

LAWS3305, October 10/13
Canada's Wild West

- idea for an essay: **international legal interrogation of black holes: legal, moral, etc?** Miranda rights

Canada's Wild West: not long after the American Civil War which left almost millions of American males who were militarily trained and had weapons south of the border

- meanwhile, in 1869, Alaska was purchased by the Russians
- John A MacDonald – the PM at the time was concerned about the border; it was amorphous even though it was there. Whiskey traders in the States were massacring the Native tribes out west
- Whiskey traders from the States were moving back and forth between the border; good reason for John A MacDonald to be concerned about it

June, 1873

- news over the whiskey horse triggered a political concern back east over the NW Territories of Canada
- also a lot of Indians coming up over the border from the States because they were practically being decimated by American policy
- a lot of tribes moved up and across the border
- problem: how are they going to be kept from being attacked from American forces from the self and kept from warring w/each other?

May 1873: bill introduced; implemented after the June massacre of Cypress Hills

- by autumn, the Northwest Mounted Police were appointed
- by November 1, the first contingent created (Lord Fort Garry which is now WPG)

1874:

- mission was to clear out the whiskey traders
- exciting time; everything was virgin territory

These 3 new divisions of the Northwest Mounted Police (who were supposed to be great horsemen) went out west that summer of 1874. The primary task was to **fly the flag with the scarlet tunics and expel the whiskey trade and thereby assert Canada's sovereignty to the west.**

The Northwest Mounted Police did so much with so little; covered an incredible expanse of land with few people. The mounties established trust with Indians during this period.

Sittingbull – last to surrender to authorities; brought his family to Canada in 1877; respected the mounties; great period of peace at that time

- returned on a pardon to a reservation in the US

- died in 1890
- considered one of the greats in Canadian history

Crazyhorse – Sittingbull's confederate; also one of the last to surrender

- many people believe the RCMP were stifling Aboriginal settlement at the time, but really they were trying to maintain law and order on the plains. There was some segregation, but the mounties were often justices of the peace. In some cases, Indians were hanged for murder, but in others, white men were hanged for murder. **They preserved justice equitably, which earned them respect.**

Crowfoot – great diplomat for his people; perceptive, farseeing

- quoted as saying, “what is life? ... it is as the little shadow that runs across the grass and loses itself in the sunset...”

Jerry Potts:

- metis (Scottish and aboriginal); seen as one of the most dangerous man in the west
- spoke English, 4 Native languages
- nicknamed “Bearchild”
- snuck into Sioux camp, stole 3 horses, escaped with 2 others

When the NW Mounted Police got to Woopop (Lethbridge, AB now), the whiskey traders were gone.

Manitoba: just after confederation, was not a province until 1867. Only until 69/70, what had been Rupert's Land (Hudson's Bay) was brought into confederation as the Northwest Territories. Modern-day Manitoba was part of the NWT at the time.

In 1870, there was a short-lived uprising known as the Red River Rebellion / Uprising. It was led by Louis Riel. Only recently, after all these years, was he vindicated by the Supreme Court of Canada. Louis Riel: controversial figure; religiously obsessed person.

Metis felt the government was not addressing their concerns; their lands being taken over for the railroad. They had been promised a script (compensation), so there was a rebellion. It failed. But in the course of it, Riel set up a provisional government in Fort Gary.

Riel and Gabriel duMont went to the US into exile, where Riel remained for about 14 years; became an American citizen. In 1885, the Metis' longstanding grievances were not being dealt with. Riel came back over the border, appealed to the Metis to rise up, and we had **the Northwest Rebellion in 1885** – different than the one in 1870. W/in a month (March / April of 1885), almost 3,000 troops of Canadian militia.

Proclamation by the RWMounted Police Commission: “all persons who have been forced into rebellion against our Sovereign Lady the Queen or who are held by the rebels against their will will receive protection on protecting themselves to the officers commanding at Carlton or Prince Albert.”

3-day battle of Batoche:

- a standoff of a mutual siege; eventually broken by British militia
- this was the last stand of Louis Riel; captured shortly after
- **Riel captured and charged w/treason**

Gatling Gun – invented by John Gatling in the States prior to the American Civil War

- wasn't always reputable in its usage but very fearsome weapon
- Captain Howard used the gatling gun at Fish Creek and Batoche

Riel was charged w/treason. He is the only citizen of a foreign state to be charged w/treason in Canada (the premise of treason is that you have betrayed the King; traitor of the state.) **An American can't be a traitor to the Canadian sovereign, but it happened – Riel technically an American.** It

was a 6-man jury, trial was shunted out to Saskatchewan where it wouldn't be so hotly covered (out in the boonies, away from ON and QC.)

- **Riel's legal team wanted him to plead insanity; he refused to do this**
- he wanted to be able to cross-examine the witnesses; his lawyers said they would quit the case, **so he didn't**
- **Riel was convicted by the jury (lots of evidence), but the jury recommended mercy.**
- John A MacDonald (PM of the time) solved the political problem by confronting the lingering aspect that Riel was a religious zealot who was not in control of all his faculties. **MacDonald did not want to be seen hanging a mentally ill person. Created a team of 3 physicians with the purpose of examining Riel.**
- **At least 2 of the physicians said that he was sane** – did have his faculties – and could determine right from wrong
- **Riel appealed; so same year, he walked the 13 steps famous for the gallows and hanged.**
- Riel argued that the Metis were a persecuted race deprived of their heritage; likened the Metis to the “chosen people”
- * Louis Riel a good person to write about for essay; Riel not 100% resolved from Canadian perspective; only recently has Canadian Supreme Court validated some of his claims

Late 19thC: Skookum Jim & Dawson Charlie

- in 1890, the Canadian government did not have a single official permanently based in the far northwest
- serious thought had been given to abandoning the northwest mounted police
- at this time, gold was being discovered on the Canadian side of the border (but being trucked back out to the US) – in so doing, Canada's sovereignty was at issue
- the border was not being enforced
- in the summer of 1895: government sent out a force of about 20 NWMPolice to the Yukon
- at this time, Skookum Jim and Dawson Charlie struck gold – **the beginning of the Klondike Gold Rush**
- the northwest mounted police were on site. This gold rush was famous all around the world.
- The police showed initiative, enforced peace on their own terms. Ex: the blue ticket – being deported out of the Yukon
- didn't allow miner meetings to take place; didn't allow guns in town limits; to be no labour
- Americans showed up and were upset they could not bring in their guns
- this small group of guys enforced rules, made sure gold rush would turn out to be what it is known as today as opposed to being overrun by prostitutes and criminals after the gold, etc.

The Dominion Police and the Northwest Mounted Police were consolidated to create what is now known as the Royal Canadian Mounted Police.

In this period, the NWMounted Police in the latter third of the 19thC subtly reinforced the New Dominion's unfair management of treaty obligations to the First Nations; somewhat repressed Native tradition and custom. But at the same time, also preserved peace; did not have genocidal attempts to eliminate race of their people. We did gain the respect of the American Indians who crossed over the border to our side – important to look at the context.