

# Thomas Scott and the Daughter of Time

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"Truth is the daughter of time" — an old proverb

ABSTRACT. This study attempts to untangle the surviving evidence about Thomas Scott, the man executed by a Métis firing squad on 4 March 1870. It seeks to strip Scott from the legends surrounding him, to establish the facts of his life, and to offer some reassessment of his character. Scott was a young man at the time of his death, of obscure social origins and a newcomer to Red River. Not surprisingly, there is not much first-hand evidence. What little exists is frequently partisan. It can often not be substantiated from other sources and has been subject to much extrapolation by historians. Particularly problematic is the Métis evidence for Scott's behaviour, which obviously sought to justify his death. We shall never arrive at the unvarnished truth, but we can appreciate the nature of the problem of the evidence regarding Scott, and seek to avoid some of the worst excesses of the treatment of Scott's character resulting largely from the ongoing partisanship of the events in which he found himself enmeshed.

SOMMAIRE. Cet essai entreprend de démêler ce qui nous reste de témoignages sur Thomas Scott, qui fut fusillé par les Métis le 4 mars 1870; j'y tente de dépouiller Scott de la légende qui l'entoure, d'établir les faits de sa vie et de réexaminer son caractère. Au moment de sa mort, Scott était un jeune homme d'origine sociale obscure, nouvellement arrivé à la Rivière Rouge: il n'est donc pas surprenant que nous ayons peu de témoignages directs. Ce dont nous disposons est souvent partisan, peut rarement être confirmé par d'autres sources, et a fait l'objet de nombreuses extrapolations de la part des historiens. Le témoignage des Métis, qui cherchaient naturellement à justifier son exécution par sa conduite, constitue un problème particulièrement épineux. Nous n'obtiendrons jamais la vérité toute entière, mais il nous faut au moins reconnaître la nature du problème: nous éviterons ainsi quelques-uns des pires excès dans l'étude du caractère de Scott, excès résultant des préjugés qui ont constamment accompagné l'analyse des événements auxquels il s'est trouvé mêlé.

In 1951 the Scottish author Elizabeth MacKintosh, writing under the pseudonym of Josephine Tey, published one of the most celebrated detective novels of all time, *The Daughter of Time*. In this novel Tey's Scotland Yard detective Allan Grant becomes fascinated by an historical mystery while recovering in hospital from a serious illness. This work has long fascinated historians. Unlike most historical detection, Tey's book does not attempt imaginatively to re-create either the historical personalities or the time period involved, but rather focusses on a modern detective re-examining a mystery from the historical past. This investigation proves very much like the research done by the historian, since it involves working with old books and documents. The mystery Grant investigates in the mid-twentieth century is the deaths five centuries earlier of two princes of the realm in the Tower of London, an evil deed attributed to their uncle, King Richard III. Grant quickly discovers that Richard III was a character with an ambivalent reputation, a curious mixture of many positive attributes and the villainy of the Tower. As Grant's research continues, he learns that the evidence on which posterity has convicted Richard of the death of the princes is extremely dubious, consisting of a combination of hearsay assumptions and the assertions of his worst enemies. Grant reads the documents looking for the "one unqualified fact" buried within them, and is a sworn enemy of "Tonypany," which an associate describes as "someone blowing up a simple affair to huge proportions for a political end."<sup>1</sup> Grant himself adds that the point is not simply that the story involved was nonsense, but that everyone there knew it was nonsense and it was never contradicted.<sup>2</sup>

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1 Josephine Tey, *The Daughter of Time* (1951; London: Harmondsworth, 1974), 94. Tonypany is a place in the South of Wales where — according to Tey — a riot which was stopped by unarmed London police was built up as a massacre by armed troops of Welsh miners striking for their rights.

2 *Ibid.*, 95.

Thomas Scott, who was executed in Red River in 1870, was hardly Richard III. But the historical problem of Scott's reputation has much in common with that of the English king. The Scott execution is unquestionably the most notorious public killing in Canadian history — a mixed jury of Francophones and Anglophones in Manitoba unanimously found that it was “murder.” Unquestionably the Scott affair is surrounded by “Tonypandy” on all sides. Most of what we think we know about Scott comes to us in two ways. In the first place, there are unwarranted extrapolations by historians (professional and amateur) from very limited hard evidence. Scott was a young man, and apart from his unexpected involvement in stirring events, was quite an obscure figure. Alexander Begg initially referred to Scott in his journal without giving his first name, and it is likely that some of what little we think we know about Thomas Scott is really information about Alfred or James Scott, both of whom were also in Red River in 1869. Both Thomas Scott's arrival in Red River and his social origins probably help account for his victimization. To a considerable extent, extrapolations from insufficient data are repeated and even improved upon by subsequent historians, as well as influenced by our information from the second source: the evidence about Scott's character and behaviour in captivity as presented by his executioners, particularly by Louis Riel. If we stop and think about this captivity evidence itself for a minute, it presents a number of problems. For the most part, it cannot be substantiated from other sources since Scott's fellow prisoners did not actually witness many of the events which led to his trial, and the trial itself was conducted in camera by a small group of Métis without any outside observers. The details of the tribunal's actions themselves are the subject of considerable confusion, despite its centrality in the subsequent murder trial of Ambroise Lépine in 1874.<sup>3</sup>

From the beginning, anything involving Louis Riel has been the subject of enormous controversy. The contemporary disputatiousness of the death of Scott — a highly partisan business — has helped obscure the fact that much of what we know about Thomas Scott comes mainly from those who executed him. The reasons for that execution have always been shrouded in mystery, and under normal circumstances we would appreciate that it would be in the best interests of those responsible to make their victim out to be as villainous as possible, in order to justify their actions. Why this appreciation appears never to have happened with Scott is an interesting question. For some reason, both contemporaries and subsequent historians seem to have accepted without question the Métis account of Scott's behaviour which served as an explanation for his death, questioning mainly the severity of the response to the charges rather than the charges themselves.

The final problem Scott presents is in the very nature of the assertions about his character and behaviour. Louis Riel described the behaviour of Scott which led to his execution not once, but a number of times over many years. These explanations were

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3 There are two reports of this trial: one in a publication entitled *Preliminary Investigation and Trial of Ambroise D. Lépine for the Murder of Thomas Scott, Being a full report of the proceedings in this case before the Magistrates' Court and the several Courts of Queen's Bench in the Province of Manitoba* (Montreal: Burland-Desbarats, 1874), which was based on the court reports of various reporters for eastern Canadian newspapers; and one in Winnipeg's *Free Press*, which was based on the work of local reporters. The two sets of reports have much in common, particularly because the various participants distributed their set speeches in advance to the press, but also probably because the reporters often pooled their resources. But there is some significant new material in the *Free Press* accounts which has not often been used by historians. In addition to the published accounts, the trial notes of Judge Edmund Burke Wood also survive, in the Provincial Archives of Manitoba. These provide over 160 pages of crabbed judge's notes, often illegible, on the testimony.

not always the same. The charges against Scott that were accepted by his contemporaries in 1870 were certainly not the same accusations levelled against Scott in later years by Riel and then by others. In short, the Métis case against Scott escalated. As the years went by, the charges became progressively more detailed, and Scott became an increasingly nastier character. Many of the secondary accounts of Scott's life and death became based, not on the original 1870 version of his misdeeds, but on the subsequent elaborations, some of which entered the oral traditions of the Métis. Even when the assessment of Scott was based on contemporary evidence, more than one historian has managed to make it sound worse.<sup>4</sup> Overstatement passing well beyond the limits of the evidence is characteristic of much of the writing about both Scott and Riel.<sup>5</sup>

The present study is in the spirit of Josephine Tey's novel. It attempts to untangle the surviving evidence about Thomas Scott's life, fully conscious that much of what we think we know about Scott has been influenced by unsubstantiable accounts of his behaviour in the days and weeks before his execution, as well as by partisanship. It is not concerned with explaining why Scott died; that is a separate study involving the psychology of Louis Riel, among others. It seeks to strip Scott from the legend, to establish the facts of Scott's life and to offer some reassessment of his character. In the process, we may discover a good deal about a variety of related matters. To begin, let us examine what we know about Thomas Scott apart from the evidence of his captors and executioners.

