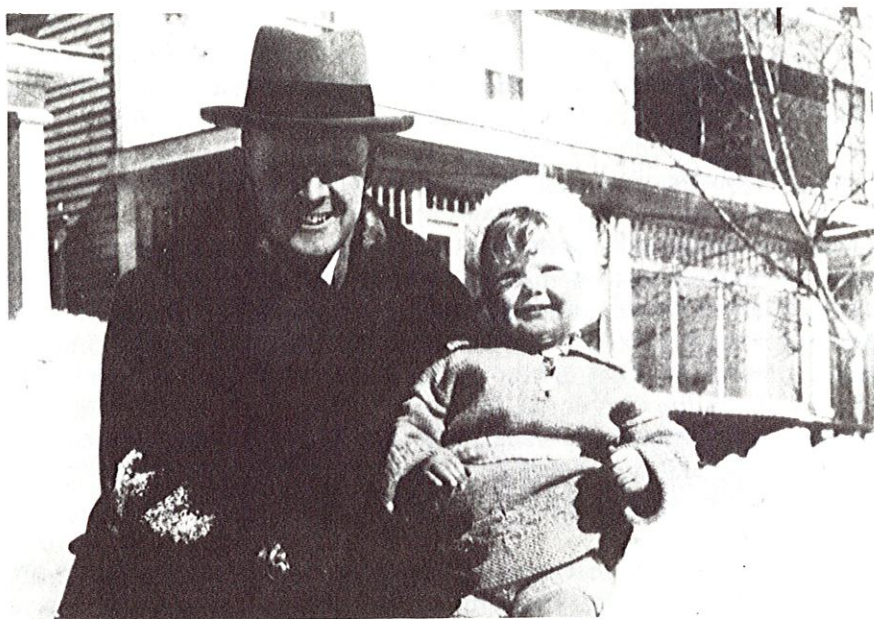
The alternative was for Canadians to assume their responsibility in the world, and this he believed, in line with Canadian imperialist thinking, was only possible in an imperial federation. He presented his views in the form of rhetorical questions at the end of a speech "Canada's National Status" presented at the University of Alberta in 1924 during a faculty exchange programme among the three prairie provinces.

Are we to raise ourselves to a part worthy of the position which is ours in the British Empire or are we going to be foolish enough to imagine that we alone of all peoples in the world can stand by ourselves in these hard times[?] Are we going to allow these vociferous busy bodies of all our past faiths and loyalties which the dominant school of nationalists is dinning into our ears today to commit us to this will-of-the-wisp of an independent isolated nationality which will lead us dancing into the bogs[?]²⁶

Underhill did not believe that the growth of Canadian nationalism necessitated greater independence from Britain; on the contrary, like a good Canadian imperialist, he believed that it was the British tie which enhanced and strengthened Canadian national status in the world, giving the nation "a sense of power".

Thus by the mid-twenties, Underhill had established his nationalist position. This feeling of patriotism had been aroused by his involvement in the War, and he had returned to Saskatchewan in 1919 determined to instill a similar feeling of pride in Western Canadians. He was also convinced that Canadians could achieve a feeling of national pride and a position of power in the world only through imperial federation.

It was during these early years in the West that Underhill found personal fulfillment in meeting his future wife and beginning a family. Ruth Carr, the elder



F. H. Underhill and his daughter Elizabeth, Saskatoon, 1927.

daughter of an owner of a Transport Company in Prince Albert, Saskatchewan, had had Underhill in her first year at the University in 1914-1915. She graduated in English during the war years and went off to the University of Toronto for a Master's degree. Here she heard glowing accounts of Underhill's brilliance from her English instructors, W. A. Alexander and Malcolm Wallace, both of whom had taught Underhill previously. She returned to Saskatchewan to teach in the English Department in 1920, and came to know Underhill as a colleague rather than a professor. The two enjoyed long walks together absorbed in discussions on a wide range of subjects from English literature to current Canadian politics. Underhill proposed to her in the winter of 1921-1922 and they were married in St. Alban's Anglican Cathedral in Prince Albert in June. In the fall, they purchased a two storey house on 14th Street close to the University. It was here that their only child, Elizabeth Joyce, was born in November, 1924.

Despite these personal fulfillments, he continued to feel dissatisfied in the West. The old concern of being unappreciated still plagued him. He complained of having little impact on students. Their enthusiasm for history and political science did not appear to go deep enough for them to question their beliefs and values. Students in general were apathetic. He doubted the possibility of creating a first rate university in this intellectual wasteland where B.A.'s were churned out with the regularity and indifference of an assembly line. He imagined the stimulating discussions going on in Toronto academic circles, and longed to be back. Almost yearly in the 1920's, he inquired of George Wrong, head of the History Department at the University of Toronto, of a possible opening.

He attributed many of the negative features of university life in the West to American influences, thus concluding that it was "easier for a camel to go through the eye of a needle than for an Oxford man to fit in out here."²⁷ He particularly disliked the American system of elective courses which he believed "dissipated a

student's knowledge."²⁸ In 1925, when he became the sole member of the Political Science Department and only a lecturer in History, his ambition was to create a Canadian "Greats" programme at Saskatchewan along the Oxford model with compulsory core courses to be taken each year.

By the mid-twenties, Underhill had also become disillusioned with Canadian attitudes towards nationalism. This was partly a reflection of the general disillusionment of the twenties, but it also expressed a characteristic feeling Underhill had whenever a situation did not match his expectations. Nowhere was the gap between the ideal and the real more evident than in out-pourings of Canadians on the subject of nationalism. Despite his admiration for Canadian nationalism, or more likely because of it, he soon became sickened by the innumerable speeches on the unity of Canada by politicians and public figures which cheapened and dulled the true meaning of nationalism. He informed his friend, Charles Cochrane, cynically that "if ever you think of touring the West don't fail to bring along a speech on the Unity of Canada. You can work it off with variations at least 3 times a day and get a clap each time."²⁹ He was also annoyed at the inability of Canadian politicians in the 1920's to decide the best policy to pursue to enhance Canadian nationalism — i.e. within the Empire or independence.

As an historian, Underhill was interested in doing something on the Confederation period, believing it to be a time when Canadians did have a strong feeling of nationalism and national purpose. He wanted to write a biography of George Brown which would resurrect this Father of Confederation from the debauched position given him by traditional constitutional historians who disliked his opposition to Confederation. He went East in the summer of 1924 to begin his research by reading the *Globe* of the 1850's and 1860's in the Toronto Public Library.

While in the East, he attended in late August the Williamstown Conference in Massachusetts, an annual conference on international affairs which attracted scholars from Europe and North America. He went as a Western Canadian representative and as a reporter for the *Manitoba Free Press*, contributing a series of articles on the conference.³⁰ He enjoyed the meetings. They afforded him one of the few opportunities he had, teaching in Saskatchewan, to come in contact with international scholars from a variety of disciplines and in particular political scientists (a rare breed in Western Canada). That year he was especially impressed by the ideas expressed by the Oxford historian and Fabian socialist, R. H. Tawney on the rise of the British Labour Party, and Sir Arthur Salter, the representative of the League of Nations, on the achievements of this international organization. Both men stressed the importance in understanding the economic factors behind political decisions and the role of business in international affairs. He reported in the *Free Press*:

... [T]he main cause of war in the future will be that economic form of nationalism which drives nations to seek to monopolize raw materials and markets at the expense of their rivals. For this form of economic imperialism, we must substitute some form of international co-operation or perish.³¹

Underhill agreed with the theory of economic influences behind political decisions for the current political scene, but believed it to be irrelevant to his study of Canadian political history. In a speech given in the fall of 1924, shortly after his return from Williamstown, Underhill presented for the first time his views on the history of Canadian political parties.³² He maintained that Canadian parties were

distinguishable before 1867 according to their philosophies and ideologies, but that after Confederation they divided on their response to the task of nation-building. The Conservatives captured the imagination and political support of the Canadian people with their bold and challenging platform of territorial expansion. It was Macdonald, who "had been seized with the conception of a great Canadian nation, and he inspired his nation-building enthusiasm into those who followed him." He was a true Canadian nationalist. Only George Brown among the Liberals possessed the national vision of Macdonald in those first formative decades, but unfortunately he left politics before revealing his potential. His two successors, Alexander Mackenzie and Edward Blake, were unimaginative and parochial. The latter was a great intellectual, Underhill conceded, in fact "probably the greatest intellectual in our history", but a man without a national vision.

Underhill went on to note that Macdonald's ideal became tarnished by the late nineteenth century when the Conservative Party fell victim to the ambitions of the Canadian Pacific Railway Company and the Canadian Manufacturing Association. By this time, however, the Liberals had taken up the challenge of national expansion under Wilfrid Laurier. It was not as bold a task for Laurier, however, because this was a time of prosperity and natural growth, and the Liberal leader had only to ride the crest.

Underhill did not see the material expansion and economic growth of the nation in these years from 1867 to 1914 as a sinister plot by big business interests to line their own pockets. The two traditional parties were simply reflecting popular opinion. The wish of the Canadian people was "to grow and prosper in three and a half million acres of real estate", and the party that catered to this public mood won public support.

Underhill went on to argue that this sense of national purpose evident at the time of Confederation ended with the First World War. Sectionalism reared its ugly head in the form of the Progressive Movement. He chastized Western Progressives as individualistic farmers who were reacting instinctively to an economic situation which they did not understand. The unfortunate result of the Western revolt was to force the "two old-time parties to the position of being little better than sectional Eastern groups". Now no single party could claim to be national like the parties of Macdonald and Laurier had been. Instead he noted:

Today the nation politically is broken up into fragments, and Canada is crying out for the leader whose outlook will not be primarily that of Ontario or of Quebec or of the Prairies or of the Maritime Provinces, but who will be simply an unhyphenated Canadian as were Macdonald and Laurier in their best moments.

He concluded the speech with an appeal for a new national party — one based no longer on nation building since that task was now completed, but rather one which was truly liberal in its concern to insure that all Canadians benefitted from the material prosperity of the first fifty years of Canadian territorial expansion. He claimed to detect the beginnings of such a national movement in the work of the Ginger Group, the splinter group which left the Progressive Party, which he described as "the only contemporary political group in Canada to come to grips with the real problem which is how our political democracy is to control those in whose hands rest the concentrated economic and financial powers of modern America." Could the Ginger Group be the beginning of a new party which would be national and liberal in its aspirations and its programme? Could it begin to bring Canadians

out of their lethargy and their sectional feelings to think once again in national terms? Underhill hoped so.

Thus by the mid-twenties, Underhill had concluded through his study of contemporary Canadian politics that the chief threat to national unity from within was the obsession of Canadians — especially Western Canadians — with their own sectional concerns and personal material growth. They were putting material interests above spiritual concerns. He did not believe this concern with economic questions had been the motivating force behind politics in the Confederation era. That was a time when politicians had a national vision which guided and inspired their decisions. He wanted his contemporaries to recapture the vision of earlier Canadians, and hoped that the broader concern of the Ginger Group with overcoming the economic inequalities of present-day Canada was the beginning of a new reform movement in Canadian politics.

He spent the academic year, 1924-1925 reading further on the subject of the interplay of economics and politics. There is evidence that he had read by this time the seminal work in American economic history, *The Economic Interpretation of the Constitution* by Charles Beard, and that he was familiar with Frederick Jackson Turner's frontier thesis.³³ Yet he rejected the application of these American historical interpretations to the study of Canadian history. The parallels in historical evolution of these two North American nations might be valid for the modern period but not in the past, Underhill argued. Canada in 1867 was a rural, agricultural society which grew and expanded westward out of a sense of national destiny not for economic reasons.

