

**Legislative Assembly of Assiniboia
Debates**

Comprising the period
from the ninth of March, 1870
to the twenty-fourth of June, 1870

Edited by
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INTRODUCTION

Reconstituted Debates of the Legislative Assembly of Assiniboia, 1870

On 15 November 2010, the Premier of Manitoba, Greg Selinger, unveiled a permanent display of historical documents and photographs that pay tribute to the central role of the Métis in the political and social history of the province. This edited transcription of the debates of the Legislative Assembly of Assiniboia brings the content of some of those historical documents to light.

The documents on which this transcription is based recorded proceedings of the Assembly that owed its creation to an earlier gathering, the Convention of Forty, which met from 25 January to 10 February 1870.¹

The debates of the Legislative Assembly of Assiniboia took place prior to the institution of The Debates (a.k.a. *Hansard*) in Manitoba. They have therefore been reconstituted from several sources. The first source is a journal preserved in the Archives of Manitoba among the Red River Rebellion Records.² The journal contains entries penned by Thomas Bunn — the Secretary of State for the Provisional Government of Assiniboia and elected representative of the parish of St. Clement's from November 1869 — including the minutes of the convention from 26 January to 9 February 1870. Bunn's journal also includes newspaper accounts clipped from the *New Nation*. The newspaper is the second source used for this transcription. The *New Nation* published non-verbatim accounts of legislative proceedings and speeches that were recorded by William Coldwell, reporter for the paper and Clerk of the Assembly. A third source is the Report of the Law Committee, written by Curtis James Bird and presented in the Assembly, but not included in either of the other two sources.³ None of the sources should be taken as absolutely accurate representations of what was said. What they preserve is the substance of a speech or the outcome of debate, and though they might instances, ignored. Bunn, Coldwell, and Bird recorded what they personally considered to be most interesting or important. It is reasonable to assume that, at best, as little as one third of the actual words spoken may have been preserved.⁴

Although the existence of a French-language record is probable, to date none has been found. Of Bird and Bunn, both of whom were classed among the English-speaking settlers of Red River, Bunn is known to have also spoken, read, and written French. His

¹ See Norma Hall, with Clifford P. Hall, and Erin Verrier, *A History of the Legislative Assembly of Assiniboia/le Conseil du Gouvernement Provisoire* (Winnipeg: Aboriginal and Northern Affairs, Government of Manitoba, 2010).

² Archives of Manitoba [AM], MG3 A1-15, Red River Disturbance collection, Thomas Bunn, *Sessional Journal of the Legislative Assembly of Assiniboia, March 1870*.

³ AM, MG3 A1-24, Red River Disturbance collection, Curtis James Bird, "Minutes of meeting of Committee to codify and arrange laws. 1870." AM, MG3 A1-19, 20, 21, 23, 24, Red River Disturbance collection, includes Bills 1 through 4, documents which were also consulted.

⁴ P.B. Waite, "Introduction," *House of Commons Debates* [1870] vol. 3 (Ottawa: Minister of Supply and Services Canada, 1979), vii.

journal was written in English, however, as was Bird's report and Coldwell's account. It is not clear whether the latter two spoke French. It is possible that there were remarks, jokes, or even extended discussions out of which a French-language recorder might have made more. In the case of Coldwell's reports in the *New Nation*, the same observation might apply to remarks made in Aboriginal languages.

For the purpose of this transcription, Bunn's journal served as the central source. Coldwell's and Bird's reports were used to fill in gaps, to confirm the order of proceedings, and to check possible errors. In the reconstituted debates that follow, text taken from Bunn's journal is coloured black. Text from other sources is coloured red.

The process of reconstituting the debates out of multiple document sources, some printed and some handwritten, necessarily meant making editorial decisions to ensure internal cohesion, establish some consistency, and enhance readability. The end product cannot be considered a literal transcript of any of the sources, though editing was minimal. The most obvious change is in the formatting. Conventions that are standard in early (and similarly reconstituted) sessional journals of Manitoba and Canada were followed. Thus, uniform headings were applied and the names of speakers who had the floor were set in bold type. For the most part, idiosyncratic spelling (including variations of surname spellings), punctuation, and capitalization have been preserved (absent accents, for example, are in keeping with the sources – thus Taché might appear as Tache). Nevertheless, there are instances where editorial intrusions were made. These were limited to correcting what appear to be unintentional spelling errors; inserting a comma or a full stop at the end of a line or paragraph; and writing out in full abbreviations that occurred only occasionally – such as ampersands, numerical values, given names, or titles. Where an omission is obvious, missing words have been inserted in square brackets. Where words are illegible, possibilities have likewise been suggested in square brackets. Overall, my goal was to preserve the integrity of the sources and leave the original authors' choice of wording alone – whether their communication was clear or obscure. Footnotes indicate the location of the originals on which the transcription is based to aid in referencing a primary document if absolute accuracy is required.

Représentants français

le Conseil du Gouvernement Provisoire

9 mars 1870 à 24 juin 1870

Baie St. Paul ⁵ and Prairie du Cheval Blanc ⁶	Pierre Poitras ⁷
St. François-Xavier ⁸	François-Xavier Pagé François Dauphinais
St. Charles	J.-Baptiste Beauchemin
St. Boniface	John Bruce William B. O'Donoghue Louis Schmidt
St. Vital	André Beauchemin

⁵ Also known as St. Paul's and easily confused with the English parish that was variously presented as St. Paul, St. Pauls, and St. Paul's. Often the only way to determine which of the two parishes is meant is to note the name of its representative.

⁶ Also known as Prairie of the White Horse/White Horse Plains. See A.-A. Taché, remarks, in *Report on the Exploration of the Country Between Lake Superior and the Red River Settlement and between the latter place and the Assiniboine and Saskatchewan*, by S.J. Dawson (Toronto: John Lovell, 1859), 11; The parish had previously (to about 1859) been co-extensive with St. François-Xavier – which shared the same chapel. The original inhabitants of Prairie du Cheval Blanc had been “several hundreds of hunters who pass the year on the prairies, but at certain times visit the colony.” A “great number” of these people (likely women) spoke Cree and Saulteaux exclusively (though it is safe to assume Michif was fairly common as some of the men also spoke French and English). By 1870, with the decline in the number of buffalo and the rise in the number of people in the community, some individuals settled with permanent homes, although others remained seasonal inhabitants only.

⁷ Poitras might have stood in as representative of Prairie du Cheval Blanc/White Horse Plains for Patrice Breland, who had been overseeing parish affairs in the place of his father, Pascal Breland/Berland. Pascal was away, acting as a leader of the fall/winter Qu'Appelle buffalo hunt. Patrice Breland does not appear to have participated officially in the capacity of member of the Legislative Assembly. Instead, designated a “captain in the service of ‘The Provisional Government,’” he was sent out to the plains during the spring to reassure Métis buffalo hunters that they could return their harvest to the settlement, confident that all was in order. See Colin Inkster, cited in “The Toronto Telegraph’s ‘Own Correspondent,’” *New Nation* (23 July 1870), 2; also “A Flat Denial, Own Correspondent’s Fables!” *New Nation* (23 July 1870), 2; “Our Conciliatory Tone,” *New Nation* (23 July 1870), 2; and Isaac Cowie, *The Company of Adventurers: A Narrative of Seven Years in the Service of the Hudson’s Bay Company during 1867–1874* (Toronto: William Briggs, 1913), 391–392, 395, 398, 401–406, 412.

⁸ Also known as St. Francis Xavier, the parish dated from about 1824. See Taché, *Report on the Exploration of the Country Between Lake Superior and the Red River Settlement*, 11.

	Ambroise-D. Lépine
St. Norbert	Baptiste Tourond ⁹ Pierre Parenteau ¹⁰
Pointe Coupée ¹¹	Louis Lacerte Pierre Delorme ¹²
Ste.-Anne/Oak Point ¹³	Auguste Harrison ¹⁴

English Representatives

Legislative Assembly of Assiniboia

9 March 1870 to 24 June 1870

St. Mary's Laprairie ¹⁵	William Garrioch Jr.
St. Margaret's ¹⁶	John Norquay Sr. ¹⁷

⁹ Also spelled Touron, Tourons, and Towron.

¹⁰ Alternate spellings include Paranteau and Parrenteau. Norbert Laronce/Larance/La Rance/Laurence was also named as a councillor during the Convention of Forty, perhaps slated to represent the parish, but in the end did not take a seat in the Legislative Assembly of Assiniboia. See "Convention at Fort Garry, Twelfth Day, Continued," *New Nation* (18 February 1870), 1.

¹¹ Later known as St. Adolphe. Pointe à Grouette became known as Ste. Àgathe.

¹² Alternately spelled De Lorme and DeLorme.

¹³ Also known as Point des Chêne/Sainte-Anne-Pointe-des-Chênes/Ste.-Anne des Chênes, and is not to be confused with Oak Point/St. Laurent/Manitoba/Manitobah on the shore of Lake Manitoba.

¹⁴ Initially, Charles Nolin seems to have been slated for the position of councillor, but after a series of disagreements with Riel he was jailed (about 4 March 1870) and held for a time. Auguste Harrison replaced him. See "Political Arrests," *New Nation* (11 March 1870), 2; Auguste is sometimes confused with his father and identified as Thomas Auguste Harrison. It seems likely that it was Auguste's father who attended the Convention of Forty, given that Louis Riel referred to him as "Tom." See "Convention at Fort Garry, Very Important Debates, The Bill of Rights," *New Nation* (11 February 1870), 4; and W.L. Morton, ed., and Alexander Begg, *Alexander Begg's Red River Journal: and other papers relative to the Red River Resistance of 1869-1870* (Toronto: Champlain Society, 1956), 286–287 n.1.

¹⁵ Anglican parish at "the Portage"/Portage la Prairie. Not necessarily synonymous with the camp of Canadians at Portage La Prairie.

¹⁶ Also known as High Bluff.

¹⁷ John Lazarus Norquay, born on 19 April 1837; cousin to John Norquay "Jr.," who became premier of Manitoba.

St. Ann's ¹⁸	George Gunn
Headingley ¹⁹	William Auld Tait
St. James' ²⁰	James McKay
St. John's	A.G.B. Bannatyne
Town of Winnipeg	Alfred H. Scott Hugh F. Olone ²¹
Kildonan	William Fraser
St. Paul's ²²	Dr. Curtis James Bird
St. Andrew's ²³	E.H.G.G. Hay Thomas Sinclair Jr.
St. Clement's ²⁴	Thomas Bunn
St. Peter's ²⁵	John Sinclair

¹⁸ Also known as St. Anns, St. Anne's and Poplar Point.

¹⁹ Also spelled Headingly.

²⁰ Variousy spelled St. James/James's.

²¹ Occasionally spelled O'Lone.

²² Also known as Middlechurch, and spelled St. Paul; not to be confused with Baie St. Paul, which was also known as St. Paul's.

²³ Also designated "Little Britain." See Archives of Manitoba [AM], MG3 B1-3, "Letter from Donald Gunn to Thomas Bunn. 1870."

²⁴ Also spelled St. Clement/Clements, or referred to as Mapleton.

²⁵ Also spelled St. Peter and referred to as "the Indian Settlement."

Legislative Assembly of Assiniboia
First Session

Assembly Chamber, Upper Fort Garry
Wednesday, 9 March 1870²⁶

The first meeting of the Legislative Assembly of Assiniboia was held in the **Court-house** Upper Fort Garry today. There were present **the Councillors elected under the Provisional Government**:—

French Councillors

Hon. Messrs. W.B. O'Donoghue, John Bruce, Ambroise Lepine, Louis Schmidt, A. Beauchemin, Baptiste Touron, Baptiste Beauchemin, Pierre Parenteau, Louis Lascerte.

English Councillors

Hon. Messrs. A.G.B. Bannatyne, W. Fraser, Thomas Bunn, W. Garrioch, George Gunn, John Norquay, E. Hay, A.H. Scott, H.F. Olone, W. Tait.

The President having taken his seat at three o'clock P.M. addressed the House as follows, in French and English:

Gentlemen we have assembled in this Chamber on several occasions, having been sent here by the people to deliberate on the political state of the country and to adapt such measures as would secure the prosperity of the present and future generations. But that all has been done so far has resulted only in what we have to-day. Yet that “only” is a very comprehensive word.²⁷ It includes your work during that period — the work of the people in fact (cheers). We have worked here in the past in anxiety and fear. But we have worked conscientiously. That the majority, at least, have done so, I fully believe. One result of our labors is that the people generally now have, for the first time in the history of this land, a voice in the direction of public affairs. They have here a full representation. Herein, we may congratulate ourselves that our work has been a good one; and, indeed, it may almost be said to be the only result we have arrived at as yet. At present, we are not, perhaps, in a position to proceed to business. But at the same time we have arrived at that stage, when there is some public security (cheers). Let us, then, see to it that the public are no more allowed to rush together, on one side or the other, in such a manner as they have gathered of late. Let us be friends — and let our friendship be hearty and sincere (cheers). On many occasions, since last fall, I have heard professions of friendship in this Chamber; and I must say I was sorry to hear those professions, for I knew they were —

²⁶ Bunn, *Sessional Journal*, 11, 12; Bruce Peel, ed., reprint of Assiniboia, Provisional Government, 1869–1870, Legislative Assembly, “Minutes of the Proceedings of the Legislature of Rupert’s Land, Wednesday March 9th, 1870” (Winnipeg: Printed by H.M. Robinson and Co., 1870), in *Early printing in the Red River Settlement 1859-1870: and its effect on the Riel Rebellion* (Winnipeg: Peguis Publishers, 1974), 53–55.

²⁷ Quotation marks added.

as they afterwards proved to be, insincere. There was too much of fear and estrangement to allow of that friendship being hearty. But now that we have come together once more, I believe we are actuated by such feelings as will lead to a thorough union (cheers). We have come here to decide on that which we believe to be our duty, and will do it, honestly. We are here as the public authority. We are here to act in that capacity. Some of you were in the old Government of the country, and are familiar with the conduct of public proceedings. You have your ideas of what is best for the public. The Councillors as a body have their ideas on the same subject. Well, then, let us act, — that is our motto (cheers). Let us not confine ourselves to thinking or speaking. We must act. Let us act inside this Chamber as well as outside. The work is urgent, — is one of the utmost consequence to ourselves and our people. In this Council and outside that work awaits us, and we will not be faithful to ourselves or our country if we shirk it (cheers). As to the business before us, I may say that in the first place the Government must be completed as soon as possible. This must be done in order to promote union in the Settlement, and give that feeling of security which will encourage our business men to start afresh, and infuse new vigor into the community in general. We must help the country at this crisis; and if we do so in the way I have pointed out, I feel that we will secure general sympathy and support. The people will support us if we support them. There are, I know, some differences between the residents of different localities — and perhaps the easiest way to dispose of them would be that each side should concede something. A spirit of concession, I think, ought to be manifested on both sides; and if it is, we will be cordial and united. If we were so united, — as was said long ago,— the people of Red River could make their own terms with Canada. We have had here already three Commissioners from the Dominion; and now, perhaps, we have another come among us, in the person of His Lordship the Bishop of St. Boniface,— one who is generally beloved and esteemed in the land, and to whose mission, I doubt not, the highest attention will be paid. For my part I would certainly like to see in the person of His Lordship a Commissioner, invested with full power to give us what we want (cheers). But we have to be careful: for we do not know what that power is; and we must not rush blindly into the hands of any Commissioners. Let us act prudently — that is all I urge,— if we do so, we will be safe enough (cheers). This, gentlemen, is all I have to say. You cannot, of course, expect to do anything to-day, in any way, even if all the members were present (hear, hear). Before we separate let me say one word. Let us try to be more friendly. Why not? We are not going to fight any more (hear, hear, and cheers) — not at all. And I cannot, in this connection, but express regret at hearing unpleasant rumors from the Portage. These rumors cause fear all the time at White Horse Plains. The people there are led to believe that they are going to be crushed some day or other. There is a want of assurance among our people which has led to a guard being stationed in that quarter. I hope the Portage people will be able to disavow any such intentions, and give such assurances as will lead to a better state of things. If it is not fully according to the mind of the people, let not any one from that section deny the rumors. But if, on the contrary, the Portage people do not harbor the designs attributed to them, I hope it will be stated, so that a feeling of tranquility and security may be diffused (cheers).²⁸

²⁸ Bunn, *Sessional Journal*, 11, newspaper clipping; “Provisional Government, First Council Meeting, Speech of the President,” *New Nation* (11 March 1870), 2; see also Raymond Huel, ed., “1–039. Address before the Legislature of Rupert’s Land. Fort Garry. 70/03/09,” by Louis Riel [trans.], in *The Collected*

Mr. Hay urged an adjournment of Council, as the notice convening it had not been published in time and all the members were not in attendance.

Mr. W. Garrioch — As the representative from Portage, I would say a word or two respecting what the President had said concerning the rumors current among the White Horse Plain people. I am very happy to say,— and I make the statement in all truth and sincerity — that the rumors alluded to are utterly without foundation (cheers). Except in one instance, we have done our utmost to keep the peace. We feel that we are in duty bound to come under the Provisional Government, and are now on perfect good terms with all the people of Red River. As to the rumors concerning the Sioux, I would also state that we are doing our utmost to keep them quiet; and, as far as I know, they are listening to us (cheers).²⁹

Hon. Mr. Bunn, seconded by **Hon. Mr. Bruce**, moved an adjournment till Tuesday next at ten o'clock A.M. — Carried.

The President — Now that we are going home, our policies will be, — good government for the people, as soon as we can establish it; and public prosperity by every means which we can devise (cheers).³⁰

The House then adjourned till Tuesday following.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Tuesday, 15 March 1870³¹

The Members of the New Legislative Assembly of Rupert's Land met again in their Chamber on the 15th ult. The President having taken the chair,

The following notices of motion were given:—

Hon. Mr. Bunn — That the Government of England, the Canadian Government, and the Hudson Bay Company, have ignored our rights as British subjects, when they

Writings of Louis Riel/Les Ecrits Complets de Louis Riel, vol. 1, ed. George F.G. Stanley, Raymond Huel, Giles Martel, Thomas Flanagan, and Glen Campbell (Edmonton: University of Alberta Press, 1985), 60–62.

²⁹ “Provisional Government, First Council Meeting,” *New Nation* (11 March 1870), 2.

³⁰ *Ibid.*

³¹ Bunn, *Sessional Journal*, 12-13; “Provisional Government. Bishop Tache [sic] Addresses the Assembly,” *New Nation* (16 March 1870), 2.

entered into arrangements on the subject of the transfer of the Government of the North-West to the Dominion of Canada; without consulting the wishes of the people of the North-West Territory.

Hon. Mr. Scott — That notwithstanding the insults and sufferings borne by the people of the North-West heretofore, and which they still endure, the loyalty of the people of the North-West toward the Crown of England remains the same, provided the rights and properties, usages and customs of the people be respected.

It was announced that his Lordship Bishop Tache was in waiting outside the assembly room.³² The President immediately went to meet him and introduce him to the House. A seat was given and accepted by his Lordship.

After a moment of silence **the President** said:—

During some months the people had been in trouble and suffering, but since a certain time things were appearing to turn in our favor. Canada had begun to *recognise us* more than she was accustomed to. The people of this country had begun to understand each other and had met from all parts of the Settlement to unite. While thus coming to such an understanding and feeling its pleasures the first joy was produced by the arrival of His Lordship Bishop Tache.

The President said he felt extreme pleasure in presenting to His Lordship the first Legislative Assembly of this country, representing all classes of the people. And in the name of the people represented by the hon. Members of this Legislative Assembly he bid His Lordship welcome and congratulations on his safe return amongst them. We are here to look after the interests of our people; and this is a great responsibility but we must not shirk from it; for upon us depends the future destiny of this vast country. Let us then not be too precipitate, but weigh well all our words that our actions may bear abundant fruit. Let us again welcome His Lordship amongst us, his people, and I know he is welcome to all classes.

In Reply.³³

Bishop Tache having expressed the pleasure he felt at meeting the Council, he said, in substance — I can well understand the anxiety of the people, at the crisis in

³² Sentence here is abridged, the full text printed in the *New Nation* reads: “During another afternoon session of the Legislature it was announced that his Lordship Bishop Tache was in waiting outside the assembly room.”

³³ Begg, *Alexander Begg's Red River Journal*, 339, reports that “The New Nation was stopped to-night [Friday, 18 March 1870] – it appears the report of the council proceedings especially that touching on Bishop Taché's appearance before the Legislative body was not according to the taste of the President.” Presumably the printed version, on which this transcription is based, met Riel's approval.

public affairs with which we have to deal. I believe it to be an anxiety deep and wide-spread. Let me express the hope, however, that all feeling of this kind will cease. It is a hope grounded on my own conviction that this anxiety is now needless, and that a brighter and better day will speedily dawn on this land (cheers). I do not come back, gentlemen, in any official capacity. When I arrived in Canada, it was understood that the people of Red River were sending down delegates; and hence it was not thought necessary to invest me with any powers as Commissioner. The Government pressed me to remain until the arrival of the delegates, but my anxiety of mind was such that I could not delay. I desired to be with my people at a period such as this; and hence I left Canada with all convenient speed. Short as my stay was, however, I had ample opportunity for becoming acquainted with this fact, that the intentions of the Canadian Government as far as the people of this country are concerned, were good and praiseworthy (cheers). I can testify that they have no desire to overlook the political rights of the people here (cheers). As an evidence of this, I will, with permission, read a telegram from the Hon. Joseph Howe, which I received since my arrival here. It was sent to me to St. Paul, in answer to another telegram I sent him, but it arrived there the day after I left. I despatched the telegram, I may say, in consequence of receiving at St. Paul *The New Nation*, containing a copy of the List of Rights adopted by the Convention. Mr. Howe's reply was: "Propositions in the main satisfactory. But let the delegation come here to settle the details" (cheers). Let me say, further, that I believe that until recently the people of Canada were in perfect ignorance of the true state of affairs in this country; and it is not to be wondered at, as I myself, even after having spent most of my life in this country, was very far from knowing the actual state of affairs here, until I arrived the other day. I am a Canadian, and proud of that title. Many friends you have in Canada, both in the Government and outside; so be assured that nobody is desirous to oppress you (hear, hear). His Lordship, in order to show the opinion entertained of Mr. McDougall's action at Pembina, read an extract from a speech of Hon. Mr. Howe, in the Dominion Parliament. The speaker condemned Mr. McDougall's action thoroughly, and stated that when all the papers relating to the North-West were laid before the House, it would be found that Mr. McDougall's position was unjustifiable. I will say again, said his Lordship, in resuming his speech, that my own feelings towards the people of Red River, are unchanged in the least. As I have often said before, so say I now,— they have, one and all, without distinction of race or language or creed,— my highest esteem and affection (cheers). If I may make a comparison to evince my regard. I would say — to show that I feel towards the people of Red River as if they were all one body: When one member of a body, say, the right hand, suffers, the left hand sympathises with it. And so it is with us, as a people. So thoroughly do we sympathise with each other, that when one section suffers the other partakes of that suffering. In doing what I can, then, to mitigate that suffering, I feel that I am bound to do what is possible for all classes, equally. (His Lordship was very much affected during the latter part of his address and sat down amid cheers.) Soon after, he rose again and said — An inspiration occurs to me. I would ask the President, as an act of grace, for the release of half of the prisoners (cheers).

The President — I have great pleasure in stating, in response to his Lordship's request, that one half of the prisoners will be liberated this evening (loud cheers) — and the other half will be set at liberty as soon as we have heard from a certain quarter to

which some of the prisoners belong (cheers). This I do out of respect to the Assembly (cheers).

The Bishop — I would, as a parting request, express my desire that all the representatives present,— but especially those from the English-speaking population — should exert all their efforts and influence among the people in their respective localities to give them to understand the necessity of union, to preserve order, abide by the laws of the established government, and to see that nothing ever again occurs to disturb the peace of the Settlement (cheers). Before sitting down, I would say a further word or two in reference to Mr. McDougall's action. While at Ottawa I had the privilege of seeing the official papers in reference to this North-West difficulty; and in these the Government publicly condemn Mr. McDougall's action. These documents will show, that while they thought Mr. McDougall still at Pembina, they sent to him two special messengers with dispatches condemning his action (hear and cheers). And in reference to Dennis's action here, the same despatch stated that had Dennis succeeded in causing a civil war in Red River, he would have had to answer for any life lost by such action, before the bar of justice (loud cheers).

Hon. Mr. Bunn moved a vote of thanks to his Lordship, and in doing so expressed the feeling of great satisfaction with which the news of his arrival had been hailed by all classes of the people. For a lengthened period they had been distracted by the most harassing doubts and fears; and now at last, in the person of his Lordship, they believed they had found one who would lend most potent aid to bring about a happier and better state of things (cheers). I cordially and sincerely endorse, said Hon. Mr. Bunn, his Lordship's opinion that peace and union among all classes and sections should be our motto. I believe with others that union among ourselves is absolutely necessary for our own preservation as a people — but necessary also in the interests of Canada, and perhaps even in the interests of the Imperial Government. Gentlemen, unfortunately, mistakes and blunders have been made on all hands. This has been admitted by all the parties concerned; but is that a reason why the poor Red River people should be called upon to sacrifice their lives and shed their best blood to wipe out these mistakes? Who among us that heard his Lordship's appeal for union, and his appeal for our unfortunate brethren now in prison, but must have heartily echoed that appeal, and must have rejoiced in his soul to hear that appeal for the release of one half of them, so unhesitatingly conceded. Let us hope and trust that henceforth there shall be no further necessity for the harsh measures which all have lamented, but that in future all will be unity and peace; and I hope that prosperity to the country will be the result (cheers).

Hon. C.J. Bird seconded the motion, which was carried amid applause.

The House then adjourned till ten, A.M., the following day.

Legislative Assembly of Assiniboia

Council Chamber, Upper Fort Garry

Wednesday, 16 March 1870³⁴

Noon — The President in the Chair. Representatives assembled.

Hon. Mr. Bunn moved the adoption of the motion of which he had given notice.³⁵

Hon. Mr. Olone seconded the motion.

Hon. Mr. Bunn called attention to the fact that in the original French motion the words “*les droits des gens*” occurred and had been translated “the rights of men.” The English translation being vague he changed the words in question to “our rights as British subjects.”

The President — It is our duty to weigh carefully how we word our resolutions and what we do. While seeking to be as explicit as possible, we must be respectful and dignified, not merely for own sakes, but on account of the Imperial authorities (hear, hear). The French phrase used in the original motion is very expressive and alludes to our rights as men — a people — a nation. In that capacity we have been ignored. All I wish to impress upon Hon. gentlemen is, that they should exercise as much care as possible in wording their resolutions.

Hon. Mr. Scott suggested the insertion of the words “our rights as a people,” instead of “our rights as British subjects.”

Hon. Mr. Bunn — I object to the alteration. It is only as British subjects that we have any right to complain of the transfer. If we were the subjects of any other Power, we would not have a word to say in the matter.

Hon. Mr. Scott — I still think the words “British subjects” not only unnecessary, but that they take away from the real essence of the motion. The second resolution, of which notice has been given, provides for our rights as British subjects.

The President — We have of course, our rights as a people and, standing on these general rights, we say we have been ignored and we complain. But, these rights being granted to us, we feel sure we are always British subjects. In effect there seems little difference between the two wordings proposed.

Hon. Mr. Bunn — There is not very much difference. But for the purpose of being concise, I prefer to leave my motion as it stands. I grant the principle advocated by the President, that every people have rights, but from whom must they claim them? Suppose in accordance with that general principle, we say we have rights, from whom must we claim them? From the Crown of England undoubtedly, as British subjects.

³⁴ Bunn, *Sessional Journal*, 13; “Provisional Government,” *New Nation* (16 March 1870), 2.

³⁵ See previous day, first motion.

Hon. Mr. O'Donoghue moved in amendment — That we, the representatives of the inhabitants of the North-West, consider that the Imperial Government, the Hudson Bay Company³⁶ and the Canadian Government, in stipulating for the transfer of the Government of this country to the Dominion Government, without first consulting, or even notifying the people of such transfer, have entirely ignored our rights as a people.

The President — The people of course, had the right to be consulted. There is only the right of conquest against it.

Hon. C.J. Bird supported Mr. Bunn's motion. He said — The insertion of the words "our rights as British subjects" I consider only consistent. It does not alter our rights as a people in any way, but rather strengthens them. Suppose we were aliens, manifestly it would not lie in our mouth to complain of the transference to Canada. But as British subjects, and as such only, have we a right to complain.

The President — After all, there is here in some respects a distinction without a difference. We complain not because we are British subjects merely, but because we are men. We complain as a people — as men — for if we were not men we would not be British subjects.

Hon. Mr. O'Donoghue — Unquestionably, it is our business, as a people, to say that we cannot be bartered away as an article of commerce. It is admitted that the high contracting parties might have entered into this arrangement if they had first notified the people and obtained their assent to the transfer. But no such notification was given — our people were deprived of a right common to all men — and of course they felt aggrieved (cheers). The hon. member from Mapleton, (Mr. Bunn) would have us affirm that it was only because we were British subjects we had a right to be consulted. Now, I would go farther, and hold with the hon., the President, that as men we cannot be trafficked in — bartered away at the pleasure of any Government. We are free men and as such have rights altogether apart from those we acquire by being British subjects (cheers).

The President — For my part, in stating that one form of expression is about as acceptable as another, I do so, although having the sincerest desire to guard closely the interests of the people (cheers). The President subsequently suggested for the sake of being more explicit, that the words "subjects of this country", at the end of the resolution, be expunged, and the words "people of the North-West Territory" be inserted.

Hon. Mr. Bunn's motion, as amended, was then put and carried on a division.