The principal impression to be gained from the testimony of Thomas Scott's Anglophone colleagues is that he was a gentle, well-mannered and personable individual, although as we shall see, there was also a minority view that he could be outspoken. Admittedly, most of this testimony was recorded after Scott's death. Whatever its import, this evidence has frequently been neglected or discounted, probably because it has been regarded as part of the closing of ranks of the Canadian Party after the event and in response to the Métis charges at the time of Scott's execution that he was a bad man who deserved to die. Such evidence may well be biased, but it is entitled to as much attention as that of those who killed him. It certainly sets up Scott as a potential dual personality, with one face shown to his friends and another to his enemies.

### Scott According to His Anglophone Contemporaries

Thomas Scott's Irish origins are obscure. He was apparently born sometime in the

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4 Easily the most blatant example of such malpractice occurs in Dr. Peter Charlebois, *The Life of Louis Riel in Pictures* (Toronto: NC Press, 1978). He quotes from Mrs. Black's account of her brother's death in William Healy's *Women of Red River* (Winnipeg: Women's Canadian Club, 1923) that his killer Parisien was "lying half-unconscious with the blood streaming from a wound in the side of his head which Thomas Scott had given him with a hatchet." In Healy's text, the original quotation read "which someone had given him with a hatchet."

5 W.B. Osler in *The Man Who Had to Hang: Louis Riel* (Toronto: n.p., 1952), for example, described Thomas Scott as an "obscure young man" who "cursed himself into eternity." Osler continued: "First there was the time — it was months before Riel and his men turned back McDougall at the frontier — when they [Riel and Scott] met on the street in Winnipeg and Scott, cursing, furiously attacked Riel with his fists. Louis, no fighter, was rescued by onlookers. No one ever found out what caused this outburst. Even Riel apparently did not know. Later, when Scott was first captured and imprisoned at Fort Garry, he screamed curses at his guards and beat upon his cell door. Then he escaped, and in the raid on Coutu's home he informed the indignant householder and anyone else within hearing that when he caught Riel he would kill the bastard. Recaptured, he renewed his abuse of the guards. And one day when his cell door was opened as the President walked past he leaped into the corridor, flung himself upon Riel, and screamed: 'You son of a bitch! If I'm ever free I'll kill you with my bare hands!'" (182-83).

early 1840s in County Down. Lord Dufferin, governor general of Canada in 1874, wrote that Scott “came of very decent people — his parents are at this moment tenant farmers on my estate in the neighbourhood of Clandeboye.” Dufferin then added, “but he himself seems to have been a violent and boisterous man such as are often found in the North of Ireland.”<sup>6</sup> These two assertions need to be separated. Dufferin undoubtedly knew first-hand that the Scotts were his tenants, but the statement about violence and boisterousness is qualified with the give-away verb “seems,” suggesting that the governor-general has extrapolated a stereotyped character from what he had heard about Scott rather than from personal knowledge. There was a good deal of such extrapolation with Scott. In any event, Scott came to Canada in the early 1860s, probably to join his brother Hugh in Toronto.

One of the few surviving records of Scott’s Ontario sojourn is a testimonial from one Captain Rowe, of Madoc, Ontario, of the Hastings Battalion of Rifles at Stirling. In a letter to the commanding officer after Scott’s death, Rowe wrote: “I have to inform you that the unfortunate man, Scott, who has been murdered by that scoundrel, Riel, was for a time a member of my company, and did duty with the battalion at Sterling in 1868. He was a splendid fellow, whom you may possibly remember as the right-hand man of No. 4, and I have no hesitation in saying, the finest-looking man in the battalion. He was about six feet two inches in height, and twenty-five years of age. He was an Orangeman, loyal to the backbone, and a well-bred gentlemanly Irishman.”<sup>7</sup> The Reverend George Young, who attended Scott in his last hours, reprinted this testimonial in his 1897 memoir, noting that after the execution he had forwarded Scott’s papers to his brother, Hugh. These papers included “many commendatory letters of introduction, with certificates of good character, from Sabbath-school teachers and the Presbyterian minister with whose church he had been connected in Ireland, as well as from employers whom he had served faithfully.”<sup>8</sup> Among the material forwarded to Hugh Scott were savings of \$103.50.<sup>9</sup> Young also quoted from a journal kept by Scott in 1869. It noted that he and his brother had rowed on Belleville Bay, and wondered “where we shall both be ten years from to-day.” Unfortunately, Young apparently did not copy the full texts of all the documents before returning them to the family, and could only refer to most of them in the most general of terms. Nevertheless, Young’s evidence indicates that Scott had a Presbyterian upbringing and connection, as well as some education. The presence of substantial savings do not suggest a riotous lifestyle.

The letter from Captain Rowe is also one of the few first-hand pieces of evidence that Scott was not only a northern Irishman or Ulsterman, but “an Orangeman,” a term used by contemporaries both to refer to all Protestant Ulstermen who were of

6 Quoted in Frances G. Halpenny, ed., *Dictionary of Canadian Biography*, IX, 1861-1870 (Toronto and Buffalo: University of Toronto Press, 1976), 707.

7 Quoted in Rev. George Young, *Manitoba Memories: Leaves from My Life in the Prairie Province, 1868-1884* (Toronto: William Briggs, 1897), 145.

8 *Ibid.* What survives of this material is in the United Church Archives (Toronto), George Young file.

9 George Young file. W.L. Morton in his introduction to W.L. Morton, ed., *Alexander Begg’s Red River Journal and Other Papers Relative to the Red River Resistance of 1869-70* [hereafter *Begg’s Journal*] (Toronto: The Champlain Society, 1956), argues from these savings that Scott was “obviously neither a wastrel nor a drinker” (p. 111). This money may have played an important role in Scott’s behaviour during his second imprisonment. According to Alexander Murray in his 1874 Lépine trial testimony, he and Scott were taken prisoner together in February. The two were searched and Murray had his pocketbook containing £60 taken from him. According to Murray, Scott asked for his pocketbook in the course of the final *contretemps* with Riel.

anti-Catholic persuasion and to those who were actually members of the Orange Order founded in 1795 to defend the British sovereign and the Protestant religion. In 1989 George Stanley reproduced a resolution of the Orange Lodge of Toronto, which supposedly came from the Toronto *Globe* of 13 April 1870. I have been unable to find the resolution anywhere in the *Globe* or in other contemporary newspapers, but have no reason to doubt that Stanley unearthed it somewhere, probably in another Toronto newspaper unavailable to me. It read: "Whereas Brother Thomas Scott, a member of our Order, was cruelly murdered by the enemies of our Queen, country and religion, therefore be it resolved that while we sympathise with the relatives of our deceased Brother, we, the members of L.O.L. No 404 call upon the Government to avenge his death, pledging ourselves to assist in rescuing the Red River Territory from those who have turned it over to Popery, and bring to justice the murderers of our countrymen."<sup>10</sup> Note that the Toronto Lodge does not claim Scott as a member of L.O.L. no. 404, but only that Scott was "a member of our Order"; the local lodge to which Scott belonged never stepped forward, however, perhaps because it was in Ulster.

At the same time that the Orange Order claimed Scott, there is no evidence that he ever claimed the Orange Order. Despite the massive response of Orange Ontario to the death of a "brother," orchestrated by the Canada First movement, Scott has left no record — even in the Métis-inspired accounts — of anti-Catholic sentiment. Even if Scott had been a fervent anti-Catholic, of course, there is no reason to regard him as any more a "bigot" than millions of other Americans, Canadians, and Britons who shared with him an antipathy to "Popery" in the eighteenth and nineteenth centuries. According to Linda Colley, extreme Protestant anti-Catholicism was part of the glue that held the "British nation" together in the early years of the nineteenth century.<sup>11</sup> There was no reason to expect such sentiments to disappear by 1870. Whatever Scott's attitude toward Catholicism, as we shall see there is some evidence to support his brother's assertion that "where principle and loyalty to his Queen & country were at stake" he was "a thoroughly brave and loyal man."<sup>12</sup> Loyalty to monarch was another Orange attribute, of course, perhaps as important as hostility to the Pope.

In 1869 Thomas Scott decided to head west. He collected up his papers, doubtless including the introductions and testimonials later left by him with Reverend Young. According to an 1870 private letter of S.H. Harvard, reprinted by Young in 1897, he and Scott travelled from St. Cloud by coach in the summer of 1869.<sup>13</sup> Since St. Cloud was the head of the railway at the time, Scott presumably had gotten there by train. Harvard described Scott as "a fine, tall, muscular youth of some twenty-four years of age," who "behaved properly" and whose bearing was characterized by "inoffensiveness" to "those with whom we came in contact." Harvard made such observations in

10 G.F.G. Stanley, *Toil & Trouble: Military Expeditions to Red River* (Toronto and Oxford: Dunburn Press, 1989), 78.

11 Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven and London: Yale University Press, 1992).