During 1925 Underhill began a study of the *London Nation* and the *American Republic*, the major British and American liberal periodicals, for the war and postwar era to observe their views of international events and especially the formation of the League of Nations. This was material to use in one of his Political Science courses. The exercise only depressed him to discover the inability of liberals to face reality. They had unrealistic expectations for the League, and were naturally disillusioned when the organization did not live up to their expectations of international co-operation and world peace.

One trouble with liberals of our generation seems to be that they are too tender minded. They can't stand shocks without losing their powers of judgment. It is a sad spectacle to see Massingham [editor of the *London Nation*] denouncing the neurotic world of the peace makers of which he himself was one of the most neurotic specimens. But the saddest thing of all is to contemplate the absolute lack of sympathy with ordinary sensual mortals which the consciousness of their own virtue has produced. . . . If the rest of the world has been tried and found wanting in these last few years, certainly liberalism has failed as badly as any other attitude towards life.³⁴

Here was further evidence of the inability of liberal nationalists in the modern world to bridge the gap between their ideals of national unity and international peace and the reality of sectionalism and international power struggles of imperialist nations. He wondered about the ability of Canadian politicians to unite the nation. He was even more cynical during the election campaign of 1925.

When Mackenzie King announced an election for the end of October, Underhill was prepared to get involved, even though he described it as one of the duller and most insignificant elections in Canadian history. He gave a speech to the Progressive Association of Saskatoon in which he dismissed the Liberals and Conservatives as indistinguishable in office as "Tweedledee and Tweedledum".³⁵ The Liberals had a

more progressive platform as set out in the 1919 convention, but he noted that the party had not attempted to implement these policies while in office. He had little more enthusiasm for the Progressives. Collectively they were an ineffective party, he stated, because their platform was too sectional. But he went on to say,

still I persist in voting for them. When all is said and done, the Progressives are the only people who are attempting to tackle the fundamental problem in our Canadian politics . . . [which] is the domination of Canada by the great monied interests centering in Montreal and Toronto — on St. James St. and King St. . . . The country has been governed in the last two or three generations — well or badly — by big business.

To the audience, the speech would not have aroused much enthusiasm or caused them to question their views. Underhill was presenting the standard Progressive view of Canadian politics, and his speech was too much in the professional tradition of long elaborate discussion of the issues rather than a short, provocative speech packed with emotion. If nothing else, the speech did force him to clarify his own position on the current political scene. In private, he was confessing at the time that he was uncertain whether he would vote Liberal or Progressive, and informed his father that it all depended on which candidate looked as though he might win.³⁶ The speech had nothing to say about Canadian political history, except to imply that the current political discontent of Eastern economic dominance was a contemporary phenomenon only.

His pessimism with the lack of national spirit surfaced in his Armistice Day speech to an assembly at the University on November 11, 1925.³⁷ He began by reminding his audience that the optimism in the early years of the war that a better world would emerge after it was "cheap and easy optimism. . . . The generation which staggered out of the fight on Nov. 11, 1918 has shown little that is fine or heroic since; it almost seems to have exhausted its best qualities in those four terrible preceding years." For Canada in particular, Underhill lamented that the War had had little positive effect. While Canadians boasted of a new spirit of nationalism, they did nothing concrete to show evidence of their new consciousness. Canadian leaders, he complained, were distinguished only for their "agility in side-stepping problems".

No leader has arisen in Canada since the war who shows any sign of thinking or acting on behalf of the Canadian people as a whole, and he has not arisen because there has been no demand for him. . . . Both in their internal and external relations the Canadian people are showing themselves to be pompous sentimentalists. Faced by the two insistent problems of national unity and international peace we fly for refuge to fine phrases and pious platitudes. . . . Is it not about time that we faced the question which has been confronting us since 1918 — To what national purpose shall we dedicate ourselves?

Canadians had lost the great sense of national purpose which had inspired their leaders to forge a new nation in 1867, and which had re-surfaced briefly in the war years through the inspiration of the Canadian Corps — "the greatest achievement of the Canadian people since Confederation."

By the mid-twenties, Underhill had become disillusioned with liberal ideals of the essential goodness of man, faith in human rationality, and progress. The postwar world had not become the peaceful and harmonious world that the peacemakers promised and that he had hoped for. Within Canada, there seemed to be no sense of purpose or feeling of unity as he believed there had been in the war years. It was a period of disillusionment and cynicism.

In mid-December 1925, the academic term was over, and Underhill left

immediately for the East to begin a half-year sabbatical of research on George Brown. He was anxious to start in at the Toronto Public Library on the *Globe* of the 1860's, picking up where he had left off two years earlier, and then to go to Ottawa by the spring to examine private papers in the Public Archives. He was convinced that there was "a great deal more to be said about Brown than the current interpretation of him as a trouble-making politician."³⁸

He quickly reacted negatively to living in Toronto. It was difficult to keep his family with the high cost of living, even though he was able to stay with his parents. Even more annoying was the obsession of Torontonians with amassing material goods. He wrote to Kenneth Bell, his former Balliol mentor, that the city was even more under the grip of the "cursed North American individualist civilization"³⁹ than the West. The more he saw of the city, the more convinced he was that Toronto's contributions to Canadian civilization were "not the University or the Mendelssohn Choir but the T. Eaton and the Robert Simpson Co."⁴⁰

He found most irritating of all the smugness and superior attitude Torontonians exhibited in their discussion of national issues. They gave the impression that Canada did not exist beyond the Ontario border, or at least it existed for the well-being of central Canadians — the very image that Progressive politicians had found so distasteful. He informed Bell:

These Torontonians are the most self-centered complacent lot of conventionalists on the face of the earth. Our Canadian millionaires are beginning the practice of founding scholarships to send western students east to Toronto and Montreal. What is most needed is a series of free passes to enable some of these Eastern profs to visit Canada. The stuff you read in the Round Table and such organs are mostly by pundits who have never penetrated beyond Toronto farther than the surrounding golf links.⁴¹

From the perspective of the Queen City, he realized that the Western Progressives were the only hope in this country for a civilization "in which we wont all be abject slaves to a few vulgar ignorant barons in Toronto and Montreal."⁴² While in the West, he had defended Canadian nationalism and imperialism as unifying forces transcending national concerns. Now he saw these ideals as only a facade for big business interests to hide their selfish economic goals. His respect for the Progressive Movement rose immeasurably.

With this realization in mind, he began to re-read the *Globe* of the pre-Confederation era and to discover to his dismay that this domination of Canadian society of Eastern business interests had a history dating back before 1867. Confederation was not the great era of nationalism that he had assumed. The real cause behind national union was the aspiration of big business, especially railroad promoters, to make a profit from territorial expansion. "I always thought I was fairly sophisticated about the influence of big business on our present-day Canadian politics," he confessed to a friend, "but I never dreamt that conditions were so similar sixty years ago, although it is obvious they must have been when you think about the matter."⁴³ Only the companies had changed: then it was the Grand Trunk Railway and the Hudson Bay Company; in his day it was the Canadian Pacific Railway and the Bank of Montreal.

It was an easy step from observing the sinister nature of big business in both periods of history to seeing the similarities in the opposition. Both the Clear Grits and the Progressives had the same enemy, similar ideas and ideals, and could be considered as Western frontier movements of revolt against Eastern metropolitan and business interests. Canadian history had a radical tradition extending back into

the pre-Confederation era. Underhill's interest as an historian was to discover and to analyze the nature of this radicalism.

He returned to Saskatchewan in September, 1926, anxious to present his new view of Canadian history to Westerners. Yet he found himself in a quandry. He still wanted to believe that Canadians had a sense of nationalism, although the evidence proved the contrary. As a result, he contradicted himself when discussing the subject. In a speech given in the fall of 1926, Underhill argued, contrary to his speech two years earlier, that there had never been a sense of nationalism in the past or present.

From the beginning our federal union has been a prosaic commonplace business. It has never really stirred our blood or quickened our imagination. No generation has consecrated it for us in blood by a war of liberation to achieve it or a Civil War to preserve it. The Fathers of Confederation are still too near to us in time for us to be able to delude ourselves into the belief that they had many of those lofty or heroic qualities with which the fathers of their country are usually invested by patriotic myth. The political situation from which Confederation resulted is remembered only as a sordid struggle for office and the spoils of office.⁴⁴

Then he went on to claim that there were events in Canada's past which were great feats and therefore deserved recognition: the attempt to unite two separate races with different languages and religions; the desire to develop an independent nation within a larger community, the British Empire; and the need to maintain Canadian autonomy from threats of absorption by a larger nation to the south. Yet in his discussion, he proceeded to undermine the unifying aspects of these issues and to emphasize their divisive nature. He concluded on a pessimistic note like he had begun — that Canadians lacked a national spirit. The speech appeared to be more of a desperate appeal to Westerners to prove him wrong than a definitive statement of his own economic interpretation of Canadian history. That remained to be worked out in his paper for the Canadian Historical Association in the spring of 1927.

It had been Underhill's idea to have a session on Confederation at the annual meeting of the Historical profession in commemoration of the sixtieth anniversary. In his paper, "Upper Canadian Radical Opinion in the Decade Before Confederation", Underhill examined the ideas of the Upper Canada Reformers during the decade before Confederation on such topics as the Grand Trunk Railway, the acquisition of the Northwest, and Confederation. Rather than offer a thorough study of the assumptions and beliefs of the Reformers on these controversial issues, he was more intent on arguing that the Clear Grits were the first to discover the sinister hand of big business behind each of these political issues. It was the Beardian and Turnerian theses applied directly to Canadian history, as Underhill acknowledged.

For the essential thing about the *Globe* and the movement it led is that it represented the aspirations and the general outlook on life of the pioneer Upper Canadian farmer. The 'Clear Grit' party in Upper Canada was an expression of the 'frontier' in our Canadian politics just as Jacksonian Democracy or Lincoln Republicanism was in the politics of the United States.

And the Upper Canadian Grit tradition of radical frontier democracy had re-surfaced in the Progressive Movement on the Prairies.

... Out in the territory of the Red and Saskatchewan the Clear Grit movement has come to life again in a fresh incarnation; and the farmers of the prairies are unconsciously reviving many of the ideas for which the farmers of what was then Western Canada strove two generations ago. With that Upper Canada

which read the *Globe* and voted Grit we of the modern West have a natural affinity. It is our spiritual home.⁴⁵

Underhill's paper on the Clear Grits was his first presentation of the economic interpretation of Canadian history. The ideas had been latent in his mind, and he verged on discovering the applicability of Beard's work on the American fathers before presenting this paper. But he never realized the relevance of Beard until his own research and his writing of the paper clarified his views. He had read Beard and Turner before, but without enthusiasm. Now their message seemed to ring out so clearly. The conversion was too much for one perceptive Saskatchewan student who was mystified by Underhill's new interpretation:

I am interested in the glimpses afforded me . . . of the thorough-going intellectual revolution which has occurred in your mind in the course of the past four years. Four years and a half ago, in your seminar, we dwelt in the rarified mountain-top Idealist atmosphere of pure politics, save for the occasional economic effluvium which might exude from my essay, or some similar contaminated source. . . . You angrily dismissed Prof. Simpson's suggestion that a foundation of economic studies was needed before the study of Canadian history would become profitable; and you dismissed, as a crude, if original, adaptation from Beard the frontier theory which was worked out, in detail, with diagrams, and with a few of the necessary qualifications in a study of mine. . . . You have the courage, I must say, of your announced conviction then that 'consistency is the meanest of the intellectual virtues'.⁴⁶

Charles Lightbody attributed Underhill's change to his "delayed recovery from Oxforditis". He might more accurately have seen it as a delayed reaction to Toronto, as a distaste for the city and all that it stood for. It was this dislike for the conservatism of Toronto which would sustain his radical socialist views throughout the 1930's. And it was his years in the West that had reinforced and directed an already critical view that he had of the Queen city.