Hon. Mr. Scott, seconded by **Hon. Mr. McKay**, then moved the motion of which he had given notice.

³⁶ Common spelling of the Company's name throughout.

Hon. Mr. Bunn moved in amendment, that the following be added to the resolution after the word, “respected” — “and we feel assured that as British subjects such rights and properties, usages and customs will undoubtedly be respected.”

Hon. Mr. Tait seconded the amendment.

The President — I may say here, once for all, that we cannot hope to conduct parliamentary business as they do in London or Ottawa. But we must seek to be as orderly and business-like as possible in our proceedings, and I hope this will be the endeavor of every hon. member.

On the suggestion of **Hon. Mr. O’Donoghue**, the word “sufferings” was added to the second clause of the resolution, making it read, “which sufferings they still endure.”

The resolution then read — “That notwithstanding the insults and sufferings borne by the people of the North-West heretofore — which sufferings they still endure — the loyalty of the people of the North-West towards the Crown of England remains the same, provided the ‘rights, properties, usages, and customs of the people be respected — and we feel assured that, as British subjects, such rights, properties, usages and customs will undoubtedly be respected.”

At half-past one the House took a recess for an hour and a half.

Three o’clock, P.M. — Legislature again in session.

Hon. Mr. Bunn, seconded by **Hon. Mr. Bannatyne**, moved that the Constitution of the Provisional Government for Rupert’s Land and the North-West Territory be now drawn up,— that a committee be appointed to draft the same, and submit it for the approbation of the Legislative assembly, and that said committee be composed of — French Representatives — The Hon. the President, and Hon. Messrs. Lepine, O’Donoghue, and Bruce; — English Representatives — Hon. Messrs. Tait, Bird, Bunn, and James Ross, Esq., Chief Justice.

The President — The resolution is a very important one. Before beginning, it is necessary, of course, to have some bounds. We are only a Provisional body, but it seems to me that it would be well to show, in the way proposed, what are the aims of the present Government.

Hon. Mr. O’Donoghue objected to any person not a member, being appointed on that, or any other committee of the House. It was unparliamentary and would afford a bad precedent.

Hon. Mr. Bunn — At this stage,— when we are about to devise a constitution, I think it perfectly competent in us to try and secure the services of a gentleman of ability

— and one who, though not occupying a seat in the House, is from his position and talents, eminently qualified to assist us in the work about to be undertaken.

Hon. Mr. O'Donoghue — I do not object to Mr. Ross on personal grounds, I merely object to his being placed on the committee as giving precedent which is not only unusual, but which would in all probability work ill, as in the event of the Chief Justice being placed on a Parliamentary committee, there is no reason why three or four other outsiders should not be placed on that or any other committee.

The President — This little discussion shows clearly the necessity for a speedy definition of the powers and privileges of this House.

On motion of **Mr. O'Donoghue**, seconded by **Hon. Mr. Scott**, the name of Hon. Mr. Bannatyne was substituted for that of the Chief Justice, in the motion and it was carried as amended.

The Hay Privilege

Hon. Mr. O'Donoghue gave notice that he would introduce a bill providing that the two-mile hay privilege heretofore enjoyed shall, by act of this Legislature be converted into fee simple ownership; and that all disputes arising between parties as to the right of this privilege, shall be referred to the committee appointed by the House for settling such disputes.

Hon. Mr. Bunn, seconded by **Hon. Mr. Scott**, moved that when the House adjourns it stands adjourned till Friday morning at ten o'clock, in order to enable the committee which had been struck to get through its labors. — Carried.

The House then adjourned.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Friday, March 18, 1870³⁷

The President took the chair at four o'clock P.M.

The President addressed the House, objecting to them in some respects, and, after a brief debate the subject dropped.

³⁷ Bunn, *Sessional Journal*, 14; "Legislative Assembly of Assiniboia (1st Session, — 1st Parliament)," *New Nation* (8 April 1870), 1.

Hon. Mr. Bunn as Secretary of the Committee appointed to draw up a Constitution for the Provisional Government, read the report of the committee as follows:—

Committee met [Thursday] March 17.

Hon. Mr. O'Donoghue in the chair.

On motion of Hon. C.J. Bird, seconded by the President, the following preamble was adopted:— “That we, the people of Assiniboia, without disregard to the Crown of England, under whose authority we live, have deemed it necessary for the protection of life and property, and the securing of those rights and privileges which we are entitled to enjoy as British subjects — and which rights and privileges we have seen in danger — to form a Provisional Government, which is the only acting authority in this country; and we do hereby ordain and establish the following Constitution.”

Moved by the Hon. C.J. Bird seconded by Hon. Mr. Bunn, and adopted:

“That the country hitherto known as Rupert's Land and the North-West, be henceforth known and styled ‘Assiniboia.’”

Moved by Hon. Mr. Bannatyne, seconded by Hon. Mr. Tait, and adopted:—

“That our Assembly of Representatives be styled henceforth the Legislative Assembly of Assiniboia.”

Committee then adjourned.

Next morning committee met again, Hon. Mr. O'Donoghue in the chair.

On motion of the chairman, seconded by Hon. Mr. Bird, it was resolved:— That all Legislative authority be rested in a President and Legislative Assembly composed of members elected by the people: and that at any future time another House, called a Senate, shall be established, when deemed necessary by the Legislature.”

On motion of the chairman seconded by Hon. Mr. Bird, it was resolved:— “That the only qualification necessary for a member to serve in the Legislature be, that he shall have attained the age of twenty-three years, that he be a citizen of Assiniboia, and a resident of the country for a term of at least five years.”

Committee then adjourned.

Hon. Mr. O'Donoghue stated to the House, in explanation — The committee, I may say, do not consider their work ended and that a complete constitution has been drawn up. We labored as long as our time would allow us, and that we have not finished is simply owing to our time being too limited. Perhaps it would be better that hon. gentlemen should have the whole Constitution, before they decide on accepting or rejecting the portion submitted.

After debate,

Hon. Mr. Bunn, seconded by **Hon. Mr. Sinclair**, moved the adoption of the preamble.

Hon. Mr. Scott moved in amendment that the preamble be amended by striking out the word “acting” before authority. By leaving it in, there seemed to be an acknowledgement of another Government, which, though inactive was in being.

The President — If it means, as we intended it should mean, that the Crown of England is another authority here, I think we are right in using the word “acting.” We are the only acting authority, but we are, still, under the Crown of England.

Hon. Mr. Scott — Suppose it to be held that the Hudson Bay Company is the other authority which is not specified? Some people yet look to that Company as an authority.

Hon. C.J. Bird — From the wording of the motion I think it clear that the reference to other authority is to the Crown of England.

Hon. Mr. Olone seconded Hon. Mr. Scott's amendment.

The President — The Hudson Bay Company have, I think, been put out of the way on all hands.

At the suggestion of **Hon. Mr. O'Donoghue**, Mr. Scott's amendment was changed by substituting the words “government” for “acting authority.”

The amendment was subsequently put and lost on a division:— Yeas 5, nays 22, and the original motion was put and carried:— Yeas 22, nays 5.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Sinclair**, moved the adoption of the first resolution, naming the country Assiniboia.

Hon. Mr. O'Donoghue — In the preamble we have already adopted the name Assiniboia. Besides I am not quite sure that an article like this should form any part of the Constitution.

Hon. Mr. Bunn — The word “Assiniboia” in the preamble is confined to a certain little district known to all. The resolution we are now asked to adopt makes that name cover the whole of Rupert’s Land and the North-West Territory.

Hon. Mr. O’Donoghue — Have we, in this “certain little district” any right to make a Constitution for the whole of Rupert’s Land and the North-West? I cannot see why, when we have adopted the name in the preamble, we should also have an article in the Constitution naming the Territory. I say, let us give the country a name first and then draw up the Constitution.

Hon. Mr. Bird — I believe that we have given the country a name in the preamble, but I also believe that we ought to distinctly define what we mean by the word Assiniboia. Hitherto that name has covered a very limited area. Now we want it to be the name of the whole North-West Territory. As to the name itself, it is one which I like. We ought to retain the Indian names as far as possible, for they are appropriate and euphonious.

The motion was carried unanimously.

Hon. Mr. O’Donoghue, seconded by **Hon. Mr. Bunn**, moved that the House adjourn till Monday, in order to give the Committee time to finish their labors. In putting this motion, Mr. O’Donoghue remarked that those representatives from a distance, and indeed all of the representatives, must be under considerable expense in attending the Legislature. It was really a necessity of the case that their expenses should be provided for. Members were working for the good of the country, and should not be losing too much in such an occupation. In his opinion a certain amount ought to be advanced to defray the current expenses of members. The matter was worthy the consideration of the House.

At a quarter to seven P.M. the House adjourned till the following Monday at one o’clock P.M.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Monday, 21 March 1870³⁸

The President having taken the chair and routine business having been transacted,

The Secretary of the Constitution committee read the second article of their report, which was as follows:—

“2. That our assembly of representatives be henceforth styled The Legislative Assembly of Assiniboia.”

³⁸ Bunn, *Sessional Journal*, 15; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1.

On motion of **Hon. Mr. Scott**, seconded by **Hon. Mr. Poitras**, the article was adopted.

On motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Bruce**, the third article was adopted, as follows:—

“3. That all Legislative authority be vested in a President and Legislative Assembly composed of members elected by the people; and that at any future time another House, called a Senate, shall be established when deemed necessary by the President and the Legislature.”

The House adjourned.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Tuesday, 22 March 1870³⁹

The President took the chair.

It was resolved that the consideration of the Constitutional Committee’s report be resumed.

Article 4 was then put, as follows:—

“4. That the only qualification necessary for a member of the Legislative Assembly be, that he shall have attained the age of twenty-three years — that he be a citizen of Assiniboia,— and a resident of the country for a term of at least five years.”

Hon. Mr. O’Donoghue, seconded by **Hon. Mr. Scott**, moved in amendment — That each representative be also required to be possessed of rateable property to the amount of fifty pounds sterling.

Hon. Mr. Bunn moved in amendment, to the amendment.— That all after the words “three years” be struck out and the following be inserted:— “That he shall have been a resident of Assiniboia for a term of at least five years — that he shall be a householder, and have rateable property to the amount of £200 sterling,— and that if an alien, he shall have first taken the oath of allegiance.”

This last amendment was put and carried, and the original resolution carried as amended.

³⁹ *Ibid.*, note that “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1, conflates the sittings of 22 and 23 March.

The House then adjourned.

Legislative Assembly of Assiniboia

Legislative Assembly Chamber, Upper Fort Garry
Wednesday, March 23, 1870⁴⁰

The President took the chair at four o'clock P.M., and, having officially announced the appointment of Mr. W. Coldwell as Clerk of the Assembly, proceeded to address the House, offering certain suggestions to hon. members, in order to facilitate the business of the Session.

In the course of his remarks, he said — We have endeavored to do much that the people wish, and to show them that we are acting for them. Now I would suggest, as a means of further completing the work so happily begun, that a committee be appointed in order to frame a Constitution such as is necessary under the present condition of affairs, and that they have all the time necessary for bringing their deliberations to a successful issue. It might be, perhaps, as well to re-appoint the old committee which sat on this question (hear, hear). Obviously, by our present course of drafting a Constitution in Committee in the forenoon and discussing it in the House in the afternoon, we are committing a mistake (hear, hear). It is a matter of too serious import to be disposed of in this manner (cheers). Hence I make the suggestion to refer this whole subject to a committee to sit during the recess. At present our duty would seem to be, to pass such laws, or orders, as may tend to secure that which is principally endangered among the people, viz., order (cheers). To secure this some provision for the due administration of Justice, is required at our hands (cheers). This being done, and committees having been struck to consider the important questions which we cannot finally dispose of this session, our labors might for the present end, and the House might be prorogued to meet again every month (cheers). When the House was not sitting, hon. gentlemen might take the trouble to find out the wants and wishes of the people in their respective districts; and these would, I have no doubt, receive the best consideration of all the representatives (cheers).

Hon. Mr. Bird, seconded by **Hon. Mr. O'Donoghue**, moved, that in order to have more time for deliberation to draw up a Constitution creditable to this Hon. House,— and suitable in every way to the wants and requirements of the people of Assiniboia — that the present committee on the Constitution be empowered to continue, and not report until the next sitting of this House, and that they then report upon their deliberations.

On the suggestion of **Hon. Mr. Bunn**, the word “session” was substituted for “sitting,” in the resolution, which was then put and carried unanimously.

⁴⁰ Bunn, *Sessional Journal*, 1-2; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1.

Hon. Mr. Bird moved that the sixth resolution prepared by the Committee on the Constitution be now read by the Clerk of the House.

The President ruled the motion out of order, on the ground that the Committee had not reported the resolution in question, and that the resolution just passed by the House empowered that Committee not to report till the next Session of the Legislature.

Hon. Mr. Bannatyne then brought forward the following resolution:— I would desire to call attention to the death of Mr. Thos. Sinclair of St. Andrew's, who filled the offices of Post Master, Justice of the Peace and President of the Petty Court in that district. The deceased was a gentleman highly respected; and I would now respectfully suggest to the Executive that his son, Mr. Thos. Sinclair, junior,— a member of this Legislature — be appointed Post Master in his father's place.

Hon. Mr. Tait seconded the resolution.

Hon. Mr. Bunn made this further suggestion, by way of amendment,— That Mr. Thos. Sinclair junior, be appointed to all the public offices held by his deceased father.

The amendment was not seconded.

After debate, **Hon. Mr. Bannatyne** withdrew his motion, on the ground that the making of such appointments pertained wholly to the Executive.

On motion of **Hon. Mr. Bird**, seconded by **Hon. Mr. Gunn**, the House adjourned at a quarter to seven P.M. to meet again at ten o'clock next morning.

Legislative Assembly of Assiniboia

Legislative Assembly Chamber, Upper Fort Garry
Thursday, 24 March 1870⁴¹

The President took the chair at noon.

The minutes of the previous sitting having been read and approved,

Hon. Mr. Fraser, seconded by Hon. Mr. Hay, moved — That a committee composed of the following members of this House — Hon. Messrs. Lepine, Bruce, Dauphinais, Bannatyne, Bunn and Tait — be appointed to administer the following oath of office to the Hon. Louis Riel, President of the Provisional Government of Assiniboia, viz,

I, Louis Riel, do hereby solemnly swear that I will faithfully fulfil, to the best of my ability, my duties as President of the Provisional Government, proclaimed on the 24th November 1869, and also all the duties, which may

⁴¹ Bunn, *Sessional Journal*, 2–3; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1.

become connected with the office of President of the Provisional Government of Assiniboia, as they may hereafter be defined by the voice of the people.

The name of Hon. Mr. Andre Beauchemin having been substituted for that of Hon. Mr. Lepine, who was absent, the resolution was put and carried.

The President having taken the oath of office, the **Clerk of the Assembly** took the following oath:

I, William Coldwell, do solemnly swear that I will well and truly perform all the duties of Clerk of the Legislative Assembly of the Provisional Government of Assiniboia, to the best of my ability, — So help me God.

The following oath was then administered to the members of the Assembly:

I, _____, do solemnly swear that I will, to the best of my ability, faithfully perform all the duties of a member of the Legislative Assembly of the Provisional Government of Assiniboia — So help me God.

The following members were present and took the oath —

Hon. Messrs. **Bannatyne, Tait, Hay, Garrioch, Bunn, Gunn, Fraser, Olone, Sinclair, O'Donoghue, Norquay, Touron, Lascerte, Harrison, Dauphinais, Poitras, Bruce, Baptiste Beauchemin, Parenteau, Schmidt, Pagé, Andre Beauchemin.**

Hon. Mr. O'Donoghue introduced the bill (**No. 1**) of which he had given notice, providing that the Two Mile Hay privilege be converted into a fee simple ownership.

The bill was read a first time.

Bill.

An Act respecting the Two Mile Hay Privilege.

Whereas, it is expedient to convert the Two Mile Hay Privilege heretofore enjoyed by the inhabitants of Red River, into a fee simple ownership — be it therefore enacted by the Legislative Assembly of Assiniboia:

1. That the Two Mile Hay Privilege heretofore enjoyed by inhabitants of Red River, is converted by Act of this Legislature into a fee simple ownership.⁴²

⁴² Bunn, *Sessional Journal*, 7; see also AM, MG A1-20, Bill No. 1. 1st Session. 1st Parliament. Respecting the Hay Privilege. 1870; and "Legislative Assembly of Assiniboia," *New Nation* (8 April 1870), 1.

The President: —

Gentlemen and Honorable Members of the Legislative Assembly,— I thank you for the privilege you are kind enough to grant me, of speaking on such an important question as that of the Two-Mile Hay Privilege. I have had, before this time, the honor of casually debating in this Chamber. This is no more my role. I was called to another position, and I must be worthy of it. My intention is not to abuse the privilege you have granted me. I have only to suggest to you some thoughts, which I beg you to accept as respectful advice:— What is the intention of the people in asking for the two-mile hay privilege? The intention is to double the size of their lands in order to secure thus sufficient advantages, which the present condition of our farms does not afford, for reasons peculiar to this country. Do the people ask the two-mile hay privilege only for hay? Some say, yes; others desire it for the sake of enlarging their fields for culture; others are also looking for wood. This two-mile hay privilege is liable to be converted by certain parties into speculative purposes.

Hon. members and gentlemen of the Legislative Assembly,— Your motive in dealing with this question, must be to satisfy the public, but let us remember that we cannot satisfy the public, if we are not cautious, if we are not impartial, if we do not take all the necessary pains; that is to say, we have to be just. In being fair, we cannot fail. Now let us examine if every one who has a front lot on the rivers, is entitled to the two mile hay privilege. If we wish to secure that advantage to the people, without regard to their personal merit, without regard to their wealth or poverty; If we are determined to act impartially in the matter, this House, I am confident, will see that all those who have before [had] this two-mile hay privilege understood it, as when first spoken of in this country, [to mean that they] are reasonably entitled to have it secured to them, in one way or another, and it may be afterward disposed of by them in any way they like, if not against the terms of the proposed law. Those whose lands are crossed in the rear by other owners might, I think, tender the idea of a public privilege, [and] be entitled to a certain compensation. But is it prudent, in now securing this hay privilege, to convert it immediately into fee simple? I don't think so. There are too many difficulties ahead which can hardly be overcome, even by time. Those who are asking for the hay privilege, so properly called, may find fault with those who would turn the benefit of it into speculation. Those who possess lands so situated as to find obstacles in getting their two-mile hay privilege immediately behind will probably complain of the manner with which they might be treated, even if they are treated liberally and well. Because the question would have been settled before they saw all its difficulties; if these difficulties are not overcome, they will complain. How are we to answer their complaints — just or unjust? You know that, even if you gratify the people by a great privilege for their own welfare, as soon as you are committed to them, even by generosity, they become your judge, and is it often, in such cases, that their judgement has been favorable? Apart from that, the two-mile hay privilege seems to meet another no small difficulty in the eyes of some; namely, the Indian title.

Hon. members of the Assembly, the Government has but one thing to gain, it is confidence in its actions for the public interest. Here, let us afford a wise delay; give to the settlers the opportunity of getting acquainted with the numerous and serious

embarrassments of the question, and then if they choose to demand the two-mile hay privilege or an equivalent, let them petition for it. In case the great majority would bring their voice in favor, take up the question prudently, use your wisdom, and when your decision and that of the people is matured, pass the law; a very special, a deep, and a sound one. Having done your duty in such a manner you will have won the thanks of your country for a long time to come, and this Legislative Assembly will be a glory of the Provisional Government. The hay privilege is a very important question for us. The people ask for it, because they urgently require it. Let the Provisional Government grant it to them, but, I repeat, after having taken all the necessary precautions.⁴³

The hon. gentleman [**O'Donoghue**] suggested its [the Bill respecting the Two Mile Hay Privilege] reference to a committee composed of hon. members from each side of the House — said committee to have power to sit during the recess, and to report next session to the House.

Hon. Mr. Bunn introduced a bill providing for the better administration of public justice.

Bill read a first and second time.

Bill.

An Act Providing for the Due Administration of Public Justice.

Whereas it is expedient to provide for the Administration of Public Justice, — Be it therefore enacted by the Legislative Assembly of Assiniboia:⁴⁴

1. That all the Justices, Magistrates, and all the other subordinate judicial officials, as far as it may be considered expedient and practicable, who held office under the Governor and Council of Assiniboia be reappointed and empowered to act in their several capacities under the Provisional Government and that new Judicial Districts be formed and new officials appointed when it is deemed necessary, at the Portage, Manitoba, Oak Point. Such appointments to be subject to approval of the Assembly.

2. And that all Local Laws and regulations which were in operation under the Governor and Council of Assiniboia be now adopted and continue in full force, until amended or repealed on by an act of this Legislature.⁴⁵

⁴³ “President’s Speech On the Hay Privilege,” *New Nation* (29 April 1870), 2, notes that “The following speech of the President on the Hay Privilege question, was inadvertently omitted in our report at the proper time.” Presumably this was the occasion on which it was made. See Riel, “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (29 April 1870), 2, and his observation that although a report was published of these proceedings, his remarks had not been included.

⁴⁴ Bunn, *Sessional Journal*, 7.

⁴⁵ “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 1. Due to a typesetting error, the text of the bill is interrupted by several paragraphs before resuming further down the page.

At 3:00 P.M. the House took a recess.

At 6 o'clock P.M. the President again took the chair and business was resumed.

Hon. Mr. Bannatyne introduced a bill (No. 3) providing for the organisation of a military force.

Bill.
An Act Providing for a Military Force.

Whereas it is considered necessary for the protection of life and property in this country, to have an organised force to support law and ensure order,— Be it therefore enacted by the Legislative Assembly of Assiniboia:

1. That a body of fifty men be recruited from the different sections of the country, and that this body of men be regularly organised and retained at Fort Garry for the service of the Executive; that each man so recruited and organised, shall receive a monthly payment of Three Pounds Sterling, and his Board, as compensation; and that the term of each man's service shall be for two months.⁴⁶

With the permission of the House (specially given) this bill passed through all its stages.

At 9 o'clock P.M. the House adjourned till one o'clock the following day.

Legislative Assembly of Assiniboia
Legislative Assembly Chamber, Upper Fort Garry
Friday, 25 March 1870⁴⁷

The President took the chair at two o'clock P.M.

Minutes of previous sitting read and approved, Hon. Messrs. Bird and De Lorme were sworn in as members of the Assembly.

Hon. Mr. O'Donoghue's bill to convert the two mile hay privilege into a fee simple ownership, (Bill No. 1) was read a second time.

After debate, **Hon. Mr. Bunn** moved the following resolution:—

⁴⁶ Bunn, *Sessional Journal*, 9; see also AM, MG A1-19, Bill No. 3, 1st Session. 1st Parliament. For Organization of Military Force. 1870.

⁴⁷ Bunn, *Sessional Journal*, 4-5; "Legislative Assembly of Assiniboia," *New Nation* (8 April 1870), 1-2.

“That each representative of this Assembly, or one of them, in cases where more than one has been returned from a constituency, be appointed and authorised to form a committee from his constituency,— said committee to consist of not less than five, and not more than ten members, and the representative appointed in each case shall be chairman. That the business of the committees thus formed, shall be to enquire into the question of securing to the people the Two Mile Hay Privilege, and the best mode of effecting that object to the satisfaction of all parties concerned, and to report at the next session of the Legislative Assembly.”

Hon. Mr. Tournon seconded the motion, which was put and carried unanimously.

Further consideration in Parliament of Hon. Mr. O’Donoghue’s bill (No. 1) was then postponed until next session.

Hon. **C. J. Bird** introduced a bill providing for indemnity to members (Bill No. 4), which was read a first, second and third time and passed by special permission of the House.

Bill.

An Act Respecting Indemnity to Members

Whereas it is considered necessary, in the interests of the public service, to remunerate the Representatives composing the Legislative Assembly of Assiniboia,— Be it therefore enacted by the Legislative Assembly of Assiniboia:

1. That the Representatives in the Legislative Assembly be each paid the sum of Five Dollars per day for each day of attendance in Parliament on the public business. That the sum of Twelve Shillings Sterling, per diem of said amount may be taken up by each member during the session or sessions which may intervene until further arrangements are made by this House. On the completion of said arrangements, each member to be entitled to the balance of the amount due him, counting at the rate of £1 sterling a day.⁴⁸

A brief discussion arose before the passage of this bill, during which **Hon. Mr. Bunn**, while he did not say that members did not deserve Twenty Shillings per day,— contended that members ought under the present circumstances of the country to sacrifice something for the public good. Although Twenty Shillings a day would not pay many of them, he would suggest that the allowance be ten shillings or twelve shillings per day.

⁴⁸ Bunn, *Sessional Journal*, 9; AM, MG A1-21, Bill No. 4. 1st Session. 1st Parliament. Indemnity to Members. 1870.

The President warmly commended Hon. Mr. Bunn's idea, and, while admitting that there was a great deal of force and reason in the arguments of hon. gentlemen advocating the payment at once of the larger sum named in the bill — he said he was rather disposed to favor the adoption of the good advice tendered by Hon. Mr. Bunn. For myself, said the President, I ask one thing, to be allowed to serve my country (cheers). If the Provisional Government gives me a bed and house accommodation, that is all I want (loud cheers).

Hon. Mr. O'Donoghue then introduced a bill (No. 5) respecting the Two Mile Hay Privilege, which was passed through all its stages by special permission of the House.

Bill.
An Act Respecting the Hay Privilege

Whereas it is desirable to preserve intact what is popularly known as the Two Mile Hay Privilege — Be it therefore enacted by the Legislative Assembly of Assiniboia:

1. That no person shall be allowed to be a squatter in the rear of any of the occupied lots on the Red River or Assiniboine River, at a less distance than four miles from the river frontage of said lots. Nor shall any person, other than the owners or occupiers of said lots (fronting on the said rivers) be allowed the right of ploughing or otherwise making use of said rear lots without the consent of the proper owners or occupiers of said front lots.

2. This bill to continue in full force until amended or repealed by the Legislature of the country, and to take effect immediately.⁴⁹

By motion of **Hon. Mr. O'Donoghue**, Hon. Mr. Bunn's bill (No. 2) as amended — providing for the administration of Public Justice — was referred to a special committee to sit the following forenoon — take the bill into consideration — and also take up the old laws of the Settlement and adopt such as were suitable at present — said committee to consist of the Hon. the President, and Hon. Messrs. Bunn, Hay, Bird, Schmidt and the mover.

Hon. Mr. Gunn seconded the motion.

At half-past seven o'clock P.M., on motion of **Hon. Mr. Bannatyne**, the House adjourned till one o'clock the following afternoon.

⁴⁹ Bunn, Sessional Journal, 10; see also AM, MG A1-22, Bill No. 5. 1st Session. 1st Parliament. Respecting the Hay Privilege. 1870.

Legislative Assembly of Assiniboia

Legislative Assembly Chamber, Upper Fort Garry
26 March 1870⁵⁰

The President took the chair at 3 P.M.

Minutes of the previous sitting read and approved.

Hon. Mr. Bunn brought up his bill providing for the due administration of Public Justice, as reported by the committee appointed yesterday. **The committee made several amendments to the bill, which they reported as follows:—**

Bill.**An Act Providing for the due Administration of Public Justice.**

Whereas it is considered expedient to provide for the due Administration of Public Justice,— Be it therefore enacted by the Legislative Assembly of Assiniboia:

1. That James Ross, Esq., who has been appointed by the Convention of Representatives to the office of **Chief Justice** of Assiniboia, be sworn in, and that the following hon. members be a Commission to administer to him the oath of office, viz, Hon. Messrs, John Bruce, Ambroise Lepine, A.G.B. Bannatyne, C.J. Bird and T. Bunn.

2. That all the Justices, Magistrates, and all the subordinate officials (as far as it may be deemed expedient and practicable) who held office under the Governor and Council of Assiniboia, be appointed and empowered to act in their several capacities under the Provisional Government, and that new Judicial Districts be formed, and new officials appointed where it may be deemed necessary — that is to say, in cases where the old officials cannot be reappointed on account of death, disinclination, or disqualification of any kind,— and also in cases where new Judicial Districts may hereafter be formed, as at the Portage, Oak Point and Manitobah; and that the salaries hitherto paid to officials shall remain the same until they have been altered by the Legislature.

3. That the days for holding the Courts be fixed as much in accordance with the regulations which have previously existed, as may be found expedient. That all Local Laws and regulations which were in operation under the rule of the Governor and Council of Assiniboia be adopted for the present,— it being always understood that wherever in those laws reference is made to the “Governor and Council of Assiniboia,” the “President and Legislative Assembly of Assiniboia” shall be substituted; and wherever the words “District of Assiniboia” are used the

⁵⁰ Bunn, Sessional Journal, 5-10; “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 2.

word “Assiniboia” will be substituted, and that the following gentlemen, viz., the President, Hon. John Bruce, **Hon. A.G.B. Bannatyne**, **Hon. C.J. Bird**, Hon. O’Donoghue, Hon. Mr. Bunn and James Ross Esq., be appointed to codify the Local Laws, suggest such amendments as may appear to them expedient; that this committee report to the Assembly at its next session; and that it is not considered expedient to hold any Court before the next session of the Legislature.⁵¹

The report was received and bill read a third time and passed.

The President then left the chair and the House then took a recess of fifteen minutes, during which period the Hon. A. Lepine was sworn in as a member of the Assembly.