12 Hugh Scott to John A. Macdonald, 6 April 1870, quoted in Morton, ed., *Begg's Journal*, 111n. His brother also described Thomas as "a very quiet and inofensive [*sic*] young man," an assessment which has traditionally been ignored, presumably because of its source.

13 Young, *Manitoba Memories*, 144. If Scott got to Red River by coach, then he could not have been the "James Scott" who arrived on board the steamer *International* in late June in company with "Wm. A. Allen" and "F. J. Mogridge"; *Nor'Wester*, 26 June 1869. It is also possible that the newspaper got the surname wrong; James Robb is a likely alternate candidate.

full appreciation of Scott's execution. The two men shared a bed at a roadside inn outside Abercrombie. Scott told Harvard that he was heading toward the Cariboo to try his luck at the gold mines. If what Scott told Harvard really revealed his plans, his sojourn in Red River may have been intended to be brief.

Shortly after his arrival in Red River in the summer of 1869, Scott took a job with the Canadian road-building crew headed by John Allan Snow. Snow had experienced considerable trouble over the construction of the road from Lake of the Woods to Upper Fort Garry, both within the settlement and on the site. Residents in the settlement were unhappy that the road was being built by the Canadians in advance of the transfer, under the cloak of providing work for famine-ravaged Red River. The settlers were also restive over Snow's efforts to buy land from the Natives. The labourers themselves were unhappy both over their wages and their provisioning. Alexander Begg in his journal had earlier reported that Snow was charging more for provisions than he was paying for them in the settlement, and in 1874 Charles Nolin testified that Scott and other workmen did not like the food they were given, speculating this was perhaps because it was being improperly prepared.<sup>14</sup> According to Nolin, Scott led a three-day strike against Snow, which concluded with the strikers — Scott at their head — marching seventeen miles to Snow's office on 1 October to demand pay both for the time they had worked and for the time they had been on strike. Snow was prepared to pay the former, but not the latter. The men seized Snow and threatened to "duck" him. Snow paid up, but then had warrants issued against four of the men for aggravated assault.

The subsequent court case, the *Queen v. W.I. Allan, Thomas Scott, Francis Moggridge, and George Fortnay*, was heard before Mr. Justice John Black at the quarterly court of the District of Assiniboia on 19 November. The court record is tantalizingly brief. It merely notes that Moggridge and Allan were found not guilty, while Fortnay and Scott were given thirty days to pay a fine of four pounds sterling each, their counsel Joseph Coombes acting as security for the payment.<sup>15</sup> Alexander Begg observed in his journal that the case had been badly handled by the defence, suggesting that, given a better presentation by defence counsel Coombes, all four men would have been found innocent. He also added that Scott was overheard commenting before leaving the court "that it was a pity they had not ducked Snow when they were at it as they had not got their money's worth."<sup>16</sup> This comment is interesting both for the use of the term "duck," which suggests something different than "drown," and for the evidence that Scott had something of a dry sense of humour. We will see further evidence of the sense of humour later.

Much has been made of the Snow incident, particularly by Riel and the Métis, as an illustration of Scott's "troublemaking" and general willingness to employ violence and intimidation to gain his ends. Perhaps so. But it seems fairly feeble evidence on which to brand a man either a troublemaker or a bully. Scott was part of an organized worker protest against an employer regarded as having been exploitative and oppressive. He went to some lengths to confront that employer, and while he may have issued threats, no violence was actually employed. From what little is known of the affair and

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14 Nolin insisted that the food itself was good, since he had supplied it. Charles Nolin Testimony, 21 October 1874, at *Lépine Trial*.

15 Provincial Archives of Manitoba (PAM), MG 2 B4-1, District of Assiniboia Minutes of Quarterly Court, Sheriff's Court Book.

16 *Begg's Journal*, 173.

Scott's reaction to his court appearance, it would appear likely that he threatened John Snow with nothing more than a dunking, hardly a serious offence on the nineteenth-century frontier.

Scott presumably ended his employment with John Snow on 1 October. According to Charles Mair, who regarded himself as a friend of Scott, the young man returned to Winnipeg and took up employment as a bartender.<sup>17</sup> If Scott did work as a bartender in Winnipeg, there was bound to be some confusion between himself and the American Alfred Scott, who was also employed as a bartender and was known to be a drinker. There is certainly no real evidence that Scott drank heavily, if at all. A large part of the supposed evidence for Scott's drinking is in testimony by one of his fellow prisoners in the Lépine trial that Scott was on one occasion "apparently half drunk." George Stanley uses this testimony — Scott was even drinking in confinement! — as the only evidence to support his assertion that Scott "drifted into Winnipeg where he drank and fought."<sup>18</sup> Apart from the fact that Stanley attributes the evidence to the wrong prisoner — William Chambers instead of Alexander Murray — it is clear from Murray's statement that he was referring to Alfred Scott, who was visiting Fort Garry with Hugh McKenny and Bob O'Lone for electioneering purposes. The only other contemporary reference to Thomas Scott and drink comes in the Lépine trial testimony of Alexander McPherson on 15 October 1874. He and Scott were taken prisoners together in February 1870, said McPherson, and when they arrived at the Fort, "Scott spoke to me, said it was very cold, let us go down and have a glass; started to go out, when we came near the gate we were pressed back by men of the Fort, Riel's men." This little incident tells us more about Scott's insouciance and sense of humour, however, than it does about his relationship with alcoholic beverages, since Scott must have known full well how unlikely it was that the Métis would let the two men saunter off to the saloon.

If there is little hard evidence to label Scott a drinker, there is even less to substantiate the story that he and Riel had, in 1869, come to blows over a woman. This tale first makes its appearance in 1885, in a little work written by Toronto journalist Joseph Edmund Collins entitled *The Story of Louis Riel the Rebel Chief*. Opposite the title page in this book is an engraving of an Indian attack on a log cabin, clearly showing stereotyped eastern rather than western Indian warfare. Thus is the tone set for the account that follows. The female, a métisse named Marie but given no surname, had supposedly been rescued from flooding waters by the brave Scott, who subsequently helps the girl and her family to hide from Riel and his clumsy courtship of her. After Scott is condemned to death, Riel attempts to get him to reveal the whereabouts of Marie. Scott refuses, of course, and Riel turns on him. "She shall be mine!" he hissed, 'when your corpse lies mouldering in a dishonored traitor's grave'.<sup>19</sup> There is no contemporary evidence to support any part of this story.

In December of 1869 Thomas Scott joined a number of other residents of Red River, most of them Canadians or members of the so-called "Canadian Party," in an armed defence of the home and storehouse of Dr. John Schultz. In some quarters

17 Norman Shrive, *Charles Mair, Literary Nationalist* (Toronto: University of Toronto Press, 1965), 94. According to the diary of P.G. Laurie in the Saskatchewan Archives Board, E.L. Storer Papers, Scott was living at "Garrett's" while awaiting trial. According to the *News-Letter* of 1 February 1871, he helped collect funds about this time for the welcome of Governor McDougall to the settlement.

18 Stanley, *Louis Riel*, 111 and note 52.

19 *The Story of Louis Riel the Rebel Chief* (Toronto/Whitby: J.S. Robertson and Brothers, 1885), 117.

Scott has been regarded as a henchman or bully boy of Schultz, so it is important to emphasize that there is no contemporary evidence outside the accounts of his executioners to suggest that Scott and Schultz were even acquainted, much less close collaborators. That Scott gravitated to Schultz's house in December of 1869 does not particularly mark him out as under the influence (evil or otherwise) of the good doctor. Schultz was the acknowledged leader of the Canadian Party in Red River. All Canadians gravitated to him as the Métis stepped up their military activities, and the 1 December date was chosen for the Canadian takeover of Red River (the postponement by Ottawa of this event was not known in the West). Some Canadians, like the Graham brothers, apparently did not know Schultz at all when they "enlisted" to guard the stores and provisions stored at his house.<sup>20</sup> Others of the party, like J.H. O'Donnell, obviously did not like Schultz very much.<sup>21</sup> The party of defenders were buoyed up by the circulation by John Dennis of Governor William McDougall's proclamation of the Canadian takeover dated 1 December 1869. McDougall, of course, had jumped the gun, but the Canadians at Red River were not to know this fact for several weeks. In early December they could legitimately see themselves as the local supporters of the Canadian government and opponents of Louis Riel as a rebel leader.