Despite the negative views of Toronto, Underhill had already decided by the spring of 1927 to leave the University of Saskatchewan and to accept a position at the University of Toronto. The offer came as a result of the retirement of George Wrong. His former mentor had personally written Underhill to inquire whether he would be interested in the opening. Within a few days Underhill agreed, even though he had to take a \$200 cut in salary, and had no guarantee that he would be able to teach the types of courses that he had enjoyed, particularly in Canadian political thought. He accepted the offer, because he believed Toronto to be the best university in the country where it would be possible to do high calibre teaching with graduate students. Furthermore, he would be close to good libraries and to the sources for his study of George Brown.

Once he had made the decision to leave, he regretted doing so. He had made a number of friends at the University of Saskatchewan, and had been given a free hand in his teaching. He had enjoyed living in the West. What he did not yet fully realize was the extent to which he had become westernized in his views. That would only become evident from his many years in the city of Toronto, when he would look back nostalgically at the vitality and spirit of reform in the West during those formative years that he spent there. He had become established in his profession, had formulated the rudiments of his radical socialist ideology, and had become the leading academic spokesman for the Western perspective of Canadian history. His years at the University of Saskatchewan had produced a "new man".

ENDNOTES:

- ¹Public Archives of Canada (PAC), Frank H. Underhill Papers, Vol. 1, William Milner to Underhill, Dec. 20, 1913.
- ²Underhill Papers, Vol. 1, W. C. Murray to Underhill, Dec. 17, 1913; April 25, 1914; and May 15, 1914.
- ³Underhill Papers, Vol. 1, Charles Cochrane to Underhill, Jan. 28, 1914.
- ⁴For a discussion of his later views on his years in Saskatchewan see Underhill's paper to the Canadian Historical Association, "What Then is the Manitoban, this New Man? or This Almost Chosen People", June 5, 1970. Copy in Underhill Papers, Vol. 24. Underhill also reminisced at some length about his years in the West in an interview with W. D. Meikle "F. H. Underhill Interviews" (1967), a copy of which is in the Underhill Papers, Vol. 95. I have relied on these interviews for some of the details of Underhill's life in Saskatchewan.
- ⁵Underhill Papers, Vol. 16, Underhill to his mother, Nov. 5, 1914.
- ⁶*Ibid.*, Jan. 23, 1915.
- ⁷*Ibid.*
- ⁸"Saskatchewan Men at the Front," *The Sheaf*, Vol. 3, No. 1 (October, 1914) p. 16 in University of Saskatchewan Archives.
- ⁹Underhill Papers, Vol. 16, Underhill to his mother, Oct. 18, 1914.
- ¹⁰See Meikle, "F. H. Underhill Interviews," pp. 128-130.
- ¹¹*The Sheaf*, Vol. 4, No. 1 (October, 1915), p. 21.
- ¹²"What Then is the Manitoban," pp. 13-14.
- ¹³*Ibid.*, p. 13.
- ¹⁴F. H. Underhill, "The Canadian Forces in the War," in Sir C. A. Lucas, *The Empire at War*, Vol. II, pp. 81-288 (London: Oxford University Press, 1923).
- ¹⁵"Prof. Underhill Gives Address," *The Sheaf*, Vol. II, No. 8 (Nov. 30, 1922), p. 3.
- ¹⁶University of Saskatchewan Archives (U.S.A.), W. A. Murray Presidential Papers, Series I, General Correspondence, Underhill to Murray, April 16, 1919.
- ¹⁷U.S.A., George Britnell Papers, Lecture notes, October 1, 1926.
- ¹⁸Speech by Hilda Neatby at a dinner in honour of Frank H. Underhill's Eightieth Birthday. Reported in *Ottawa Journal*, Dec. 5, 1969.
- ¹⁹Underhill Papers, Vol. 1, Ethel Gennant, Ida Lewis and Annie Clark to Underhill, April 25, 1921.
- ²⁰Underhill Papers, Vol. 2, Report of Committee of United Order of Canadians, August 28, 1923.
- ²¹*The Sheaf*, Vol. 9, No. 9 (Jan. 19, 1921), p. 1.
- ²²*The Sheaf*, Vol. 12, No. 5 (Nov. 8, 1923), p. 2.
- ²³F. H. Underhill, "The League of Nations," *Modern Education*, Vol. II, (October, 1925), p. 10, in Underhill Papers, Vol. 17, 1925.
- ²⁴For a discussion of the views of Canadian imperialists, see Carl Berger, *The Sense of Power: Studies in the Ideas of Canadian Imperialism 1867-1914*. Toronto: University of Toronto Press, 1970.
- ²⁵F. H. Underhill, "English and Canadian: A Few Unpleasant Reflections", *The Sheaf*, Vol. 8, No. 1 (November, 1919) p. 27.
- ²⁶F. H. Underhill, "Canada's National Status", Speech at University of Alberta, 1924, p. 22. Underhill Papers, Vol. 17.
- ²⁷Underhill Papers, Vol. 2, Underhill to Stanley (copy), July 24, 1925.
- ²⁸F. H. Underhill, "On Political Education". Speech, University of Alberta, n.d., p. 9 in Underhill Papers, Vol. 17.
- ²⁹Underhill Papers, Vol. 1, Underhill to Cochrane (copy), July 22, 1925.
- ³⁰The three articles are: "The Institute of Politics", Sept. 23, 1924; "Problems of Europe", Sept. 24, 1924; and "Co-operation or Ruin," Sept. 25, 1924.
- ³¹"Co-operation or Ruin," Sept. 25, 1924.
- ³²F. H. Underhill, "Some Aspects of the History of Parties in Canada", n.d., in Underhill Papers, Vol. 17.
- ³³Underhill Papers, Vol. 1, C. W. Lightbody to Underhill, n.d. Lightbody discusses Underhill's approach to Canadian history and his denial of the validity of the Beardian and Turnerian theses for the study of Canada. Also in the F. H. Underhill Library at Carleton University there is a copy of Charles Beard's *The Economic Interpretation of the Constitution* purchased in 1923.
- ³⁴Underhill Papers, Vol. 1, Underhill to Stanley (copy), July 24, 1925.
- ³⁵"Tweedledum King and Tweedledee Meighen," Speech to Saskatchewan Progressive Association, 1925. Reproduced in the *Saskatoon Daily Star*, October 22, 1925.
- ³⁶Underhill Papers, Vol. 16, Underhill to his father, Sept. 29, 1925.
- ³⁷"November 11, 1925" in Underhill Papers, Vol. 17.
- ³⁸Underhill Papers, Vol. 2, Underhill to Stanley (copy), July 24, 1925.
- ³⁹Underhill Papers, Vol. 2, Underhill to Kenneth Bell (copy), Jan. 29, 1926.
- ⁴⁰Underhill Papers, Vol. 2, Underhill to Morton (copy), Apr. 2, 1926.
- ⁴¹Underhill to Bell, Jan. 29, 1926.
- ⁴²*Ibid.*
- ⁴³Underhill Papers, Vol. 2, Underhill to Stanley (copy), Apr. 2, 1926.
- ⁴⁴F. H. Underhill, "Canadian Confederation After 60 Years," p. 2. Copy in the Underhill Papers, Vol. 17.
- ⁴⁵F. H. Underhill, "Some Aspects of Upper Canadian Radical Opinion in the Decade before Confederation", Canadian Historical Association, *Report*, 1927.
- ⁴⁶Underhill Papers, Vol. 5, C. W. Lightbody to Underhill, n.d.

THE RIEL TRIAL REVISITED: CRIMINAL PROCEDURE AND THE LAW IN 1885*

By Thomas Flanagan
and
Neil Watson

After the end of fighting at Batoche, Louis Riel surrendered on May 15, 1885, and was quickly transported to Regina where he was held in the common jail by the North-West Mounted Police. The government now faced the ticklish problem of what to do with him. A trial for treason was anticipated, but the location raised serious difficulties. Riel's actions had been committed in the North-West Territories, so presumably his trial should take place in that jurisdiction. However the court system established by the North-West Territories Act was less developed than that available in any of the provinces at that time. The Act did not provide for an indictment to be drawn up by a grand jury, even in a capital case of this sort. The trial jury would be only six rather than the usual twelve. And the presiding officer would not be a tenured judge but a stipendiary magistrate serving at the pleasure of the Crown. Trials for political offenses are contentious at best; to hold one under these circumstances would inevitably raise doubts about its fairness.

A newly discovered document shows that the government was made well aware of the problem. The Minister of Justice asked the two eminent lawyers who had been appointed Crown prosecutors, Christopher Robinson and B. B. Osler, for their opinion. Their reply, dated June 16, 1885, was frank about the difficulties. It would be "anomalous and inappropriate" to conduct a treason trial in a magistrate's court on an ordinary information, without an indictment. Yet the North-West Territories Act of 1880 did not authorize a grand jury to be empanelled. There were imperial statutes, now more than half a century old, which had authorized trial in Upper or Lower Canada for offenses committed in Rupert's Land, "but a resort to these statutes in view of subsequent legislation would not in our judgment be advisable or safe" (a contention later verified in the appeals made by Riel's attorneys). Robinson and Osler recommended that the best course would be legislation to create a special commission for conducting the trial or "a short act giving the Government power to try the offenders within any part of the Dominion."