The President having resumed the chair, the Chief Justice of Assiniboia James Ross Esq., took the oath of office administered to him by the Commission named in the first clause of Hon. Mr. Bunn’s bill providing for the administration of Public Justice. The following oath was taken by the Chief Justice:—

In the name of God, Amen. I, James Ross, do solemnly swear on the Holy Evangelists, and in the presence of Almighty God,— as I shall answer to God at the great day of Judgment, that I will faithfully and impartially perform all the duties of Chief Justice of Assiniboia. I swear that I will not bear envy, hatred or malice against any one, and that I will not act from fear, favor or affection or hope of reward in any case, but that I will faithfully act between all parties — So help me God.

Permission having been asked and granted, **the Chief Justice** briefly addressed the House.

Hon. Mr. Bannatyne seconded by **Hon. Mr. Bunn**, moved — that the Hon. Ambroise Lepine, Adjutant-General, be, and is hereby requested, to assume the command of the forces which this House has ordered to be raised for the service of the Executive,— Carried unanimously.

The President then addressed the House, announcing that the business of the Session was over, and urging strongly on hon. members the duty of doing all that lay in their power to promote a spirit of conciliation among the people.

⁵¹ Bunn, *Sessional Journal*, 7–8. See also “Legislative Assembly of Assiniboia,” *New Nation* (8 April 1870), 2; and Manitoba Legislative Library: Assiniboia, Provisional Government, 1869-1870. Legislative Assembly. Bill [no. 2]: An Act providing for the due administration of public justice [Winnipeg: Printed by the New Nation Printing Co., 1870]. Note the first clause, printed in the *New Nation*, is absent in the final, printed bill. It appears from the order of the minutes recorded in Bunn, *Sessional Journal*, 6, that it was only after James Ross was sworn in that “On motion of Hon. Mr. Tait, seconded by Hon. Mr. Bird, the names of Hon. Messrs. O’Donoghue and Bunn were added to the committee struck for revision and codification of the laws.”

The House was then prorogued till Tuesday the 26th day of April next.

**Legislative Assembly of Assiniboia
Second Session**

Assembly Chamber, Upper Fort Garry
Tuesday, April 26, 1870⁵²

The second session of the Legislative Assembly of Assiniboia was opened at four o'clock this afternoon by the President of the Provisional Government. There was a full attendance of members.

The President in opening the proceedings addressed the House in French and subsequently in English. He said — It is a matter of sincere gratification, gentlemen, that we have been enabled to meet here at this time, under a condition of public affairs in which we may congratulate ourselves (**hear, hear, and cheers**). You have each been in your several parishes, among your people, and have been able to join in congratulations that you have had the happiness, some of you, to avoid the misfortune which at one period threatened all (**hear, hear**). But this is past, and none are I am sure sorry that they have heard the last of it (**cheers**). Our business now is to act — to show the people that we deserve their confidence by securing to them what they desire and expect of us (**cheers**).

The report of the special committee which sat during the recess to revise and codify the laws, was brought up and read in English and French.

Law Committee Report⁵³

Minutes of Meetings of Committee appointed by the Legislative Assembly of Assiniboia, to codify and arrange the Laws.

Fort Garry. Monday, 4 April 1870.

Four P.M. Committee in Session.

⁵² Bunn, *Sessional Journal*, 16–18; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (29 April 1870), 2.

⁵³ Bunn, *Sessional Journal*, 16, indicates the existence of a report document, noted as “(A),” presumably filed with, or appended to the journal. The report is archived as AM, MG3 A1-24, “Minutes of meeting of Committee to codify and arrange laws. 1870,” but the an unnumbered page supplies the title: “2nd Session /A./ Law Committee Report, Presented April 26/70.” The finalized laws were printed as “Laws of Assiniboia, Passed By The President and Legislative Assembly of Assiniboia, On The 7th Day of May, 1870. Second Session of the Legislature,” *New Nation* (6 May 1870), 3, and *New Nation* (20 May 1870), 3–4.

Moved by Hon. T. Bunn, seconded by Hon. A. Bannatyne, that Hon. Mr. O'Donoghue be chairman — Carried.

Moved by James Ross Esq., seconded by Hon. Dr. Bird, that Hon. T. Bunn be vice-chairman — Carried.

Moved by Hon. T. Bunn, seconded by Hon. William Tait, that Hon. Dr. Bird be secretary — Carried.

Moved by Hon. T. Bunn, seconded by Hon. Dr. Bird, that Hon. William Tait be desired to give this Committee his valuable assistance — Carried.

On motion of Hon. T. Bunn, seconded by Hon. A. Bannatyne, the committee adjourned till ten o'clock A.M. tomorrow.

[signed] Curtis J. Bird, Secretary

Fort Garry. Tuesday, 5 April 1870.

Eleven A.M. Committee in session.

The printed copy of the old laws of the Governor and Council of Assiniboia was taken as a basis for revision and alteration.

Mr. Ross proposed, seconded by the Chairman, that the heading "Laws of Assiniboia, passed by the Governor and Council of Assiniboia," be altered to "Laws of Assiniboia, passed by the President and Legislative Assembly of Assiniboia on the day of _____ 1870."

Carried.

General Provisions

Mr. Ross moved, seconded by Hon. T. Bunn, that the first article of the General Provisions of the old Laws be struck out.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. Mr. Tait, that the first article of "General Provisions" shall be —
I. "All Fines and forfeitures, where not otherwise appropriated shall go to the Public fund."

[Carried.]

Moved by Hon. W. Tait, seconded by Hon. T. Bunn, that —
II. Every Enactment shall be interpreted without regard to the distinction of Gender or Number.

Carried.

Moved by Hon. W. Tait, seconded by Hon. A. Bannatyne,
III. If any person encourage in any way, any violation of any Local Enactment, he shall be held to be as guilty as the principal offender.

Carried.

Moved by Hon. Dr. Bird, seconded by Hon. T. Bunn, that —
IV. Unless special regulation provide to the contrary, every wrong has its remedy under the general law of the country.

Carried.

Moved by James Ross Esq., seconded by Hon. Mr. Bruce,
V. That the law of England shall be the Law of the land in relation to crimes and misdemeanors, and generally as to all civil rights, except wherein modified by the Local law.

Carried.

Moved by Hon T. Bunn, seconded by Hon. Dr. Bird,
That all local Enactments on record up to the twenty-fifth day of April 1870 be now repealed.

Carried.

Moved by Hon. A Bannatyne, seconded by Hon. T. Bunn,
That the section of the local laws of Assiniboia relating to the Administration of Justice, be now taken up for consideration by the Committee.

Carried.

Administration of Justice

Moved by Hon. T. Bunn, seconded by Hon. Dr. Bird,
I. That the Supreme Court of Assiniboia shall be held four times a year, viz — on the Third Tuesday of February, of May, of August and of November.

Carried.

On motion of Hon. Dr. Bird, seconded by James Ross Esq., the Committee adjourned till the sixth April at ten A.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Wednesday, 6 April 1870.

Noon — Committee in Session.

After a long debate,

It was moved by Hon. William Tait, seconded by Hon. A. Bannatyne —
II. That district Courts shall be held at such times and places as follows. viz.
Districts of —

I. Manitobah — To include all the Settlements in the immediate vicinity of Manitobah Lake.

II. Portage La Prairie — From the extreme end of the Settlement along the Assiniboine River, down to the place at which the Long Lake touches the Public Road; on both sides of the River.

III. White-horse Plain — To extend from where the Long Lake touches the Public Road to the Sturgeon Creek — on both sides of the River.

IV. Fort Garry — To extend from Sturgeon Creek on the Assiniboine River, and from Pembina down to St. Paul's Church on the Red River, and on both sides of each River — This district to include also Point de Chêne.

V. St. Andrews — To extend from St. Paul's Church to any of the Settlements on or around Winnipeg Lake, and on both sides of the River.

All district Courts, shall be held as follows.

- 1 Portage La Prairie on the first Tuesday in each month.
2. White-horse Plain on the second Tuesday in each month.
3. Fort Garry on the fourth Tuesday in each month.
4. St. Andrews on the third Tuesday in each month.
5. Manitobah on fourth Tuesday respectively — March, June, September and December.

Carried unanimously.

- III. Moved by James Ross Esq., seconded by Hon. A. Bannatyne, that —
1. The Chairman of a district Court shall be a Justice of the Peace.
 2. All the Magistrates of a Judicial District shall be entitled to sit at any Court held for that District.
 3. The Chairman and two District Magistrates shall form a Quorum, the chairman having a vote only when the other Magistrates cannot come to a decision.

After some debate, on the third clause, the motion was carried — 5 to 2.

The Committee adjourned till tomorrow at one o'clock P.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Thursday, 7 April 1870.

Four P.M. Committee in Session.

- Moved by Hon. A. Bannatyne, seconded by Hon. Mr. Bruce,
- IV. The District Court shall take cognizance —
1. Of all actions of debt for sums under Ten Pounds sterling.
 2. Of all offences which do not involve any other penalty than a fine of not more than Two Pounds sterling.
 3. Of all cases arising from breach of the Liquor laws.

Carried unanimously.

Moved by James Ross Esq., seconded by Hon. William Tait,

- V. The losing party at a District Court may appeal to the Supreme Court provided —
1. That notice of appeal be given at the same session of the Court — and provided
 2. That the appellant pay down the usual deposit required of all parties entering cases for the Supreme Court; also, the amount of the Judgement rendered against him, or give satisfactory security for the same.—

After some considerable debate on the succeeding article the Committee adjourned till tomorrow,— 8th Instant, at one P.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Friday, 8 April 1870.

Committee in Session.

Moved by Hon. A. Bannatyne, seconded by Hon. Dr. Bird,
VI. In cases coming under the cognizance of the District Courts, and where Plaintiff and Defendant reside in different Districts, the Plaintiff shall have the right to have a Summons issued, and have his case tried in the District in which he resides, but if the Plaintiff lose the case, he must pay, not only the ordinary and necessary costs of the Court, but, must also pay to the Defendant such amount for loss of time, as the Court may decide upon —

After a long discussion, the motion was put, 3 for, and 3 against — Mr. Ross while expressing his views in favor of the motion, abstained from voting.

VII. Moved by Hon. Dr. Bird, seconded by Hon. T. Bunn, that —

1. Any district Magistrate shall have the right to issue a Summons for his own district.
2. He shall also have the right to issue a Summons for any other district, but such Summons shall have no legal force, unless countersigned by a Magistrate of the District where such summons is to take effect.

Carried unanimously.

VIII. Moved by Hon. T. Bunn, seconded by Hon. A. Bannatyne,
If in any suit originally brought before the General Court, the Bench, after Verdict given against Defendant, shall unanimously decide that such suit ought to have gone before a District Court, the Plaintiff in that case shall receive cost only as in such District Court.

Carried unanimously.

Moved by Hon. Dr. Bird, seconded by Hon. William Tait,

IX. In any court, either party to a Civil Action may be made the other's witness.

Carried unanimously.

Moved by James Ross Esq., seconded by Hon. Thomas Bunn —

X. For every writ in Civil Actions in the Supreme Court, there shall be payable to the Magistrate issuing the same, Three shillings and sixpence sterling and for every writ issued by any of the District Magistrates, Two shillings and sixpence sterling. Of which charges the sum of One shilling shall be paid to the Constable serving the writ, the balance being retained by the Magistrate. For such shilling

the Constable shall be bound to serve any writ within five miles of his own residence, but for any distance he may be required to travel beyond that, he shall be entitled to mileage, at the rate of two-pence a mile. These fees shall be payable to the Magistrate before issuing the writ, and every Constable receiving a writ, shall be responsible for the service thereof.

Carried unanimously.

Moved by Dr. Bird, seconded by Hon. William Tait, that —
XI. In criminal cases Jurors and witnesses shall be paid Five shillings a day out of the Public Funds, and in Civil cases, five shillings per day for each case in which they serve; payable by Plaintiff or Defendant according to the decision of the Court.

Carried unanimously.

Moved by James Ross Esq., seconded by Hon. T. Bunn, that —
XII. On every case entered for the Supreme Court the Plaintiff shall deposit the sum of One Pound sterling, which if the case come on to trial, shall go towards the payment of the Jury, but should the case not come to trial, the said deposit shall be forfeited if the case has not been withdrawn at least twelve full days previous to the day on which the Court sits.

Carried unanimously.

Moved by James Ross Esq., seconded by William Tait, that —
XIII. Any person imprisoned on account of any Crime or misdemeanor, shall receive daily at the Public Expense, one pound of flour, half a pound of Pemmican, and extra at discretion, and no person shall be imprisoned at the suit of any Creditor, unless said Creditor pay: Seven shillings weekly in advance for the board of said Prisoner.

Carried unanimously.

The Committee adjourned at ten P.M. till tomorrow, 9th Inst. at ten A.M.

Fort Garry. Saturday, 9 April 1870.

Eleven A.M. Committee in Session –

Moved by Hon. A. Bannatyne, seconded by Hon. W. Tait,
XIV. Summonses issued to defendants, coming before the Supreme Court must be served at least fifteen days before the first day of the Session of said Court, and summonses to defendants in suits coming before any district Court must be served at least eight days before the Session of said Court.

Carried unanimously.

Moved by James Ross Esq., seconded by Hon. A. Bannatyne —
XV. In the Supreme Court trial shall be by Jury except where both parties desire otherwise.

Carried unanimously.

Moved by James Ross Esq., seconded by Hon. Wm. Tait,
XVI. It shall be lawful for the Legislative Assembly upon petition from any present resident of the Country, who is recommended by at least three members of the Assembly, to issue a license to said petitioner to practice law in any of the Courts of the Country upon payment of Five Pounds sterling for such license, and Two Pounds sterling per annum in advance for every year subsequent to the year of admission, provided always that the number of such authorized practitioners of Law, does not exceed ten — provided also that when a practitioner fail to pay his annual fee, he ceases, *ipso facto*, to have the right to practice.

Carried.

Moved by Hon. Mr. O'Donoghue, seconded by Hon. A. Bannatyne,
XVII. When a judgment debt is not paid at the time appointed by the Court, the Sheriff shall be obliged at the request of the Creditor and on presentation of the record of judgement, signed by the Clerk of the Court, to proceed at once and seize the goods and chattels or other property of said debtor, and on giving fourteen days public notice, to sell the same by Public Auction, so far as necessary to satisfy the debt, and all necessary expenses connected with such sale — provided always that said debtor be not deprived of necessary household furniture or utensils, or of such implements as he must necessarily have to carry on his usual trade. Failing such goods, chattels, or other property available for Sheriff's Sale, the debtor may be imprisoned on the Conditions specified in Local law, no. 13.

Carried.

Moved by Hon. Dr. Bird, seconded by James Ross Esq.,

XVIII. That any Creditor to the extent of not less than two pounds sterling on making oath before a Justice of the Peace to the correctness of the debt, and the fact of his belief in his debtor's intention to proceed to a foreign country or to a remote part of this country, shall have the right to compel the said debtor to give security for the amount of the debt, or failing that to apprehend and detain his person.

Carried unanimously.

Committee adjourned till Tuesday the 19th Inst. at one P.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Tuesday, 19 April 1870.

Four P.M. Committee in Session.

Moved by James Ross [Esq.], seconded by Hon. A. Bannatyne,
XIX. If, in the case contemplated by the preceding article, it appears after trial that the complainant had no ground of action, he shall be liable in damages to the defendant summarily, at the discretion of the Court.

Carried.

Moved by James Ross Esq., seconded by Hon. T. Bunn —
XX. In the case of a debtor who has left these parts of this country over which our Courts have jurisdiction, for a period of one year, and has left property within said jurisdiction, such property or as much of the same as will satisfy the claims of the Creditor, shall at the discretion of any two Justices of the Peace, if the Creditor establish his claim to the satisfaction of said Justices, be liable to be attached, and assigned to some third party in trust, and if the debtor fail to appear before the competent Court, at the Summons by Proclamation inserted three times in a local newspaper, or posted three successive Sundays at the doors of all the Churches within the District in which the property is situated, and also in the Town of Winnipeg, said Court shall proceed to Execute Judgment in the Premises — provided always, that no such proceedings shall be allowable with reference to the property of any such absent person who had publically notified his intention of departure for fifteen days previous to the date of the same.

Carried.

Moved by Hon. Dr. Bird, seconded by Hon. W. Tait,
XXI. Summonses for the General Court, and warrants, shall be issuable only by Justices of the Peace, and such writs shall have effect in any part of the Country over which the General Court exercises Jurisdiction —

Carried.

Moved by James Ross Esq., seconded by Hon. A. Bannatyne,
XXII. In any dispute regarding debt under the sum of Three Pounds sterling (£3), or damages under One Pound sterling (£1), any District Magistrate or Justice of the Peace shall have power to decide summarily, if both parties are agreeable, and from such decision there shall be no appeal — In such cases the Magistrate or Justice of the Peace shall be entitled to a fee of Five shillings from the losing party.

Carried.

The Committee then adjourned till tomorrow April 20, at one P.M.
[signed] Curtis J. Bird, Secretary

Fort Garry. Wednesday, 20 April 1870.

Three P.M. Committee in Session.

Moved by James Ross Esq., seconded by Hon. T. Bunn,
XXIII. Whenever any Judicial Officer of any Court is pecuniarily interested in the result of any suit before such court, he shall, if requested by one of the parties to the suit, vacate his seat, and take no part in the case in his capacity as Member of the Bench.

Carried.

Moved by James Ross [Esq.], seconded by Hon. T. Bunn,
XXIV. Whenever the Sheriff is pecuniarily interested in the result of any suit in the Supreme Court, a Special Jury shall, at the request of the party opposed to the Sheriff, be summoned for such suit by the Coroner, and whenever judgment is given against the Sheriff, either in the Supreme Court or in any District Court, and execution becomes necessary, it shall be the right and duty of the Coroner or of any Justice of the Peace at the request of the Plaintiff, to execute the Judgment of the Court, and in doing so, to call in the assistance of any Constables or other persons necessary for the purpose.

Carried.

Moved by Hon. A. Bannatyne, seconded by Dr. Bird,
XXV. Any person who incurs debt or commits any crime or offence in parts of the Country beyond the Jurisdiction of our Courts, shall be liable to prosecution whenever found within the limits of such Jurisdiction.

Carried.

Moved by Dr. Bird, seconded by Hon. A. Bannatyne,
XXVI. Every Justice of the Peace, Magistrate, Constable, or other public officer whatsoever, must be a British Subject, who has resided at least three years in this Country, and who is a householder or landowner.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. William Tait,
XXVII. A summons shall be considered as served, if left on any day except Sunday or a legal holiday with the defendant, or if, (being within some judicial district), it be left at his domicile or place of business, with his wife or with any other adult member of his family, or any person in his employ.

Carried.

Moved by Hon. Dr. Bird, seconded by James Ross Esq.,
XXVIII. The Supreme Court shall be composed of a presiding Judge, and three or more Justices of the Peace.

Carried.

Moved by Hon. William Tait, seconded by James Ross Esq.,
XXIX. The Judge of the Supreme Court shall be *ex officio* a Justice of the Peace.

Carried.

Moved by Hon. William Tait, seconded by Hon. A. Bannatyne,
XXX. The Supreme Court shall take cognizance of all crimes, offences, and causes of action whatsoever not expressly assigned to the District Courts, and its jurisdiction shall extend to all those parts of the country over which the District Courts exercise authority.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. William Tait,
XXXI. Any Barrister, advocate, attorney, solicitor, or other person entitled to practice law in the United Kingdom, or in any British Colony, shall be entitled to practice in the Courts of this Country on paying Five Pounds for his license, and Two Pounds annually in advance after the year of admission.

Carried.

Moved by James Ross Esq., seconded by Hon. A. Bannatyne,
XXXII. In all cases coming before any Court, or in cases of Summary trial coming before any Justice of the Peace or District Magistrate, a record of the Proceedings shall be kept specifying the names of the Plaintiff and defendant, the date and nature of the suit, the evidence in the case and the decision.

Carried.

The Committee adjourned till tomorrow the twenty-first Inst. at one P.M.
[signed] Curtis J. Bird, Secretary

Fort Garry. Thursday, 21 April 1870.

Customs Duties

Moved by Hon. A. Bannatyne, seconded by Hon. Dr. Bird,
I. All goods imported into the Country from any part of the world, save such as may be specially excepted, shall be subject to four percent *ad valorem* duty, the goods to be estimated at the price current of the original place of export.

Carried.

Moved by [Hon.] Mr. Bunn, seconded by Hon. William Tait,
II. The following shall be admitted free from Customs duty.

1. All Bar-iron and Steel.
2. All Books, publications, and Stationery Goods.
3. All Scientific Instruments.
4. All Agricultural Implements.
5. All Baggage, apparel and utensils that have been or are in present use of the owner.
6. All seeds, roots, or plants.
7. All Goods passing through the Country in Bond.
8. All Cases, Boxes, Barrels, Bottles, or covering which contain goods or fluids of any description.
9. Monumental Tablets or Tombstones.
10. All Grindstones and Stoves.

11. All Goods gratuitously given and originally intended for the Benefit of the Indian Missions in this Country, also all wines imported for Church Service.

12. All animals imported for the improvement of the Breed of Stock.

Carried.

Moved by Hon. William Tait, seconded by Hon. Dr. Bird,

III. There shall be Three Collectors of Customs, residing severally, at Pembina, Portage La Prairie, and at or near Fort Garry whose residences shall be houses of Clearance.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. T. Bunn,

IV. A collector of Customs shall have power to administer oaths, to search for and seize contraband goods, and to prosecute defaulters, he shall have power to call all Constables and all loyal Subjects of Her Britannic Majesty to his aid, and all persons not Constables when called upon, shall be paid by the Collector at the Public expense, say ten shillings *per diem*. A Collector of Customs shall also have power to exact and receive payment of Customs duty, and issue receipts in discharge of the same.

Carried.

Moved by Dr. Bird, seconded by Hon. William Tait,

V. The Collector of Customs shall twice in every month pay into the hands of the Treasurer who is, *ex officio*, Receiver General, all revenues received by them together with a list of the persons paying and the value of the goods on which the duty has been paid and the Collectors of Customs at Pembina and Portage La Prairie shall once every fourteen days, transmit to the Collector at or near Fort Garry, a list of all clearances made by them.

Carried.

Moved by James Ross Esq., seconded by Hon. A. Bannatyne,

VI. Each collector shall in addition to his salary, be entitled to one fifth part of the proceeds of all lawful seizures made or caused to be made by him.

Carried.

Moved by Hon. T. Bunn, seconded by James Ross Esq.,

VII. All dutiable goods brought into this Country, except such as may be imported by way of Hudson's Bay, shall be liable to detention by the Collector of Customs at the first house of clearance, unless such collector be furnished by the owner or Consignee, or agent of either, on or before the arrival of such goods into the

Country with a duly attached Invoice or Manifest, showing the name of the Consignee, and the quantity, and prime cost value of the said goods.

Carried.

Moved by the Hon. Dr. Bird, seconded by Hon. A. Bannatyne,
VIII. The Collector may verify the accuracy of any Invoice presented to him, by an oath administered to the party, or by examination of the goods, opening packages if necessary — On being therewith satisfied he shall exact payment of the duty, or at his discretion accept a bond for the amount, payable to any collector of Customs within a period of one month, which Bond may be sued for, and recovered the same as any other Contract debt.

Carried.

Moved by Hon. T. Bunn, seconded by Hon. W. Tait,
IX. Each collector of Customs on passing any goods at his clearing house shall provide the person in charge of such goods with a Clearance certificate.

Carried.

Moved by James Ross Esq., seconded by Hon. William Tait,
X. In any case where the want of an Invoice, is, on the oath of the owner or consignee of the Goods, or assent of either of them, declared to be unavoidable, the Collector at the first clearing house, may either detain the goods, or forward the same in charge of some competent person or persons, to either of the other clearing houses, where the said goods shall be detained until payment of the duty thereon, or security obtained.

Carried.

Moved by Hon. Dr. Bird, seconded by Hon. T. Bunn,
XI. All goods liable for duty except such as may be imported by way of Hudson's Bay, shall be seized as Contraband unless protected by a certificate from the first Custom house.

Carried.

Moved by James Ross Esq., seconded by Hon. T. Bunn,
XII. The owner or consignee of all dutiable goods imported by way of Hudson's Bay, shall report the quantity and prime cost of such goods to a collector of Customs in Red River Settlement within three months after the arrival of such goods in this Country, and failing to do so the Importer, owner or consignee of said goods, shall be liable to a penalty of not more than Four Thousand Pounds sterling.

Carried.

Moved by Hon. W. Tait, seconded by Hon. A. Bannatyne,
 XIII. All goods seized as Contraband shall after public notice, be sold by auction for the benefit of the Revenue, saving expenses, and the rights of Collectors.

Carried.

Moved by Hon. Dr. Bird, seconded by Hon. T. Bunn,
 XIV. A duty of Two shillings a gallon shall be imposed on all wines and Spirituous Liquors imported into the country.

Carried.

The Committee adjourned till tomorrow at one P.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Friday, 22 April 1870.

One P.M.

Constables

Moved by James Ross Esq., seconded by Hon. A. Bannatyne,
 I. Constables not exceeding fourteen in number shall be appointed in the following districts

- | | |
|--------------------------|--|
| 1. In Manitobah | 1 |
| 2. In Portage La Prairie | 2 |
| 3. In White Horse Plain | 2 |
| 4. In Fort Garry | 7 (Two of whom shall be in service specially in the Town of Winnipeg.) |
| 5. In St. Andrews | 2 |

And every constable shall have the power to demand the aid of any British Subject, to repress any disturbance of the Public Peace or to execute any order of Court or of any Judicial officer.

Carried.

Moved by [Hon.] Dr. Bird, seconded by [Hon.] Mr. Bunn,
 II. The following shall be the form of oath administered to every Constable,
 "I swear before God, that I shall till lawfully discharged from my office of Constable for Assiniboia, be always ready at all hazards to serve and execute all legal writs, and to maintain the peace and security of the Country against all enemies and disturbers of such peace and security, and that I shall obey all laws, and all lawful authorities within, and for, said Country of Assiniboia — so help me God."

Carried.

Moved by Hon. T. Bunn, seconded by Hon. William Tait,
 III. For any neglect of duty, any Constable may be suspended by any Magistrate, or may be discharged by the Supreme Court.

Carried.

Intestate Estates

Moved by Hon. W. Tait, seconded by Hon. Dr. Bird,
 I. When any person has died Intestate, no person shall intermeddle with the property till he has received letters of administration from the Supreme Court of Assiniboia.

James Ross Esq., seconded by Hon. T. Bunn, moved in amendment —
 When any person has died Intestate, no individual shall in any way dispose of, or distribute the property of said intestate, unless said individual shall receive letters of administration from the Supreme Court.

The amendment having been put the result stood as follows,

- 2. – For — Hon. T. Bunn and James Ross Esq.
- 4. – Against — Hons. William Tait, J. Bruce, Dr. Bird, A. Bannatyne.

The Original motion having been put the result stood as follows,

- 4. – For — Hons. W. Tait, J. Bruce, Dr. Bird, A. Bannatyne.
- 2. – Against — Hon. T. Bunn and James Ross Esq.

After some debate on the next article the Committee adjourned till tomorrow, twenty-third Inst., eleven A.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Saturday, 23 April 1870.

Moved by James Ross Esq., seconded by Hon. John Bruce,
 II. Letters of administration shall be granted to anyone, approved by the Supreme Court who may apply for the same, on such applicant satisfying the Court that the person whose Estate he seeks to administer has died Intestate, and giving satisfactory security to double the amount of the value of the Estate, as appraised by two persons nominated by two Justices of the Peace, and after Public notice given three times in all local newspapers, and also posted at the doors of all the Churches in the Parish or Parishes in which the Property is Situated. For such letters of administration the Applicant shall pay to the clerk of the Court the sum of Seven shillings and sixpence.

Carried.

III. That in all cases where the head or heads of a family die, the Supreme Court shall be '*Ex Officio*' guardian of the Minors of the Family of such deceased, until Some authorized Guardian be appointed.

Carried.

Postal

Moved by Hon. Mr. O'Donoghue, seconded by Hon. J. Bruce,
I. The General Post Office shall be in the Town of Winnipeg.

Carried.

Moved by Hon. William Tait, seconded by Hon. Dr. Bird,
II. The Mail shall be carried between Winnipeg and Pembina at the Public Expense so as to connect with the United States Mail.

[Carried.]

Moved by Hon. Dr. Bird, seconded by Hon. William Tait,
III. The charge for Postage between Winnipeg and Pembina shall be as follows.
1. Letters under one-half ounce — one penny, and a penny for each additional half ounce.
2. Magazines or Reviews — Two Pence.
3. Papers — one half-penny, except such as proceed directly from offices of Publication, and those which come in as Exchanges on which there shall be no charge.
4. Books — Half a pound and under, Four Pence; and for Every additional quarter Pound, one Penny.
5. All letters carried between the Post Offices in the Country shall bear a charge of one penny each — All local Papers to regular Subscribers coming directly from offices of Publication shall be carried free between the Post Offices in the Country.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. William Tait,
IV. Letters that have remained in a Post Office, one month uncalled for shall be returned to the General Post office and advertised three times in a local newspaper, and in a conspicuous place in the General Post office — All letters so advertised shall bear an extra charge of Three Pence Each.

Carried.

Moved by Hon. Mr. O'Donoghue, seconded by Hon. Dr. Bird,
V. Branch Post Offices shall be established at the following places: St. Andrews,
Headingley, Portage La Prairie, and St. Norbert.

Carried.

Fires

Moved by James Ross Esq., seconded by Hon. Dr. Bird,
I. If any Hay in the Prairie, be destroyed by a running Fire, the owner shall
recover damages from the person who has kindled the Fire, provided such Hay
has been protected at a distance of not less than twenty yards by a ploughed or
burned ring at least twelve feet wide.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. William Tait,
II. If between the first day of May, and the first of December, any person shall
kindle a fire intended to run, he shall be fined Ten Pounds sterling, one half to go
to the Prosecutor, and if any person, without having obtained the presence and
assistance of at least four men, shall light a fire for the purpose of burning rings
round Hay as required by the preceding law,— he shall be held to have incurred
the penalty attached to this law — Provided that the Bench may remit the whole
Fine if the defendant has both kindled the Fire through necessity, and done all in
his power to prevent it from spreading.