Scott only emerged out of the crowd at Schultz's house when he was appointed by the band of loyalists on 7 December 1869 as one of the delegates in a "deputation to Riel under a flag of truce, to endeavour to make terms."<sup>22</sup> The Reverend George Young subsequently wrote that these delegates bore "a request to Riel that the ladies then resident in Dr. Schultz's besieged buildings should be permitted to retire therefrom, as they were suffering from prolonged excitement and alarm."<sup>23</sup> According to the account in the *Globe* of 15 April 1870, Scott and "Mr. McArthur" were the two chosen. Peter McArthur in 1934 recalled that the two delegates were Scott and his brother Alex McArthur.<sup>24</sup> According to A.W. Graham's diary, however, the delegates were Scott, McArthur, and William Hallett.<sup>25</sup> Whoever the delegates, the Canadians had no bargaining power whatsoever. Riel had the house surrounded with armed Métis, backed up by cannon from the fort trained at the flimsy wooden structure, and he felt no need to make a deal. All three sources agree that Riel held Scott and sent McArthur back to report that the only terms were total surrender. The sort of spin that could be put on such actions is demonstrated by Major Boulton's account in 1886. Although Boulton appears to confirm Young's account of Scott's peace mission, he probably heard the story from the Methodist clergyman in the first place: "Scott, it ought to be said, was not taken prisoner with arms in his hands. On the first occasion, before the prisoners were captured in Dr. Shultz's house, he had gone boldly down to the Fort to ask Riel to give safe conduct to the ladies and children who were in danger there, and Riel's only answer to his peaceful mission was to thrust him into prison."<sup>26</sup>

20 "Diary of A. W. Graham," *The Elgin Historical and Scientific Institute Proceedings* (1912).

21 John H. O'Donnell, *Manitoba as I Saw It. From 1869 to Date* (Toronto: Clarke, 1909), esp. 30 ff.

22 Report of William Allan and Joseph Coombes, in *Toronto Globe*, 15 April 1870.

23 Young, *Manitoba Memories*, 131-32.

24 PAM, MG 11 A1, "Recollections of Peter McArthur, 1934-5."

25 "Diary of A.W. Graham," p. 75.

26 Charles Arkoll Boulton, *Reminiscences of the North-West Rebellions, with a Record of the Raising of Her Majesty's 100th Regiment in Canada, and a Chapter on Canadian Social & Political Life, by Major Boulton, Commanding Boulton's Scouts* (Toronto: Grip Printing and Publishing Co., [1886]), 133.

After the unsuccessful negotiations, a party from the town headed by A.G.B. Bannatyne met with the Canadians to advise unconditional submission. What happened to Scott is a matter of some disagreement among the sources, however. Both Graham and McArthur suggest simply that Scott had been made prisoner a few minutes earlier than the remainder of the Canadian party. The account of Coombes and Allan is far more detailed, however. "'Aha!' says the sneaking Louis" to Scott, "'you are just the man I was looking for,' and with deep malice gleaming from his treacherous and sinister eyes, he ordered his men to seize him. Scott was a man of great stature, six feet two inches in height, of goodly symmetry, and of an ardent and rather impetuous nature, freely expressing his opinions. The act of the despot was prompted by the pettiest motives of personal revenge. Scott had always treated him with marked contempt. Once in the town of Winnipeg he [Scott] got into an altercation with him [Riel], in a saloon, and threw him by the neck into the street."<sup>27</sup> Scott's service as a "bartender," an occupation that often included "bouncer" duties, might explain this contretemps. But the confrontation must have occurred between early October (when Scott left Snow's employ) and early December, a period in which Riel, who was not a drinking man under any circumstances, would have been unlikely to have spent much time in Winnipeg saloons. Indeed, the constant alcoholic consumption of Riel in the account of the Red River uprising according to Allan and Coombes leads one to suspect that they were already engaging in their own version of myth making and character assassination. Nonetheless, another version of this story had been reported unattributed to anyone by the *Globe* a few days earlier: "Mr Scott, we are told, was a quiet and inoffensive, but at the same time, very powerful and determined man. Before his arrest, Riel stopped him on some road he was going and Mr. Scott with a strong arm thrust him aside and told him to mind his own business."<sup>28</sup> Like the later story of rivals in love, more obviously a total fabrication, these accounts seek to provide an explanation for the later behaviour of Riel towards Scott, which might otherwise appear inexplicable. But these stories are contemporaneous — the tale of Allan and Coombes coming from men who were imprisoned for six weeks with Scott — and therefore cannot be totally ignored.

In any event, Scott became a prisoner at Upper Fort Garry. Incarcerated with the great crowd of Canadians in an upper-storey flat normally used by Hudson's Bay Company clerks, Scott had no opportunity for contact with Dr. Schultz, who was imprisoned in one of the officer's houses below along with his wife, and who subsequently escaped separately from the others. Scott does not appear in any of the first-hand contemporary accounts of prison life until 9 January 1870, when he was one of a number of prisoners who escaped from the Fort. Several of his fellow prisoners subsequently commented on Scott's first incarceration in Upper Fort Garry. In 1914 George Winship sent a manuscript account of the first imprisonment to James Ashdown for comment. In it Winship had characterized Thomas Scott as a "pugnacious fellow" who "believed in the arbitration of violence to settle disputes," although how much such a description owed to Scott's subsequent reputation is open to question. In any case, Ashdown commented, "I do not consider that Scott was very 'Pugnacious'; he was a big strong fellow and used language somewhat freely, but was not a bad fellow in any sense of the word."<sup>29</sup> Twenty years later, Peter McArthur in his

27 Report of Allan and Coombes.

28 The *Globe*, 4 April 1870.

29 PAM, MG 3 B15, James Ashdown notes on Winship Manuscript (1914).

"Recollections" of 1934-35 wrote that "Scott's death was a great shock to us; he had said loudly and openly what the rest of us quietly thought."<sup>30</sup> Unfortunately, McArthur was not more specific about what either Scott said or the other prisoners thought. On the other hand, A.W. Graham, in the course of reporting the death of Scott as a reason for his family's hasty departure from Red River in 1870, recorded in his diary somewhat closer to the event: "Let me say here that I was over four weeks in Scott's company in Fort Garry jail and I found him quiet, civil and always gentlemanly. Why Riel should say he was a bad man I could never learn."<sup>31</sup>

We do have an account of Scott's escape from Upper Fort Garry in the journal of Henry Woodington, who accompanied him out of the window that cold January night. According to Woodington, the sound that night of the wrenching of a window frame out of the wall in the prisoners' room was covered by the noise of the prisoners "piling on" Joseph Coombes. "Piling on" was, along with chess, cards, and checkers, one of the principal games played by the prisoners in confinement. It was indeed their special favourite. "It begins," explained Woodington, "with one catching hold of another and throwing him down or against the wall, yelling 'pile on.' Then there is a general rush to the scene, and pity the poor fellow that gets under."<sup>32</sup> The popularity of such schoolboyish antics in captivity reminds us that most of the prisoners at Upper Fort Garry were, like Scott, young men with their hormones in full flight. Apart from going down the hall to relieve themselves, this was apparently the only exercise the prisoners got. What the Métis guards made of "piling on," which must have happened so frequently that they did not bother to check on the noise the night of the escape, is another matter. The game may well have produced a general Métis perception that the prisoners were all crazy men of violent proclivities.

In any event, Scott and Woodington by prior arrangement started a brisk trot to Headlingly upon their escape from the Fort. The snow was deep and they were weak from confinement, but they hurried on. They called at the home of William Hallett about two and one half miles from the Fort, and then raided a stable for horses. But they could find no tack. Scott tried to ride without saddle, harness, and reins, but was pitched off the horse into a deep snowbank. "Just imagine the sight," recalled Woodington. "Scott is over six feet in height, with a short body and very long legs, sticking in the snow, with his legs almost straight up in the air." The two men lost the horses and resumed walking. The impression Woodington leaves of the affair is one of great jocularly. The majority of the twelve escapees were easily recaptured, and one of them (Walton Hyman) was badly frostbitten. Thomas Scott was one of the five who remained at large.