Though legally possible, these solutions were also beset with difficulties. Would a trial conducted under such *ad hoc* arrangements have been perceived as fair? It is not surprising that the government fell back on the concluding remarks of Robinson and Osler:

Should this be found inadvisable (i.e. special legislation) the best course in our

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opinion would be to try under the Act of 1880, following its provision as closely as possible and giving the accused every protection or privilege provided by any law not clearly inconsistent with it.¹

This course of action was bound to be controversial. From the beginning, the trial has been praised as an example of impartial British justice and condemned as a judicial farce. A few of the more vigorous denunciations by historians are worth citing. A.-H. de Tremaudan said that the cause of the verdict "*n'était pas la révolte même du Nord-Ouest mais ce fait . . . l'exécution d'un sujet des loges orangistes*," Thomas Scott."² Joseph Kinsey Howard wrote: "There can be little question that the circumstances of Louis Riel's trial were immoral. Whether the trial itself was also illegal has been debated ever since it was held."³ More recently, L. H. Thomas has published an article entitled "A Judicial Murder — The Trial of Louis Riel." He writes:

Many laymen who see Riel as a mentally disturbed being call the execution of 1885 a judicial murder. This is perhaps an over-dramatic description of what was essentially a political trial. The government, exploiting the venerable sanctions of an outmoded legality, arranged a trial which satisfied most of the technical requirements of the legal process, but which in reality was designed to assuage the paranoic fears and passions of Ontario voters.⁴

The question is of more than academic interest. If these views are even approximately correct, Canada would have much to be ashamed of; and presumably the government should grant Riel a posthumous pardon, a request which has already been made by the Association of Métis and Non-Status Indians of Saskatchewan. They state flatly that "Riel did not receive a fair trial because of bias and prejudice toward him from many quarters."⁵

A serious study of the fairness of Riel's trial would have to meet two standards. First, it would have to place the trial within the context of law and judicial practice existing in 1885. It is too easy to introduce anachronistic judgments based on contemporary experience. How often have we not read statements such as: "That Riel was insane enough to satisfy modern legal and medical criteria hardly now seems in question?"⁶ Such judgments are meaningless; for, if Riel lived when "modern legal and medical criteria" applied, he would not be the same person. The chance of anachronism is especially great now that treason, in our tolerant (or faint-hearted) era of Western civilization, is almost never prosecuted as such, except perhaps in wartime. Second, such a study could evaluate the rules of conduct followed by participants in the trial, but not the outcome of the trial. A trial is an open process, an elaborate game. Like all such processes, it can be described as fair or unfair to the extent to which participants follow or fail to follow acknowledged rules of procedure. Strictly speaking, there is no such thing as a fair or unfair outcome; there is only a fair (impartial) or unfair (biased) process.⁷ The hypothetical question to be answered is whether Riel was tried in the same way as would any other man who had committed similar actions in the same jurisdiction. The point is elementary, but it needs to be made; for it is obvious that many people who have written about the trial begin from a conviction that Riel should or should not have been convicted, and judge the trial accordingly.

Some important work on the subject has already been done. Sandra Bingaman purposely ignored Riel's case in order to concentrate on the other seventy-one Rebellion trials; but many of her findings are relevant to Riel's trial, since it was part and parcel of the whole set of prosecutions. After reviewing such factors as the judges' behaviour in the trials, opportunities afforded to defense counsel, and overall



Public Archives of Canada, C 1879

Courtroom Scene during Riel's Trial, July 1885. Riel is in the prisoner's box.

adherence to rules of procedure, she concluded that in general, "although errors and inconsistencies were present, there was a serious attempt on the part of all involved to serve the cause of justice."⁸ Another valuable study is by D. H. Brown, "The Meaning of Treason in 1885."⁹ He showed clearly that it was not improper to charge Riel with high treason under 25 Edward III, c.2 (the Statute of Treasons, 1352), and that Riel's American citizenship made no significant difference.

Other recent articles cannot be accepted without reservation. R. E. Turner¹⁰ and L. H. Thomas¹¹ have mistakenly introduced the question of a pre-trial hearing of fitness to stand trial. As we will show below, such a hearing was impossible under the circumstances. Furthermore, L. H. Thomas and Desmond Morton¹² have created some false impressions about the venue, suggesting that Riel could (and perhaps should) have been sent to Winnipeg for trial. This will also be shown to be false.

The research presented below is not a complete analysis of the trial. We single out five issues which have not yet been adequately studied or about which misconceptions have arisen. These are:

- (1) comparison of Riel's trial to other British treason trials of the nineteenth century.
- (2) the question of whether Riel should have been charged with treason or treason-felony.
- (3) the issue of venue.
- (4) the issue of fitness to stand trial.
- (5) the composition of the jury.

We limit ourselves to a discussion of Riel's trial. His appeals, the medical commission appointed by the Prime Minister, and the cabinet's ultimate decision not to commute the sentence have been studied elsewhere, though more work could still be done on some of these subjects.¹³

The following chronology of Riel's trial will help the reader follow our analysis:

15 May	Riel surrenders.
23 May	Riel arrives in Regina.
12 June	Riel accepts F. X. Lemieux and Charles Fitzpatrick as defence counsel.
6 July	Riel is charged with treason on an information laid by A. D. Stewart.
16 July	Counsel see Riel for the first time.
20 July	Trial begins.
21 July	Judge Richardson grants one week delay for defence to prepare its case.
28 July	Trial resumes.
1 August	Riel is convicted of treason and sentenced to hang on September 18.
9 September	Manitoba Court of Queen's Bench denies Riel's appeal.
22 October	Judicial Committee of the Privy Council denies Riel's appeal.
9 November	Medical commission telegraphs reports to Prime Minister about Riel's sanity.
16 November	Riel is hanged at Regina.



Glenbow Alberta Institute

Riel's defence attorneys l. to r., Francois-Xavier Lemieux, Charles Fitzpatrick and James Greenshields. Photographed by O. B. Buell, 1885. Lemieux led for the defence and was later appointed Chief Justice of Quebec. Fitzpatrick later became Chief Justice of Canada.

1. Comparison with other treason trials

Since Riel was the only prisoner tried for high treason out of the seventy-two cases from the Rebellion, it is useful to view his case within the broader context of nineteenth-century treason trials. How does the development of the trial itself and particularly its duration compare to other trials? Was the sentence unusually harsh? Was it executed unusually quickly? Questions such as these are critical in determining whether Riel's trial was typical or unusual and therefore in better understanding its significance within nineteenth-century litigation.¹⁴

It has been observed that the trial of Louis Riel is the most famous trial in Canadian history.¹⁵ As a trial for high treason, however, it was not unique. Of the two hundred and forty-six British and Canadian trials for high treason examined for this study, one hundred and fifty-five were Canadian, most arising from the Ancaster Assize of 1814 and the Upper and Lower Canadian Rebellion trials of 1838. This is a significant body of litigation, which provides some standards with which to compare features of Riel's.

Was the trial of Louis Riel unduly fast by contemporary standards? The question is particularly important because in popular Canadian mythology, "Riel was hurried to the gallows by bigoted Orangemen."¹⁶ Whether by the standards of the day there was anything unusually hasty about Riel's proceedings can be investigated. The average length of Canadian treason trials prior to Riel's about which information can be secured is just over twenty days from arraignment to sentencing. The average length of treason trials throughout Canada and Great Britain was just over twenty-one days, suggesting a marked uniformity in trial duration during the nineteenth century. One might conclude that the typical Canadian or British trial was somewhat longer and perhaps fairer when compared to



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Scene from the trial. Defence attorney Fitzpatrick addressing the jury. Photographed by O. B. Buell, 1885.

the twelve days of Riel's trial. It must be recalled, however, that procedural differences influenced the varying lengths of trials. Riel's trial proceedings were necessarily abbreviated since there was no provision in the North West Territories for a grand jury. Also, most nineteenth-century treason trials brought a group of, say, twenty to thirty accused traitors to the bar for arraignment together, while their trials were held over the course of successive days. Statistically, the misleading impression is given that the last in a series of accused traitors benefited from a "trial" of several weeks, when the hearing itself may have been extremely brief. Interestingly, the duration of Riel's hearing compares favorably to other trials. The average length of hearing for all the trials surveyed was slightly less than one and one-half days, or three and one-half days less than Riel received. Indeed, no trial other than Riel's could be found in which the hearing exceeded three days.¹⁷ Moreover, if only those trials of a single accused or the first trial in a series resulting from a rebellion are examined, the average length of the overall proceedings is reduced from twenty-one days to seventeen. Bearing in mind the presence of a grand jury in all trials other than Riel's, the difference in length is neither substantial nor surprising. Also, in spite of the customarily more elaborate and longer grand jury trials of the nineteenth century, examples of trials considerably shorter than Riel's, lasting anywhere from one to eight days, do exist. (see Appendix)¹⁸ By the standards of the day, Riel's trial can be released from suspicions of unusual or undue brevity.

The Statute of Treasons under which Riel was tried provided for only one penalty: death. Strictly speaking, it would be illogical to compare his sentence to that of others who were tried under different statutes allowing various penalties. However, after the jury convicted Riel and the judge passed the mandatory death sentence, it was always open to the Governor-General, with or even without the

advice of the cabinet, to commute the sentence to a lesser penalty. Thus in a general way it makes sense to compare Riel's ultimate fate to that of others convicted of treason.

Though the full measure of the death sentence was carried out in the first Canadian case of high treason, the precedent was not consistently followed in subsequent trials.¹⁹ Of the seventeen found guilty by the Ancaster Assize of 1814, ten were hanged. Twenty-four years later, in the wake of the Upper Canadian rebellion, all twenty-eight tried for high treason at the Hamilton Special Assize were pardoned, conditionally or otherwise.²⁰ Twelve of the one hundred and eight brought forward in the Lower Canadian trials were executed, the remainder being freed under bond, acquitted or deported to Australia.²¹ In the aggregate, since less than fifteen percent of all those found guilty of high treason in nineteenth-century Canada were executed, one can conclude that Canadian courts were inclined to display lenience. However, a different picture emerges from a survey of sentences in British treason trials. Almost one half of those tried for high treason were put to death, and the law reports are replete with cases in which most or all of the trials arising from individual rebellions or insurrections resulted in execution.²² The wisdom of Riel's death sentence may be debatable, but the sentence itself was not anomalous by the standards of contemporary British justice.

Riel's treatment was unique with respect to the time taken to carry out the sentence. The one hundred and seven days from August 1 through November 16, 1885, to allow appeals to be taken to the Manitoba Court of Queen's Bench and the Judicial Committee of the Privy Council, as well as an inquiry by a medical commission, stand in sharp contrast to the average time of twenty-five days allowed in other treason cases (see Appendix). Moreover, in spite of earlier attempts in England to extend the interval between the pronouncement and accomplishment of sentence, instances of execution on the day following sentencing are commonplace.²³ By comparison, Riel's lenient treatment in this respect makes it difficult to claim that he was hurried to the gallows.

2. Treason vs. treason-felony

Legally, Riel could have been charged with either treason or treason-felony. Brown proved that the charge of treason was legal, but he did not discuss whether treason-felony might have been a more appropriate designation for Riel's actions. Thomas has claimed that the fundamental difference hinged upon whether intended or real acts of war were involved.²⁴ The actual wording of the statutes, however, reveals very little practical difference in the charges. The Statute of Treasons (1352) states that the accused "did . . . traitorously attempt and endeavour by force and arms to subvert and destroy . . . the . . . government of this realm."²⁵ The 1868 Canadian treason-felony statute states that one "compasses . . . to levy war against Her Majesty . . . such compassings . . . or intentions . . . shall express . . . by any overt act or deed . . ."²⁶ Implicit in this and underscored later in the same statute is that indictments for treason-felony were to be valid though the facts might amount to treason.²⁷

In view of the large measure of discretion left to prosecutors,²⁸ it seems that the standard for judging the appropriateness of Riel's indictment must come from a comparison with other cases. Unfortunately, comparisons with Canadian treason trials are impossible since the statute by which treason-felony was introduced into Canadian law did not exist before 1868 and was not extended to the North-West Territories until 1873.²⁹ In the United Kingdom, however, treason-felony as an

alternative to the charge of high treason dates from 1848,³⁰ and the extant record of several cases invited comparison. Significantly, in the twenty-three trials for treason-felony examined in the latter half of the nineteenth century, none of the indictments involved acts of war or insurrection. Seven resulted from the possession of arms or explosives for the purpose of insurrection, while the remaining sixteen indictments involved seditious publications (see Appendix). Alleged responsibility for actual insurrection or acts of war related mainly to Fenian activity did result in indictments for high treason.³¹ Thus an indictment for treason-felony for Riel's participation in the armed rebellion in the North-West would have been unusual in view of precedent in the United Kingdom. However, the government did exhibit some leniency in charging Riel's Métis followers with treason-felony. There seems to have been an element of plea-bargaining here, as several Métis agreed to plead guilty to treason-felony if they would not be charged with high treason.³² It is not clear whether the prosecution would actually have made the stronger charge, and whether convictions upon it could have been obtained.