Carried.

Moved by Hon. A. Bannatyne, seconded by Hon. J. Bruce,
III. If any Fire in the open air which is not intended to run, be left burning without
due precaution against its spreading and it actually do [sic] spread, any person
who may have kindled, or fed, or used the same shall be fined, not less than Five
Pounds, nor more than Ten Pounds sterling.

Carried.

The Committee adjourned till Monday the twenty-fifth April 1870, at
eleven A.M.

[signed] Curtis J. Bird, Secretary

Fort Garry. Monday, 25 April 1870.

Animals

Moved by Hon. W. Tait, seconded by Hon. A. Bannatyne,

I. If one or more animals be found in an Enclosure where they have done damage, the said damage shall be paid for by the owner or owners of such animal or animals found within the Enclosure — Provided that where any of such animals be known as “Fence Breakers,” the owner or owners of such “Fence Breakers” shall be responsible for one half of the damage done.

Carried.

Moved by Hon. William Tait, seconded by Hon. J. Bruce,

II. If any Stallion, eighteen months old or upwards be found at large, the owner shall, upon consideration be fined Three Pounds, half the fine to go to the Captor who shall deliver such Stallion at the residence of any Constable.

When a captured Stallion has been placed in charge of a Constable, it shall be the duty of such Constable to keep the animal or cause it to be kept for one shilling per day, until the owner pay the Fine and expenses of keep, and the Constable shall, immediately on getting the animal, if the owner be not known, advertise the same three times in every local newspaper, and on three successive Sundays at the doors of two Protestant and two Roman Catholic churches, giving in such advertisements a full description of the animal, and if the owner be not thereby discovered, said Constable shall bring the Case before the next District Court, and if legal capture and detention be proved, said Court shall order the sale of such animal for Satisfaction of Fine and Expenses, any balance being paid into the hands of the Public Treasurer in trust for the owner. Should the proceeds of the Sale not cover fine and expenses, said Expenses shall be a first charge, and the Captor’s half of the fine the rest.

Carried.

Moved by Hon. William Tait, seconded by James Ross Esq.,

III. If any Ram be found at large between the thirtieth day of July and the first day of December, such Ram may be detained by any person, till the owner pay Five shillings to the Captor of the Ram, and during the time the Ram may be so detained the owner shall pay for the keep of the animal at the rate of three pence a day.

Carried.

Moved by Hon. A Bannatyne, seconded by Hon. J. Bruce,
IV. If between the thirty-first March, and first day of December, any pig or pigs be found at large, without a yoke, a foot and a half wide, and a foot and a half in height, and an iron ring in the nose, the owner shall not only be answerable for all damages committed by said Pig or Pigs, but shall also if the animal or animals be captured, pay three shillings to the Captor for each — Until so paid the Captor shall keep such Pig or Pigs, and he shall be entitled to one shilling a day for each animal from the owner, to be paid before the animals are removed.

Carried.

Moved by [Hon.] Dr. Bird, seconded by Hon. W. O'Donoghue,
V. If any person take another's horse, and use the same without the owner's consent, he shall, on conviction, be fined Five Pounds, or be imprisoned for one month in the Common Jail, half the fine to go to the Informer, and in the event of the guilty party being imprisoned the Informer shall be paid Two Pounds, ten shillings out of the Public funds. If a Horse so taken shall be injured or lost the person who took the animal shall indemnify the owner to the full extent of the damages or loss.

Carried.

Moved by Hon. W. O'Donoghue, seconded by Hon. Dr. Bird,
VI. If any Policeman, Constable, or Magistrate, on seeing any person using a horse, has reasonable grounds for suspicion that said person does not own the animal and has no permission to use the same, he may detain such person until it be shown that the Horse is used of right.

Carried.

Hay

Moved by James Ross Esq., seconded by Hon. William Tait,
I. If any person cut Hay outside what is now known as the four mile line before the twenty-first day of July he shall forfeit the same or the value thereof.

Carried.

Moved by Hon. Dr. Bird, seconded by Hon. A. Bannatyne,
II. If any person cut Hay in another's ground without permission he shall forfeit the same to the Person injured without receiving any allowance for his labor, but if he trespass in ignorance, he shall still forfeit as before, but shall receive compensation to the extent of half the value of his labor.

Carried.

Moved by Hon. W. O'Donoghue, seconded by Hon. William Tait,
III. Where the people of any district cannot enjoy what is known as the "Two Mile Privilege," and a tract of land in lieu of such be granted, special regulations shall be made for such cases.

Carried.

Fort Garry. Tuesday, 26 April 1870.

Liquor Laws

I. If any person supply or sell to any unsettled and uncivilized Indian the means of Intoxication he shall on conviction be fined as follows—

1. Ten Pounds for furnishing any Brewing Utensils, the fine to go to the Informer.
2. Three Pounds for furnishing Malt, the fine to go to the Informer.
3. Five Pounds for furnishing Beer or any fermented Liquor, the fine to go to the Informer.
4. Ten Pounds for furnishing Distilled Spirits or any intoxicating drink other than fermented Liquors, half the fine to go to the Informer.

II. In addition to the fines mentioned in the preceding article the offender shall make restitution to the Indian of what he may have received if anything, for such furnishing and when the consideration is not money, it shall for the purpose of restitution be valued at Prime Cost.

III. If an intoxicated Indian commit or threaten to commit any injury to person or property he shall in addition to special punishments for such conduct be imprisoned until he discloses the name of the person who furnished him the means of intoxication.

IV. If any person be found with any of the above Specified Means of Intoxication among Indians he shall be held guilty of furnishing such means of Intoxication to them.

V. Excepting as regards the sale of spirits, wine and Beer, there shall hereafter be but one description of Liquor License, which shall be issuable only once a year, as hereinafter mentioned; and such license shall give the holder permission to Manufacture spirits, wine, or Beer, and to sell the same in any quantity, under the restrictions contained in the following schedule, showing the form in which the license shall be granted.—

"A. B. having paid Ten Pounds is hereby Licensed from this date to the first week day in December 187__ inclusive to manufacture Spirits Wine or Beer and to sell the same in any quantity under the following restrictions viz.

1. He shall not sell to any person between the hours of ten at night and six in the morning.
2. Nor to any person at any time during Sunday, Good Friday, and Christmas Day.⁵⁴
3. Nor at any time to any Intoxicated person.
4. Nor shall he at any time sell to any uncivilized or unsettled Indian, either directly to the Indian, or knowingly on the part of the Seller indirectly to another for the Indian.
5. All manufacturing and selling shall be confined to the premises for which this license is granted.
6. The violation of any of these restrictions shall make this license null and void. Red River December 187__.”

Any proved breach of any of the Conditions of the License shall cause the forfeiture of the same without any right on the holder's part to the cost to him of any portion of the license fee. And whenever the breach involves also the violation of the laws against the intoxicating of Indians, the Seller besides losing his license shall be liable to all such penalties as he shall have incurred under the said laws.

But against any judgment of any District Court ordaining such forfeitures or imposing such penalties, any aggrieved person may appeal to the next ensuing Supreme Court on giving security for such penalties, in cases where any are imposed, as well as for the Costs of the original action and also on making the usual deposit of One Pound for entering the appeal.

But where an appeal is made, the District Court shall still have the power of suspending the license till the appeal is disposed of. Excepting in the case of a person making Wine or Beer for his own family use and not for barter or sale, any person who shall manufacture or sell any Spirits, Wine or Beer without a license shall on conviction before a District Court be liable to a fine of not less than Five, and not more than Ten Pounds sterling for each offence, and failing immediate payment of the fine he shall be liable to imprisonment for a period of not less than five, and not more than ten weeks, provided however that at any time during the period of imprisonment he shall be entitled to be discharged on paying the fine. But against any such decision before any District Court any aggrieved person may appeal as aforesaid on giving security for the fine and the costs of the original action, besides making the usual deposit of One Pound for entering the appeal.

On payment of the sum of Ten Pounds it shall be lawful for the District Magistrates in their several districts aforementioned on the first week day in December, but on no other day throughout the year, to grant liquor licenses according to the foregoing Law.

⁵⁴ According to an entry below, the words “Good Friday and Christmas Day” were an amendment made at a later date.

And every applicant for a License shall be bound to lodge his application with the President of the Bench of the proper district not later than the fifteenth day of November specifying therein the premises for which the license is asked. And on the first Sunday thereafter the President shall give public written notice at all the Public places of worship in the applicant's district, and also in any other district in which any of the nearest neighbors reside, mentioning the names of the persons applying for the licenses and specifying their premises together with the day appointed for disposing of the applications.

But in the case of any such application where the granting of a license is objected to [by] a majority of the householders of a neighborhood of the house where a license is intended to be used, the Bench shall have no power to grant the license, and such applications shall, at any time between the date of the Public Notice and the date fixed for dispensing of the application, be entitled to intimate their objection either personally or in writing to the President of the Bench, without however being bound to assign any reason for their objection.

For the purposes of this regulation the word "Householder," shall mean the head of the family occupying a separate house, or if occupying only a part of a house, a tenant for not less than one year and not being the hired servant of any applicant for a license.

And the word "Neighborhood" shall mean the twelve householders who, irrespective of District, are nearest to the house intended to be licensed.

In the case of any application whatsoever for a license whether it be objected to or not by a Majority of the neighborhood the Bench shall have full discretionary power to refuse the license whensoever, on grounds relating to the Public Interest, they think it would be improper to grant it.

Any person may sue an offender for manufacturing or selling without a license, and shall be entitled to half the fine actually recovered.

Any person may also sue any license holder for the Breach of his license and where there is a fine besides a forfeiture of the license, the prosecutor shall be entitled to half the fine actually recovered.

No Liquor License shall on any condition be granted to any person intending to carry on the manufacture or sale of Spirits, Wine or Beer on any part of what is known as the Indian Reserve at the Indian Settlement.

Wholesale Licenses

1. From and after the first week day in December every wholesale Dealer in Spirits, Wine, or Beer shall pay Ten Pounds a year, and every person selling Spirits, Wine or Beer by wholesale without a license in the subjoined form shall be liable to a penalty of Ten Pounds for each offence to be recovered in the same way as the penalties for Breach of the Liquor Laws generally.

By the term "Wholesale Dealers" shall be understood a seller of Spirits or Wine in quantities at a time of not less than five gallons each and of Beer in quantities of not less than eight gallons.

Such Wholesale Licenses shall be issuable by the Benches of District Magistrates in their several Districts on the first week day in December and on no other day to persons applying to the President either before or after that day.

But in every case the Magistrate shall have full discretionary power to grant or refuse the license.

Form of Wholesale License: "C. D. having paid Ten Pounds is hereby licensed for one year from this date to sell spirits and wine in quantities of not less at a time than five gallons each and beer in quantities of not less at a time than eight gallons.

Roads

Moved by Hon. A. Bannatyne, seconded by Hon. William Tait,
I. That all Public Roads remain the width they have been laid out, till other arrangements are considered necessary by the Legislature.

For – Hon. Mssrs. Bannatyne, Tait and Dr. Bird.

Against – Hon. Mssrs. Bunn, Ross, Bruce.

Amendment by Mr. Ross [Esq.], seconded by Hon. Mr. Bruce,
Public Roads shall be at least thirty-three yards wide, that is to say free from fences, buildings, or any other encumbrance or obstacle within such width, unless by Public Sanction.

For – Hon. Messrs. Bunn, Ross and Bruce.

Against – Hon. Messrs. Bannatyne, Tait and Dr. Bird.

Moved by James Ross Esq., seconded by Hon. A. Bannatyne,
II. If any person cut a hole into or through the River Ice, except in the case of what is known as a water hole, he shall, unless he surround the same with a fence at least four feet high, be liable to a fine of One Pound sterling and also for the damage or loss occasioned by such hole.

Every water hole shall be marked at the point nearest to any public track with a pole at least six feet high.

Carried.

The Committee adjourned at ten P.M.

Hon. Mr. O'Donoghue said — As chairman of that committee, I would wish to remark that we do not submit the draft just read as a complete revision of the local laws. Our wish is that we should be allowed during the present session to finish the work which we have begun in a manner which will be creditable to us. **We might find time to work at it from day to day, and, in the meantime, while the House was sitting, hon. gentlemen might discuss that portion of the committee's labors which has been presented to the House.**

The President said — At this stage of our proceedings, it is as well perhaps, for me to throw out the suggestion, that if there is any matter with reference to the public order or peace which specially concerns the parish of any hon. gentleman, or which has come under his special notice, it ought to be stated now, on the floor of the House. We desire at all times to hear public opinion, and, as far as possible, to be guided by it **(cheers)**. Our wish is not merely to invite public confidence, but to show ourselves worthy of it by doing what we can to promote the welfare and prosperity of all. On these grounds it is that we invite a candid expression of opinion from members, now, or at any time during the session **(cheers)**.

Hon. Mr. Bunn said — **In my capacity as vice chairman of the committee on the local laws I would beg to supplement the remarks of the chairman by saying that we would not take the report just read to be accepted as final. Our worthy and respected President will, I think, bear me out in saying that the report just read is not one of which the committee ought to be ashamed (hear, hear). But it is incomplete, and we hope to be allowed to finish it. We have worked arduously on this committee, and our work will, I hope, receive the approbation of the Assembly (cheers). In this connection I would remark that in our labors on this committee we received very liberal and valuable assistance from Mr. Chief Justice Ross; and I have great pleasure in taking this opportunity of making the acknowledgement (hear, hear, and cheers) With reference to this invitation of the President calling for an expression of views entertained in any parish in regard to public questions, I have a few remarks to make with regard to the proposed four-mile grant of land. I have heard that the Indians in my neighborhood are discontented with this projected land grant, and are talking of putting in certain claims**

which will, I think, interfere very much with the object we contemplate and ought to cause us to hesitate before pushing this matter farther. The Indians have got the idea that we are going to interfere with their special rights as Indians and that, without extinguishing their title we are going to appropriate their land. This is what they think with regard to the conversion of the two-mile hay privilege into absolute ownership. But, apart from this, they have declared their intention not to part with all their land. There is a certain portion of this country concerning which, I have been informed, they will enter into no treaty. This section is described to me as starting from the Indian Reserve, three or four miles below the Stone Fort, and going westward to where a line running due west would reach the Manitobah Lake — from thence to the Little Saskatchewan,— following that river to Lake Winnipeg — across the Lake to the east shore — along this line to White Mud River — and thence to the starting point (hear, hear). The portion of this with which we have particularly to do, is that in which some of our people have settled. Perhaps Mr. Sinclair of St. Peter's could give us some information on the subject. The Indians claim that they will not treat for this land, but I think they have done so. I believe that this question of the hay privilege and interference with Indian rights is one in which we ought to exercise a great deal of caution. When we come to deal with the hay privilege particularly, I will have more to say on the subject.

Hon. Mr. Sinclair, (St. Peter's) — As to this matter of the hay privilege, there can be little question with us; for the Indian Settlement, so called, has always been looked upon as an Indian reserve. There is a Chief of this reserve. There are, I believe, many Christian Indians, more especially Swampies, who are agreeable to have this hay privilege changed into ownership. But there are more opposed to it — and their influence is heavier in the scale. Their cry is, let us keep still. Let the Indian Settlement be as formerly (hear, hear).

Hon. Mr. Bunn — I thought you might know something of the camp of Indians who do not usually belong to the Indian Settlement, but are now there.

Hon. Mr. Sinclair — There are Indians down there belonging to the Upper Settlement, and the views they hold are similar to the majority of the Indians below.

After some debate,

The President said — What we have just heard on this subject admonishes us to be cautious. During the last session I had the honor to address this Chamber on the subject just alluded to, and though a report was published of the proceedings, I did not see the remarks I have spoken of. I recommended then that this question should be dealt with, wisely, cautiously; and I still say that if it is brought before this House as it ought to be, we may yet pass over the difficulty (hear, hear). This hay privilege question is before us — it will touch us everywhere — because it touches one of the most vital interests in this country — the land question (cheers).

Hon. Mr. Bunn — Unless this question is satisfactorily settled, I believe the public peace is very likely to be endangered. It is the only question likely to affect injuriously the public peace, as far as I can see.

The President — If we are going to have war on the hay now, it is better it should be there than any where else (laughter).⁵⁵

After further debate,

Hon. Mr. Hay — Setting aside this question, I would propose a vote of thanks to the law committee. The length of their report shows that they have not been idle. As they have not completed it, I would suggest that they should be allowed any reasonable time they might ask to complete their labors.

Hon. Mr. Olone seconded the motion, which was carried, with the understanding that the committee should work on during the present session, and that in the meantime that portion of the report already presented be taken up by the House.

At half-past six o'clock P.M. the House adjourned till eleven o'clock next forenoon, on motion of **Hon. Mr. Bunn**.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Wednesday, 27 April 1870⁵⁶

The President took the chair at three o'clock P.M.

The minutes of the proceedings having been read and confirmed,

The President suggested that as the report of the special committee on the laws was now in the hands of the Printer, and as members could discuss it more intelligently with the printed document before them, it might be well to postpone the discussion upon the report until it appeared in its printed shape.⁵⁷

Hon. Mr. O'Donoghue moved, seconded by **Hon. Mr. Poitras**, that in the meantime the reports of the committees on the Hay Privilege question should be read and considered — Carried on a division.

⁵⁵ If Coldwell mistranslated and Riel actually said “war à la Hay,” he may have meant either war at second hand report, or fuelled by rumour, as it is remotely possible that this was a pun on the hay privilege and writer John Milton Hay, a.k.a. “the Idler”: a widely read journalist, U.S. President Abraham Lincoln’s assistant personal secretary, and commissioned a major and promoted to colonel while acting also as a Civil War correspondent, 1861–1865. Throughout his career he was known for a distinctive writing style.

⁵⁶ Bunn, *Sessional Journal*, 19; “Legislative Assembly of Assiniboia, Second Session,” *New Nation* (6 May 1870), 1, 2, 8.

⁵⁷ No printed copy is known, but in content the report would likely have been consistent with the document archived as AM, MG3 A1-24, “Minutes of meeting of Committee to codify and arrange laws. 1870,” dated 26 April 1870, and transcribed and inserted above.

The following reports were then laid before the House:⁵⁸

KILDONAN

The following committee was appointed:— Alex. Sutherland, Hugh Polson, John Fraser, D. Matheson, John Gunn, Neil Campbell.

The following resolution was moved by Mr. John Fraser and seconded by Donald Matheson. That the Committee are agreed, and do recommend to the Legislative Assembly, that we hold the Two-mile hay Privilege as heretofore until treaties be concluded with the Indians, and their title to the same be legally extinguished; otherwise difficulties may arise by interfering with Indian land — Carried.

James A. Murray, Sec'y. for Meeting.
Kildonan, April 25, 1870.

PORTAGE LA PRAIRIE

At a public meeting called by the Hon. Wm. Garrioch, at Portage La Prairie, on the 19th day of April, 1870, a committee was appointed to report to the President and Legislative Assembly, in reference to the Two-mile hay Privilege question.

Committee appointed were as follows: — Mr. Cummings, John McLean, Thos. Anderson, John Garrioch, P. Bartlett.

Resolved by the above committee:—

That we claim only the two miles from our original starting point, as established by our local laws when in existence; as, there are claims already taken, and in some cases partly improved, on what would be our two-mile hay privilege.

Charles Curtis, Secretary.

HIGH BLUFF

At a public meeting held at the residence of Hon. John Norquay, High Bluff, 12th April, 1870; it was unanimously resolved that a committee be appointed to consider the Two-mile hay Privilege.

Resolved, That A. Spence, A. Peterson, John Foulds, and Joseph Halcro be the committee formed.— Carried.

The committee, after consulting the people,

⁵⁸ Bunn, *Sessional Journal*, 19, identifies the report document as “(B).” It was presumably filed with or appended to the Journal, although its current whereabouts are unknown. In content, the reports the document contained were likely consistent with the copy printed in “Legislative Assembly of Assiniboia, Second Session,” *New Nation* (6 May 1870), 1–2.

Resolved, That they require the Two-mile hay Privilege, and pray the hon. Legislative Assembly of Assiniboia to cause the "Hay Bill" to become law.

John McDonald, Sec'y.
John Norquay, Chairman

POPLAR POINT

Hon. Mr. G. Gunn said — I do not bring any written report from Poplar Point, but will briefly give the opinion of the people on the question of the hay privilege. The land in that section was never surveyed; and as the river is very crooked, nobody can tell with any exactitude where the front lots will be. In some places they are settled two and three miles from the river, owing to the depth of the points, and it would be very difficult to say how to deal with the lots here, in the absence of a general survey. A base line has, in fact, yet to be formed to survey from. Some have long narrow strips, and think they would be in a better position hereafter were they to take land in square blocks. I have been requested to say, generally, that our people would like to have their land surveyed, and that in the meantime the hay privilege should be allowed to remain as it was. When the survey is made, it is expected that the deep points will be cut off, a base line will be run in front or behind, and behind that they can take up their land either in strips or square blocks.

ST. ANDREW'S

Hon. Mr. Hay reported. I called a meeting of ten of the parishioners of St. Andrew's parish on the 11th inst., when it was proposed by Mr. Gunn, and seconded by Mr. Tait, that the wish of the people was, that the two-mile privilege should be converted into a fee simple ownership, but that they could not see any possible means of effecting the conversion at present. A vote on the resolution resulted in a tie — 5 being for it and 5 against it. We then adjourned till the 25th, when we met and resolved that it was better for us at present to have matters remain as they were until the Indian title was extinguished. Our people have no fear of incomers settling behind them, and altogether think it better that no change should be made in regard to this hay privilege at present.

ST. JAMES'S

Hon. Mr. McKay reported. I called a meeting in our parish for the 11th inst., but no one attended; and I concluded they took very little interest in the matter, as they have no two-mile hay privilege. In St. James's parish we are so situated, that some of the lots do not run out the two miles, and others do not extend over three. Since the day I called the meeting, I have heard that the people of that parish do not wish the privilege converted into ownership. It is thought best that matters should remain in this respect as they have been. The fact is, they have no hay privilege for the most part. For myself I can state that I have a great deal of land there, and I never cut a forkful of hay on any of my lots. Had we been confined to our hay privilege, the fact is we would never have had any hay. Talking with some of my neighbours, they told me that they preferred leaving the claims as they were, and that if a plan could be devised by the Provisional Government,

by which the people of that parish could get a land-reserve, they would prefer it. For my part I would say, that I would prefer that this House would grant a reserve of land to the people of the Assiniboine, where they could get wood and hay; and I do not imagine that, in doing this, the Government action would at all injuriously affect the Indian title to the land. I am positive if we do not get it now, we never will get it. Personally, I stand here now as a Half-breed, on behalf of my country-men, to say that we urge this claim. We want some land where wood and hay can be obtained. We are living in a quarter where, if we do not get this reserve, neither wood nor hay can be procured; and, in getting this reserve, I do not consider that we would take any title from the Indians. Even if we got this grant now, the Indians would have the good of it for many years — perhaps even more than we would. It would still remain in a wild state, so that the Indian could make what use of it he pleased.

ST. PETER'S

Hon. Mr. Sinclair reported in Indian, which was translated by Hon. Mr. McKay. I called a meeting in our parish, said Mr. Sinclair, but could not make those who attended clearly understand my object, and though Rev. Mr. Cochrane spoke very much in my favor, I failed in getting a committee. Those that attended the meeting were desirous that the hay privilege should be converted into ownership, but I know that a great number do not desire this, because they say, the Indians would not be satisfied with it.

President — Is your parish included in the reserve?

Hon. Mr. Sinclair — Yes.

Hon. Mr. Bunn — But Hon. Mr. Sinclair represents the settled Indians only.

WINNIPEG

Hon. Mr. Olone reported. He said — I called a meeting in my district, but nobody attended. Then I went to see all those having an interest in the hay privilege, and they expressed the wish that it should be allowed to remain as at present. There would be a difficulty in my district in regard to the way the lines are run on the Assiniboine.

ST. CLEMENT'S

Hon. Mr. Bunn reported. He said — In accordance with the bill which passed this House last session, immediately on my return home, I formed the following committee — J.E. Harriott, W. Cochrane, J. Whiteway, J. Kipling, Thos. Lyons, Peter Spence, Alex. McKenzie, C. Spence and Thos. Foster, — making ten, the maximum number fixed for each committee. At our first meeting I laid before them the object of assembling, viz, to consider the question of converting the Two Mile Hay Privilege into a fee simple property, and the best mode of doing so, to the satisfaction of all parties concerned. I had carefully considered the bill as it stood, and pointed out, so far as I knew, the parties concerned. I took the view, that there were only two parties,— those

that got the property, and those they got it from. The first owners of the property were the Indians, and I urged that we should think of them, and if they had any claim at all, as I supposed they had, I would like to know what it actually was. The question as to the expediency of converting the hay privilege into absolute ownership, I left with the committee. They were agreed that if the conversion was feasible, it was certainly desirable. But they felt that there were difficulties in the way. One of these was, that there were parties now using the land outside the two miles for ploughing or other purposes who would, by the proposed law, be made trespassers. In regard to these the committee agreed that any person not an owner or occupier of the front lot, who had ploughed on this and out-side the two miles, should be allowed a three years' privilege of it. Now of those who were on that committee I convened, only three would have been placed in the position of trespassers by the proposed bill. They formed, it will be seen, but a very small minority of the committee. As to the other difficulty, the Indian difficulty, it is in my opinion a very serious one. Until the Indian claim has been satisfied, it would be imprudent to take the action proposed in regard to this hay privilege. But at the same time my committee said, we would like very much, in spite of this difficulty, that the Legislature would guarantee that after the Indian title was extinguished in the proper way, this land should be granted to us absolutely. They desire the guarantee of the land and that hereafter there should be no more trespassing on it in the way of building houses, cultivation or cutting hay, by any party whatsoever. I desired Mr. Sinclair of St. Peter's to precede me to-day, and my reason was that I wished to find out his views with reference to some of my remarks of yesterday. I stated then, what I heard, that the Indians claimed such a right in a portion of the land as they would not part with. I am surprised he did not allude to this; for if the Indians really take such a position it affects very seriously many like ourselves.

ST. PAUL'S

Hon. Mr. Bird reported. He said, — I had a meeting in my parish, at which, I think, almost every land-owner in the parish was present. We formed a committee of ten — the largest number allowed — and they decided unanimously that they would like to have their four-mile grant as soon as it could be obtained. They were of opinion that at present the fee simple of the land could not be given, and would like that in the meantime matters should continue as they are. Some who had settled on lots outside the two-miles were present, and it was unanimously agreed that in the case of such settlers, a three years' privilege would be sufficient compensation.

HEADINGLY

Hon. William Tait reported. I have not called any meeting in my parish, he said. I told several of them that this question would come before the parish, and, desiring to give them as long a time as possible to make up their minds on the point, I postponed calling the meeting until, as it turned out, I gave them too much time for consideration. I was, besides, very busily engaged at committee work here for two full weeks. It was my intention to have called a meeting last Monday, but we remained too late in committee on Saturday evening to allow of my getting home in time. I have, however, spoken to several

in the parish on the subject, and all were of opinion that they would like to get the two-mile hay privilege. I did not call their attention to the subject of getting the fee simple ownership of the land outside the two miles, for I did not think that this Government ever intended to give it. I simply informed them of the intention of the law passed by the last Assembly, viz, that they were empowered to use this two-mile privilege as heretofore, but that it was to be under the control of the Government, to be disposed of by them as they thought best when the proper time came. This they all approved of. They told me they felt if the hay privilege could be given them absolutely, it would be one great cause of preventing disputes arising, such as had arisen from persons ploughing behind their neighbors. At the same time they were desirous of leaving the whole matter under the control of the Assembly. This is what I gathered from those I have spoken to on the subject. However, as this question may not be immediately disposed of, I may yet have time to call a meeting when my parish, having the benefit of the views of all the other parishes, will, no doubt, come to a satisfactory decision.

ST. JOHN'S

Hon. Mr. Bannatyne reported that he was in pretty much the same position as the hon. member for Headingly, but he thought there would yet be time to call a meeting in the parish, and he would endeavor to get the people together and elicit their views regarding this hay privilege. Having the views of the other parishes before them they might be in a better position to decide on their course.

ST. BONIFACE AND ST. VITAL

Hon. Mr. O'Donoghue reported. The parishioners of St. Boniface, he said, had held a meeting at which, although I intended to be on the committee, I was not able to attend. I have, however, been requested by the President of the meeting, Hon. Mr. Bruce, to report its result.