Scott eventually made his way to Portage la Prairie. This village was technically outside the jurisdiction of the Council of Assiniboia and beyond the reach of Métis armed authority. It had originally been settled mainly by Canadians, and many other Canadian refugees, including Major Charles Boulton, had gathered there after the imprisonment of the party at Dr. Schultz's house. Another escapee from Upper Fort Garry, Charles Mair, had ended up in Portage at about the same time as Scott, although independently of him. In his 1886 memoirs of the North-West Rebellions, Boulton offers us a glimpse of Scott at Portage. "He gave graphic accounts of his imprisonment and escape, and once more the question was raised to organize a party

30 PAM, NG11 A1, "Recollections of Peter McArthur 1934-5."

31 "Diary of A.W. Graham," 82.

32 PAM, MG 3 B11, Journal of Henry Woodington, 22 September 1869-17 February 1870."

to effect the release of the other prisoners,” wrote Boulton.<sup>33</sup> Boulton’s words give us no reason to conclude that Scott was particularly active in organizing the rescue operation; the use of the passive mood in the second part of the sentence on Scott is instructive. There is corroboration on this point. In the 1874 trial of Ambroise Lépine, William Chambers testified that Scott had come to Portage after the question of liberating the prisoners had already been raised.<sup>34</sup>

Nor does Boulton suggest in any way that Scott was a leader of the Portage expedition. In fact, he specifically lists the expedition’s “officers,” a roster that does not include Scott. Several of the witnesses at the Lépine trial emphasized that Scott was not a leader of the Portage party. According to William Chambers, for example, “Scott had no position in the force, was a full private.”<sup>35</sup> Alexander McPherson recalled that the Portage party “seemed to act spontaneously”; he added, “Thomas Scott was with us; he was not a principal actor; there were none.”<sup>36</sup> Alexander Murray testified of the Portage expedition: “there was not much commanding by any one.”<sup>37</sup> Boulton did record that it was Scott who — on the party’s passage through the village of Winnipeg on its way to Kildonan — helped him call at a house looking for Louis Riel: “Thinking we might make a timely capture, we surrounded the house, and Scott and I entered to search for Riel; but the host assured us he was not there; so we passed on without disturbing the family.”<sup>38</sup> As we shall see, this incident became an important part of the Métis indictment of Scott.

None of the contemporary Anglophone evidence even mentions Thomas Scott’s presence at Kildonan, where Norbert Parisien was badly beaten after he had shot Hugh John Sutherland. The only eye-witness glimpse we have of Scott at Kildonan comes from Donald McLeod, in a memoir of 1942 written when he was 84 years old. Born in 1858, McLeod in 1870 had carried bread to the soldiers at the Kildonan schoolhouse. Scott was among them. “As clothing he wore a Pea Jacket, Beaver Cap, and leather britches and a gold ring in his left ear,” McLeod recalled.<sup>39</sup> This is the only place where the gold earring appears. It is such an odd recollection that one wants to believe it. Although hundreds of Anglophones gathered at Kildonan in mid-February of 1870, the assemblage quickly dispersed when it was announced that Riel was already releasing the prisoners held at Upper Fort Garry. The Portage party, including Thomas Scott, decided to make its way back to its point of origin. Unfortunately, it returned via a route that took it all too near Riel’s stronghold at Upper Fort Garry, and it was easily captured by Riel’s forces. Many of the party insisted that Riel had promised them safe

33 Boulton, *Reminiscences*, 101 ff.

34 Testimony of William Chambers, *Free Press*, 15 October 1874.

35 Ibid. In his unpublished thesis, Neil Allan Ronaghan argues that after Scott’s death, the Canadian Party conspired “to leave the impression that Scott had played almost no part in their affairs.” He offers no evidence for this assertion, nor does he explain why such action made Scott a better martyr. In any event, the result, argues Ronaghan, is that “the researcher must regard everything written about Scott after April of 1870 with caution, and everything written after 1885 with suspicion.” Ronaghan, “The Archibald Administration in Manitoba — 1870-1872” (Ph.D. dissertation, University of Manitoba, 1986), 211-12.

36 Testimony of Alexander McPherson, *Trial of Ambroise Lépine*, 14 October 1874.

37 Testimony of Alexander Murray, *Trial of Ambroise Lépine*, 16 October 1874. Nor was Scott one of the fourteen members of the “general council for the force” chosen at Kildonan and listed in the *St. Paul Daily Pioneer*, 2 April 1870.

38 Boulton, *Reminiscences*, 105.

39 PAM, P733 f 10, Memoir of Donald McLeod.

passage, but whatever the reason for the blunder, Thomas Scott found himself once again a prisoner of Louis Riel. Apart from Alexander McPherson's story about Scott's jocular walk for a drink, there were no other anecdotes told about Scott at this particular juncture. According to William Farmer, at the moment of capture "Scott offered no resistance."<sup>40</sup>

Anglophone evidence from Scott's second incarceration is both limited and confused. Two points stand out. First, the time period between the capture of the prisoners and the court-martial of Scott — especially after the time taken up with the threatened execution of Charles Boulton is excluded — was relatively short, less than two weeks. Secondly, none of the fellow prisoners or clergymen whose testimony has survived appear to have spent much time with Scott over the course of his captivity, and none, except Alexander Murray and George Sanderson in a much later oral account, offered much account of his behaviour. Sanderson claimed that Scott had been offensive to everyone, including his fellow prisoners, but from what vantage point in Upper Fort Garry he made these observations is not clear.<sup>41</sup> According to Alexander Murray, Scott was initially kept in a room in the same range as the other prisoners, but he was eventually put in another room on the opposite side. Certainly Scott ended up in solitary confinement. Murray added, "I heard that Scott had difficulties with the guards more than once, but never saw it."<sup>42</sup>

Few of the Anglophone prisoners witnessed any persistent confrontations between Scott and his guards. George Newcombe dated Scott's troubles from only the day before his execution.<sup>43</sup> So Alexander Murray, who offered one of the most detailed fellow-prisoner accounts of Scott's confrontation with his guards:

I saw Riel, Lépine and O'Donohue on the night previous to Scott being shot; they were in the guard-room; Riel came and asked me if I was a Canadian; I told him no! but I belonged to that party; I went back to my room; he followed me up and apparently looking [*sic*] in my room; I closed the door and said, "Boys, keep quiet, for Riel, O'Donohue and Lépine are in the guard-room." I knelt on my knees and looked through the key-hole; I heard a knock on the door where Scott was confined; the door was opened slightly by one of the guards; Scott said, "I want to get out"; the door was opened a second time; Riel stepped up to Scott, and Scott said he wished to be treated civil; Riel said he did not deserve to be treated civil and called him a dog; Scott asked for his book, I think a pocket-book; Riel said he hadn't it; the door was then shut; I understood it to be a call of nature.<sup>44</sup>

Charles Boulton told a similar story in his memoirs. Although the events he describes happen over a shorter time frame, there are several confrontations between Scott and his guards. About a fortnight after the capture, Boulton recognized Scott's voice in the guardroom, demanding his pocketbook. A considerable scuffle ensued and Scott was locked up in a room. Boulton investigated, and learned that Scott had just advised the prisoners to have nothing to do with Alfred Scott and others who had

40 Testimony of William Farmer, *Free Press*, 14 October 1874.

41 Irene Spry, ed., "The Memoirs of George William Sanderson," *Canadian Ethnic Studies* 17 (1985): 115-34.

42 Testimony of Alexander Murray, *Trial of Ambroise Lépine*, 16 October 1874.

43 Testimony of George Newcombe, *Trial of Ambroise Lépine*, 15 October 1874.

44 Testimony of Alexander Murray, *Trial of Ambroise Lépine*, 16 October 1874. Murray continued this testimony by dating this contretemps at nine p.m. on the evening of 3 March. We know from other evidence that Scott had already been tried and convicted by this time, so something must be wrong with Murray's chronology.

solicited their votes. The visit of Alfred Scott dates this confrontation in late February. Later Scott asked leave to go outside (presumably to the lavatory) and was refused, which led to another altercation. Riel and O'Donoghue visited Scott that same afternoon and evening, "and used violent language against Scott." According to Boulton, he did not manage to visit with Scott until the court-martial had been completed. "I found that similar questions had been put to him as had been put to me, and the same mode of passing sentence had been passed upon him as had passed upon me. I told Scott to be very careful what he said, as I felt sure that Riel meant mischief and would take his life if he could."<sup>45</sup> By then such advice was too late.