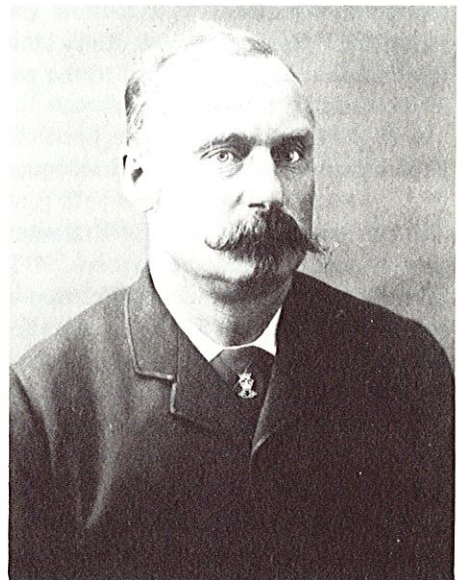
3. Venue

Venue was a major issue at Riel's trial. His lawyers attacked the constitutionality of the North-West Territories Act of 1880 insofar as it allowed a stipendiary magistrate to try a capital case with no grand jury and a petit jury of six.³³ They further argued that, according to an imperial statute of 1821, which had never been repealed, Riel's treason trial should take place in Upper Canada.³⁴ Judge Richardson rejected this argument, in which he was upheld by the Court of Queen's Bench of Manitoba and the Judicial Committee of the Privy Council.



Glenbow Alberta Institute

Believed to be Britton Bath Osler who was responsible during the trial for organizing the Crown's evidence. Photographed by O. B. Buell, 1885. Though identified in the Buell trial photo collection as physician Sir William Osler, comparison with other pictures of B.B. suggest this is the Crown attorney.



Glenbow Alberta Institute

Thomas-Chase Casgrain. Chosen as the Crown's representative from French Canada by Adolphe Caron, Minister of Militia. Photographed by O. B. Buell, 1885.

Riel's own ideas about venue differed from those of his counsel. He telegraphed instructions to them: "Pray well federal government to grant my trial before Supreme Court and in Lower Canada."³⁵ He made the same request in letters to Governor Dewdney. The rationale was that he envisioned a hearing on his entire career, from the first uprising of 1869 through the tangled issues of the amnesty question down to the most recent events of 1885. The people of Quebec would be more acquainted with his career than the inhabitants of other parts of Canada.³⁶ But there was no legal mechanism by which the Supreme Court of Canada could be the court of original jurisdiction in a case of this sort, much less in the province of Quebec.

Recently a new theory about the venue of the trial has arisen in the historical literature. The *Telegrams of the North-West Campaign*, published by Desmond Morton and R. H. Roy, show that the government first instructed General Middleton to send Riel to Winnipeg. A few days later the Minister of Militia telegraphed Middleton to change the destination to Regina.³⁷ These facts, coupled with an interpretation of some correspondence by the Minister of Justice, have led to the view that the government had an option of trying Riel either in Winnipeg or Regina. The former venue was supposedly rejected because there Riel could have demanded a "mixed" jury of twelve, i.e. half English and half French. The impression is given by Morton and especially by Thomas³⁸ that the Regina venue was a deliberate, if belated, decision by the government to ensure that Riel would be tried before an English-speaking jury.

If this interpretation were valid, it would be curious that no one raised the issue at the time of the trial. But in fact it is based on an anachronistic misconstruction of the law. The North-West Territories Act of 1873 did provide that crimes punishable by death and arising in the North-West should be tried in Manitoba, and this provision was retained in the amended Act of 1875.³⁹ But it was dropped from the Act of 1880,⁴⁰ where the powers of stipendiary magistrates in the North-West were expanded. It was never expressly repealed,⁴¹ but it is not unusual for statute law to lapse without explicit repeal. There is no evidence that anyone in 1885 regarded the provision as still alive.

Close reading of the letters to Macdonald from Alexander Campbell,⁴² Minister of Justice, suggests that the initial decision to send Riel to Winnipeg was recommended by the Minister of Militia, Adolphe Caron, on military grounds. He was afraid that Riel and the other Métis prisoners would be exposed to rescue attempts at Regina. To be sure, Campbell, who consistently pressed for a Regina venue, tried to sway the Prime Minister by pointing out the existence of Manitoba's system of "mixed" juries. But he also raised the question of whether a Manitoba trial was even legally possible. On May 21 he wrote that the Lieutenant-Governor of Manitoba had requested advice as to under what authority to receive Riel. "I shall be obliged to reply that there is no authority,"⁴³ Campbell concluded.

The correspondence does not reveal a vengeful determination to "fix" Riel's trial by depriving him of French jurors. It shows instead a rather confused cabinet: a single-minded Minister of Militia who knows nothing of the judicial issues and will not listen to the Minister of Justice; a Minister of Justice who is not certain of the law and seems to have no reliable advisers in Ottawa (he has to appeal to the Chief Justice of Manitoba for information); and a Prime Minister who does not know that Regina is on the rail line, who forgets that he has received and answered memos, and

who has to be badgered into taking action. It was lucky that a legally correct decision emerged at the end.

Incidentally, it appears that Riel could have been tried anywhere within the North-West Territories, since the Act of 1880 was completely silent about venue. The tradition of British justice is to hold trials close to where the alleged crimes were committed, which might have suggested Battleford or Prince Albert as a venue. Regina was chosen by the government for reasons of convenience and security, but the choice does not seem legally unfair. Regina was arguably a more neutral venue than Battleford or Prince Albert, which had been under siege for several months.

4. Fitness to stand trial

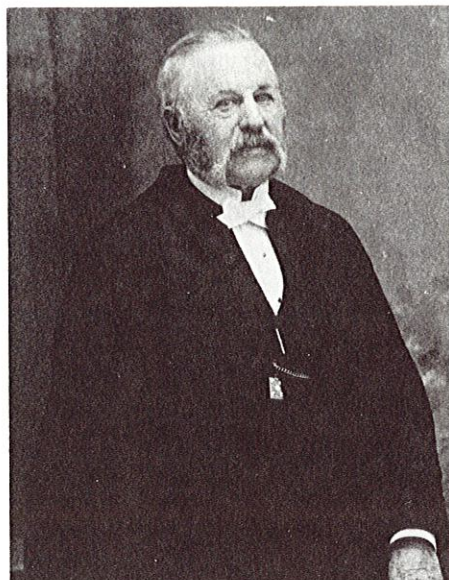
In an article published in 1965, R. E. Turner pointed out that a person like Riel, if he were being tried today, would almost certainly receive a pretrial hearing to consider his fitness to stand trial.⁴⁴ Such a hearing would investigate his sanity at the present moment, in contrast to a plea of innocent by reason of insanity, which considers the defendant's mental condition at the time the crime was allegedly committed. Turner further suggested that Riel could have had such a pre-trial hearing. He cited the Act relating to Procedure in Criminal Cases in Canada of 1869, Ch. 29, s.102:

If any person indicted for any offense be insane, and upon arraignment be so found by a jury empanelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person appears to the jury charged with the indictment to be insane, the Court, before whom such a person is brought to be arraigned, may direct such finding to be recorded, and thereupon may order such person to be kept in strict custody until the pleasure of the Lieutenant-Governor be known.⁴⁵

This point was subsequently picked up by Thomas, who wrote: "One can only speculate why Riel's lawyers did not at the beginning of the proceedings raise the question of his fitness to stand trial, since an insane person cannot be tried."⁴⁶ However, there is no mystery here. Rules of Criminal Procedure in Canada applied in the North-West Territories only if they had been extended by statute to that jurisdiction. This provision had not been extended by 1885,⁴⁷ making the legality of a pre-trial fitness hearing dubious if not impossible. This would explain why the issue was not raised at Riel's trial, nor indeed until eighty years later, when the passage of time had encouraged anachronistic interpretation.

Incidentally, comprehension of this point makes possible a better understanding of the trial of William Henry Jackson. Everyone (except Jackson himself) was convinced that he was insane at the time of the trial: his family, the doctors who examined him, his defence counsel, prosecuting attorneys, and officials of the Department of Justice. Yet under the prevailing rules of procedure, he had to be tried. His attorneys entered a plea of not guilty by reason of insanity, which in theory required them to establish Jackson's incompetence during the Rebellion. But the only witnesses called by the defence were Drs. Jukes and Cotton, who both testified that Jackson "would not now, in his present condition, be accountable for any actions he might perform." The Crown attorneys could have destroyed this defence, had they wished; but they were happy to cooperate in getting Jackson out of the way, and he was dispatched to Lower Fort Garry on a Lieutenant-Governor's warrant.⁴⁸

In effect, Jackson received a hearing on his fitness to stand trial; but it was conducted under the form of a trial, and the jury found a verdict of "not guilty on the ground of insanity." This peculiar trial has always drawn unfavourable comment because of its obviously illogical conduct. The general opinion that Jackson got off rather easily is highly questionable. If Jackson had received a trial on the facts of the case, his participation in the Rebellion would have been shown to be slight at best. He took no hostages nor participated in any battles. Contrary to what is often said, he was not the secretary of the Exovedate. He wrote a few letters for Riel before the



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Hugh Richardson, about 1900, Stipendiary Magistrate who presided at the trial of Louis Riel.

battle of Duck Lake, some of which were probably seditious. Once the fighting started, Riel and the other Métis lost confidence in him, and he became merely one of the hostages. In a trial where all the facts were brought out, he might have been convicted of treason-felony; but in view of Judge Richardson's relative leniency in sentencing, he would likely have drawn a reasonably short term in Stony Mountain penitentiary. As it was, he was put in a lunatic asylum for an indefinite term — a potentially harsher fate. The situation resembles modern abuses of pre-trial hearing which have been criticized by civil libertarians.

5. Composition of the Jury

The North-West Territories Act (1880) established the following procedure for jury selection.

Persons required as jurors for a trial shall be summoned by a Stipendiary Magistrate from among such male persons as he may think suitable in that behalf; and the jury required on such trial shall be called from among the persons so summoned as such jurors, and sworn by the Stipendiary Magistrate who presides at the trial.⁴⁹

Further sections of the Act set forth rules regarding challenges for cause as well as peremptory challenges (six for the accused, four for the Crown).

Judge Richardson caused a jury panel of thirty-six men to be summoned for the trial. It is not known exactly how the names were selected,⁵⁰ but they showed a considerable geographical dispersion from east to west in their home location (from R1W2 to R28W2). However, they were less dispersed from north to south; all came from the band of townships 16-21 lying roughly along the Canadian Pacific Railway line. Only two of the names (Limoges, Fregent) seemed French, which is not a surprising result for the area included, since most of the French settlements in the Territories lay further north. To have more French names on the panel, Richardson would have had to call jurors from much farther away or to deliberately seek out French names from nearby settlements like Qu'Appelle. Both procedures would be obnoxious to the British tradition of randomly calling jurors from the neigh-



Jury for Riel's trial. Standing l. to r. Walter Merryfield, Henry J. Painter. Seated l. to r. Francis Cosgrove, E. J. Brooks. P. Deane, E. Evett.