The committee was composed of Hon. Mr. Bruce, His Lordship Bishop Taché, and Messrs. Marion, Genton, L'Esperance, Carriere, Bruce and C. McDougall. The report was not written, but it is, briefly, this. A good number of the people of the parish cannot get hay immediately outside their lots. As the seigniorie runs east and the river lots north-east, and all of them up the river, from the Church as far as St. Vital, they of course run into the seigniorie. The lots I speak of run out in some instances only two miles, and in some cases but one mile. Thus between the Red River and Riviere La Seine in the parishes of St. Boniface and St. Vital, the lots are all short, extending in some instances, as I have said, only one mile from the rivers; and there is no hay on these lots. At St. Boniface again, there is a portion of the parish, the point at the junction of the Red and Assiniboine rivers, which would be difficult to arrange. Until you get four miles from the point along both the rivers the lots do not run out the four miles, but a square is formed inside the four miles which would be equal to about half a mile each for the settlers here. It was proposed that this square should be given to the people of Red River for four miles up, and to those on the other river, for an equal distance, as a common pasturage. Having no hay grounds in the district, the people of St. Boniface and St. Vital have asked as a hay privilege the district extending from the seigniorie as far as the Grand Coteau, which

is some four and a half miles from the river. If this district is granted them for hay purposes, they would be well satisfied. I am also instructed to make the same report for the people of Saint Vital

ST. CHARLES

Hon. Mr. Dauphinais reported. The people of that parish, he said, ask for the two-mile hay privilege, and besides that, a reserve with the people of the White Horse Plain. This reserve to extend from the mouth of the Assiniboine river, fifteen miles to the south, to the Portage on the same line of fifteen miles wide — the river forming the northern boundary. At the same time they desire that this grant shall not interfere in any way with the privileges of the inhabitants to be included in the reserve. This reserve was for the people of the White Horse Plains and all the people on the Assiniboine and at the Portage, without exception.

OAK POINT

Hon. Mr. Harrison reported as follows — The people of Oak Point desire a reserve of nine miles on each side of the main river. There is no hay at all on much of their land, and only at a distance of eight miles from their houses can they get any. Should there be settlement between them and these eight miles, then the settlers in that district would be entirely excluded from hay.

ST. NORBERT

The committee for this parish met on the 24th April, in the parish school-house, and was composed of the following gentlemen, namely, Pierre Paranteau, Norbert Larence, Cyrille Marchand, Joseph Landry, Joseph Charrette, Regis Perrault, Baptiste Tourond, Louis Morin, Jean Baptiste Rochels, Jean Baptiste Roy.

The decision come to was in the following terms:— “That the two miles of hay privilege, such as it existed under the old Council of Assiniboia, be converted into property in fee simple, and given to the occupants of the respective front lots.”

PARISHES OF ST. FRANCOIS XAVIER AND ST. PAUL

The committee for these parishes met on the 21st April, and was composed of the following gentlemen, namely, Pierre Poitras (chairman), P. Dauphinais, Xavier Pagés, P. Thibert, P. Lavallée, Louis Bonno, F. Morin, M. Lepine, Olivier Barron, Alphonse Thibert (secretary).

The following resolutions were adopted:—

“1. That a common for wood and hay purposes be set apart for the use of all the inhabitants of the Assiniboine River, from Portage La Prairie to the mouth of said river — seeing that without such help it is impossible for one portion of such inhabitants to subsist.

“2. That this common be situated on the south bank of the Assiniboine, and extend from Portage La Prairie downwards to the last house at the lower or Eastern end of the parish of St. François Xavier, being 15 miles wide throughout its length.

“3. That this common in no respect prejudice the rights of the inhabitants already settled on the said south bank, nor of those ordinary rights acquired by persons who might yet settle below or [East?] of the water-mill of Thibert and Co.

“4. That above this mill, as far as Pointe Coupée, lots half a mile long [can?] be occupied by new inhabitants.”

POINTE COUPEE

In this district the committee sat on the 6th of April. There were present: Hon. L. Lacerte (chairman), Pierre Delorme (secretary), Joseph Ouellette, Jacques Ouellette, Joseph Bériar, Baptiste Smith, Joseph Miller, Gabriel Lafournaise, Baptiste Dauphinais, Alexandre Morin.

The following was the decision come to, viz:— “We wish to take our two miles of hay privilege on the east side of the Red River; that is to say, two miles in length, and of the same widths as those respectively of the lots we now own: Such privileged ground to extend from the Coulée de Jacquot to Rivière aux Rats.”

The President — If we are to look for our supplies of hay only from the natural grasses of the prairie, when the country becomes settled then there will be little or no hay. It cannot be expected that in order to preserve intact hay grounds, the settlement of the country should be retarded. But, at the same time, under present circumstances, provision must be made for these hay privileges. It is a real want, but, according to the reports just read, one to which the inhabitants of some sections do not attach the same importance as they do to other advantages connected with this hay privilege. From St. Boniface, allusion is made to the Rivers crossing one another, besides which there is the seignior and other rivers and marshes, where hay cannot be made on the lands. There a hay reserve becomes a real want to the people, and the same may perhaps be said of other sections. From the reports it is apparent that some of the population regard the hay privilege for the sake of the hay. Others pay attention to other, and perhaps better advantages, such as wood, &c. From the French speaking population these claims are made. The White Horse Plains and Assiniboine people are looking for a reserve south of the Assiniboine — from the mouth of that river fifteen miles south — without at all seeking to interfere with those having the privilege of four miles on the south side of the river. The claim is, that beyond that for fifteen miles should be set apart as a reserve for

the whole people of the Assiniboine on both sides of the river. The people of St. Boniface and St. Vital are looking for a reserve limited by the river called La Compagnie Grace, the east side of the seigniory, and a line starting from the seigniory to the Grand Coteau. The people of Point Coupee are asking for the two-mile hay privilege on the other side of the river, because there is a certain portion of the east shore of Red River there at Point Coupee which is not settled at all. The people at Oak Point ask nine miles on each side of the river.

Hon. Mr. Hay — My instructions in being asked to form the committee were to enquire into the two-mile hay privilege and report. This we did. But others went farther and decided on asking for reserves. We had no idea of such a thing. Our instructions were simply to consider the means of converting the hay privilege into ownership. If reserves are to be granted, our people might also ask for large grants.

The President — The committees all appear to have inquired into this two-mile privilege, but they found in some places no possibility of securing such a privilege, and in these cases reserves were asked for.

Hon. Mr. Bunn contended that, under the resolution of the House, no reserves could be asked for. The committees were struck to consider a certain question — the two-mile hay privilege only. Looking at it from that point of view, I would suggest that the best way to dispose of the whole case is to appoint a committee to enquire into it fully.

Hon. Mr. O'Donoghue — This is a question of very considerable moment, and which occupied a good deal of time in the Convention held here before, and which will likely occupy a good deal of our attention. At the Convention I said that this was a question on which would arise any amount of discussion — I believe I said endless discussion and litigation. Many then insisted on having the grant made in fee simple without any other consideration whatever. But, though a stranger in the country, I foresaw the trouble which would arise from granting this two-mile privilege. My opinion was then ridiculed. Now, hon. gentlemen find that it was correct. It was urged in Convention that where a person could get this two-mile privilege, it ought to be his; and where another could not get it, he ought to get an equivalent elsewhere. It is ungenerous to say that those not having the two-mile hay privilege are to get none at all: Manifestly one section of the people cannot expect to obtain a very considerable grant like this hay privilege while the other sections of the settlers receive no compensating advantage. They ought in all fairness to be placed on an equal footing. If a portion of the people cannot enjoy a hay privilege immediately in rear of their lots, give them one elsewhere. The present Legislature is perhaps composed of men having on the whole a greater interest in this country than those in any future Legislature may have, and I think they ought to enact a fair law on this subject. If the great majority get the four mile grant, the minority ought to get an equivalent in land also. And if the great majority require a reserve, I think the minority ought not to interfere with them (cheers). My desire is to make this land-grant as uniform as possible.

Hon. Mr. Tait — I understood the instructions given us with regard to the formation of parish committees to extend further than to those enjoying the two-mile privilege. To the people in my parish I explained that the object of the Assembly was to secure the people of the country against those who might come in (hear, hear). If a man was unfortunate enough to be living on a lot which had no back, I did not see then, and do not see now, that he should be deprived of a privilege equal to the man who has always enjoyed the two-mile privilege. Why give one man a privilege in preference to another? (hear, hear). In addressing the House, the President made one remark in which I do not fully coincide. He places the people in the different districts in different positions. As far as the White Horse Plains district is concerned, I think this is not the case. While the people there were working for themselves in asking for their reserve, I believe they were also working for every man living on the Assiniboine River, and that they meant this reserve to be for the benefit of every man living on the river.

The President — Your remark does not go against me at all. I said that the reserve was designed for the inhabitants on both sides of the river (hear, hear).

Hon. Mr. Bunn — I want to know what is actually meant by the two-mile hay privilege. I attach one meaning to it — to me the most obvious one. Hon. Mr. O'Donoghue attaches another and a different meaning. As to the Indian title, I say it is very doubtful to me if, even on the very ground we stand, the Indian title has been extinguished. And I say further, let us beware how we interfere with Indian rights in any way.

The President — If the members, or any of them, forming these committees have not taken the right view of their duties, it is for the House to say. They have inquired into this question of the hay privilege and reported. It is for the House now to take action.

Hon. Mr. Bunn — I will never give a vote in favor of the proposed law until the Indian title is extinguished.

Hon. Mr. O'Donoghue — For my own part, as to the Indian claims, no one would sooner see them fully satisfied than I would — and I am quite certain it is not the desire or intention of the House, as it certainly is not of the Government, to perpetuate or advocate any injustice towards the Indian tribes of the country. One special condition we make with Canada is, that before we enter Confederation all the Indian tribes of the country must be satisfactorily dealt with. This, observe, is one of the conditions we insist on. Seeing, then, that this is the desire of the Government, I do not see why the Indians should have any fear regarding this two-mile privilege. Whatever title there is to it will, I presume, be fairly extinguished before possession is entered on. Wherever the Indians do not claim any such titles this House can give the land to those desiring it. I say let the people of this country look after their own interests first. It will be time enough to look after the interests of Confederation when we are Confederated. More discussion on the point is, I think, unnecessary. If the majority of the House incline to the course, it might, perhaps, be prudent to let matters in this respect remain as they are for some time to

come, and appoint a committee to consider the matter during the interval between the close of this session and the convening of another (hear, hear).

Hon. Mr. McKay — I would say a few words regarding this Indian title. It is the first time I have heard it discussed in this way since I came to Red River, and I must say that I am surprised it should come up at a time like this when we are providing for the interests of the people of Red River and of the country at large. Looking for that, I considered that we were looking for the interests of the Indians also (cheers). I do not hesitate to say that we ought to get this hay privilege: for I am sure it would not deprive the Indian of his right. As half-breeds we require wood and hay quite as much as the Indian does his rights; and if we take a reserve for our own use, I do not think for a moment that we are thereby depriving the Indian of any title. Since the question of reserves has come up, I must say that I would strongly support such a disposition of a portion of our lands. The fact is that by making these reserves, the Indians are benefitted: for so much of the land would thereby be kept for many years in its present shape. If these reserves are not granted, then the land may be sold before long, and used as private property, and the Indians will not have the same right of using the land as heretofore. I would like to see a reserve set apart for the people of the Assiniboine. I respect the Indians and all that live in the country. But at the same time I do not want to be deprived of my rights until the Indian claim is satisfied. I could go farther, and say — one quarter of me is Indian; and if the Indian title is to be respected, the rights of one-quarter of my person must be respected (cheers and laughter). I am not at all afraid but that in my dealings with the Indians, I can satisfy them without robbing them of any of their titles (cheers). (The hon. gentleman repeated his address in Indian in which he is a very fluent and eloquent speaker.)

Hon. Mr. Fraser — It appears to me that the only question which ought of right to be before the House is respecting the two mile hay privilege and not a large land reserve. If our people thought it was a question of reserves [that] was before them, I would have brought a very different report from the one I bring today. Our committee were only invited to consider the hay and confined themselves to that. As to the Indian title, I think it was fully acknowledged sometime ago, at the Convention, that the Indian has a title. I think this a matter of great importance and one which should be very carefully considered: for we are none of us, I hope, desirous of encroaching on Indian title.

The President — There is evidently a misunderstanding about this matter. Some are looking for a hay privilege merely; some for wood; others for land for cultivation. Before going further we ought to make a distinction and settle what is really wanted.

Hon. Mr. Fraser called attention to the hay privilege bill passed last session.

The President — That bill was passed expressly for the English population; but it surely did not deprive the French population of their hay rights. If the French people only thought about the English people in passing that bill, would it not be good for the sake of the French people if even now, a month after, their rights should receive a little portion of

public attention. Do, if you please, let them have what they want, if you think it fair (hear, hear). As we are looking for the hay privilege now, would it not be well for the French population to express themselves as also in want of the hay privilege, even though they cannot get it immediately behind them. If they do come in, under the committees I made, let us do justice to them at all events (cheers).

Hon. Mr. Fraser — I never thought there was to be a distinction between any class of the people. I thought all our interests were one. The two-mile privilege cannot be secured to every one among the English any more than the French: so that there would have to be an extra provision made for the English as well as the French.

Hon. Mr. O'Donoghue — I would beg to ask Hon. Mr. Fraser who was the framer of the hay privilege bill to which he has just alluded?

Hon. Mr. Fraser — You were.

Hon. Mr. O'Donoghue — Then it would be for me to explain it. That bill was framed, first, because there appeared to be a great fear among the English people that they would not get this hay privilege. Some, in fact, went so far as to say that on this depended the whole prosperity of some districts, and that there was no use in going back to their constituents unless they got it. Mr. Sutherland said so, and I believe expressed the sentiments of the English people generally. It seems strange to me that gentlemen then supporting this measure should now offer opposition to any portion of the people getting this privilege. I was, myself, opposed to the measure in Convention, but fearing that I might be misinterpreted in my motives, I took the first opportunity last session to frame a bill myself, converting the privilege into absolute ownership. But knowing the difficulties in the way, I did not like to push the measure. Another bill was brought in and [passed?] but there were some who did not understand it to refer to the lots in the [back?] but that it should be asked for wherever it could be got.

Hon. Mr. Bunn — Perhaps the importance of the question before the House will be a sufficient apology for my getting up again. I do not think it is understood sufficiently. It strikes me that the difference between us is, shall we convert this into a fee simple property, or shall we guarantee that it be hereafter converted? If hon. members understand the question in this way, we would be perfectly agreed. There is not, I believe, a member here who would like to take this land until all fair claims on it were adjusted. But that is not the question before the House. The question is, shall we pass an act guaranteeing this land?

The President — Nobody in the country seems to want the two-mile hay privilege in fee simple now. But at the same time let this Chamber work for the public good on this question, so as to secure to every farmer, as far as possible, the same privileges in one way or another. This question of the hay privilege seems to be understood one way among the English and another way among the French. The whole settlement is united — and we are glad to be united; but at the same time our circumstances are not the same all over. A good deal has been said about Indian title, but

if hon. gentlemen would allow me I would suggest that it is, perhaps, impolitic to pursue this subject further. Let the inhabitants continue to make use of their old land privileges for the present, in one place or another; let them ask for what they want by general petition; and when that comes up, the Government will deal with it, and do justice to all parties.

After [this] debate,

Hon. Mr. Donoghue moved that a special committee be appointed to enquire further into this question of the Hay Privilege, and arrange it in a manner as satisfactory to all as possible; and that the committee report this session; said committee to be composed of Hon. Messrs. Bird, Fraser, Sinclair, McKay, Garrioch and Bunn, and Hon. Messrs. O'Donoghue, Delorme, Touron, Dauphinais, Beauchemin and Bruce — committee to have the privilege of forming itself into two sub-committees if considered desirable, but to amalgamate their reports before presentation to the House.

The resolution carried and at seven o'clock P.M., on motion of **Hon. Mr. Bannatyne**, the House adjourned till next day.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Thursday, 28 April 1870⁵⁹

The President took the chair at half-past eleven A. M.

The minutes having been read and approved,

The President briefly addressed the House.

Recess at noon.

The President resumed the chair at three o'clock P.M.

On motion of **Hon. Mr. Touron**, seconded by **Hon. Mr. Poitras**, it was resolved that the report of the committee on the Local Laws be taken up and considered article by article.

Hon. Dr. Bird moved the adoption of the first article. "That the heading 'Laws of Assiniboia, passed by the Governor and Council of Assiniboia,' be altered to 'Laws of Assiniboia, passed by the President and Legislative Assembly of Assiniboia' on the _____ day of _____ 1870."

⁵⁹ Bunn, *Sessional Journal*, 20–22; "Legislative Assembly of Assiniboia," *New Nation* (6 May 1870), 8.

Hon. Mr. Bannatyne seconded the motion.

Hon. Mr. Bunn, seconded by **Hon. Mr. McKay**, moved in amendment that the article be adopted as it stands, filling up the first blank with “26th,” and the second blank with “April.” **The hon. gentleman argued that the date ought to be that at which the session began, as in law the session was supposed to be a continuous session, and that every law was referable to the date at which the House began to sit.**

Hon. Mr. O’Donoghue strongly objected to the words “Governor and Council of Assiniboia,” in the original motion. The laws before the House were not the old laws a little altered. The old laws were taken as a guide, but none of them were adopted without undergoing many alterations. He was of opinion that the first step ought to be the repealing of all the old laws.

Hon. Dr. Bird — As a matter of fact, none of our laws will be passed on the 26th April, and I do not think that date should be inserted. Laws should not be made retroactive. If we make them such, we render it possible for a person to be charged with a breach of law which could not be known to him, for the very good reason that no such law was in force at the time of his alleged offence.

Hon. Mr. Bunn maintained his position that the laws should date from the commencement of the session. As to **Hon. Mr. O’Donoghue’s** idea about repealing the laws, if adopted its effect would be to leave us without laws altogether. It would not be wise to repeal the old laws, until new ones had been sanctioned by the Executive.

Hon. Mr. O’Donoghue, seconded by **Hon. Mr. Poitras**, moved in amendment — That all the laws of the Governor and Council of Assiniboia, as heretofore in force, be repealed from and after the 15th day of May, 1870.

Hon. Mr. Bunn objected to the last amendment, on the ground that it was out of place. At present the motion was merely to adopt a heading.

The President — I do not think it would be well to frighten people by depriving them of all local law: Of course, even though there were no such laws in existence, we would still be under the laws of England. But even though that were the case, it was best not to repeal the old laws until others were substituted.

Hon. Mr. O’Donoghue’s amendment was put and lost on a division:— Yeas 8, nays 11.

Hon. Mr. Bunn’s amendment was then put and lost on a division:— Yeas 2; nays 19.

And the original motion was carried on a division — Yeas 14, nays 5.

On motion of **Hon. Mr. Fraser**, seconded by **Hon. Dr. Bird**, Article I under the head “General Provisions,” was carried.

On motion of **Hon. Mr. DeLorme**, seconded by **Hon. Mr. Bruce**, Article II carried.

On motion of **Hon. Mr. Touron**, seconded by **Hon. Mr. Bannatyne**, Article III carried.

On motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Dr. Bird**, Article IV was put.

Hon. Mr. O’Donoghue — I think this Article is misplaced. We have not yet defined what the general law of the country is, the fifth Article, which specifies that the law of England is to be the general law of the country, ought to precede the one at present before the House.

Hon. Dr. Bird — The article in question and many others might be changed in position to advantage. But I had the idea that a Publication Committee was to be appointed to revise all the articles and arrange them in order of sequence.

Hon. Mr. Schmidt — The report of the committee has been submitted to the Legislative Assembly; and why should we not arrange it at once, without further reference to committees?

The article was then carried.

On motion of **Hon. Mr. Bruce**, seconded by **Hon. Mr. De Lorme**, Article V carried.

Hon. Mr. Schmidt moved that all local enactments on record up to the 25th day of April, 1870, “be now repealed.”

Hon. Mr. Hay moved in amendment that the Article be laid on the table. His object was to allow the old laws to stand till new ones were enacted.

No seconder.

Hon. Dr. Bird moved in amendment “As Hon. Mr. Hay’s amendment has no seconder,” that the Article be struck out.

Hon. Mr. Fraser seconded the amendment which was carried on a division — Yeas 15; nays 8.

Hon. Mr. Bunn, seconded by **Hon. Mr. Hay**, moved the adoption of Article I under the head “Administration of Justice,” on striking out the word “That” at the head of the Article — carried.

Article II under same head being put,

Hon. Mr. O’Donoghue said he approved of the first five sub-sections of the article — although it seemed to him that the Fort Garry district was larger in population than any of the others. Seconded by **Hon. Mr. Olone**, he moved the adoption of the first five sub-sections leaving the balance of the Article to be dealt with separately as it would require attention.

Hon. Mr. Bunn moved in amendment that the word “that” in the first line of the article and the word “all” before the words “District Courts” be struck out, and that with these alterations the Article as reported be adopted.

Hon. Dr. Bird seconded the amendment.

Hon. Mr. McKay suggested that the period specified for holding the Manitoba Court be altered.— I would say that the first Tuesday in June would be a better day for holding the Court in that district than the fourth Tuesday in June.

Hon. Mr. Bunn, with the consent of the seconder and the House, altered his amendment in accordance with this suggestion.

Hon. Mr. O’Donoghue withdrew his motion.

Hon. Mr. Garrioch — In the definition of the Portage district, what is meant by the extreme end of the settlement? There were settlers at Rat Creek and White Mud River. Were they included in that district?

Hon. Dr. Bird — In committee the White Mud River section was repeatedly mentioned, and was supposed to be included.

Hon. Mr. Garrioch — White Mud River lies more in the vicinity of Manitobah than of the Portage. I think it ought to be included in Manitobah.

Hon. Mr. Dauphinais — I think White Mud River belongs rather to the Portage district.

In reply to **Hon. Mr. Schmidt**, **Hon. Mr. McKay** said that in spring the people of White Mud River had a better road to go to the Portage than to Manitobah.

Hon. Dr. Bird — By Manitobah the committee only meant the Lake Settlement proper.

Hon. Mr. Garrioch moved in amendment to add **the following words** to subsection 2: “And from thence to the Rocky Island in Lake Manitoba.”

After debate the latter amendment was withdrawn on the understanding, **Hon. Dr. Bird** said, that **the limits of the districts have been defined by the Legislature in a general way**; matters of minor detail, such as it alluded to, would be dealt with by the Executive.

Hon. Mr. Bunn having put his amendment as a substantive motion, it carried.

Hon. Dr. Bird moved that the House adjourn.

Hon. Mr. Hay moved in amendment that in future the House meet at nine o'clock A.M. and sit till noon; and with a recess of an hour and a half for dinner, sit till five P.M.; and that members not in attendance punctually be fined, say, Ten Shillings for each offence (**laughter**).

Hon. Mr. Poitras seconded the amendment.

Hon. Mr. Bunn seconded the original motion, and the amendment, having been ruled out of order, dropped.

At seven o'clock P.M. the House adjourned till **one o'clock P.M.**, following day.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Friday, 29 April 1870⁶⁰

The President took the chair at two o'clock P.M.

The minutes **of the previous sitting** having been read and confirmed, the House resumed the consideration of the Law Committee Report.

Hon. Mr. Bunn, seconded by **Hon. Mr. Norquay**, moved the adoption of Article III under the head “Administration of Justice.” — Carried

Hon. Mr. Bunn, seconded by **Hon. Mr. Olone**, moved the adoption of Article IV, with the substitution of the words “not more than” for the word “under” in subsection 1. **The alteration was made so as to enable the District Courts to dispose of cases of debt of ten pounds and under.** — Carried.

⁶⁰ Bunn, *Sessional Journal*, 23–25; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (13 May 1870), 1.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Poitras**, moved that Article V be adopted.

Hon. Mr. McKay moved in amendment that a sub-section be added to the article, providing that in any case in which the sum involved was over five pounds, an appeal to the General Court might be made.

Hon. Mr. Bannatyne believed in giving every man having a case before the District Court, the right to appeal.

Hon. Mr. Bunn also argued on the same side. He did not believe in limiting the right to appeal to cases over five pounds, under the amendment proposed, simply because [if] the debt is below five pounds, you give him no appeal. If you give the right of appeal at all, give it to all parties coming before the Court.

Hon. Mr. McKay, in Indian and English advocated his amendment. It was in the interest of the poor man that an appeal should not be in every case. Suppose the sum involved to be but twenty shillings, and the rich man loses and appeals it. The latter may out of mere spite, take the poor man to the General Court, and perhaps in the long run the latter may lose the case and be saddled with great additional expense.

The President — There is this to be borne in mind in relation to the hon. gentleman's argument, that the losing party may be either rich or poor.

Hon. Wm. Tait — I support the original motion as it appears to me to be the fairest. The appellant knows if his cause is a bad one, the consequences of appeal will fall on himself. As to Article XXII, which has been referred to, it offers no chance in favor of a man having a case: for both parties must agree before they can go before a magistrate; and one of them may not consent.

Hon. Mr. Fraser — I would suggest the amount of the judgment be struck out, and that it be not necessary to deposit it. Suppose a man desires to make an appeal, he has not only to pay the usual deposit, but also the judgment, which latter amount might be too large for him to be able to deposit. In a country like this, where many poor men may come into Court, I do not see why they should be practically shut out from appealing by being compelled to deposit the amount of the judgment.

Hon. Mr. Bunn — The hon. gentleman would have us strike out the amount of the judgment, the very thing for which the parties came into Court. It is all very good to take care of the poor man. But in Courts, poor and rich are treated alike. If you got a judgment against a man, surely you are not going to allow the man to walk off from Court simply because he says, I appeal, and pays his twenty shillings. What hold have you over such a man for the amount of the judgment?

Hon. Mr. Tait — If I get judgment against a man, I cannot see where the fairness lies in allowing that man to keep me out of my money three or six months by appealing, and perhaps a few days before Court sits, coming and paying the judgment.

Hon. Mr. Bannatyne — I believe it would be very hard to settle any case before the District Courts if what Hon. Mr. Fraser contends for were to prevail. If two men came before the District Court and judgment is given against one, the man against whom the case is decided, if he wishes to take advantage of the other, has only to say, I appeal, and pay a small deposit, and keep the other person out of his money for nearly three months. Fifteen days before the General Court, he may then come forward and pay the debt.

The amendment, not being seconded, dropped and the Article carried.

Hon. Mr. Hay, seconded by **Hon. Mr. Olone**, moved the adoption of Article VI.

Hon. Mr. Bunn said — This article was very much debated in committee, the great point at issue being as to whether a case should be tried in the district where the plaintiff or defendant resided.

Hon. Mr. Poitras, seconded by **Hon. Mr. Parenteau**, moved in amendment that the Article be **not adopted until** amended so as to provide that cases should be tried in the district where the defendant resides.

Hon. Mr. Bunn said that he was inclined to think that in justice to all parties the case ought to be tried in the defendant's district,— otherwise a man who was untried would be in reality subjected to punishment by being compelled to go, perhaps, a long way from home, at the summons of the plaintiff.

Hon. Mr. Hay was almost positive that in England the case had to be tried in plaintiff's district.

Hon. Mr. McKay urged that in this country it was usual to bring the case on in the district where defendant resided — that is, in the case of the District Courts.

Hon. Mr. Norquay argued that the plaintiff ought to have the right to bring the debtor to his district.

Hon. Mr. Tait contended that as District Courts were expressly formed for the benefit of those residing in the District, the plaintiff ought not to be enabled to bring a charge against a man and have him taken to any other district for trial. If the District Courts were not formed for the benefit of residents, why not have one Court in the centre, as in the case of the General Court?

Hon. Mr. Schmidt was in favor of having the case tried in defendant's district, as plaintiff was the aggressive party.

Hon. Mr. O'Donoghue supported the amendment. He believed that in other countries, in nearly all cases, the trial came off in defendant's district. If a merchant gives goods on credit, he does so at his own risk, for his own profit, and if he seeks to recover any debts which have been contracted, he should not be allowed to force the debtor, in many cases, a poor man, to come many miles from home in order to stand his trial.

After a lengthy debate the amendment was put and carried on a division: Yeas 17; nays 5.

On motion of **Hon. Mr. Schmidt**, seconded by **Hon. Mr. Poitras**, Article VII carried.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. De Lorme**, moved the adoption of Article VIII,— Carried on a division: Yeas 19, nays 2.

Hon. Mr. Garrioch, seconded by **Hon. Mr. Norquay**, moved Article IX — Carried.

Hon. Mr. T. Sinclair, seconded by **Hon. Mr. J. Sinclair**, moved Article X — Carried.

On article XI a debate arose.

Hon. Mr. O'Donoghue moved that Article XI be struck out and the following substituted:—

XI. 1. That in criminal cases jurors shall be each entitled to a fee of five shillings per day paid out of the public funds; and in civil cases five shillings per day paid out of the public funds: and in civil cases five shillings a day for each case on which they may serve. Should any case occupy more than one day, the jurors sitting thereon shall be entitled to five shillings a day each for each day or part of a day,— payable by plaintiff or defendant as the Court may decide.

2. Witnesses in criminal cases shall be entitled to the same amount per day as jurors; and in civil cases a witness shall be entitled to five shillings per day for each case and for each day of attendance in Court until the case is disposed of.

After debate, at seven P.M., **Hon. Mr. O'Donoghue**, seconded by **Hon. Mr. Bunn**, moved that the House take a recess for an hour and a half — Carried.

On resuming business at half-past eight P.M., Article XI, on motion of **Hon. Mr. Bunn**, seconded by **Hon. Mr. Tournon**, was put and carried.

On motion of **Hon. Mr. Tait**, seconded by **Hon. Mr. Bunn**, Article XII carried.

Hon. Mr. Bunn moved the adoption of Article XIII with the substitution of the word “one pound” for “half a pound,” before the word “pemmican.”

Hon. Mr. Poitras seconded the motion.

After debate, the article was carried, as amended, on a division: Yeas 16; nays 3.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Gunn**, moved the adoption of Article XIV, carried.

On motion of **Hon. J. Sinclair**, seconded by **Hon. Mr. Bunn**, Article XV carried.

Hon. Mr. Bunn moved that Article XVI be amended by striking out the words “five pounds sterling for such license and.” **His object was to make a distinction in favor of the people of this country, by providing that they should be able to go into Court without any entrance fee the first year.**

Hon. Mr. Bannatyne seconded the motion which was carried as amended.