The evidence of the several Protestant clergymen who dealt with Scott's final hours was potentially quite confusing. The Reverend John McLean testified at the *Lépine* trial that he "saw Scott one day, found him handcuffed and his legs ironed; asked him how he was and why he was there; he said he had some trouble with the guards; had some conversation with him about his spiritual wants and when I was coming away I asked permission to call upon him again, but that night he was brought up, and on the following day he was shot; I was totally ignorant of his danger; I afterwards learned that that was the last day of his life."<sup>46</sup> In the wake of the threatened execution of Charles Boulton, McLean told the court he had spoken to the prisoners about the deal he and Donald Smith had made with Riel to save Boulton's life (to visit the Anglophone parishes and convince them to send representatives to the new provisional government). He wanted to gain their consent, and admitted he did so by telling the prisoners "that I thought they were in danger of their lives."<sup>47</sup> But this warning was not particularly directed at Scott. McLean's recollections are quite compatible with (although not identical to) Donald Smith's report of his meeting with Father Joseph-Jean-Marie Lestanc on 4 March, at which Lestanc had commented on the bad behaviour of the prisoners. According to Smith, "I expressed much surprise at the information he gave me, as the prisoners, without exception, had promised to Archdeacon McLean and myself, that seeing their hopeless condition they would endeavour to act so as to avoid giving offence to the guards, and we encouraged them to look forward to being speedily released, as fulfilment of the promise made by Mr. Riel." Smith added that a prisoner named Parker had been described as quite obnoxious, but not one word had ever been said to him about Scott.<sup>48</sup>

The Reverend George Young in his 1874 trial testimony insisted that he had no conversation with Scott before 3 March, by which time he had been tried and was out of irons, but added that when he had visited Scott the previous Saturday — presumably without exchanging any words worthy of the label "conversation" — the young Irishman had been in irons.<sup>49</sup> Young's account in 1897 was quite different: "On Sabbath, February 27th, while visiting the various prisons, I was pained to learn that Scott had been sent into solitary confinement, and going at once to his room, found him in a most pitiable condition — a dirty and fireless room, a single blanket to rest on or wrap himself in, and with manacles on both wrists and ankles. No marvel that he shivered and suffered under such circumstances. On my asking if he knew the

45 Boulton, *Reminiscences*, 126-27.

46 Testimony of John McLean, *Free Press*, 20 October 1874.

47 Testimony of John McLean, *The Trial of Ambroise Lépine*.

48 Donald Smith to Joseph Howe, 28 April, 1870 (no source given).

49 Testimony of George Young, *Free Press*, 15 October 1874. The evidence about the previous Saturday does not appear in the *Free Press* report, however, but only in *The Trial of Ambroise Lépine*.

reason of this increased severity, he assured me that he did not, and readily promised to carefully avoid, in action and utterance, whatever might be offensive to the guards."<sup>50</sup> These clerical accounts (and that of Alexander Murray) can be more or less reconciled by assuming that Scott's first confrontation with his guards (as reported by Murray and Boulton) had occurred on Saturday 26 February, and that Scott was in irons from at least the Saturday to the Thursday, when he was tried and then unshackled in preparation for his execution. But the chronology never entirely hangs together.

In any event, Thomas Scott was brought before a military court on the evening of 3 March and tried for his life. At the 1874 trial of Ambroise Lépine, the adjutant general's private secretary Joseph Nolin was the star prosecution witness, offering the only eye-witness account of that trial available. Why Nolin testified in 1874 is not clear from the court records, although the Nolin family had been opponents and critics of Louis Riel for many years. None of the other participants in the event, including Ambroise Lépine, testified in 1874, presumably for fear of self-incrimination. Because it remains the fullest account, and because there is so much confusion in the secondary literature over the details of the trial, Nolin's evidence (as given by unofficial court reporters) must be quoted in full.<sup>51</sup> He was reported as testifying:

Scott was tried on the evening of the third of March; at the council that tried him Lépine presided; the other members of the council were Janvier Richot, André Nault, Elzéar Goulet, Elzéar Legemontière, Baptiste Lépine, and Joseph Delorme; I was secretary of the council; Scott was not present at the beginning; some witnesses were examined to state what evil Scott had done; these witnesses were Riel, Ed Turner, and Joseph Delorme; don't recollect any other witnesses; do not recollect nature of the evidence; Scott was accused of having rebelled against the Provisional Government and having struck the captain of the guard; Riel made a speech, I think against Scott; after the evidence had been heard Scott was brought before the council; Riel asked me to read to Scott what had passed before the council; did not, as I had written nothing; Riel then explained the evidence to Scott, and asked him if he had any defence to offer? Scott said something but I forget what; Riel did not ask Scott whether he had any witnesses; there was no written accusation against Scott; the work of the Council was done in about three hours; the Council sat about 7 o'clock; took some notes of the evidence; wrote them out regularly and gave them to the Adjutant General; Richot moved and Nault seconded that Scott deserved death; Lépine said he would have to be put to death — the majority want his death and he shall be put to death; that closed the business of the council; Riel explained to Scott his sentence; and asked him if he had any request to make or wanted to see a minister? I do not remember what answer Scott made; Riel said if the minister was at the Stone Fort he would send for him; Riel said he would send Scott up to his room, that his shackles would be taken off, and that he would have pen, ink, and paper to write what he wished to; Riel then told Scott he would be shot next day at 10 o'clock; I do not know what Scott said; he was then taken to his room; when the vote was taken Baptiste Lépine objected to taking the life of Scott; he said they had succeeded so far without shedding blood and he thought it better not to do so now; Ed Turner took Scott to his room; saw Lépine the next morning about 8 o'clock; Lépine told me to write

50 Young, *Manitoba Memories*, 132-33.

51 Donald Gunn and Charles Tuttle, in their *History of Manitoba* (Ottawa: Maclean, Roger, 1885), 396-97, were the only early historians who quoted Nolin's testimony at length, although their earlier discussion of the Scott "court-martial" made clear that they did not entirely understand what Nolin had said.

a verbal report of the proceedings of the Council; Riel came to see the report and said it was not formal; Riel then dictated the report; it was made from notes of the evidence; don't remember what Riel changed; gave it to Lépine when written.<sup>52</sup>

Under cross-examination by defence attorney Joseph Chapleau, Nolin observed that during the entire trial he heard Lépine say nothing against Scott.

"After the vote had been taken on the execution of Scott," testified Nolin, "by the words Lépine used and his demeanor during the whole trial, I understood him to be against the death of Scott, but his words were 'the majority being for his death, he must die'." The witness then added, "the prisoner [Lépine] did not order me to write the sentence, nor did he write judgment then; Riel was the person who explained what was the sentence, and where and when it was to be performed; Riel was Scott's accuser; Scott was accused of having taken up arms against the Provisional Government, after taking an oath not to fight against it; he was also accused of striking one of the guards, and Riel himself; Edmund Turner one of the witnesses was an Irishman; Turner and Joseph Delorme were witnesses, Joseph Delorme was also one of the Council; do not know what position Turner held; believe Riel was first accusator and also witness; Riel made the charges against Scott verbally; Riel was sworn to prove his charge by me; Riel was the only accuser; don't think Scott asked to examine witnesses; I think he said something, but do not know what he said; Riel was speaking English; Turner was speaking English. The charge of striking Riel and the guard referred to the scuffle in the guard room." Nolin then told the chief justice that he was "not sure that evidence was produced to show that Scott had taken the oath to the Provisional Government," adding: "I do not know if any book was produced; the 'taking up arms' referred to his coming down with the Portage party." At the close of his testimony, Nolin also told the chief justice that escaped prisoners had never taken any oath.<sup>53</sup> The impression he left in his testimony was that there had been one or two incidents involving Scott rather than a persistent pattern of offensive and insulting behaviour. However, Scott's behaviour toward Riel and his guards was only part of the indictment against him.

