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Introduction

Fiat Justitia, Ruat Caelum

Let justice be done, though
the heavens may fall

In Canada's greatest and most controversial state trial, the Canadian Métis leader, Louis Riel, was convicted of the crime of high treason. Sentenced to hang, Riel prayerfully awaited his fate in the guardhouse at the North-West Mounted Police (NWMP) barracks in Regina, the little prairie capital of the then North-West Territories (Saskatchewan became a Canadian province in 1905). It was a time of great personal anguish and sorrow. Death circled Louis Riel, his family and his people. The failed resistance had left Riel's Métis nation defeated on the battlefield and reduced to unwanted exiles in their own land. Riel himself had not seen his wife Marguerite since handing himself over to General Middleton six months earlier. A month previous, Marguerite had given birth to a child who died in less than three hours. Marguerite, her happy prairie people devastated, her husband in jail, her baby dead, was beyond despondent. She would survive only a few short months after Riel's execution. The Riel children, Jean-Louis and Marie Angelique

Riel, were left orphans, lovingly cared for by the extended Riel family in St. Boniface.

While waiting for a final decision regarding his fate, Riel worked to clear up his affairs, both personal and social. He spent his time composing letters and appeals, seeking a solution for himself and his people. He sought personal salvation and social justice, even while keeping his dear mother, his sweet Marguerite, his precious son and daughter, and his little angel ever on his mind.

Riel's anguish is exemplified by the following "Dernière Mémoire," or "Riel's Song" as translated by Barbara Cass-Beggs, Saskatchewan's archivist of songs. Cass-Beggs collected this song from Joseph Gaspard Jeannotte, an old Métis living at Lebret in the Qu'Appelle Valley. Jeannotte said Riel had composed it while in jail. It appeared first in Cass-Begg's *Eight Songs of Saskatchewan* (Toronto, 1963).

I send this letter to you,
To tell my grief and pain,
And as I lie imprisoned
I long to see again
You, my beloved mother,
And all my comrades dear.
I write these words in my heart's blood,
No ink or pen is here.
My friends in arms and children,
Please weep and pray for me.
I fought to keep our country
So that we might be free.
When you receive this letter
Please weep for me and pray
That I may die with bravery
Upon that fearful day.

Charged with the heinous crime of high treason, tried in a colonial courtroom in the new capital of the North-West Territories, Regina "the Queen City," and effectively gagged by the magistrate and his own lawyers, Louis Riel had been unable to defend himself or his Métis

people. Judicially bound, Riel was not allowed to give his testimony, cross-examine witnesses or ask or answer those questions so critical to his career and his good name. Most importantly he was not allowed to answer the charge of high treason. It was not until the last witness had been called and the trial concluded that Louis Riel was finally allowed to speak.

At this time, speaking in English, Louis Riel addressed the court. In a long and impassioned speech, he apologized for his lack of facility in the language and went on to speak of the plight, not only of himself but of his Métis people, the Indians and settlers. Frustrated with his inability to defend himself at his trial, Riel called out to Canada for justice. He requested a special tribunal or commission of inquiry be held by the proper authorities to review the various charges, slanders and lies that dogged him throughout his career. This tribunal would investigate whether he rebelled against legal authority in Manitoba in 1869–70; whether he murdered the Canadian Thomas Scott; whether he solicited bribes or pillaged the Hudson's Bay Company's Fort Garry; and whether he was a fugitive from justice when he was expelled from his seat in the Canadian Parliament in 1874. Finally, the tribunal would investigate whether Louis Riel was guilty of the crime of high treason in Saskatchewan.

There would, however, be no official inquiry into the career of Louis Riel. It was not to be. After Riel's conviction on August 1, 1885, his lawyers launched an appeal to the Court of Queen's Bench of Manitoba, the appellate court for the North-West Territories. Under the North-West Territories Act, amended in 1880, a person convicted of an offence punishable by death in the North-West Territories had a right of appeal. That court could confirm a conviction or it could order a new trial, but it had no jurisdiction to reverse a conviction. Chief Judge Wallbridge presided over the appellate court and heard Riel's lawyers argue for an appeal. Refusing Riel the right to present his appeal, Wallbridge determined that the acts attributed to Riel amounted to high treason. A final appeal to the Privy Council of England was bungled and again disallowed.

Prime Minister Macdonald then had a medical commission appointed

to assess Riel's "present medical condition." Doctoring the commission's reports, ignoring the call for mercy coming from the jury, Macdonald ensured that Riel was declared sane, and the entire Canadian Cabinet concurred. The Macdonald government then worked to ensure the Imperial authorities did not intervene in support of commutation. In a letter to the governor general, Macdonald emphasized that this North-West outbreak was but "a mere domestic trouble."

On the morning of November 16, 1885, all appeals having failed, Louis Riel was taken to the North-West Mounted Police gallows where he was executed — hanged by the neck until dead.

The trial and execution of Louis Riel have been at the centre of controversy ever since. Indeed, his execution has been the subject of Canada's "Great Debate" for over 130 years. In all this time, however, Louis Riel has never had an opportunity to defend himself. Now in light of the Canadian government's commitment to reconciliation as Canada commemorates its sesquicentennial, 150 years of Confederation, it is time to hear Louis Riel's evidence.

What follows is a work of creative nonfiction: an imaginative Inquiry into the career of Louis Riel that collapses historical time and provides Louis Riel a present-day opportunity to give the testimony he was denied at his trial. Using Riel's voice, this re-creation is based on evidence from the transcripts of Riel's trial as well as recent historical research into his career, all woven together to offer Riel the chance to have the Inquiry he was never allowed.