The consideration of Article XVII was postponed on motion of **Hon. Mr. O’Donoghue**, seconded by **Hon. Mr. Schmidt**, **the President having suggested that it was not explicit enough.**

Article XVIII carried, on motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Gunn**.

Article XIX carried, on motion of **Hon. T. Sinclair**, seconded by **Hon. Mr. Poitras**.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Sinclair**, moved the adoption of Article XX.

Hon. Mr. O’Donoghue suggested that in this article the word “or” after the word “newspaper,” be changed to “and,” and that the words “at the doors of all the churches” be struck out, and the following inserted instead “in some conspicuous place near the several churches.”

Hon. Mr. Bannatyne adopted **Mr. O’Donoghue’s** suggestion and the Article carried as so amended.

At ten o’clock P.M., on motion of **Hon. Mr. Hay**, seconded by **Hon. Mr. Garrioch**, the House adjourned.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Saturday, 30 April 1870⁶¹

The President took the chair at eleven o'clock A.M.

Minutes read and carried. Consideration of law committee report resumed.

Article XXI carried on motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. De Lorme**.

Hon. Mr. Bunn, seconded by **Hon. Mr. Bruce**, moved the adoption of Article XXII, with the substitution of the words “not over” for the word “under” wherever the latter occurs in the Article — Carried **as amended**.

Article XXIII carried on motion of **Hon. Mr. De Lorme** seconded by **Hon. Dr. Bird**.

Article XXIV carried on motion of **Hon. Mr. Bannatyne** seconded by **Hon. T. Sinclair**.

Article XXV carried on motion of **Hon. Mr. Lascerte** seconded by **Hon. Mr. Poitras**.

Article XXVI carried on motion of **Hon. Mr. Poitras** seconded by **Hon. J. Sinclair**.

Hon. Mr. Bunn moved the adoption of Article XXVII, with the addition at the end of the Article of the words “above the age of fifteen years.”

Hon. Mr. Bruce seconded the motion, which was carried on a division — Yeas 16; nays 4.

Hon. Mr. Bunn, seconded by **Hon. Mr. Gunn**, moved the adoption of Article XXVIII.

Hon. Mr. O'Donoghue, seconded by **Hon. Mr. Poitras**, moved in amendment that for the word “three” in the article, the word “two” be substituted.

Amendment lost on a division:— Yeas 10; nays 13.

Original motion carried — Yeas 13; nays 10.

⁶¹ Bunn, *Sessional Journal*, 25–27; Legislative Assembly of Assiniboia. Second Session,” *New Nation* (13 May 1870), 1.

Hon. Mr. Schmidt, seconded by **Hon. Mr. Poitras**, moved the adoption of Article XXIX which was as follows:—

“The Judge of the Supreme Court, shall be *ex officio* a Justice of the Peace.”

Hon. Mr. O’Donoghue, seconded by **Hon. Mr. Bannatyne**, moved in amendment that the Article be struck out.— Carried on a division — Yeas 18; nays 4.

Hon. Mr. Bunn, seconded by **Hon. Mr. Bannatyne**, moved the adoption of Article XXX.

Hon. Mr. Hay moved in amendment that the word “those” after the word “all,” in the Article be struck out, and all after the word “country” in the said article. His object was, he said, to make it clear that the jurisdiction of the Supreme Court extended to all parts of the country.

Hon. Mr. O’Donoghue seconded the amendment.

After debate the amendment carried on a division — Yeas 12; nays 5.

Hon. Mr. O’Donoghue moved the adoption of Article XXXI, with the following alterations: that the words “or other person entitled” in the second line, be struck out, and the word “qualified” inserted, and that all after the word “paying” in the sixth line be struck out and the following inserted — “a license of Ten Pounds sterling per annum in advance.” The latter amount was, he urged, the least they could think of charging an outsider entering on the lucrative profession of law in this country.

Hon. Mr. Poitras seconded the amendment.

Hon. Mr. Hay, as an amendment to the amendment, moved the adoption of Article as it stood — Not seconded.

Hon. Mr. O’Donoghue’s amendment was put and carried on a division:— Yeas 14; nays 8.

Article XXXII carried on motion of **Hon. Mr. Bannatyne** seconded by **Hon. Mr. O’Donoghue**.

Hon. Mr. Gunn, seconded by **Hon. Mr. Touron**, moved the adoption of Article I under the head “Customs Duties.”

Hon. Mr. Schmidt moved in amendment that the House take a recess of fifteen minutes.

The House took a recess for half an hour.

The President having resumed the chair,

Business having been resumed,

Article I under the head “Customs Duties,” was put and carried, as moved.

Hon. Mr. Hay moved the adoption of Article II, with the addition of a sub-section providing that “mill and factory machinery” should be among the articles exempt from duty.

Hon. Dr. Bird seconded the motion and a sub-section (13) was added in accordance therewith, and the Article carried as amended.

Article III carried on motion of **Hon. Mr. Garrioch** seconded by **Hon. Mr. Lascerte**.

On motion of **Hon. Mr. Poitras**, seconded by **Hon. Mr. Bunn**, Article IV was adopted, on taking out the word “say”, in the tenth line.

Article V carried on motion of **Hon. Mr. De Lorme** seconded by **Hon. Mr. Lascerte**.

At half-past one P.M. on motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Bunn**, the House adjourned till Monday following at one P.M.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Monday, 2 May 1870⁶²

Government (Cabinet) business being very urgent today, the House only met to adjourn.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Tuesday, 3 May 1870⁶³

⁶² Bunn, *Sessional Journal*, 28–31; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (13 May 1870), 1–2.

⁶³ *Ibid.*

The President took the chair at half-past one P.M. and addressed the House as follows:—

Gentlemen of the Legislative Assembly — It may be out of the regular run of business to allude to a matter which is foreign to it, but I would say a word on a subject which interests us. I would say — as I said a few minutes ago, privately, in reference to the news received **by** last mail — now we *are* recognized abroad — recognized because we have taken a bold stand among the nations. Even if we are a community small in number, our attitude has been that of honest, determined, straightforward men. We certainly have some right to complain of injustice at the hands of some parties in Canada — parties who are now crying out against us. But our answer is, that we have as much confidence in the British flag as they have themselves (**cheers**). We have only to continue as we have begun. They cannot disturb us (**cheers**). The President, in alluding to the business before the House, suggested that it might be **well** to take up the consideration of the Liquor Laws at once, and dispose of them, as it was important to have them passed as **soon as** possible.

Hon. Mr. O'Donoghue moved that the Law Committee report be taken up, but that the House should for the present, postpone the consideration of the Articles immediately following those last discussed and take up the Liquor Laws.

Hon. Mr. De Lorme seconded the motion.

The motion was opposed by **Hon. Messrs. Bunn, Bird** and others, on the ground that no sufficient reason had [been] assigned for the proposed departure from the ordinary course of procedure.

Hon. Mr. O'Donoghue explained at length that unlicensed dealers were taking advantage of the present state of things and not only unfairly competing with those who had paid for their licenses, but also doing a great deal of mischief, particularly among Indians. It was very desirable that as strong a check as possible should be placed on such offenders. Again, all the old laws on this subject had never been published by the Governor and Council of Assiniboia. Many did not know what these laws were; had no opportunity of becoming acquainted with them; and could not, therefore, be held liable for breaking them. There were, besides, special cases showing the urgent need of enacting these laws immediately, but [he] had a delicacy in further alluding to these cases.

After debate,

Hon. Mr. Bunn, seconded by **Hon. Dr. Bird**, moved in amendment that the report be taken up, consecutively — **The amendment was** lost on a division:— Yeas 7; nays 11, **and the** original motion carried.

Hon. Mr. O'Donoghue then moved **that it be resolved** —

“That all licenses granted on the first day of December 1869 be considered as null and void after the twenty-fifth day of May next ensuing; that applications for licenses in these special cases shall have to be made on the twentieth day of May next; and that licenses shall be granted on the first week day in June 1870 — the conditions under Article V of the local laws to be complied with, except so far as herein mentioned.”

The hon. gentleman explained his reason for the motion to be this — Last December when the country was in a disturbed state, licenses were applied for, under the old government. The law under that government provided that in the event of a certain number of persons living in the immediate vicinity of the applicant for a license, objecting to his getting one, it should not be issued to him. At the time I refer to, continued the hon. gentleman, affairs were in such a disturbed state that people did not expect that any licenses would be given, but they were given, and in some cases the parties obtaining them had caused considerable annoyance since by the manner in which their houses had been kept. The Provisional Government, it will be remembered, was in being on the 24th November, and hence these liquor licenses were issued under I do not really know what Government. On the day of their issue, some parties supposed themselves still under the old regime; the Provisional Government was a power in the land, and, still further to complicate the situation, McDougall had issued his proclamation declaring the country part of Canada. Hence I would say, let these licenses be recalled on the 25th inst., and re-issued, by the present Government wherever the law in such cases is complied with. In the law we are going to pass, it is provided that licenses should issue on the 1st of December, but in these special cases we could provide for their issue on the first of June.

Hon. Mr. Bunn — Were not the licenses issued on the 1st December last year granted for the first time or second — all granted for one year, and supposed to be good till December 1st next convening?

Hon. Mr. Bannatyne — Of course.

Hon. Mr. Bunn — In that case I do not see how we can fairly interfere with these licenses, except, perhaps, to recall them and reissue under the present Government. We could not, in good faith, refuse to carry out the contract already entered into on the part of the Government with those people.

Hon. Mr. O’Donoghue — In cases where the license was not renewed half of the amount paid for such license might be returned. There is no wish to act unjustly in the matter. But if the people of any locality think that under the circumstances I have described — which prevented them from making objection at the time — a license issued is injurious to them — I think they should now be enabled to make such objection. The result will be that if the license is not granted on the first of June, it will be because there are good reasons for withholding it — reasons which would have prevented the issue in the first instance, but for the exceptional state of things then prevailing.

Hon. Mr. Bunn — This very question of licenses has puzzled almost every government in the civilised world, and as we are but a young community we must be cautious in our actions. I do not know that in the event of withholding any of the licenses recalled, paying back half the license fee would in all cases be sufficient recompense. We do not know how much expense the holder of the license may have gone to, in preparing to open his premises. Besides I object altogether to the way in which this motion was brought down. We agreed to take up the liquor laws as reported, and now we are asked to take up something else.

The President suggested that it might save endless discussion if hon. gentlemen opposing a motion would briefly explain their views and then move an amendment. The desire of all, he believed, was to stop abuses in the liquor traffic, or prevent them arising. There was no desire to take money from any wrongly.

Hon. Mr. Bannatyne — I agree with Hon. Mr. Bunn that certain parties entered into a contract with me on behalf of the Governor and Council of Assiniboia and took out their licenses, after having given full and ample notice to the public of their application. I am certain that such public notice was given by every man getting a license from me. On the 1st of December I granted licenses for a year, and in justice to all parties I would object to the contract with any of them being broken. I would move in amendment — that all licenses taken out under the Governor and Council of Assiniboia, on the 1st day of December 1869, be now repealed and renewed by the President and Legislative Assembly of Assiniboia, under the restrictions mentioned in the former Licenses.

Hon. Mr. Bunn seconded the amendment.

Hon. Dr. Bird objected to the time at which the motion was brought forward. The House had agreed to go into committee on the liquor laws, and hence the motion as moved by Hon. Mr. O'Donoghue was out of order. The hon. gentleman then strongly endorsed the view taken by Hon. Mr. Bunn that it would be a gross injustice to break faith with any who had taken out licenses by depriving them of selling before their year was up.

Hon. Mr. O'Donoghue contended that though his proposal might cause annoyance and possibly a little loss to some who had taken out licenses, it was, for all that, made in the public interest — and where public and private interest come into collision the latter must give way. He thought that in returning the half year's license fee where licenses were not renewed, they were acting fairly — as the amount thus refunded would in all probability cover the loss, and perhaps more.

After [this] debate,

Hon. Mr. Bannatyne obtained leave to substitute the words “made legal” for the word “repealed” in his amendment, which was then put and carried **as amended**, with the understanding that the names of all holding licenses in the several districts should be published along with the notices.

Article I under the head “Liquor Laws” was moved by **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Poitras**, with the addition of the following clause at the end of the Article:—

“In every case where a person is found guilty of a breach of this law a second time the fine shall be doubled.” — Carried.

On motion of **Hon. Mr. Hay**, seconded by **Hon. Mr. O’Donoghue**, the fine in sub-section 4 was increased from Ten Pounds sterling to One Hundred Pounds sterling.

The President — It would not be well for any offender to have that fine doubled (laughter).

Hon. Mr. Hay — To show that the punishment is not excessive, I may mention that in the neighboring States the fine is \$3,000 and imprisonment for three years for selling liquor to Indians.

The Article, with both amendments, was put and carried on a division — Yeas 16; nays 1.

Article II carried on motion by **Hon. Mr. Poitras** seconded by **Hon. Mr. Bannatyne**.

Article III carried on motion by **Hon. Mr. O’Donoghue** seconded by **Hon. Mr. Bannatyne**.

Article IV was as follows:—

“If any person be found with any of the above specified means of intoxication among Indians, he shall be held guilty of furnishing such means of intoxication to them.

Hon. Mr. Tait, seconded by **Hon. Dr. Bird**, moved that this Article be struck out. In seconding the motion **Hon. Dr. Bird** said — In the case of a person travelling through the country it is generally thought necessary to take a little spirits of some kind. In the event of that person travelling with Indians he would be liable under this law. Would that be fair?

Hon. Mr. O’Donoghue — That case might be embraced by the proviso “except said person can give proof that such liquor is for his own special use.”

Hon. Mr. Bannatyne — Then suppose I send a man to the Saskatchewan with carts or boats, in which I send liquor to some parties there, not Indians, unless I could swear that liquor was for my own special use,— and of course it would not be in such a case — I might be found guilty of a breach of the law.

Hon. Mr. O'Donoghue — Liquor in transit for civilized people might also excepted.

Hon. Mr. Tait strongly objected to the article and amendments. He failed to see the justice of making it an offence to be found with liquor among Indians, as long as the party so found, or his agents did not supply the Indians with this liquor.

Hon. Mr. O'Donoghue, seconded by Hon. Mr. Bruce, moved the adoption of the article with the addition of the following clause after the word "them":

"Unless he shall prove that such liquor is for his own use, or for the use of such civilised person or persons as may be with him, or that it is in transit for any civilised person. Any violation of this Article may be punished in the manner set forth in Article I, sub-section 4."

Article carried as amended.

Article V being a very long one, on motion of **Hon. Mr. O'Donoghue**, seconded by **Hon. Mr. Bunn**, the House resolved itself into committee of the whole to consider the same, and the balance of the Liquor Laws.

Hon. Mr. Bunn was called to the chair.

On motion of **Hon. Mr. Tait**, seconded by **Hon. Mr. Garrioch**, the Article was considered paragraph by paragraph.

The first paragraph was put as follows —

"V. Excepting as regards the sale of spirits, wine and beer, there shall hereafter be but one description of Liquor License, which shall be issuable only once a year, as hereinafter mentioned; and such license shall give the holder permission to manufacture spirits, wine, or beer, and sell the same in any quantity, under the restrictions contained in the following schedule, showing the form in which the license shall be granted:"

Hon. Mr. Tait — What is meant by "excepting as regards the sale of spirits, wine and beer?"

The Chairman explained that it was a mistake in copying the report. After the word "beer" in the original article were the words "by importers and wholesale dealers."

Hon. Dr. Bird said — I do not think distillers ought to be included in the same license as retailers. A distiller ought to be able to get a license whenever he is able to commence working his distillery, without, however, being able to retail unless he paid ten pounds more in license-fee. I do not, in fact, think there ought to be any restriction on a distiller unless the payment of the necessary fee. I would move in amendment that the first paragraph be struck out and the following inserted:—

“No person shall sell spirits, wine, or beer, in any quantity under five gallons without obtaining a license as contained in the following schedule:” **the schedule I wish to amend by striking out** the word “manufacture” in the fourth line, **and also the words** “and to sell the same” in the following line,—

On the same motion, seconded by **Hon. Mr. Tait**, paragraph and schedule carried as amended.

On motion of **Hon. Mr. O’Donoghue**, seconded by **Hon. Dr. Bird**, the word “twenty” was substituted for the word “five” in the eight line of the third following paragraph, and the word “thirty” for the word “ten” in the same line; **also by substituting** the word “twelve” for the word “five” in the twelfth line, and the word “twenty” for the word “ten” in the line following. **This made the punishment for manufacturing or selling spirits, wine, or beer without license (except in the case of a person making wine or beer for his own family use), a fine of not less than twenty pounds sterling and not more than thirty pounds sterling, and in default of immediate payment the offender to be liable to imprisonment for not less than twelve weeks and not more than twenty weeks.**

This and the following paragraph **were** carried as amended.

Committee rose, reported progress and obtained leave to sit again to-morrow.

The house adjourned at half-past seven P.M.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Wednesday, 4 May 1870⁶⁴

The President took the chair at half-past two P.M.

The minutes having been read and approved the House resolved itself again into committee of the whole on the Liquor Laws, Hon. Mr. Bunn in the chair.

The paragraph commencing with the words “on payment of the sum of Ten Pounds sterling” was first taken up, and on motion of **Hon. Mr. Hay**, seconded by **Hon. Mr. Bannatyne**, was amended by adding the word “retail” before the word “liquor” on the sixth line, and the words “and also in all local papers,” after the word “reside” in the nineteenth line.

Paragraph carried as amended.

⁶⁴ Bunn, *Sessional Journal*, 32–36; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (13 May 1870), 2; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (20 May 1870), 1.

The two following paragraphs carried without alteration.

In the next the word “twelve” in the second line was changed to “twenty-four” and the paragraph carried as amended.

The next paragraph carried.

The succeeding paragraph was as follows:

“Any person may sue an offender for manufacturing or selling without a license, and shall be entitled to half the fine actually recovered.”

This paragraph carried as follows, on motion of **Hon. Dr. Bird** seconded by **Hon. Mr. Tait**:

“Any person may sue another for manufacturing illegally, spirits, wine or fermented liquors or selling the same without a license, and shall be entitled to half the fine actually recovered.”

The next paragraph carried.

In the paragraph following, on motion of **Hon. Mr. Bannatyne** all the words after the word “any” in the fourth line, were struck out, and the words “any Indian reserve” inserted. **The object of the hon. mover, was, he said, to prevent the sale of spirituous liquors, not merely on the present Indian reserve, but on any land which might be set apart as an Indian reserve.**

On motion of **Hon. Mr. Hay**, seconded by **Hon. Dr. Bird**, the first paragraph under the head “Wholesale Licenses” was amended by striking out the words “Ten Pounds” in the seventh line, and inserting the following:— “not less than Twenty Pounds sterling, and not more than Thirty Pounds sterling.” — Paragraph carried

Hon. Mr. Bannatyne, seconded by **Hon. Dr. Bird**, moved to add a clause requiring wholesale licenses to be granted twice a year — on the first day of June, and first day of December — **The latter motion** dropped.

Next paragraph carried.

Hon. Mr. Hay moved the adoption of the third paragraph under the head “Wholesale Licenses,” which was as follows:

“Such Wholesale Licenses shall be issuable by the Benches of District Magistrates in their several districts, on the first week day of December, and on no other day to persons applying to the President either before or after that day.”

Hon. Mr. Tait moved an amendment to the effect that Licenses might be taken out at any time during the year.

Hon. Mr. O'Donoghue, seconded by **Hon. Mr. Olone**, moved in amendment, that all wholesale licenses shall be granted by the President of the Fort Garry District Court on the first week day in June and the first week day in December, and on no other day.

Hon. Dr. Bird opposed the amendment moved by **Hon. Mr. O'Donoghue**. But it carried on a division — Yeas 10; nays 9.

The fourth paragraph, giving magistrates power to grant or refuse the license in every case, was struck out, on motion of **Hon. Mr. Tait** seconded by **Hon. Dr. Bird**.

Hon. Mr. Tait, seconded by **Hon. Dr. Bird**, moved the adoption of the next paragraph, prescribing the form of wholesale license.

Hon. Mr. O'Donoghue — I think there should be conditions attached to the license of a wholesale as well as a retail liquor dealer. Many of the conditions to which the latter are subjected, it would be well to bring the wholesale man under also (hear, hear).

Hon. Mr. Tait — The only conditions I would like to impose is that they should sell good liquor (laughter).

Hon. Dr. Bird did not see the necessity of further binding the wholesale dealer. All the early clauses of the law, in some of which the fines set forth were very heavy, included wholesale as well as retail dealers.

Hon. Mr. Hay moved in amendment that the following clause be added to the paragraph:—

“And that all selling be confined to the premises for which this license is granted.”

Hon. Dr. Bird and **Hon. Mr. Tait** opposed **Hon. Mr. Hay's** amendment on the ground that it would sanction a gross injustice. The nature of the wholesale business was such that many buildings and stores in different sections were often required for it.

Hon. Mr. Hay contended that the wholesale man should in this respect be placed on no better footing than the retailer. If they did not add his proviso, wholesale men would be enabled to peddle liquors all over the country.

Hon. Mr. O'Donoghue seconded the amendment which was carried on a division — Yeas 14; nays 2.

In accordance with the suggestion of **the Chairman** the Committee agreed to amend sub-section 2, Article V, by inserting therein the words “Good Friday and Christmas Day.”

Hon. Dr. Bird moved to add the following clause in reference to manufacturing of spirituous liquors or beer —

“That on payment of the sum of Fifteen Pounds sterling, it shall be lawful for the District Magistrates in their several districts assembled during the session of any District Court, to guarantee a license to any person to manufacture and sell by wholesale spirits, wine, or beer.”

Hon. Mr. Hay, seconded by **Hon. Mr. Garrioch**, moved in amendment that the words “Fifteen Pounds sterling” be struck out of the motion and the words “Ten Pounds sterling” be inserted instead thereof.

Hon. Dr. Bird contended that as the manufacturer clearly had the advantage of the importer he ought to contribute Five Pounds per annum [illegible: then?] towards the revenue. The manufacturer besides being exempt from import duty, was able to distil his liquor for, say, Six Shillings per gallon; whereas, the importer’s liquor cost him Ten Shillings to Twelve Shillings per gallon.

Hon. Mr. Hay differed with the hon. member, and if any change were to be made he would either place the importer and manufacturer on equal terms or else discriminate in favor of the latter.

Amendment carried on a division:— Yeas 9; nays 8.

Committee rose and reported the adoption of the resolutions which had been before them.

House took a recess of half an hour.

The President having resumed the chair, business having been resumed,

On motion of **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Poitras**, the President was requested to name a member to preside, in order to allow him (the President) more liberty to attend to other matters of public importance.

The President having thanked the House for acting on this suggestion, which he had previously thrown out, called the Hon. Mr. Bunn to the chair and retired.

The House then resumed the consideration of the Law Committee Report.

Article VI, under the head “Customs Duties,” with the articles up to and including the thirteenth, **was taken up and** adopted.

Article XIV being put,

“That a duty of two shillings per gallon should be imposed on all wines and Spirituous Liquors imported into the country,”

Hon. Mr. Bannatyne, seconded by **Hon. Mr. T. Sinclair**, moved in amendment that the words “two shillings” in the article be struck out, and “one shilling” inserted, and that the article, so amended, be adopted.

Hon. Mr. Tournon, seconded by **Hon. Mr. Dauphinais**, moved in amendment that the original article be adopted — **Amendment** carried on a division — Yeas 10; nays 8.

Article I, under the head “Constables” was amended **on motion of Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Olone**, as follows:— In the first line, the words “not exceeding fourteen,” were struck out, and the words “not less than sixteen” inserted. In sub-section 2, the figure 2 was changed to 3 and in sub-section 5 the figure 2 was also changed to 3. **This gave a total police force of not less than sixteen, distributed as follows: Manitobah 1, the Portage 2, White Horse Plains 3, Fort Garry 7 (2 of whom are for special duty in town), and St. Andrew’s 3.**

The original motion placed the total number at not more than fourteen, with two for St. Andrew’s, and two for White Horse Plains. **On motion of Hon. Mr. Sinclair**, seconded by **Hon. Mr. Hay**, the constables for St. Andrew’s were increased to three; and **on motion of Hon. Mr. Poitras**, the White Horse Plain constables were increased to three.

Article carried as amended, and **the** two following articles **were carried**.

The Chairman moved that Article I under the head “Intestate Estates” be amended by substituting for the word “intermeddle” the words “dispose of, or distribute.”

Not being seconded, the amendment dropped and the article carried.

Articles II and III were also carried.

Article I under the head “Postal,” carried.

Hon. Mr. Sinclair moved that after the word “Pembina,” in the second Article, the words “twice a week” be inserted.

Hon. Dr. Bird, seconded by **Hon. Mr. Hay**, moved in amendment that the Article be adopted as it stood — Carried.

Article III carried.

Article IV **was also** carried, with the addition of the word “Winnipeg” after the words “General Post Office.”

Article V carried.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Olone**, moved that the House adjourn till tomorrow afternoon at one o’clock.

Hon. members were moving off at once, when,

Hon. Mr. De Lorme, seconded by **Hon. Mr. Hay**, moved in amendment that the House adjourn till ten o’clock tomorrow forenoon.

The Chairman ruled that the motion had not been properly seconded, seven or Eight members were on their feet at the same time — and amid the confusion he did not hear it seconded.

The amendment was then moved as an original motion.

Hon. Mr. Tait, seconded by **Hon. Mr. Olone**, moved in amendment that the House adjourn till one o’clock tomorrow afternoon.

The Chairman ruled that an amendment to a motion for adjournment was out of order, and adjourned the House till ten o’clock next morning.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Thursday, 5 May 1870⁶⁵

The President having opened the House at half-past two P.M., called **Hon. Mr. Bunn** to the chair.

The minutes having been read and approved, the House resumed the consideration of the Law Committee Report.

Article I under the head “Fires” was taken up.

⁶⁵ Bunn, *Sessional Journal*, 37–39; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (20 May 1870), 1.

Hon. Mr. Hay moved that the words “ploughed or” be struck out, and that the Article so amended be adopted. **Burning round such stack would, he thought, be sufficient, and ploughing was unneeded and spoiled the ground a good deal for mowers.**

Hon. Mr. Garrioch seconded the motion.

Hon. Mr. Norquay — The provision for burning as well as ploughing should be struck out. He had seen hay stacks burned down from the top and taking fire sometimes at a distance of two hundred yards from the main conflagration.

Hon. Mr. O’Donoghue — This subject of the propriety of burning round stacks is very much debated. I have heard of instances where such fires have burned into the ground and continued smouldering for a long time afterwards. Again at times the wind is high for days and even weeks, and persons cannot, without danger to the whole country, burn rings round their hay. But if, as Hon. Mr. Norquay says, burning or ploughing is not to be done, what protection does he propose?

Hon. Mr. Norquay — I would haul it home (laughter).

Hon. Mr. O’Donoghue — That would be a very desirable, but in nine cases out of ten, not a practicable way of getting rid of the difficulty. I believe that ploughing is the safest plan. If hay is made one year in a good safe place and it is ploughed round it is very likely the hay will be built there the succeeding year.

Hon. Mr. Norquay moved in amendment that all after the words “kindled a fire” be struck out, and the following inserted: “excepting for the purposes of self protection.”

Hon. Mr. Tait, seconded by **Hon. Mr. McKay**, moved in amendment to the amendment that original article be adopted.

The Chairman — Fires are often lit on the prairie by men who are not, perhaps, worth ten cents. These fires spread and destroy thousands of pounds worth of property. How can these men be made to pay damages?

Hon. Mr. Tait — It has been known, too, that the prairies have been set on fire by lightning. What is to be done in that case? (laughter).

Hon. Mr. Tait’s amendment was carried on a division — Yeas 16: nays 3.

Article II, which was as follows, was put.

“II. If between the first day of May and the first day of December, any person shall kindle a fire intended to run, he shall be fined ten pounds sterling, one half to go to the prosecutor; and if any person, without having obtained the presence and assistance of at least four men, shall light a fire for the purpose of burning rings round hay, as required by the preceding law, he shall be held to have incurred the penalty attached to this law.

Provided that the Bench may remit the whole fine if the defendant has both kindled the fire through necessity, and done all in his power to prevent it from spreading.”

Hon. Mr. Poitras, seconded by **Hon. Mr. Parenteau**, moved that the word “six” be substituted for the word “four” in the seventh line.

The Chairman — I cannot see the necessity for the balance of the article, after the word “prosecutor” in the fifth line.

Hon. Mr. O’Donoghue thought the article very defective. It was vague, full of repetition and distinctions which amounted to nothing when examined closely.

Hon. Mr. Tait — I think the article as it stands, very good, but think that the words “between the first day of May and the first of December” should be struck out and the provision made applicable to the whole year.

At Hon. Mr. Tait’s suggestion **Hon. Mr. Poitras** altered his amendment by substituting the words “between the first day of May and first of December.”

Hon. Mr. O’Donoghue — I would like to ask what would you do with the person who lit a fire intended to run, if he were penniless?

The Chairman — I suppose you would do with him as in the case of any other person where a fine was levied.

Hon. Mr. O’Donoghue said that the law ought to be more specific on this point. Some provision must be made against a man who was not worth a cent, lighting fires all over the prairie. [He] moved in amendment that the Article be struck out, and that the following be substituted:

“II. If between the first day of May and the first day of December, any person shall kindle a fire, intended to run, he shall be fined ten pounds sterling, one half the fine to go to the prosecutor. In default of payment, the offender may be imprisoned for three months in the Common Jail; and if any person, without having obtained the presence and assistance of at least six men, shall light a fire for the purpose of burning rings round hay, as allowed by the preceding law, he shall be held to have incurred the penalty attached to this law. Provided that the Bench may remit the whole fine, provided that the defendant has both kindled the fire through necessity, and done all in his power to prevent it from spreading.”