Leaving aside all questions about the legal propriety of or possible legal models for these proceedings, exactly what — according to Joseph Nolin — had happened there? Before attempting to answer this question, two points must be made about Nolin's account of Scott's trial. One is that Nolin was a key witness for the prosecution in a murder trial of 1874. The second, however, is that he was under oath and subject to full cross-examination. While what we have of his testimony are unofficial reports rather than an official verbatim transcript, it is clear from these that defence counsel Chapleau cross-examined Nolin extensively, and the chief justice himself asked questions of clarification as well. Nolin is not necessarily the definitive witness on Scott's trial, but his testimony must be accepted as credible as far as it goes. His account is quite clear that Scott was not present for a most important part of the proceedings, the presentation of the evidence in support of the charges against him.<sup>54</sup> Those charges and the evidence for them (emanating partly from Louis Riel) were subsequently summarized to Scott in English by Louis Riel. Later commentators such

52 Testimony of Joseph Nolin, *Free Press*, 17 October 1874; *The Trial of Ambroise Lépine*.

53 *Ibid.*

54 A.G. Morice ignored this point when he cited Nolin's sworn evidence as part of an impassioned demolition of the subsequent "English" criticism of the trial in *A Critical History of the Red River Rebellion* (Winnipeg: Canadian Publishers, 1935).

as A.H. de Trémaudan, who have tried to insist that Riel was not present at all at the trial, must contend with Nolin's evidence.<sup>55</sup> On the other hand, whether Nolin's account fully supports George Young's assertion that "Riel acted as prosecutor, witness, and judge" is for the reader to decide.<sup>56</sup> Certainly Nolin emphasized that it was Riel who had written up the report of the tribunal, although this official account has not survived.

Scott was not condemned entirely unheard. He was offered some opportunity to respond to the charges, although not to examine the witnesses. According to the Reverend Young in 1874, Scott said afterwards he had "objected to the trial as it was conducted in a language he did not understand, but was told it made no difference; he was a bad man and had to die."<sup>57</sup> Scott's objection was only partially correct. While he was present before the tribunal Scott was dealt with in English, but he was not present the entire time, and especially had not heard any of the testimony against him, at least some of which was given in French. A better objection would have been that much of the trial had been conducted in his absence. Scott certainly had no legal advice at any point and was, according to subsequent reports, quite stunned by the entire proceedings. Whether the young Irishman was actually present for the vote on his case, which was not unanimous, is not clear from Nolin's statements, but the sentence was subsequently "explained" to him by Riel and he was offered what amounted to "last requests" of the condemned, including the services of a clergyman.

### The Métis Evidence of Scott's Character and Conduct

Métis explanations for Scott's death began before the firing squad had begun its work. The chief Canadian commissioner to Red River in 1870 was Donald A. Smith, who had been kept under virtual house arrest at Upper Fort Garry since his arrival in the settlement several months earlier. On 4 March Smith was visited by the Reverend George Young about 11 a.m., and informed of the intended execution of Scott at noon. Young then went to plead with Riel, unsuccessfully, first for Scott's life and then for delay on the grounds that the young Irishman was not prepared to die. The minister sent a messenger to inform Smith of his failure. Smith, accompanied by Father Lestanc, then called on Riel himself. The Métis leader turned to Smith and said, "I will explain to you." In his report to Ottawa, Smith transcribed what Riel then said. According to Smith, Riel

said in substance, that Scott had, throughout, been a most troublesome character, and had been ringleader in a rising against Snow, who had charge of a party employed by the Canadian Government during the preceding summer in road making, that he had risen against the Provisional Government in December last, that his life was then spared; that he had escaped and had been again taken in arms, and once more pardoned (referring no doubt to the promise he had made to me that the lives of the prisoners were secured), but that he was incorrigible, and quite incapable of appreciating the clemency with which he had been treated; that he was rough and abusive to the guards and insulting to him (Riel), and that his example had been productive of the very worst effects on the other prisoners,

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55 Trémaudan asserted in *The Canadian Historical Review* 6 (1925), "I have it from some of the men who sat on that trial that Riel had nothing whatever to do with the proceedings taken, the decision arrived at, and the execution performed, beyond, of course, the appointment of the tribunal itself, and except, before and after the verdict was rendered, to plead with his people for mercy." (p. 233n).

56 Young, *Manitoba Memories*, 133.

57 Testimony of George Young (no source given).

who had become insubordinate to such an extent that it was difficult to withhold the guards from retaliating.<sup>58</sup>

Riel further told Smith that Scott had admitted to him that he and the Portage party "intended to keep you [Riel] as a hostage for the safety of the prisoners." Smith, who had never met Scott, argued that the worst case Riel had made out was that the Irishman was a "rash, thoughtless man, whom none could desire to have anything to do with." This statement represented Smith's summary of what Riel had recounted, rather than his own assessment, and was hardly evidence of Scott's character or personality.<sup>59</sup> The charges Riel raised against Scott, Smith more than implied, did not deserve a death sentence. In this assessment it is difficult not to concur. The Snow affair was irrelevant, the searching of the Winnipeg house a natural by-product of the internal conflict of the time, and Scott had never taken an oath of good conduct. Obviously prisoners should be well-behaved, docile, and easily manageable, but prison authorities might well expect other behaviour, especially in the course of a civil war.

At the end of this lengthy interview, which delayed the execution beyond its appointed time, Donald Smith noted that the insurrection had to this point been bloodless, and that bloodshed might make the negotiations with Canada more difficult. To this Riel replied, "We must make Canada respect us." Riel then offered one more example of Scott's offensive behaviour. When Alfred Scott, at Riel's behest, went to see the prisoners to look for their vote in the Winnipeg election for councillor to the provisional government, it was Thomas Scott who had come forward to advise against such support, saying "My boys, have nothing to do with those Americans."<sup>60</sup> Riel and Smith then jostled about the Americans. Why Riel thought Scott's comments and actions here could serve as part of the indictment against him was not clear from the conversation as reported by Smith. Charles Mair, who was not present at the second incarceration, reported an alternate version of this incident, based on a later account he received from Murdoch McLeod. Alfred Scott had been accompanied by the Fenian Dan Shea in the solicitation of the prisoners' votes. According to McLeod, Thomas Scott had shouted, "Boys, you can do what you like, but I won't consent." He was thereupon "ironed with irons which had been taken off Boulton."<sup>61</sup> In any event, Riel closed the discussion by observing to Smith, "I have done three good things since I have commenced. I have spared Boulton's life at your instance, and I do not regret it, for he is a fine fellow; I pardoned Gaddy, and he showed his gratitude by escaping out of the bastion — but I do not grudge him his miserable life; and now I shall shoot Scott." The impression Riel left with Donald Smith was that Scott had been condemned as much for defying Louis Riel as for his behaviour with his guards.

The explanations given to Smith were quite compatible with Joseph Nolin's 1874 testimony in the Lépine trial about the charges levied at the military tribunal against Scott. They were also more or less compatible with two subsequent statements emanating from the friends of the provisional government at the time of the execution. The first appeared in the Red River newspaper controlled by Riel, *The New*

58 Smith to Joseph Howe, 28 April 1870, reprinted in Morton, ed., *Begg's Journal*,

59 A.G. Morice, in his *Critical History*, wrote in a footnote, "As we have seen, even D.A. Smith called him [Scott] in his Report 'a rash, thoughtless man, whom none cared to have to do anything with'." A number of other writers repeat Smith's remark without noting that it was not Smith's assessment.

60 Smith argued that this was a trifling business, but Riel insisted, "Do not attempt to prejudice us against Americans, for although we have not been with them they are with us, and have been better friends to us than Canadians."

61 Quoted in Shrive, *Charles Mair*, 103.

*Nation*, dated the very day of Scott's death. *The New Nation* described the deceased as "Private T. Scott," giving him (and the Portage party) formal military standing and turning the affair into a proper military execution. It reported that from Scott's second capture, he was "very violent and abusive in his language and actions, annoying and insulting the guards, and even threatening the President." It then provided a more detailed discussion of Scott's threats against Riel: "He (Scott) vowed openly that if ever he got out he would shoot the President; and further stated that he was at the head of the party of the Portage people who, on their way to Kildonan, called at Coutu's house and searched it for the President, with the intention of shooting him."<sup>62</sup> Donald Smith had reported Riel's assertion that Scott had admitted he would have held him to ransom if he had managed to capture him, but there had been no mention of further violence. Now, according to *The New Nation*, Scott actually had threatened to shoot Riel on several occasions! The emphasis of this newspaper account seemed to be on Scott's threats against Louis Riel.