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bourhood of the trial. When the trial opened, one French member of the panel — Benjamin Limoges — did not appear. The defence then challenged five names and the prosecution one.⁵¹ The resulting jury was composed entirely of men of British stock — almost a foregone conclusion in view of the population from which it had been selected.

Several observations must be made against the common view that this jury was somehow “stacked” against Riel. First, the procedures specified in the North-West Territories Act were followed scrupulously. Second, it is not known whether the panel of thirty-six was similar in ethnic composition to other panels normally called at Regina around this time. We are not aware of any statistical or archival information which would offer a comparative perspective on Riel’s jury. Finally, those who criticize the composition of the jury seem to assume that a fair trial is impossible unless the jurors are an ethnic microcosm of some larger population. This principle is highly dubious and has never been enshrined in Canadian law, except for the existence of bilingual juries in Quebec and Manitoba. And it was just such a bilingual jury which in 1874 convicted Ambroise Lépine of the murder of Thomas Scott.

Conclusion

There has not yet been a careful study of a major issue in the trial, namely the application of the McNaughten Rules to determine whether Riel was legally responsible for his actions or whether he was innocent by reason of insanity. Until that study is done, it would be premature to offer an overall judgment about the trial. However, the work which has been done up to this time — the five questions discussed here, Brown’s analysis of the charge of high treason, and Bingaman’s study of the other Rebellion trials — has found no legal improprieties in Riel’s trial. It stands up well as an example of the judicial process and seems “fair” in the only meaningful sense of that term: namely that the trial was impartially conducted under the prevailing rules of criminal procedure. Unfortunately, the fact that the trial had to be held under the restricted procedures of the North-West Territories Act has prevented, and will probably continue to prevent it, from being universally acknowledged as fair. One can only speculate whether the problem of acceptance would have been so great if the government had accepted the advice of the Crown Counsel to create a special tribunal through legislation.

APPENDIX

Nineteenth Century Canadian and British High Treason and Treason-Felony Trials

I. CANADIAN HIGH TREASON

	Time from calling of Grand Jury or presen- tation of Bill of in- dictment to sentencing	Indictment	Duration of Hearing	Time from Sentencing to carrying out of same.
R. v David McLane (1797)	25 days	Conspiring to raise rebellion in Lower Canada.	14 hrs	14 days
Ancaster Assize (1814)	16-29 days*	Varies**	1 day	12 days
Hamilton Assize (1838)	20-27 days	Conspiracy to subvert the government.***	1 day	N/A
Lower Can. Trials	N/A	N/A	N/A	N/A

II. BRITISH HIGH TREASON

Rex v Ed. Despard and 12 others (1803)	17-20 days	Conspiracy to assassinate the King, seize Tower of London & levy war	1 day	N/A
Irish Insurr. Trials. Ed. Kearney & 19 others (1803)	7-35 days	Insurrection in Dublin; traitorous assembly with guns, swords, etc.	1 day	1 day
Rex v Cundell, Smith & 5 others (1812)	1-8 days	Military collusion with French in Isle of France.	1 day	30-38 days
Rex v James Watson & 3 others (1817).	42-49 days	Conspirators in SpaField Riots	2 days	N/A
Rex v Thistle- wood & 4 others (1820).	22-30 days	Conspiracy to assassinate Privy Councillors and burn army barracks.	2-3 days	32-40 days
Rex v Andrew Hardie & 25 others (1820)	20 days	Support of provis- ional Scottish gov't; confronta- tion with cavalry near Falkirk, Scot.	1 day	57 days
Rex v Frost & 14 others (1839)	20-35 days	Conspiracy re Char- tist movement; armed march upon Newporp.	1 day	N/A
Rex v McCafferty (1867)	5 days	Fenian activities and related acts of war.	1 day	N/A

* Represents duration of procedure in first and last trial if a series of trials is involved.

** See Wm. Renwick Riddell, "The Ancaster 'Bloody Assize' of 1814," *Ontario Historical Society*, XX (1923).

*** See Wm. R. Riddell, "A Trial For High Treason in 1838," *Ontario Historical Society*, XVIII (1920).

III. BRITISH TREASON-FELONY

Time from calling of Grand Jury or presen- tation of Bill of in- dictment to sentencing	Indictment	Duration of Hearing	Time from Sentencing to carrying out of same.
Rex v John Mitchel (1848).	Traitorous declar- ations in <i>United Irishman</i> newspaper.		
Rex v John Martin (1848).	Traitorous declar- ations in <i>Irish Felon</i> newspaper.		
Rex v Duffy (1848-49).	As above re <i>Nation</i> newspaper.		
Rex v Davitt & Wilson (1870).	Conspiracy to incite Americans to invade Ireland; forwarding arms to Ireland.		
Rex v Lacey & 2 others (1848). Rex v Dowling (1848)	Association with Chartist conspiracy. Association with Chartist conspiracy; purchase of arms re same.		
Rex v Meany (1867)	Activity in Fenian Brotherhood.		
Rex v Mulcahy (1867)	Traitorous declarations in <i>Irish People</i> newspaper.		
Rex v Deasy & 4 others (1883)	Conspiracy to over- throw the Queen in Ireland; possession of explosives and transport of same to Liverpool for treasonable purposes.		
Rex v Gallagher & 5 others (1883).	Activity in Fenian Brotherhood; con- spiracy to destroy public buildings with explosives.		

NOTE: All British High Treason and Treason-Felony cases from *State Trials* (old and new series) and *Cox's Criminal Cases* with the exception of Rex v Cundell et. al. Latter may be found in *Newgate Calendar*, Vol. 3. All information on Canadian High Treason trials found in Wm. Renwick Riddell articles referred to in the notes.

FOOTNOTES

- ¹Public Archives of Canada, RG 13 A2, Vol. 62, file 596. C. Robinson and B. B. Osler to the Minister of Justice, 85/06/16.
- ²A.-H. de Trémaudan, *Histoire de la nation métisse dans l'ouest canadien* (Montréal, 1936), 344-45.
- ³J. K. Howard, *Strange Empire: Louis Riel and the Métis People* (Toronto, 1974; 2nd ed.), 508.
- ⁴L. H. Thomas, "A Judicial Murder — The Trial of Louis Riel"; in Howard Palmer (ed.), *The Settlement of the West* (Calgary, 1977), 59.
- ⁵*Louis Riel-Justice Must Be Done* (Winnipeg: Manitoba Métis Federation Press, 1979), 85.
- ⁶Desmond Morton (ed), *The Queen v Louis Riel* (Toronto, 1974), xxix.
- ⁷F. A. Hayek, *Law, Legislation and Liberty* (Chicago, 1973-79), *passim*.
- ⁸Sandra Bingaman, "The Trials of the 'White Rebels,' 1885," *Saskatchewan History*, 25, (1972), 45. See also her "The Trials of Poundmaker and Big Bear, 1885," *ibid*, 28 (1975), 81-94; and *The North West Rebellion Trials*, 1885 (M. A. Thesis, University of Saskatchewan at Regina, 1971).
- ⁹D. H. Brown, "The Meaning of Treason in 1885," *Saskatchewan History*, 28 (1975) 65-73.
- ¹⁰R. E. Turner, "The Life and Death of Louis Riel: Part III — Medico-Legal Issues," *Canadian Psychiatric Association Journal*, 10 (1965), 259-63.
- ¹¹L. H. Thomas, *op. cit.*
- ¹²Desmond Morton, "Introduction," *op. cit.*
- ¹³See Robert Toupin, "Fallait-il exécuter Louis Riel?" *Revue de l'Université Laurentienne*, 1 (1968), 49-60; Thomas Flanagan, "The Riel 'Lunacy Commission': The Report of Dr. Valade," *Revue de l'Université d'Ottawa*, 46, (1976), 108-27.
- ¹⁴One acknowledged problem which is well known to any student of legal history is the difference between criminal procedure prescribed by statute and that observed in practise. No attempt is made here to present a study of extant criminal cases from the Canadian North West to illustrate the grey area between theory and practise. The dearth of existing reports covering questions similar to those raised in this paper prohibits such an undertaking.
The cases studied here do not represent an exhaustive survey of nineteenth-century treason trials. One cannot always be satisfied that a trial would be reported, or that a report, if made, still exists. In some cases the only record is notes made by the presiding judge. See for example The Hon. Wm. Renwick Riddell, "A Trial For High Treason in 1838," *Ontario Historical Society*, 18 (1920), 50-58. Commonly, treason trials would be heard before a special tribunal with no guarantee that the proceedings would appear in a law report. Moreover, even if an account or transcript were to appear in a law report, this would not always be in the year of the trial but sometimes several years later when the case was considered of sufficient interest to have it reported. In spite of these problems it is believed that the more than two hundred Canadian and British treason trials examined in compendiums of state trials, law reports and other miscellaneous accounts and articles provides a sufficiently broad sampling to allow some comparisons.
- ¹⁵Morton, *op. cit.*, xv.
- ¹⁶*Ibid.*, xxiii.
- ¹⁷It might be noted that attempts were made through legislation as early as the 17th century to reduce the brutality and unfairness which had been demonstrated in trials for high treason during the Stuart period. See the Hon. Wm. Renwick Riddell, "The Ancaster 'Bloody Assize' of 1814," *Ontario Historical Society*, 20 (1923), 110. Ironically, the length of the hearing of Riel's trial adhered more closely to the philosophy and intent of those early legislators than did many other nineteenth-century treason trials.
- ¹⁸The proceedings against Edward Kearney, tried in 1803 for his part in the Irish Insurrection, lasted but seven days from the opening of the commission and the finding of true bills by the Grand Jury through to sentencing. Kearney's hearing itself and the jury's finding of guilty was completed in a single day. See *State Trials* (old series), vol. 32, p. 683. Somewhat closer chronologically to Riel's case is the trial of Rex v McCafferty, *Cox's Criminal Cases*, Vol. IX, p. 603. Though the preliminary proceedings are not well defined, it would appear that the accused's trial in 1867 for active participation in the Fenian Brotherhood occupied five short days. The best example of brevity in a trial for high treason is that of Rex v Cundell, Smith and five others in 1812 on an indictment for military collusion with the French. The opening of the commission, swearing of the jury, trying and sentencing the principal accused was completed within a single day. At the end of one week, all seven prisoners had been tried and sentenced. See *Newgate Calendar*, Vol. 3, p. 385.
- ¹⁹Though the trial of David McLane (1797) is slightly outside the time frame set for this inquiry, its claim as the first Canadian high treason trial and the comparison it offers to the punishment of treason in Riel's case give it sufficient importance to be mentioned. Found guilty of traitorously conspiring to raise rebellion in Lower Canada, McLane was beheaded subsequent to hanging, then partially disembowelled and the quarters cut but not separated. For a full description of all the stages involved in the transitional sentence for treason see the Hon. Mr. Justice Riddell, "Canadian State Trials: The King v David McLane," *Transactions of the Royal Society of Canada*, 16 (1916), pp. 332-334.
- ²⁰Some pardons, for example, were conditional upon transportation or banishment. In a separate tribunal in Toronto held in January of 1838, Samuel Lount and Peter Mathews had been convicted on treason charges and were hanged in April of the same year. It has been suggested that general reluctance to obtain further convictions unless guilt was clearly proved prompted the lenience in the Hamilton Assize. For a discussion of both the 1814 and the 1838 treason trials, see Riddell, "Ancaster Bloody Assize" and "A Trial For High Treason," *op. cit.* and Stanley Ryerson, *Unequal Union*, pp. 127-129.
- ²¹For a breakdown of sentences and a short discussion of the trials see Stanley Ryerson, *Unequal Union*, pp. 80-81.
- ²²In the case of Rex v Edward Despard and twelve others in 1803, tried for conspiracy to assassinate the King and seize the Tower of London, all were hanged. See *State Trials* (new series), 1803. Similarly, of

the nineteen individuals tried for their part in the Irish insurrection, seventeen were executed. Indeed, of the trials arising from the major nineteenth-century rebellions or insurrections, conspicuous leniency was found only in the case of Rex v Andrew Hardie and twenty six others for their support of a provisional Scottish government. On September 8, 1820, only Hardie and two others were hanged. *State Trials* (old series) Vol. 32, p. 683.