The Chairman seconded this last amendment, which was carried.

Article III was as follows:—

“III. If any fire in the open air, which is not intended to run, be left burning without due precaution against its spreading, and it actually do spread, every person who

may have kindled, or fed, or used the same, shall be fined not less than five pounds, and not more than ten pounds sterling.”

Hon. Mr. Bannatyne moved that the Article be struck out.

Hon. Mr. Norquay moved in amendment that the words “not less than five pounds, nor more than,” be struck out.

The Chairman objected to the words, “or used,” in the article. A party using a fire in passing might leave others there, through whose negligence the fire might ultimately spread. It was unjust to enact that the man who so used it should be held responsible.

Hon. Mr. Tait, seconded by **Hon. Mr. Fraser**, moved in amendment the adoption of the Article as it stood.

Hon. Mr. McKay said he found the article rather severe, as it involved every person who had anything to do with the fire. If the parties kindling a fire leave it well secured, and a second party come along, and use the fire carelessly and it spread, obviously the first party ought not to be blameable. He moved that the article be adopted on striking out the following words, “without due precaution against its spreading and it actually do spread.” Amendment carried on a division — yeas 14; nays 4.

Article I, under the head “Animals” was moved by **Hon. Mr. Bannatyne**, seconded by **Hon. T. Sinclair**, and carried on a division — yeas 12; nays 2.

Article II was moved by **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Lascerte**, and carried.

Hon. Mr. Bannatyne, seconded by **Hon. Mr. Tait**, moved that Article III be struck out, and the following substituted:—

“If any Ram be found at large between the thirtieth day of July and the first day of December, such Ram may be captured by any person and placed in charge of a Constable to keep, at a charge of three pence a day until the owner pay to the captor a fine of five shillings and expenses of keep, and if the owner be unknown, the Constable shall, immediately on getting the Ram, advertise the same three times in every local Newspaper, and on three successive Sundays at the doors of two Protestant and Roman Catholic Churches, giving in such advertisement a complete description of the animal.” — Carried.

Article IV was moved by **Hon. T. Sinclair**, seconded by **Hon. Mr. Bannatyne**, and carried on a division — Yeas 12; nays 4.

Articles V and VI carried.

The President then addressed the House announcing the appointment to the Executive.⁶⁶ **The President** said — I have the honor to announce to the House that certain additions have been made to the Executive. It is now composed of the Hon. Mr. Bunn, Secretary; Hon. Mr. O'Donoghue, Treasurer; Hon. Mr. Bannatyne, Postmaster-General; and Hon. Mr. Lepine, Adjutant-General. These hon. gentlemen compose the Cabinet, but it has also been taken into consideration that two other departments require to be immediately provided for,— a Commissioner of Indian Affairs and Superintendent of Public Roads and Public Works generally. I have the honor to submit the name of Hon. Mr. McKay as Commissioner of Indian Affairs, and the name of Hon. Mr. Bruce as Superintendent of Public Works. I would be very glad to have an expression of the House on these appointments. The names I now submit do not comprise all the members of the Executive which I would like to choose myself. But they are now submitted for your approval, as in the present state of things it is desirable that everything should have your sanction, representing as you do the people of Assiniboia. Let me then ask this hon. House to pronounce on the Executive appointments. It may be, that with the advent of another Government to power, by-and-bye the Legislature may not have such an opportunity as that now offered. For myself, I am the more glad to take this action as it forms a protest against the accusations brought against me that I have assumed dictatorial powers. I am not, and have not been a dictator, and I sincerely hope it will never be necessary that any one in power in this country will play such a part (cheers).

Hon. Mr. McKay said — I feel sensibly the high honor conferred on me in making me the Commissioner of Indian Affairs. But I would respectfully suggest that some one else should be appointed to this office. It is not that I do not wish to act with this House. Far from it. But I do not feel myself able to discharge the duties the office would entail, owing to my health. I am not active enough to discharge the duties of Indian Commissioner. In the meantime I am quite willing to discharge all the duties I can in this direction, such as interpreting, calling Indians together, and counselling with them.

The President having expressed the hope that the hon. member would continue in the office, and that as far as possible its duties would be lightened, went on to say — I would take the liberty of asking of the hon. gentlemen one thing. We have just learned by mail that something is going on in the other provinces of Confederation, which concerns us. Threats are being made; but I do not know how far these threats are going against us. For my own part I do not attach much importance to them; and I have been the more inclined to this view, in consequence of a telegram which has just been received by His Lordship Bishop Tache from Father Richot and the other Commissioners. They announce that they are urging a settlement with Canada, and that there is no danger (loud cheers). But at the same time I have observed in the other reports which have reached us that some importance is attached to one idea, namely, that the people here are divided, and

⁶⁶ Bunn, *Sessional Journal*, 39, indicates documents “C” and “D” would follow at this point. Document “C” was likely the text printed as “Important Speech of the President. Allusion to the Outburst in Canada,” *New Nation* (6 May 1870), 2, which indicates the speech was given in the Legislative Assembly on 5 May 1870, and which is incorporated in this transcription. Document “D” was presumably the list of rights to which the President referred before that adjournment; see note 68 below.

that the conditions on which we were prepared to receive Canada had been changed before they left here, with the Commissioners. It is true there has been a change, but it is, I think, one for the better, as the terms proposed in the long run could more easily be assented to, than those agreed on in the Convention. Some changes were found to be necessary by the Executive, and they had to be quickly decided on, as the Commissioners were expected in Canada, and the people here were anxious to see them starting to Ottawa. Hence the manner of making the alterations. But I would like to place them before the House, so that hon. members might judge for themselves. Hon. Mr. Bunn, the Secretary, was with us while the alterations were being made, and so limited was our time for the work that we had to work day and night in order to finish and enable the Commissioners to start at the time they did. The Commissioners, of course, had certain power in regard to these demands, but before anything was finally settled, they were instructed that the approval of the Legislative Assembly of this country was necessary,— so that, while complying with circumstances we had at the same time a saving clause that the ratification of the action of our Commissioners depended altogether on the will of the Legislature of this country (cheers). To-morrow, if it is the wish of the House, I will place on the table the List of Rights as given the Commissioners, printed in English and French (hear, and cheers). I have to thank you hon. gentlemen for the attention you have given me with regard to the executive appointments. We must, of course, bear in mind, that they are merely provisional in their nature. It is said that we are going to fight with England, but we have not that pretension (hear, hear),— and some may find out that the present arrangement, such as it is, is more provisional than they think (cheers).

The House adjourned at half-past seven P.M.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Friday, 6 May 1870⁶⁷

The President took the chair at half-past two P.M.

The minutes having been read and approved,

The President addressed the Assembly, alluding to the present excitement in Canada concerning this country, and went on to say,— I desire to prove to the Canadian Confederacy that here in Rupert's Land we are not divided — that we are acting in concert — and that we protest against the sentiments recently avowed in public in Western Canada, concerning us.⁶⁸ But I merely submit the matter to this hon. House.⁶⁹ I

⁶⁷ Bunn, *Sessional Journal*, 40–42; “Legislative Assembly of Assiniboia. Second Session,” *New Nation* (20 May 1870), 1–2.

⁶⁸ See “Schultz at Mischief again,” and “The Storm in Upper Canada,” *New Nation* (6 May 1879), 1, 2.

⁶⁹ The “matter” referred to would appear to have included consideration of the amended and printed “List of Rights,” which on the previous day Riel had promised to table — presumably the document “D” noted by Bunn, *Sessional Journal*, 39. Although Bunn apparently meant the list to be consulted in conjunction

with the text of the Assembly debates, he does not clearly state when the list was tabled; nor is the document archived with the journal. AM MG3 B1-5, does however, include a List of Rights, in English and in French, although it appears to be a merely a draft, as the French-language version is only 14 points long. W.L. Morton, *Alexander Begg's Red River Journal*, 369 n.1, cites H.M. Robinson, U.S.N.A., Department of State, Consular Reports, Winnipeg, I, May 10, 1870, No. 35, as evidence that the revised, twenty-point Bill of Rights was in fact read. A.-A. Taché, *The Amnesty Again, or Charges Refuted by His Grace Archbishop Taché of St. Boniface, Manitoba* (Translated from the French; Winnipeg: printed by The Standard, 1875), 95, published the text of the first nineteen clauses. John Skirving Ewart, *The Manitoba School Question: Being a compilation of the legislation, the legal proceedings, the proceedings before the Governor-General-in-Council* (Toronto: Copp Clark Company, 1894), 364–369, published the complete text as follows (with any portions included in Taché's version, but absent in Ewart's, in square brackets):

List of Rights

1. That the territory of the North-West enter into the Confederation of the Dominion of Canada as a province, with all the privileges common with all the different provinces in the Dominion.
That this province be governed:
 1. By a Lieut.-Governor, appointed by the Governor-General of Canada.
 2. By a Senate.
 3. By a Legislature chosen by the people with a responsible Ministry.
2. That, until such time as the increase of the population in this country entitle us to a greater number, we have two representatives in the Senate, and four in the House of Commons of Canada.
3. That in entering the Confederation, the Province of the North-West be completely free from the public debt of Canada; and if called upon to assume a part of the said debt of Canada, that it be only after having received from Canada the same amount for which the said Province of the North-West should be held responsible.
4. That the annual sum of \$80,000 be allotted by the Dominion of Canada to the Legislature of the Province of the North-West.
5. That all properties, rights and privileges enjoyed by us up to this day be respected, and that the recognition and settlement of customs, usages and privileges be left exclusively to the decision of the Local Legislature.
6. That this country be submitted to no direct taxation except such as may be imposed by the Local Legislature for municipal or other local purposes.
7. That the schools be separate, and that the public money for schools be distributed among the different religious denominations in proportion to their respective population according to the system of the Province of Quebec.
8. That the determination of the qualifications of members for the Parliament of the Province, or for the Parliament of Canada be left to the Local Legislature.
9. That in this province, with the exception of the Indians who are neither civilized, nor settled, every man having attained the age of twenty-one years, and every foreigner being a British subject, after having resided three years in this country, and being possessed of a house, be entitled to vote at the elections for the members of the Local Legislature, and of the Canadian Parliament, and that every foreigner other than a British subject, having resided here during the same period, and being proprietor of a house, be likewise entitled to vote on condition of taking the oath of allegiance.
[It is understood that this article is subject to amendment by the Local Legislature exclusively.]
10. That the bargain of the Hudson's Bay Company with respect to the transfer of government of this country to the Dominion of Canada, never have in any case an effect prejudicial to the rights of North-West.
11. That the Local Legislature of this province have full control over all the lands of the North-West.
12. That a commission of engineers, appointed by Canada, explore the various districts of the North-West, and lay before the Local Legislature, within the space of five years, a report of the minerals [wealth] of the country.
13. That treaties be concluded between Canada and the different Indian tribes of the North-West at the request and with the co-operation of the Local Legislature.

do not insist on it. If hon. members desire to adopt any such protest, it will be for them to say. It might, perhaps, be deemed unnecessary that this House should take any action in the premises.

On motion of **Hon. Mr. Bannatyne**, the consideration of the question was postponed, and **Hon. Mr. Bunn** having taken the chair, at the request of the President, the House resumed the consideration of the Law Committee report.

Article I under the head "Hay" having been put,

Hon. Mr. Hay, seconded by **Hon. T. Sinclair**, moved that the time for cutting hay outside the four mile line be changed from the twenty-first July, to the twenty-fifth July.

Hon. Mr. Tournon, seconded by **Hon. Mr. Bannatyne**, moved in amendment that the Article, as reported, be adopted.— Carried on a division — Yeas 12; nays 9.

Articles II and III carried.

Article I under the head "Roads" was moved by **Hon. Mr. Bannatyne**, seconded by **Hon. Mr. Norquay**. It was as follows:—

"That all public roads remain the width they have been laid out till other arrangements are considered necessary by the Legislature."

Hon. Mr. De Lorme, seconded by **Hon. Mr. McKay**, moved in amendment:—

14. That an uninterrupted steam communication from Lake Superior to Fort Garry be guaranteed to be completed within the space of five years, as well as the construction of a railroad connecting the American railway, as soon as the latter reaches the international boundary.

15. That all public buildings and constructions be at the cost of the Canadian exchequer.

16. That both the English and French languages be common in the Legislature and in the courts; and that all public documents as well as the Acts of the Legislature, be published in both languages.

17. That the Lieutenant-Governor to be appointed for the Province of the North-West be familiar with both the English and French languages.

18. That the Judge of the Supreme Court speak the English and French languages.

19. That all debts contracted by the Provisional Government of the Territory of the North-West, now called Assiniboia, in consequence of the illegal and inconsiderate measures adopted by Canadian officials to bring about a civil war in our midst, be paid out of the Dominion Treasury, and that none of the members of the Provisional Government, or any of those acting under them, be in any way held liable, or responsible, with regard to the movement, or any of the actions which led to the present negotiations.

20. That in view of the present exceptional position of Assiniboia, duties upon goods imported into the province shall, except in the case of spirituous liquors, continue as at present for at least three years from the date of our entering the confederation, and for such further time as may elapse until there be uninterrupted railroad communication between Winnipeg and St. Paul, and also steam communication between Winnipeg and Lake Superior.

“That all public roads shall be at least thirty-three yards wide, that is to say, free from fences, buildings, or any other encumbrance or obstacle within such width unless by public sanction.”

Hon. Dr. Bird said — The amendment, even for what it was intended, is obviously too little. It does not actually prevent the road from being narrowed. At present the principal public road, chiefly on the west bank of the river, is two chains wide, and by passing this law you enable the settlers to take each half a chain off its present width. This can even be done in the town under the proposed article. On the other hand there is the road across the main river which has been in some way used as a public road. In some places it is a chain and in others only thirty feet wide. This road, remember, is not a purchased road. It was given to the public by certain persons and extends from the French Cathedral to somewhere about Mapleton. I have taken care to get some information from the Inspector of Roads on this subject, and he says, in reference to the public highway — It is defined in the Local Laws that it shall be two chains wide. But I found part of it obstructed. The two chains were not given in these places; and when the parties were asked to remove the obstructions they would not do so. I bring this forward from the Inspector, to show that this road was never to say public property. So much land was given by proprietors along the line of road on conditions made with a former government that the road should not be above such a width. Under the circumstances, and until other arrangements with the government are made by the proprietors, it would be manifestly unjust to deal with this land as proposed. If an order is given by the Legislature to survey a wider road, in that case property holders have to get some compensation.

Hon. Mr. DeLorme did not agree with Hon. Dr. Bird. He knew that above, on the main river, and the Assiniboine, too, the fences were sometimes disposed in such a way that the roads were only a few feet wide, and in consequence of this there was hardly such a thing as passing on these roads in winter. They certainly are not made wide enough as they are.

Hon. Mr. O’Donoghue said — There are a good many points in the Hon. Dr. Bird’s argument in which I cordially agree with him. Where a road two chains wide has been given to the public and used as such, it should remain a public road,— more particularly in the case of a leading highway, such as the road on the west bank, that through the White Horse Plains district, and that threading the lower districts. These are the three principal thoroughfares, and no one, I am sure, would desire to see them narrower. I can easily imagine too that there are places on, perhaps, both rivers where the roads could not be made the full thirty-three yards wide without causing great annoyance and expense to private persons and to the public as well. Houses and fences might have to be removed and paid for, and other expense incurred. Roads had been opened, such as the Hon. Dr. Bird referred to, where land had been given liberally by the people themselves, though not to the width of two chains. In these cases, should the Legislature determine on widening the road to two chains, they might have as I said not only to remove several houses, buildings and fences and compensate the owners, but they would also have to buy the additional land required. Where the two chains were not given already, and the public desired the full width, the additional land would certainly have to be bought by them; for

if a man is generous enough to give the public thirty feet at one time, if by-and-bye they need sixty feet, they must certainly buy the remainder. In conclusion the hon. gentleman said he would support the motion.

Hon. Mr. McKay supported the amendment, believing that roads ought to be at least thirty-three yards wide. He did not think that any person had a right to put up fences and make the road narrower than at least thirty-three yards. Because in one section of the settlement the road runs through a beautiful forest, and is narrow, that is no reason why the rest of the Settlement should be deprived of good roads. In cases where the road ran through heavily timbered land I would have no objection to its being only twenty feet wide. But in the other sections, where there is no forest, I think it ought to be as wide as possible,— say two or three chains.

Hon. J. Sinclair said — I think it is not very hard to have a road two chains wide up here where it is all plain: but below if you want to make the road of the width mentioned in the amendment you will have to pull down a great many houses and fencing.

Hon. Mr. Tait [illegible: advanced?] the motion.

The amendment lost on a division — Yeas 6; nays 15. And the motion carried — Yeas 13; nays 3.

Article II carried.

On motion of **Hon. Dr. Bird**, seconded by **Hon. Mr. Hay**, Article III carried, with the addition of the words, “as well as for all damages caused by neglect of his duty,” after the words “public works,” in the fifth line.⁷⁰

Article IV was as follows:—

“IV. Every person who gives or sells fermented or spirituous liquor to Indians outside of the jurisdiction of any Court, but within the bounds of this country, shall be liable to a fine of not more than twenty-five pounds sterling.”⁷¹

Hon. Dr. Bird, seconded by **Hon. Mr. Hay**, moved that this Article be struck out.— Carried.

The House took a recess for fifteen minutes.

⁷⁰ “Laws of Assiniboia,” *New Nation* (6 May 1870), 3, gives the final text as “III. A Commissioner of Public Works shall be appointed who shall be responsible for the state of the roads and bridges and for all sums of money expended on Public Works, as well as for all damages caused by neglect of his duty. And when any public work is to be executed by contract, tenders for such work shall be publicly invited, and the lowest tender shall be accepted if otherwise satisfactory; but in any case the party whose tender is accepted must have two good sureties for the due execution of the contract.”

⁷¹ There is no mention of the in the Law Committee’s report or in the *New Nation*.

Business having been resumed, Article XVII, which had been postponed, was put, as follows:—

“XVII. When a Judgment debt is not paid at the time appointed by the Court, the Sheriff shall be obliged, at the request of the creditor, and on presentation of the record of such judgment, signed by the Clerk of the Court, to proceed at once to seize the goods and chattels or other property of said debtor; and on giving fourteen days public notice, to sell the same by public auction, so far as necessary to satisfy the debt, and all necessary expenses connected with such sale; provided always that said debtor be not deprived of necessary household furniture or utensils, or of such implements as he must necessarily have, to carry on his usual trade. Failing such goods, chattels, or other property available for Sheriff’s sale, the debtor may be imprisoned on the conditions specified in local law, No. 13.”

Hon. Dr. Bird, seconded by **Hon. W. Tait**, moved that the Article be adopted, with the following amendments:— That the words “animals or” be inserted before the word “implements” in the sixteenth line [of the] printed report, and that the word “avocation” be substituted for the word “trade,” in the eighteenth line — Carried.

This finished the Law Committee report.

Hon. Mr. Hay, seconded by **Hon. Mr. T. Sinclair**, then moved that every member serving on any committee be allowed twenty shillings per diem for every day he serves, and that the hon. the Treasurer be authorised to pay this amount.— Carried.

The House then adjourned.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Saturday, 7 May 1870⁷²

The President took the chair at four o’clock P.M.

Minutes having been read and confirmed and routine business transacted,

Hon. Mr. O’Donoghue, seconded by **Hon. Mr. De Lorme**, moved — That all laws heretofore in force be repealed, on the 20th inst., and that the laws passed during the present session by the President and the Legislative Assembly of Assiniboia shall come into force on and after the 20th day of May next.

⁷² Bunn, Sessional Journal, 43–46; “Legislative Assembly of Assiniboia. Second,” *New Nation* (20 May 1870), 2.

Hon. Mr. Tait, seconded by **Hon. J. Sinclair**, moved in amendment that the following be added to the motion — The first General Quarterly Court shall be held on the second Tuesday in June next, **instead of the usual time this month.**—
Withdrawn.

Hon. Mr. O'Donoghue's motion carried.

Hon. Mr. Tait then moved a resolution providing for a sitting of the General Quarterly Court on the second Tuesday in June next — Carried.

Hon. Mr. O'Donoghue, seconded by **Hon. Mr. Bannatyne**, moved — That no action for **the recovery of** debt be brought before the August term of the Supreme Court. Those who have not been in the Settlement since the first day of November 1869, and those who may be preparing to leave the Settlement without satisfying their creditors, as provided for in the seventeenth Article under the heading "Administration of Justice," do not come under this law.

Hon. Mr. Tait, seconded by **Hon. J. Sinclair**, moved in amendment that in all cases of debt, where the debtor is able to pay, this law shall not apply.

Amendment lost on a division:— Yeas 4; nays 16 — Motion carried.

The House having resolved that Mr. W. Coldwell be paid the sum of fourteen pounds for reporting on the last Convention, and requested the Treasurer to pay the same, a Recess of half an hour was taken.

Business having been resumed,

The President formally approved of the Laws, and the blanks in the heading were filled up so as to show that the Laws were passed on the seventh day of May, 1870.

On motion of **Hon. Mr. Bunn**, seconded by **Hon. Mr. Poitras**, the House went into committee of the whole to consider the nomination of magistrates and other public officials.

The President — A law has been already passed, providing that, unless in certain unavoidable cases, all the old public officers shall be continued in office.

Hon. Mr. Bunn — I held office as a J.P. but cannot accept office under the present arrangement, for reasons I have already pointed out in relation to the jurisdiction of the Supreme Court.

After debate, in the course of which the hope was expressed that the hon. member would not resign his position of J.P.,

Hon. Mr. O'Donoghue suggested that the magistrates for the several districts should be named by the members present. In case the offices in any district were vacated by death or otherwise, or the holder were clearly disqualified, it would be for members to suggest some to fill the vacancies.

Hon. Dr. Bird — Is it necessary that District Magistrates should reside in the district for which they are appointed?

Hon. Mr. O'Donoghue — I think so.

After [this] debate,
Lists were prepared for the several districts except Manitoba, which district was left to the arrangement of Hon. Mr. McKay. The lists contained the names of those most eligible, and were as follows:—

Fort Garry District

J.P.s — Roger Goulet, R. McBeath, Hon. J. McKay.
Magistrates — Pierre De Lorme, Hon. John Bruce, Hon. A.G.B. Bannatyne, President of the District Court; B. Morin, A. Fidler, John Fraser.

White Horse Plains District

J.P. — Magnus Birston.
Magistrates — Hon. J. McKay, President of Manitoba District Court; D. Spence, [Charles Ademar] Barron, Patrice Breland, R. Morgan, Hon. W. Tait, President White Horse Plains District Court.

St. Andrew's District

J.P. — Donald Gunn, Senr.
Magistrates — Thomas Sinclair, Charles Begg, John Tait, Alexander McBeath.

Portage La Prairie

J.P. — Charles Curtis.
Magistrates — David Spence, and Hon. John Norquay, Junr.

Hon. Mr. Tournon proposed that **Mr. Norbert Laronce of the parish** of St. Norbert, be added to the list of magistrates.

The President said that if each parish were to be represented, perhaps the magistrates might be too numerous. — Dropped.

The lists having been submitted to the House, were approved of, and passed.

The President, addressing the House,— It occurs to me that before we close, something may yet be done. We are here twenty-eight representatives of the people, but at the same time we feel in some manner **that we are** alone. In some respects the people still look to those who had been their leaders up to last Fall,— those composing the old Government; and it might be well if men such as these had an opportunity of joining in the administration of affairs. With this object in view the Executive thought of suggesting that a Senate should after this form a part of the Legislative authority. Senate is, of course, but a name, and the power it would have could be used well or ill, as other things. The names of those composing it would, of course, be the best guarantee we could offer for the feasibility and utility of the proposition.

Hon. Mr. Bunn read the minutes of an Executive Council meeting from which it appeared that on the 7th inst. that body resolved that it was expedient to form a Senate, in accordance with a resolution passed in the recent Convention of English and French representatives, which was to the effect that whenever the Legislative Assembly felt it to be expedient, another Chamber should be formed — making the Legislature consist of two Houses. It was also resolved by the Executive that the following names should be submitted to the Assembly of those eligible to the Senate:— Right Reverend Bishop Taché, Right Reverend Bishop Machray, the Representative of the Hudson Bay Company in this country, Mr. Salomon Amlin, Mr. Roger Goulet, Mr. Andrew McDermott, senr., Mr. Patrice Breland, Mr. John Sutherland, Mr. McKenzie of Portage La Prairie, and either Mr. Truthwaite or Captain Kennedy.

Hon. Mr. O'Donoghue stated that a further resolution of the Executive Council was to the effect that the Senate should be composed of ten members, appointed for two years each — that the two bishops and their successors should be members for life,— and that in the absence of either bishop he might depute a person to act for him in the Senate.

The President said — This is merely a proposition submitted, and this session I do not see that hon. members, who are anxious to return home, can fairly be asked to do more than pronounce on the question as to whether there shall be a Senate or not. Should the division be in the affirmative, details can be fixed next session. **It is too important a question perhaps to take up in detail at present.**

Hon. Mr. Harrison, seconded by **Hon. Mr. Olone**, moved that the report be accepted.

After debate,

On motion of **Hon. Mr. Lascerte**, seconded by **Hon. Mr. Poitras**, the House adjourned (at quarter past ten o'clock P.M.) till Monday following.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Monday, 9 May 1870⁷³

The President took the chair at half-past three o'clock P.M.

Routine business having been transacted,

The President addressed the Assembly, making the following allusion to the question of creating a Senate. It was neither proposed nor attempted, he said, to force the consideration of that question on the Assembly. Such a course would only make the Executive — what we do not desire it to be — sole master. The question came before the House as a suggestion from the Executive, and, by a resolution of certain hon. members, the question now comes up for the decision of the House in one way or another; and I have no doubt when you have taken the matter into consideration, carefully, conscientiously, and with good feeling, that the decision arrived at will be for the best,— whether for, or against. Another question to which I would like to direct the attention of members of the Assembly is that of roads and bridges and the necessary appropriations therefore.

Hon. Mr. O'Donoghue — I would wish to state that some of the superintendents of roads last year have applied to me for payment. Also that there is a balance of money due to other officials, whose accounts have been made up in the books of the Governor and Council, to December first. I would like to be instructed what to do in these cases.

Hon. Mr. T. Sinclair moved that all public officials be paid the full amount due by the Governor and Council of Assiniboia — No seconder.

Hon. Mr. O'Donoghue — Up to what date? As far as the road superintendents are concerned, if anything was done after the first of November, they must of course testify to the accuracy of their accounts in that respect. Money expended in this way for the public benefit must, of course, be paid. As to the other public officials, their accounts are made up to December first. As Hon. Mr. Sinclair's motion is not seconded, I would **move** — That, so far as Magistrates, Constables, and Collectors of Customs are concerned, they be paid up to the time the books were closed by the Governor and Council of Assiniboia, on the first of December, and that no officials be paid after that period except such as have been in the public service all the time, such as post masters; and that whatever amount the road superintendents may have paid out of their own pockets in the public interest, shall, if still due them, be paid by the public. **My reason for mentioning December first is that the half year ended at that date, and all the public officials I have spoken to, seemed to be satisfied with getting paid up to that time.**

Hon. Mr. Bunn seconded **Hon. Mr. O'Donoghue's** motion.

⁷³ Bunn, *Sessional Journal*, 47–50; “Legislative Assembly of Assiniboia, Second Session,” *New Nation* (27 May 1870), 1.

Hon. Mr. McKay agreed with Hon. Mr. O'Donoghue that if the public officials were paid up to December first they ought to be satisfied. He (McKay) thought it only right, and supposed that soon the Government would be sending round to collect last year's import duties.

Hon. Mr. Bannatyne — Is it clear that we have the right to collect import duties on goods brought in long before December first? The old Government, it seems to me, ought to settle its accounts; and all we have to do is to legislate from December first.

Hon. Mr. Bunn — It does not signify very much with reference to the public interest, what Government does the business for the public. This money is due the public and the fact of a previous Government not collecting it, forms no reason why we should not do so.

Hon. Mr. O'Donoghue — I do not think that Hon. Mr. Bannatyne's proposition would prove very acceptable to the public. Of last year's duty a very small amount indeed found its way into the public exchequer. Somewhere about £3,500 still remain to be collected. The public are therefore so much the poorer and the importers so much the richer.

Hon. Mr. Bannatyne — My argument was used rather to assist Hon. Mr. O'Donoghue and Hon. Mr. Bunn. I think the money still due ought to be collected. But if we collect money up to the first of June for imports that took place before this Government was in being, will not the public officials have a right to demand payment up to first June? They will say that if they did not work, it is because they were not called on.

Hon. Mr. O'Donoghue — If a man contracts for work and does not do it, he has no right to be paid. Since the first December no officer of the old Government has exercised any authority except the Postmaster. There has been no civil law in force since that period. All the work of the public officials did not, perhaps, extend farther than the first November, but we allow them payment up to first December, and wish that they express themselves satisfied.

Hon. Mr. Schmidt argued that it was not correct to ask for payment for work which had not been done. Up to first December he was willing to see the public officials paid.

The President — We will be glad to abide by the decision of the House in this matter. But hon. gentlemen need not be led away with the idea that the Provisional Government are in duty bound to pay the salaries proposed. It is not a matter of duty at all.

After [this] debate,

Hon. Mr. O'Donoghue's motion was put and carried.

On motion of **Hon. Mr. Bunn**, seconded by **Hon. Mr. Bannatyne**, the House resolved itself into committee of the whole to take into consideration the appropriation of a certain sum of money for the public roads.— Hon. Mr. O'Donoghue in the chair.

Hon. Mr. Bannatyne then moved that the sum of £400 sterling be appropriated for roads and bridges in the following districts:—

“From Pembina to Fort Garry £100; from Portage la Prairie to Fort Garry £100; from Fort Garry to the end of St. Andrew's district, on the west side of the river, £100; from Fort Garry downwards on the east side of the river to the end of the district £50 sterling; from Fort Garry to Oak Point £50 sterling.”

Hon. Mr. DeLorme said it was necessary to have a bridge at Scratching River.⁷⁴ A small one might be built which would not cost more than twelve or fifteen pounds sterling and as for the bridge at Riviere Sale, which had cost so much, not a vestige of it was left. A larger appropriation was necessary,— say twenty-five pounds sterling more.

Hon. Mr. Schmidt moved in amendment that the sum of fifty pounds sterling more be appropriated for the road between Pembina and Fort Garry. This was a road used a good deal by all the settlers and many bridges on it had been swept away.

Hon. Mr. Lascerte seconded the amendment.

The Chairman urged an extra appropriation for this road, as it was one a great deal used by all the settlers and one or two of the bridges had broken down.

Hon. Mr. Hay had nothing to urge against further appropriation for the road above, but if anything like full appropriations were to be asked for, the road below would need an extra appropriation as it was in very bad order. It had nearly twenty bridges, some of which were entirely down, and not one was fit to travel over.

Hon. Mr. Bannatyne — For twenty years past they have had a bridge over the Riviere Sale, which cost fifty pounds sterling, but now it is swept away. A bridge of any use can hardly be made over that river,— perhaps a scow would be an improvement.

Hon. Mr. DeLorme strongly objected to putting a scow on the river. An ordinary, small bridge, which would not cost much, would suffice, and prove less costly and more serviceable than a scow. In seasons when the river was very low, the latter would be entirely worthless.

At the suggestion of hon. members and by consent of the House, **Hon. Mr. Bannatyne** amended his motion by making the appropriation from Pembina to Fort Garry £125, and explained that the appropriation now asked for was not a final one, but merely for the present session.

⁷⁴ Later known as the Morris River.

Some hon. gentlemen having spoken of the absurdity of endeavoring to keep in good repair the road and bridges beyond Scratching River and urged that the Minister of Public Works could not possibly be held accountable for accidents resulting from the want of repairs in a quarter outside the travelled roads in the Settlement,

Hon. Mr. Schmidt urged that the Riviere aux Marais, near Pembina was in the Fort Garry district, and as such any bridging or repairs there ought to come within the sphere of labor assigned to the Commissioner of Public Works.

Hon. Mr. Bunn objected and held that it would be unfair to make the Commissioner of Public Works responsible for the condition of roads so far off.

Hon. Mr. Bannatyne asked to be allowed further to alter his motion by substituting the words "Scratching River" for "Pembina." This made the first-mentioned road extend from and inclusive of Scratching River to Fort Garry.

The Chairman suggested that perhaps the best way would be to appropriate the one hundred and twenty-five pounds sterling for the road from Scratching River and the fifty pounds sterling for the Oak Point and Point Coupee roads — to be expended where the Minister of Public Works found it to be most needed.

Hon. Mr. Bannatyne adopted the suggestion whereupon **Hon. Mr. Schmidt** withdrew his amendment.

At the suggestion of **Hon. Mr. McKay** the motion was further altered by the appropriation of twenty-five pounds sterling more for the Point Coupee and Oak Point districts, across the river.

Amendment carried.

The motion as amended was then put and carried in the following shape:—

"That the sum of £450 sterling be appropriated for roads and bridges in the following districts:

From Scratching River to Fort Garry £125 sterling.

From Portage la Prairie to Fort Garry £100 sterling.

From Fort Garry on the west side of the Red River down to the end of the Lower District £100 sterling.

From the Company's store downwards, on the east side, to the end of the district £50 sterling.

From the Company's store upwards to Oak Point and Pointe Coupee £75 sterling."

The Committee rose and reported the adoption of the resolution as amended, and the report was received and concurred in.

In answer to **Mr. Beauchemin**, **Hon. Mr. Bannatyne** explained that the appropriation for the Assiniboine River district included both sides of the river.

Hon. Mr. Poitras contended that in that case the appropriation was far too little.

The President explained that the appropriation was merely for the present session.

The report was then adopted, and **the President** signified his intention of appropriating the amount.

Hon. Mr. O'Donoghue desired to know what salary was to be paid Magistrates and Constables and when it was to reckon from. Last session a bill passed providing that the salaries of all public officials should remain the same until altered by the Legislature. Martial law, they were aware, had been proclaimed last December, and it was only since last Friday the country came under civil law, as the President had announced.⁷⁵

It was ultimately agreed that these and other matters which were mentioned should be left to be settled by the Executive.

The Senate question then came up.

Hon. Mr. Tournon, seconded by **Hon. Mr. Hay**, then moved — that further consideration of the Question regarding a Senate be postponed till next session — Carried.

The President then closed the session, and intimated that in the event of anything official coming from the Commissioners in Canada, he might call a special session of the Legislature.

⁷⁵ O'Donoghue's reference to the repeal of the "old laws" and institution of the new civil law raises an interesting point. Begg, *Begg's Red River Journal*, 72, 80, 369 and n.2, 465 n.2, reports on this date: "The Country now is free from martial law and the laws are to be printed on Wednesday in book form and distributed." Editor W.L. Morton notes "The existence of martial law, never formally [or expressly] proclaimed, from December 8 to May 9, has, of course, an important bearing on the shooting of Thomas Scott." "The Winnipeg Revolution, Speech of Hon. Ramsey in the United States Senate," *New Nation* (4 March 1870), 1, however, asserts that "Martial law was declared" shortly after 2 November 1869, on the formation of a provisional government under John Bruce as president. "Proclamation, To the People of the North-West," and "Proclamation Aux Peuples du Nord-Ouest," *New Nation* (15 April 1870), 2, suggest the state of martial law was expressly lifted as of 9 April 1870.

Legislative Assembly of Assiniboia
Third Session

Assembly Chamber, Upper Fort Garry
Thursday, 23 June 1870⁷⁶

The third session of the Legislative Assembly of Assiniboia was opened today by the President, Hon. Louis Riel. There was a fair attendance of members **present — the absentees being made up of those having long distances to come, who were, no doubt, detained by the recent rains.**

In opening the proceedings, **the President** briefly addressed the House.

Hon. Mr. Tait rose to move an adjournment. It was, he said, rather late — some more members might be looked for by to-morrow — and there was, he understood, a general desire that a matter of so much consequence as Rev. Mr. Richot's report should not come up at that sitting. The co-delegates of the rev. gentleman were absent — but he (**Mr. Tait**) moved an adjournment till one P.M. next day in order that some more members might be present to hear and consider the report which it was understood Rev. Mr. Richot was prepared to make of the mission to Canada.

Hon. Mr. Bunn seconded the motion. **As to the report, he had every confidence in Rev. Mr. Richot. Judge Black, in all probability, would not return — Mr. Scott was not expected for some days — but there could be only one report — and in giving that report Rev. Mr. Richot's statement might very well be taken.**

The motion carried. The House then adjourned.

Legislative Assembly of Assiniboia

Assembly Chamber, Upper Fort Garry
Friday, 24 June 1870⁷⁷

The President took the chair at four o'clock P.M.

Rev. Mr. Richot occupied a seat in the chamber, by invitation.

The President, after a few preliminary remarks, expressed the pleasure he felt at seeing present Rev. Mr. Richot, one of the delegates to Canada. **The rev. gentleman's arrival had been anxiously looked for, as he had, in a country supposed to be more civilised than this, been exposed to very many insults and dangers. The rev. gentleman**

⁷⁶ Bunn, *Sessional Journal*, 50; "Legislative Assembly of Assiniboia. Third Session," *New Nation* (24 June 1870), 2.

⁷⁷ Bunn, *Sessional Journal*, 51; "Legislative Assembly of Assiniboia. Third Session," *New Nation* (1 July 1870), 2–3.

would himself address the House in reporting the results of his mission, and then hon. gentlemen would have an opportunity of judging of the issue of their delegation to Ottawa. For my own part, the President went on to state, I cannot refrain from congratulating the delegation — but principally Rev. Mr. Richot — on the issue of their labors, performed under circumstances of danger such as only the protecting arm of Heaven could bring them through with safety. I feel it but due to the rev. gentleman present, to congratulate him personally on the courage, perseverance and wisdom displayed by him in his mission, and to wish him, on your behalf, as well as my own, prosperity, happiness, and long life in our midst (loud cheers). [He] asked the rev. gentleman to address the House in reporting the result of his mission.

Rev. Mr. Richot then addressed the House in French, which was translated into English by **the President**.⁷⁸ The rev. gentleman, in reply to the President's remarks, said — Though the people of this country were anxious about their delegates, we were not fearful, because if there were a certain number of the strangers in whose land we were, actuated by an apparent desire to do injustice, the great mass of the people of Canada had more regard for justice and the rights of men. Everywhere we went, the gentlemen, men of business, and people having any considerable stake in the country, treated us, as your delegates, well. The delegate sent out by the British Government expressly to meet us, received us cordially, as did also the Canadian Government and the Governor General himself. We were not in danger, for the further reason, that, as was said in Parliament, Canada had, in fact, no jurisdiction over this country; and if any legal action were desired, it would have to be sought here, under the authority of the Government of the day. A person had been appointed to meet us at the International line, and as soon as we were within that line we ought to have been respected, but were not. Still, out of respect to England and Canada, and for other considerations, your delegates submitted to indignities. At length we sent to the Governor General a protest against this treatment. This we felt it incumbent on us to do, out of regard to ourselves, to those who delegated us, to the Government here, and the people of the North-West generally. (A copy of the protest was here read). That protest was made under the guarantee of the proclamation of the Governor General sent to the North-West in the course of the winter. In this proclamation His Excellency, as the representative of the Queen, stated that a pardon had been granted to all those who had risen in arms (hear, hear). To our protest an answer was sent, which I hand in.

The President read the reply from His Excellency, acknowledging the receipt of the communication asking protection, and stating that it had been transmitted to the Cabinet, to be taken into consideration as soon as possible.

The President — In the name of this House, I would ask Rev. Mr. Richot if our delegates have been received as the delegates of the Provisional Government, representing the people of the North-West?

⁷⁸ Bunn, *Sessional Journal*, 51, indicates the existence of a copy of the speech with the symbol "(E)." However, the document is not archived with the Journal.

Rev. Mr. Richot — We were received as delegates from the North-West; and, privately, when we had to treat with the Canadian Ministry, due respect was paid to the Commission given us by the Provisional Government. I have already communicated with the Government on the subject, but, for the information of members, will state that we were received as delegates from the North-West on the 11th April. We were received by the Government on the boundary line. On the 12th, we were received by the Ministry. On the 21st, I wrote a private note to the Secretary of State — private, because we were not free. On the 22nd we were free, and then your three delegates addressed a joint note to the Ministry asking from them official recognition. The Government had begun to treat with us, but we did not wish to go on without a written answer. On the 26th we received a written answer, in which we were recognised. As to a full, written report of our mission, I do not like to supply that, until the arrival of my co-delegate, or both of them, if they come. By making such a report at present, I might forget something, or possibly state that which would admit of contradiction. I am here to-day, by request, to attend this hon. House, and supply what information I can in the meantime in reference to the delegation.

Hon. Mr. Bunn, having been requested to do so, read the official letter of recognition, which was as follows:

“OTTAWA, April 26, 1870.

{ Rev. Mr. Richot,
{ John Black,
{ Alfred Scott.

I have to acknowledge the receipt of your letter of the 22nd inst., stating that as delegates from the North-West to the Government of the Dominion of Canada, you are desirous of having an early audience with the Government.

I am to inform you, in reply, that Sir John Macdonald and Sir George Cartier have been authorised by the Government to confer with you on the subject of your mission, and will be ready to receive you at eleven o'clock.

I have the honor to be,
Your most obd't servant,
JOSEPH HOWE.

Rev. Mr. Richot — As soon as we were recognised as delegates, the Ministry at Ottawa made a list themselves, which they proposed to place before Parliament, and submitted it to the delegates. But we said we will have nothing to do with *your* list. You are not to propose the terms of treaty to us. We are sent here with certain instructions, and you must hear us. We produced our List of Rights, but they told us that, as Ministers, they could not take the responsibility of introducing a bill into Parliament, which would embrace all the articles specified in the list. They then drew up another list, quite different from that sent out by the people of the North-West. They did it on their own responsibility, and for this reason, that if our list had been presented to Parliament, it would have been lost, the Ministry would have fallen, and what would have been the issue, as far as we were concerned, it would be hard to tell. The list drawn up by the

Ministry was submitted to us as delegates, and the Governor General asked us if some arrangement might not be come to, by which, instead of having two lists, there would be but one, and said that if it were impossible to make the two lists agree, it would be necessary for him to receive and treat with the delegation in the name of England. Again, we found provision made that, even if we could not come to an understanding with the Governor General, a special agent had been sent out by the English Government to treat with us. I refer to Sir Clinton Murdoch. In reply to the Governor General, we said that we would not then decide finally, but hoped that an agreement might be made between Ministers and delegates which would bring the Ministerial list nearer to that of the people of the North-West, and enable both parties to agree on it. This was done. An understanding was arrived at, and another list was formed from the two first-named. We put that list into the hands of competent men — lawyers — in order to get a thoroughly reliable opinion concerning its merits. We desired to be clear as to whether the proposed measure was one which we could reasonably accept, and which Canada could reasonably offer. Those we submitted the measure to were men from different Provinces of the Dominion — men who sympathised with us — and they agreed that it would be to our advantage to accept it. Then it was brought before Parliament; and, subsequently received the sanction of both Houses of the Legislature. At another time, we had some explanations with the Ministry regarding the land question, as touched on by the Manitoba Act, and received satisfactory assurances from them. Wherever there is a doubt as to the meaning of the act, let me state, it is to be interpreted in our favor (cheers). This is only just — for, manifestly, a law such as this relating to land, for instance — ought to be interpreted in favor of the people for whom it is made. As to the question of a reserve, I may say that at first the Ministry offered us 100,000 acres, to be given to the Half-breeds of the country for their children. But, we told them, that was not enough. We asked for 3,000,000 acres (hear, hear, and cheers), but were told that we could not get so much. Again, we were anxious to secure the land-reserve for the benefit of all the children in the country, white and Half-breed alike. We tried hard to secure this; but were told by the Ministry that it could not be granted, as the only ground on which the land could be given was for the extinguishment of the Indian title. It was reasonable that in extinguishing the Indian title, such of the children as had Indian blood in their veins should receive grants of land; but that was the only ground on which Ministers could ask Parliament for a reserve. It was to be a reservation for minors, with Indian blood — but not for adults, for the latter are allowed every liberty of self-government and all the rights of white people. They have land already, or, if they have none, it is their own fault. Having, then, the rights and liberties of white people, adults, even with Indian blood, were allowed no special privileges. But with the children it was different. Those of age have the right to take up unoccupied lands wherever they like, and all that they now possess is theirs — paid or unpaid. As a further argument against a grant of land to all the children in the colony, Ministers urged that it would give rise to trouble in the other colonies. At present, too, it was clear that the people of this colony had many special advantages. For besides what the Act of Manitoba conferred on us exclusively, we were largely the gainers under the general Act of Confederation.

Hon. Mr. O'Donoghue — Some gentlemen present do not, I find, understand clearly Article 31 of the Manitoba Act, that having reference to the extinguishing of the Indian title by a land grant.

The President — The grant is made to extinguish so much of the Indian title as is inherited by children having Indian blood. But, apart from this, the general Indian title has to be extinguished by being dealt with separately. All those having Indian blood have a title which must be extinguished as well as the general Indian claim.

Rev. Mr. Richot — The Half-breed title, on the score of Indian blood, is not quite certain. But, in order to make a final and satisfactory arrangement, it was deemed best to regard it as certain, and to extinguish the right of the minority as Indians; and for that reason 1,400,000 acres were set aside by the Canadian Government for the Half-breed children of the country, to extinguish their admitted right as Half-breeds. This reservation does not in the least conflict with the 91st section of the general Act, where it is provided that certain tracts of land are to be reserved for, and owned by, Indians.

Hon. Mr. O'Donoghue — An hon. member near me puts the question, as to whether Half-breeds taking these reserves are to be held as minors, as under the Confederation Act?

Rev. Mr. Richot — No.

Hon. Mr. O'Donoghue — That is right.

Rev. Mr. Richot — Ministers at first fought very hard against us in this matter. They said you are claiming for the Half-breeds the rights and liberties of civilized people, while at the same time you want for them certain rights as Indians. We cannot recognize these two claims. We answered, If you do not want to recognise these rights, do not ask us to enter Confederation. We are not bound to enter the Dominion. They replied that they desired the completion of Confederation. We argued, again, that though the Half-breeds asked to be recognised as civilized people, they had not therefore lost the claims derived from their Indian blood. Those claims are none the less good; because by their energy in hunting and cultivation the Half-breeds have raised themselves to a higher position than the Indians. England is fully prepared to pay all the respect due to the Indian title; and, in doing so, will not overlook the claims of Half-breeds to their rights derived in this way (cheers). Let me take this opportunity of saying, that my co-delegates laboured earnestly with me in our mission to secure the rights of the people here — and Mr. Alfred Scott, particularly, who has been so much insulted by the Press, did excellent service, and won the esteem of Ministers by his tact and ability (cheers). As to Judge Black I have only to mention his name to make you certain that he made a good impression on the Government and all with whom he came into contact, and did well for us (cheers). Further, I may add, that on all questions your delegates were perfectly agreed (loud cheers).

The President — I would like to ascertain one point, which is of great importance. Are we going to enter into Confederation only to give Canada jurisdiction over us?

Rev. Mr. Richot — Let me premise by alluding to the question of amnesty, which I have heard spoken of in the Colony. To meet that matter the 19th clause of our List was prepared, and we urged it as soon as we came to treat with Canada. We said we would do nothing unless this were agreed to. It was answered, that the Canadian Government had had no business in this country, and ought rather to ask us pardon for having troubled us. If they came here without authority, and tried to make war on our people through their agents, they did what they had no right to do. Hence Canada had no say in this question of amnesty. It was the business of the Crown. The Crown was represented *de facto* by the Provisional Government. Having the Government of the country in charge, the Crown ought to have provided for it; and it is the fault of England if we were compelled to establish a Provisional Government. As to the debts of that Provisional Government, it must be understood that as soon as it ceases to exist there is no remainder of it, and it cannot be attacked in any way. It perishes altogether as soon as the authority of the Crown comes here, and those who may have lost by it, will have to seek compensation from the Crown. Canada came here a little too soon, and will have some portion of the debt of the Provisional Government to pay, as well as some other parties. In fact, between the Crown and Canada and the Hudson's Bay Company all expenses will have to be arranged. The Governor of the Hudson's Bay Company, the delegate from the Crown to Canada, Sir Clinton Murdoch, the Canadian Government, Judge Black, Donald A. Smith, and the other Delegates, all arranged together for the payment of that debt in the way I have stated (hear, hear). There is another point to which I would allude. The Ministers asked us if there was any objection to the Lieutenant-Governor of Manitoba being at the same time the Lieutenant-Governor of the North-West Territories? and we, as delegates, answered that we did not know of any objection, but thought it rather an advantage that he should hold both offices. Hence it was arranged that the Lieutenant-Governor of Manitoba should be Lieutenant-Governor also of the North-West Territories.

Hon. Mr. O'Donoghue — He will be king of the North-West (laughter).

Rev. Mr. Richot — An explanation is needed about another matter — the fisheries. The Province of Manitoba, you may observe, is exempt from the general law of Confederation for the protection of the fisheries. In many seasons the people of this country want, as a matter of necessity, the free use of the rivers and lakes, and therefore they will be allowed the same fishing privileges as heretofore.

Hon. Mr. Bannatyne — That is to say, they will not be compelled to abide by the Confederation Laws as to fisheries?

The President — Yes.

Rev. Mr. Richot — It was thought that it would not be very good to make laws to protect the fish when the people were hungry (laughter). Again, as to the amount to be contributed by Canada towards the Government of the Country, they proposed \$20,000, but we objected on the ground that such a sum would not be at all sufficient. We urged that it was a new country, where the circumstances with regard to the promotion of education, &c., were not the same as in other countries, and some expenditures would have to be made by Government in behalf of education and agriculture. Under the circumstances they raised the amount to \$30,000.

Hon. Mr. Bunn read the following letter, in further explanation of the Manitoba Act:—

DEPARTMENT OF MILITIA AND DEFENCE.
Ottawa, May 23, 1870.

GENTLEMEN — Regarding the representations made by you respecting the fourth sub-section of section 32 of the Act to establish and provide for the Government, of the Province of Manitoba, in which it stated, that ‘all persons in peaceable possession of tracts of land at the time of the transfer to Canada in those parts of the Province in which the Indian title has not been extinguished, shall have the right of pre-emption of the same on such terms and conditions as may be determined on by the Governor in Council’ — I am in a position to give you the assurance of the members of the Government that as soon as the Government shall be able to grant the necessary deeds, no payment will be exacted from any of the persons mentioned in that sub-section, but that they will be placed on the same footing as those mentioned in the 3 preceding sub-sections.

I beg to call your attention to the interview you had with His Excellency the Governor General on the 19th inst., at which I was present, and at which His Excellency was pleased to state that the liberal policy intended to be pursued by the Government with regard to the parties for whom you interest yourselves, was the proper one, and such as ought to be adopted.

I have the honor to be,
Gentlemen,
Your most obedient servant,
GEO. E. CARTIER,
Minster of Militia and Defence.

P.S. — You are at liberty to use this letter in such manner and whenever you think fit, in any explanations you may have to give in connection with the object for which you came as Delegates to the Canadian Government — G.E.C.

To M.M. Richot and Scott,

I have the honor to give you the assurance on my own part, as well as on behalf of my colleagues, with regard to the 1,400,000 acres of land reserved by the 31st section of the Manitoba Act for the benefit of the families of the Half-breed residents, that the regulations authorised to be made from time to time by

the Governor in Council respecting that reserve, will be such as to meet the wishes of the Half-breed residents, and to secure in the most efficient and equitable manner the division of that extent of land among the children of the Half-breed heads of families residing in Manitoba at the time of the transfer to be made to Canada.

I have the honor to be,
Gentlemen,
Your most obedient servant,
GEO. ET. CARTIER,
Minister, of Militia and Defence.

Rev. Mr. Richot — The word “resident” ought to be understood as including all who have a residence here, even though travelling. As to the result of the mission of your delegates generally, I have only to say that as the Canadian Government seem really serious, they have to be believed and we can trust them (cheers). My own conviction is that both the Canadians and English Government are anxious to do what they can to treat us well (cheers). I found that our future Lieutenant-Governor is looked upon as a real gentleman and one who will do justice to everybody (cheers). As to the troops, I never said a word for or against their coming. But the intentions of the Government in this respect, appear fair enough. They mean well in the premises (cheers).

The President — All the explanations expected, have been given by our delegate.

Rev. Mr. Richot — One word, as to the people of Canada with whom we came into contact. I found them very kind, generous and fair, and that they did not, as a rule, take the same view of matters which some papers had done. They looked at the occurrences of last winter in their proper light; and, while censuring where they thought it deserved, they did not blame the people, as they thought they were in peculiar circumstances. And, as to the action of the Government, it was felt that as it had been attacked — had to defend itself — no other set of men could, perhaps, have done less under the circumstances (hear, hear).

Hon. Mr. Bunn, seconded by **Hon. Mr. Bannatyne**, proposed a vote of thanks to Rev. Mr. Richot as one of the delegates to Canada — I have much pleasure in proposing a vote of thanks to Rev. Mr. Richot. We must all feel indebted to that gentleman and his co-delegates for the successful manner in which their work was performed, for the risk incurred, and the time, trouble and expense taken in its accomplishment (cheers). In the first motion placed before our Parliament at its first session I took the liberty of expressing our confidence that England would attend to the wants of our people, as soon as they were made known; and she has done so (cheers). From the report brought by Rev. Mr. Richot, it will be found that that confidence was not misplaced, but that England is old England still (loud cheers). I have much pleasure in proposing a vote of thanks to our delegate, Mr. Richot (cheers).

Rev. Mr. Richot — For myself, I have expressed about the same thing to the Governor General and Sir Clinton Murdoch. I told them that the people had expelled Mr. McDougall, but were sure that as soon as England knew their causes of discontent, she would be willing to satisfy them (cheers).

Hon. Mr. Schmidt heartily endorsed the vote of thanks to Rev. Mr. Richot.

The resolution passed amid loud cheers.

The President — We have seen the Manitoba Act — have heard the report of our delegation — and now we have to proceed to something else. Is it the intention of the House to pronounce on the Manitoba Act?

Hon. Mr. Schmidt, seconded by **Hon. Mr. Poitras**, moved that the Legislative Assembly of this country do now, in the name of the people, adopt the Manitoba Act, and decide on entering the Dominion of Canada, on the terms proposed in the Confederation Act — Carried amid loud cheers.

Rev. Mr. Richot again obtained leave to address the House, in acknowledging the note of thanks accorded him, [he] said⁷⁹ — As delegate, you will understand, of course, that my position was a very difficult one. The Manitoba Bill passed; but, you will observe, it differed from our Bill of Rights, and, as delegates, we could not say if the people of the North-West would accept it. Hence, though fully alive to the fact that we had many friends in Canada — in the legislature as well as out of it — we could not express to them our sense of gratitude. The only thing we could do was to thank them for their sympathy. But now that our work, and that of the Canadian Parliament, has been ratified by this House, my desire is, first, to thank the people of this country for the noble stand they have taken on this question. I have to thank the Canadian Ministry — particularly Sir John A. Macdonald and Sir George Cartier — for the liberal bill framed by them, with the assistance of the delegation. I have to thank the Dominion House of Commons and Parliament generally: for while 120 voted with us, only 11 were found against us (cheers). I have to thank also the Queen of England, whose subject I have always been — whose subject I am to-day (loud cheers). But, above all, I have to express thanks and gratitude to a higher Power than all others. I have to thank an over-ruling Providence for having been led through so many difficulties and dangers. Nor must we at this time think harshly of those who did not dare to come with us and demand rights; for it was a very risky and imprudent thing. That we succeeded, is due to Providence. We have succeeded — but we have seen how difficult the task was. Why? Because we were divided. But now that we are united, we will be a strong people, and our little Province will be the Model Province of Confederation (cheers). We will have an influx of strangers here. We want them, and will be glad to receive them (cheers). But let us be intelligent enough to distinguish between the good and those who only come with selfish ends, to work against us (cheers). Let me add to what I have stated in regard to the

⁷⁹ Bunn, *Sessional Journal*, 51, indicates the existence of a copy of the speech with the symbol “(F).” The document, however, is not archived with the Journal. In content it was likely consistent with the remarks printed in the *New Nation* (1 July 1870), 3, and included here.

Manitoba Act, that at first it was intended that Portage Laprairie [sic] should be left out of the Province. This had been opposed by the delegates — those who worked for it were the enemies of the Portage — and as soon as the Ministers understood the matter fully, they included that district in the bill (cheers). I would, for my part, like it to be well understood that all I have done in the past has been in good faith and with a desire to serve the country (cheers). I have never tried to work against any part of the people. As one of the delegates, I brought the bill to Canada, and on that bill worked for the people of the country as a whole, without distinction (hear, hear). I offer my sympathy to every denomination in the country, and will repeat that if there were some among us who did not dare to oppose McDougall, they were, perhaps, right. While in Canada, let me say, in closing, not only had we all the sympathy and attention we could have expected, but admiration was expressed for the stand taken by the people, who had, it was held, shown themselves to be a reflective, prudent people — wise to a plan — resolute to act — so that, although jeopardised through dangers of the greatest magnitude, they passed almost unscathed through the crisis (loud cheers).

On motion of **Hon. Mr. Schmidt**,— I will now make another motion consequent on the former ones — I propose that we welcome the new Governor on his arrival (cheers),— it was resolved unanimously that the new Governor be welcomed on his arrival.

The President then addressed the Assembly, in closing the proceedings⁸⁰ — We must not expect to exhaust the subject. If we have the happiness soon to meet the new Lieutenant-Governor, we will have time and opportunity enough to express our feelings. For the present let me say only one thing — I congratulate the people of the North-West on the happy issue of their undertakings (cheers). I congratulate them on their moderation and firmness of purpose; and I congratulate them on having trust enough in the Crown of England to believe that ultimately they would obtain their rights (cheers). I must, too, congratulate the country on passing from under this Provisional rule to one of a more permanent and satisfactory character. From all that can be learned, also, there is great room for congratulation in the selection of Lieutenant-Governor which has been made. For myself, it will be my duty and pleasure, more than any other, to bid the new Governor welcome on his arrival (loud cheers). I would like to be the first to pay him the respect due to his position as Representative of the Crown (cheers). Something yet remains to be done. Many people are yet anxious and doubtful. Let us still pursue the work in which we have been lately engaged — the cultivation of peace and friendship, and doing what can be done to convince these people that we never designed to wrong them (cheers), but that what has been done was as much in their interest as our own (hear).

⁸⁰ Bunn, *Sessional Journal*, 51, indicates the existence of a copy of the speech with the symbol “(G).” The document is not archived with the Journal, however. In content it was likely consistent with the text that was printed in the *New Nation* (1 July 1870), 3, and included here.

Rev. Mr. Richot — I would say one word. It is easy to raise objections to the Manitoba Act, starting from an American point of view. I have heard many such objections. But these possess no weight with us (cheers).

The President, with a few words, prorogued the House.