²³Though the date of execution is not consistently recorded in law reports, it is clear that over one half of the nineteen individuals tried for their part in the Irish insurrection were executed the "next day pursuant to sentence". *State Trials* (old series), Vol. 32, p. 683. On the English attempts to reduce the brutality of treason proceedings through extending the interval between pronouncement and carrying out of sentence see Riddell, "The King v. David McLane," p. 333.

²⁴See L. H. Thomas, "A Judicial Murder," pp. 38-39.

²⁵Canada, *Sessional Papers*, 1886, Paper No. 52, p. 174.

²⁶Canada, 31 Vict., c. 69, s. 5 (1868).

²⁷*Ibid.*, s. 8. Curiously, in spite of this statutory provision, Macdonald himself felt that there might have been some difficulty in applying treason-felony to Riel's case. See P. B. Waite, *Canada 1874-1896: Arduous Destiny* (Toronto, 1970), 162.

²⁸It would appear that it was for just that reason — to have available a more moderate alternative at the discretion of the Crown — that the provision of treason-felony was first introduced in 1848. A report of the first treason-felony trial, *The Queen v. John Mitchell* (See *State Trials*, new series, Vol. VI, p. 600) suggests that the need for such a provision was precipitated by the undesirable prospect of constantly facing High Treason's severe punishment when dealing with the persistent Fenian activities.

²⁹Canada, 36 Vict., c. 34, schedule A (1873).

³⁰United Kingdom, 11 and 12 Vict., c. 12 (1848).

³¹See for example Rex v. McCafferty, *Cox's Criminal Cases*, Vol. LX, p. 603. Unfortunately, no late nineteenth-century series of trials resulting from one rebellion could be uncovered in which charges of both treason and treason-felony were laid to make any comparisons with the North-West Rebellion trials in the indicting of principals and lesser figures.

³²Cf. Bingaman's thesis cited in note 8.

³³Canada, 43 Vict., c. 25, s. 76 (1880).

³⁴United Kingdom, 1 and 2 Geo IV, c. 66, s-12 (1821).

³⁵Public Archives of Canada, R. G. 13 B 2, 1034. Louis Riel to Charles Fitzpatrick and F. X. Lemieux, June 18, 1885.

³⁶*Ibid.*, 1074-77 and 1151-54. June 24 and June 27, 1885.

³⁷Desmond Morton and R. H. Roy, *Telegrams of the North-West Campaign* (Toronto: Champlain Society, 1972), pp. 288, 302, 308.

³⁸Morton, *The Queen v. Louis Riel*, viii; Thomas, *op. cit.*, 29.

³⁹Canada, 36 Vict., c. 35, s. 5 (1873); 38 Vict., c. 49, s. 66 (1875).

⁴⁰Canada, 43 Vict., c. 25, s. 71-84 (1880).

⁴¹See Canada, 40 Vict., c. 7 (1877).

⁴²The following letters will be found in Public Archives of Canada MG 26 A, (Macdonald Papers): 82791-94 April 13, 1885; 82799 April 16, 1885; 82813-15 May 18, 1885; 82817 May 20, 1885; 82819-23 May 21, 1885; 82862-67 June 17, 1885.

⁴³PAC, MG 26 A, 82819-23, May 21, 1885.

⁴⁴Turner, *op. cit.*, 260.

⁴⁵*Ibid.*

⁴⁶Thomas, *op. cit.*, 48.

⁴⁷See Canada, 43 Vict., c. 25 (1880).

⁴⁸The trial transcript is in Canada *Sessional Papers*, 52 (1886), 340-344. For other analyses of Jackson's trial see Sandra Bingaman, "The Trials of the White Rebels, 1885," *op. cit.*, and Cyril Greenland and John Griffin, "William Henry Jackson (1861-1952): Riel's Secretary: Another Case of Involuntary Confinement," *Canadian Psychiatric Association Journal*, 23 (1978), 469-477.

⁴⁹Canada, 43 Vict., c. 25, s. 76(9) (1880).

⁵⁰The jury list was printed in *Epitome of Parliamentary Documents in Connection with the North-West Rebellion 1885* (Ottawa, 1886), p. 13.

⁵¹*Montreal Daily Star*, July 29, 1885.

FROM SASKATOON TO MOOSE JAW WITH THE PRISONER RIEL

The following letter was written by William Henry Trounce to his mother in England from Regina on May 25, 1885. While Mr. Trounce was a resident of Saskatoon he had gone to Moose Jaw in charge of the transport taking Riel to prison. From Moose Jaw he went to Regina on other business. The letter is written in a diary form giving the sequence of events over several days. The selections chosen from the letter relate primarily to the events surrounding the rebellion. William Henry Trounce, 1852-1888, emigrated from England in 1884 going first to Moose Jaw and then to Saskatoon where he established a store and farmed. The Bessie mentioned in his letter was his wife Elizabeth Vivian Trounce (nee Davis) 1849-1887. At the time the letter was written, Mrs. Trounce had recently given birth to a son. Mrs. Trounce died in childbirth in 1887 and her husband of pneumonia in 1888 during a trip back to England to seek help to raise their children. We are grateful to Miss Merle Trounce, daughter of the son born in 1885, for making her grandparents' letters available for preservation in the archives and for permission to publish some of the letters in this journal. We hope that at a later date we will be able to publish excerpts from some of the letters written by Mrs. Trounce describing her early experiences in Saskatoon.

In the letter Mr. Trounce refers to a man called Coode who died of his wounds received in the rebellion. This person appears to have been Corporal J. B. D. Code of the 90th Battalion who was wounded at Fish Creek. Spelling and punctuation are as they appeared in the original letter.

The Editor

... Sunday (May 17th) was as usual a fine day (we get beautiful weather with plenty of showers in the Saskatchewan Valley, drawn no doubt by the woods and river so that our crops look well that were properly tilled.) I was busy helping Mrs. Richardson about the chores and getting the odds picked up seeing the sick and reading to Bessie a somewhat quiet day. One of our wounded called Coode died on Friday night and with 6 other dead had been loaded on 3 waggons for conveyance to Moosejaw, thence to their friends homes. The father of Coode came in about noon not expecting the son to be dead. It was a severe blow to him and he had the case (we put them into tin cases [and] wooden coffins) opened that he might see him again, we feel much sympathy for him & I expressed it to him. (H)e travelled with the teams going out to Moosejaw accompanying the corpse. I looked around at some more wards in the evening. Nearly all the houses in the place are occupied by Hospital patients (ours is not as Bessie's condition precluded it) so we are all full and now that Mrs. R. is staying here her children have to too & some of us sleep in the stable, but that's not any hardship to prairie men. The wounded are as a whole doing exceedingly well and extoll our situation and country (and kindness) very much. The Government supply provisions & hospital supplies in large quantities and we *all* live mostly as Government servants on rations. This hospital is going to 'boom' up Saskatoon amazingly and I am confident now of making a good deal of money here if I stick to it. Every one here now is making money fast by working for the Hospital ... Tuesday 19. Maxwell and I went out again harrowing rolling and seeding oats finishing up in preparation for going out to Moosejaw for supplies for store we did not get home until 9 p.m. Whilst we were at supper Geo Kerr came in off the steamer 'Northcote' just arrived and I engaged to team out to Moosejaw. Capt. Young in charge of a prisoner and escort then on the Steamer. The Prisoner was M.

Louis Riel the Leader of the Rebellion who had been captured a few days before and was being sent to Winnipeg jail. The teams (horses 13 in all) were ready to go next day at 5 am. I prepared the night before to go out by arranging my business papers and that Maxwell sh(oul)d follow me as soon as he could with the oxen.

Wednesday 20th I was anxious as I had lost a pocket-book containing Government orders for \$1000 for transport and hay. I went early to the field I had been at yesterday and found it. Capt. Young placed me at the head of the Teamsters and we started fr(om) the ferry with our baggage . . . at 12:15. That afternoon I took them 40 miles before camping for night at Beaver Creek. After fixing up the horses Capt. Young told me to lay down on the other side of Riel he being on one side and I slept well for some 6 hours.

Thursday 21st. We breakfasted and started again by 6:30 am and made 23 miles before we camped for dinner had to drive thro' 80 teams who were freighting to Saskatoon & the front with out any talk & at a trot. After dinner we got to the hill going down to the Elbow by 4:30 & camped for tea. It being a dangerous piece of ground in front of us that is for fear of a rescue Capt. Young threw out his men in good order, he had just 16. Some of the XC & some of the Midland. The Midland were placed on each side of my waggon & the XC in skirmishing order ahead. Riel in my waggon. That night we camped just 6 miles beyond the Elbow, towards Moosejaw and whilst I was fixing up the horses Capt. made the bed for self & prisoner again. About 4 on Thursday morning the guard called us and we hitched up the teams, driving to the Spring Creek in the Big Arm Valley 14 miles, we camped for breakfast, for dinner we made the Indians grave point & there 'cached' (or hid) 100 lb. of fresh Beef, 100 lb. of tin beef, 100 of hard tack or biscuits, a sack of oats some bran and a few other things that the Capt. gave us, teamsters, in order to lighten the loads. On we went again and made Moosejaw in the wonderful time of 2½ days 155 miles average 62 miles a day with heavy waggons it has been done before with light carriages. The Capt. had a special train got ready and we put Riel in without any one knowing he was on the way and he was soon after lodged in Regina Gaol. . . . That trip earned me \$72 in money \$10 worth of supplies self & horses all found both ways amply and a recommendation fr(om) Capt. for anything else

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Book Reviews

MR. DAVIN M.P. by C. B. Koester, Saskatoon: Western Producer Prairie Books, 1980. Pp. 239. \$10.95

Nicholas Flood Davin, self-made man, pioneer in the West, is not the typical story of the Western Canadian settler. He neither ranched nor farmed nor made his living by the sweat of his brow, but rather by the lyric in his language, by the colour in his words and deeds and by the persuasiveness of his personality. Born in Ireland he followed a commanding ambition which took him from Ireland via England to Ontario, Canada and thence to the land of opportunity, the West. Ambition led him from law to newspaper reporting to politics and to the hope that political aspiration might be realized through the establishment of a newspaper in the raw new capital of the North-West Territories. The *Regina Leader*, with financial support from the Conservative party first appeared on March 1, 1883 with Nicholas Flood Davin as publisher and editor.

While promoting the Conservative party Davin was also an avid exponent of the interests of the West. At times he was critical of the Conservative government in Ottawa which failed to hear or heed the voice of the West. He considered it his mission to bring these problems to the attention of the government and to assist in their solution.

Ambition and desire to serve took him to Ottawa, flayed him to action, led him to speak out in Parliament and in the *Leader*. At times they also led to conflicting goals and to contradictory statements and actions. Would he follow the party or the interest of the West when these goals were divergent? This was the choice which frequently faced him and one in which he wavered. He was a thorn in the Conservative side at times, perhaps to the extent that he never achieved cabinet status. Yet he was also accused of placing party before his pledged position.

Not only in the political field did he make his contribution to the West. As an educated and fluent speaker and writer, he brought the literary heritage of the world to his audience. His wit and wisdom entertained and educated both through the columns of his newspaper and as a speaker in great demand. He assisted in raising the level, the tone of the social scene in a pioneer society.

The tragedy of his relationship with Kate Simpson-Hayes is treated sympathetically and delicately. Perhaps Dr. Koester is too sympathetic to Davin when he appears to place the blame on Kate for the break in the relationship, even as he notes that their marriage was out of the question in that day and age, if Davin were to remain in public life.

At times Davin comes alive again in the pages of this book, but yet the fire and fury which must have been the man, the triumph and tragedy of this colourful figure, are muted. Perhaps this was inevitable since personal papers were lacking. A great deal of research was necessary to unearth those details of his personal life which added to the picture of the man. Thus much of the book is focused on his editorial comments and on his speeches in the house and elsewhere, rather than on his more intimate reactions to the life and times.

Although Davin aspired to greatness, he was not one of the more obvious leaders in the development of the West. However, Dr. Koester sees him as important because he "was a voice, not a vote; a mind, not an echo; a member of Parliament in

the very best traditions of the institution." (210). The tragedy was not his failure to reach the top, but rather that "there were so few like him." (210).

Bev. Koester, a native Westerner and an accomplished historian, has brought a glimpse of the rough and tumble of politics in the late nineteenth century, in this biography. The issues and dilemmas of the times, from immigration and land policy to the Manitoba school question, are fought and debated in these pages. As an historian of the period he knows the issues and has brought them easily to his narrative. Here is a much needed addition to the literature on the pioneer period in Saskatchewan history.

Jean Larmour

PIONEER OF VISION: THE REMINISCENCES OF T. A. PATRICK, M.D.
Compiled by C. J. Houston and C. Stuart Houston. Saskatoon: Western Producer Prairie Books, 1980. Pp. xvi, 149. \$7.95.

Pioneer doctors were made of strong stuff. Making a "house call" often meant an arduous journey by oxen or snowshoes. Conditions were primitive: one medic performed the duties of an anaesthetist, surgeon and nurse simultaneously. Medical training did not prepare the doctor for all situations. At times an operation or amputation meant first-time exposure to the procedure without previous experience or observation.

This book is about one such stalwart medical man, Thomas Alfred Patrick who shortly before the turn of the century served an area "with no other doctor from Birtle, Manitoba, to Prince Albert and from the U.S. boundary to the North Pole." Born in 1864 in Middlesex County, Ontario, Patrick arrived in the North-West Territories in 1889 upon graduating in medicine from Western University in London. After a five year sojourn in Saltcoats, he transferred his practice to Yorkton where he remained until his death in 1943.

Patrick was an exceptional personality. His interests were wide-reaching: they extended beyond the practice of medicine and into politics, agriculture and conservation. His story is told through his own writings, newspaper accounts, political publications and anecdotes gathered by Clarence H. Houston and C. Stuart Houston. The compilers are a father and son team, and are medical men themselves.

The first section of the book concerns itself with Patrick's experience as a doctor. It is based almost entirely on a typescript of the doctor's reminiscences which, incidentally, were written for, and ultimately rejected by *Atlantic* magazine. Although lacking the candid flavour of a personal memoir, a number of valuable insights are presented into life on the frontier. Patrick was a witness to developments that took place during a time of tremendous growth and expansion of the Canadian West. His observations are interesting, although at times lacking in understanding. For instance, in recollecting encounters with Doukhobors, he writes: "I stood on a hayrack watching events with keen interest as I felt sure from what I had read about them, that their Russian backs were aching for the knout."

Patrick's entry into politics came shortly after his arrival in the Territories. It is not made clear what really drove him to seek public office other than his own testimony that it was due to an "epidemic of health" in the community. After an earlier setback at the polls, he was elected to the Legislative Assembly in 1897 where he served until 1904. His view of the proper role of government was based on his

reverence for local institutions and antipathy toward centralist government. That view was expressed in vehement criticism of Rodmond Roblin and the annexationist machinations of Manitoba toward territory beyond its Western boundaries. The doctor also supported the two-province concept for the Territories which he felt would result in the creation of governments more accessible to the people. At the same time, two separate provinces would neutralize Manitoba's ambition for westward expansion.

The Houstons would like to believe that Patrick influenced the determination of the boundaries of Saskatchewan and Alberta upon their entry into Confederation, as well as the extension of Manitoba northward in 1912. This supposition is based on suggestions put forward by Patrick during the "No Annexation" campaign of 1898 and the "Two Province" platform of 1902. The argument fails to convince. No evidence is presented which in any way documents Patrick's role in the final boundary settlement.

A major point of irritation with the book is the absence of documentation of sources. Furthermore, the packaging is somewhat deceptive since the title of the book suggests that the contents are composed of the good doctor's reminiscences and little, if anything, else. Instead the compilers attempted to present a political and personal biography of Patrick based on secondary information. The result is not satisfactory. While a biography should be sympathetic, a significant degree of objectivity must be evident. Nowhere do the Houstons question any of Patrick's motives and platforms and seem to award him a monopoly in political gumption. If Patrick was indeed a "pioneer of vision," the Houstons failed to prove that assertion in this book.

K. Gebhard

RECENT PUBLICATIONS IN LOCAL HISTORY

From time to time *Saskatchewan History* has published lists of local histories which have not been individually reviewed in the magazine. During 1980 the 75th anniversary of the founding of the province many communities have prepared local histories. The list, because of limitations of space, is only a partial list of recent local histories. We will in subsequent issues publish additional lists and hope that we will be able to mention all of the histories that come to our attention.

The Editor

ABBEY

Yesterday Is Gone Forever. By Lars Larson. Diamond Jubilee History of the Rural Municipality of Miry Creek No. 229 and Early Trading District of Abbey, Saskatchewan. Lars Larson, Swift Current, 1980. Pp. 311.

ALDAG SCHOOL DISTRICT NO. 1361

Rippling Memories. A history of the school districts of Aldag, Bench, Golden Sheaf, Twin Buttes, and String Butte. Bench History Hustlers, Gull Lake, 1980. Pp. 654.

ALVENA

Ukrainian Pioneer Days in Early Years, 1898-1916 in Alvena and District, Sask. By Mike Harbuz. 1980. Pp. 89.

ANEROID

Aneroid: The Rising Barometer, 1905-1980. A history of Aneroid, Cananea, Quimper, Warren, Erinlea, Pinto River, South Pinto districts. Aneroid History Book Committee, 1980. Pp. 400.

ANNAHEIM

A Cross In The Clearing, Simon Lizee (ed.), 1980. Pp. 399.

ATWATER

Atwater Afterglow: Fond Memories of Times Past. A history of Atwater and the surrounding districts of Barra, Coma Park, Fertile Belt and Glyndwr. Atwater Historical Society, 1980. Pp. 242.

AYLESBURY

Aylesbury at the Threshold of the 80's. A history of Aylesbury and district. Aylesbury Women's Institute, 1980. Pp. 154.

BALDWINTON

Blended Heritage. A history of school districts of Ada, Mount Ethel, East Bank, Ruth, Madawaska, Happyland, Wasteena, Vance, Cairnsvie, Thule, Wilbert, Baldwinton, Alada, Winter, Seagram, Dufferin, Blue Bell, Irene and Langemarck. Blended Heritage History Committee, Unity, 1978. Pp. 1101.

BALJENNIE

Baljennie Reaches Far. A history of Baljennie and district, 1980. Pp. 145.

BAYNE RURAL MUNICIPALITY NO. 371

Bayne No. 371. By Henry Bassett, Joseph and Rose Yaworski, Bruno, 1980. Pp. 45.

BEKEVAR

Peace and Strife. By Martin L. Kovacs. A History of the Hungarian pioneers who founded Bekevar. Kipling District Historical Society, 1980. Pp. 216.

BELBUTTE

Links With the Past: Belbutte-Bapaume. Belbutte-Bapaume History Committee, 1980. Pp. 284.

BELLE PLAINE

Prairie Sojourn. A history of Belle Plain and Stony Beach districts, 1980. Pp. 247.

BETHEL

A Vision Unfolding: A History of Bethel and District, 1904-1981. Bethel Historical Society, Young, Sask., 1980. Pp. 175.

BIGGAR

Biggar, Saskatchewan — A Pictorial History. By The Biggar Museum and Gallery, 1980. Pp. 64.

BIRCH HILLS

Memories We Share — North of Birch Hills. A history of the school districts of New England, Winton and Fisher. New F Historical Club, 1980. Pp. 335.

BORDEN

Our Treasured Heritage. A history of Borden and district. Borden Historical Book Committee, 1980. Pp. 425.

BREDENBURY

Bredenbury School District #1186. History of Bredenbury School, 1905-1980. Board of the Bredenbury School, 1980. Pp. 7.

BROADACRES

Memories of Mariposa. By M. A. Purvis, 1979. Pp. 175.

BUCKLAND RURAL MUNICIPALITY NO. 491

Buckland's Heritage. Buckland History Book Committee, 1980. Pp. 496.

CAMBRIA

Our Prairie Heritage. A history of the Rural Municipality of Cambria, No. 6. Fifty and Over Club, Torquay, 1978. Pp. 641.

CARNDUFF

A Stake In The West. A history of Carnduff and district. Carnduff and District Historical Society, 1979. Pp. 1097.

CEYLON

Builders of a Great Land. A history of the Rural Municipality of The Gap, No. 39, Ceylon and Hardy. History Committee of the Rural Municipality of The Gap #39, Ceylon, 1980. 623 p.

CHURCHBRIDGE

The First Hundred Years Around Churchbridge, 1880-1980. By Ruth Swanson. Churchbridge History Committee, 1980. Pp. 311.

CLIMAX

Prairie Wool: A History of Climax and Surrounding School Districts. Stone Diggers Historical Society, Climax, 1980. Pp. 395.

CLINWORTH RURAL MUNICIPALITY NO. 230

The Past to the Present: 70 Years, 1909-1979. Sceptre-Lemsford Historical Association, 1980. Pp. 541.

COLONSAY

Milestones & Memories. A history of Colonsay and Meacham districts. Rural Municipality 342 Celebrate Saskatchewan Committees, Colonsay, 1980. Pp. 559.

CREELMAN

Prairie Memories. A history of Creelman and district. Creelman "Celebrate Saskatchewan 1980" Committee, 1980. Pp. 722.

CRESTWYND DISTRICT

Rolling Hills Review, 1840-1980. A history of the Formation of districts of Bevitt, Crestwynd, Bay Island, Don Jean, Old Wives, Piety Hill and Windcrest. Crestwynd Community Club, 1980. Pp. 481.

CUT KNIFE RURAL MUNICIPALITY NO. 439

Where The Cut Knife Waters Flow. A history of the districts of Cloan, Cut Knife, Gallivan, Svenstown, Riding Hill, Rockhaven, Rose Mound, Stringer, Triple Lake, Weewona, Willowview. East Cut Knife and Districts Historical Society, 1980. Pp. 826.

DAPHNE

Daphne Memories. By Myrtle Bohnen, Watson, 1980. Pp. 124.

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