The second contemporary statement appeared in the Quebec clerical newspaper the *Courrier de St Hyacinthe* in March, and was translated and reprinted in the *Globe* on 7 April. The correspondent began: "I send you the following details so that you may be able to use them in reply to the attacks which will doubtless be made." According to this account, Scott had "led the conspiracy against Mr. Snow," whose life had been saved by the Métis. When the Portage people "rose in insurrection against the Provisional Government, he was a strong partisan and entered a house in Winnipeg, where the President often passed the night, while others surrounded it, doubtless with the intention of killing Mr. Riel." Reimprisoned, he had "insulted the President, attacked a captain and a soldier, his insolence was so great that one day Capt. Boulton asked to be admitted to his room so as to make him quiet."<sup>63</sup> The *Courrier* letter insisted that Scott's behaviour had negatively affected the other prisoners. The execution was both to give an example and to "certainly prevent a great loss of life."<sup>64</sup> The correspondent went on to claim that although Scott had been allowed to see a clergyman, he had told Reverend George Young "that he did not belong to any religion." Riel thereupon ordered all the soldiers in the Fort to pray for Scott's change of heart. This letter was very probably written by Father Lestanc, who, according to the text, had interceded for this unfortunate man "who had rebelled and taken up arms against an authority recognized by the two populations." It did not claim that Scott had actually threatened Riel with shooting, however. Scott's prison behaviour was only a part of his offence against the provisional government: his real problem was that he was neither religious nor a Catholic. The *Globe's* editorial writers had a field day with this letter, particularly with the collective prayers by the rebels that Scott would experience a last-minute conversion.

As for Louis Riel, he turned again to Scott in 1872, when he drafted "Mémoire ayant trait aux difficultés de la Rivière-Rouge."<sup>65</sup> In this document Riel associated Scott with "Schultz et Co." Riel reported the searching of the house of Henri Coutu

62 *The New Nation*, 4 March 1870.

63 According to Boulton, this visit occurred only after Scott had been sentenced to death. See Boulton's *Reminiscences*, 127.

64 Letter from Fort Garry in the *Globe*, 7 April 1870.

65 G.F.G. Stanley et al., eds., *The Collected Writings of Louis Riel/Les Ecrits Complets de Louis Riel* (Edmonton: University of Alberta Press, 1985), I, 198-200. This document was originally reprinted as "The Execution of Thomas Scott" with a translation and extensive notes by A. H. de Trémaudan in *The Canadian Historical Review* 6 (1925): 222-36. In these notes, the editor introduced a good deal of information based on recent interviews with Métis involved with Riel in 1869-70.

with the intention of capturing him, but did not here claim that Scott had threatened to shoot him. He noted the deaths of Sutherland and Parisien, but did not attribute blame to any one for these occurrences. Scott was very violent in his second incarceration, wrote Riel, who focussed on the Irishman's prison behaviour in this document. On the last day of February Scott had really upset the guards, wrote Riel, beating on the "prison gates" and insulting them. The guards had taken him outside and were preparing to "sacrifice him" when a French councillor saved him. Riel quietened the guards a day later, but Scott continued to be offensive and the guards continued to demand a council of war, which they finally got on 3 March. The impression Riel left in this document was that he had been pressured into acting against Scott by the insistent demands of his guards and Scott's refusal (or inability) to cease being offensive to them. The exact nature of Scott's offensive behaviour was never specified. Riel and Ambroise Lépine presented a slightly different argument in their famous memorial to Lieutenant-Governor Morris in January 1873, although the focus was still on Scott's prison behaviour.<sup>66</sup> Scott and "Mr [Murdoch] McLeod" had "beat their prison gates and insulted, and went so far as to strike their guards, inviting their fellow-prisoners also to insult them." Only a punishment could "restrain these excited men," and so, said Riel and Lépine, "we had recourse to the full authority of Government."

The same themes reappeared in an 1874 account by Riel entitled "L'Amnistie. Mémoire sur les causes des troubles du Nord-Ouest et sur les négociations qui ont amené leur règlement amiable," which he probably wrote while in exile in New York State.<sup>67</sup> This document rehearsed the events of the entire rebellion from the perspective of both Riel and the Métis. Here Scott was described as "one of the most dangerous partisans of Dr. Schultz, McDougall, and Dennis." His involvement in the search for the president of the provisional government in Winnipeg was clear evidence that he was in arms against that authority. Once again imprisoned, he and fellow prisoner Murdoch McLeod "forcèrent les portes de leur prison, se ruèrent sur les gardes, invitant leurs compagnons à faire comme eux." "Tous" demanded that Scott be brought before the "conseil de guerre," and when the Irishman persisted in his "mauvaise conduite" he was finally summoned, against a background of rising new troubles which were not specifically described. Scott was examined on "témoignages assermentés," was convicted and condemned to death. On 4 March the authority of the provisional government, which had the goodwill of the Anglophone colonists, was used to "disarm our enemies."

"L'Amnistie" was published by *Le Nouveau Monde* of Montreal as a pamphlet early in 1874, and quickly drew a response — in the form of a lengthy letter published by various newspapers — written by Dr. James Spencer Lynch, one of the most extreme of the Canadian Party in Red River during the rebellion.<sup>68</sup> Lynch was one of the prisoners taken at Dr. Schultz's house in December of 1869, and he played an active role in the anti-Métis and anti-provisional government campaign in Ontario in the spring of 1870. Lynch's letter objected to Riel's interpretation of the events of 1869-70 on a variety of fronts, including the execution of Thomas Scott. Lynch's principal complaint about the trial of Scott was that it had been quite improper, conducted as it was in French, a language that the accused did not understand. He also criticized

66 Ibid., 243-57, especially 247.

67 Ibid. 298-319, especially 308-11.

68 See the *Montreal Gazette*, 18 February 1874, and the *Montreal Herald*, 19 February 1874.

the manner and timing of the execution. Riel responded to Lynch's rambling critique in an equally rambling document that was printed in *Le Nouveau Monde* on 12 March 1874.<sup>69</sup> Regarding Scott's trial, Riel denied categorically that it had been conducted in French: "Durant le procès, tout ce qui a été dit en français, a été traduit en anglais: et tout ce qui a été dit en anglais a été traduit en français." Given Joseph Nolin's subsequent description under oath of the proceedings of the tribunal, this categorical denial may have been a bit disingenuous.

Riel also denied that Lynch had managed to rehabilitate "le caractère de Scott" by asserting that Scott was a decent man of steady habits. Riel's response was noteworthy for the introduction of a new level of attack on the character of Scott. Riel brought several new charges against Scott. "It is said" ("il est dit"), he wrote, that Scott had tracked down Norbert Parisien after the shooting of Hugh John Sutherland, attached a belt ("une ceinture") to his neck, and dragged him behind a horse for a quarter of a mile. Scott was now well set on his way to becoming "the bad man who had to die." That the young Irishman had sought to assassinate ("voulu assassiner") Mr. Snow in 1869 at Pointe de Chênes was an old accusation. What appeared now for the first time about Pointe de Chênes was the assertion that the community still recalled the disorder created by Scott and his companions during riotous evenings. While the men were away, the women and children had guarded their doors and windows against the Canadians. Riel closed his text: "Here is what the entire parish of Pointe de Chênes knows. Scott was reasonable? He was of regular habits? Let the reader decide."<sup>70</sup>

Over the next few years, Riel returned more than once in his writing to the Scott execution, which he appeared to realize full well had been a disastrous misjudgement. In one fragment of 1874-75, for example, he wrote, "Si j'ai mal fait de faire exécuter Th. Scott, ô Divin esprit, daignez me le faire connaître parfaitement afin que je vous en demande pardon, que j'en implore contrition parfaite et que j'en fasse pénitence; afin que j'en demande pardon aux hommes; afin que j'avoue hautement cette faute, si je l'ai faite."<sup>71</sup> But nothing new was introduced by Riel on the Scott front until, on a return visit from Montana to Winnipeg, he gave an interview with a reporter from the Winnipeg *Daily Sun* in June of 1883.<sup>72</sup> It is difficult to know what to make of this interview, which in its frankness was quite different from another Riel gave a reporter from the Winnipeg *Daily Times* only a day later.<sup>73</sup> In the *Sun* interview Riel categorically included the execution of Thomas Scott among those acts he would do again. He insisted that Archbishop Taché's presence would not have stopped the execution, "because I was really the leader, and whenever I believe myself to be right no man has ever changed my opinion." In the *Daily Times* interview, on the other hand, he insisted, "I don't like to speak about political matters at all, and only do so because I do not like to refuse to answer your questions."

Riel insisted that Scott was an important loyalist leader "in influence and promi-

69 It has been reprinted in Stanley et al., ed., *The Collected Writings of Louis Riel*, I, 323-49.

70 The original document was written in French. This translation is mine. It is entirely possible that the Scott involved in the drinking bout was James Scott, who according to the *Nor'Wester* of 26 June 1869 arrived in Red River in late June with Francis Mogridge and William A. Allen aboard the steamer *International*. If it was James Scott who helped terrorize the community, then Thomas Scott was once again being blamed for alcoholic activities not really his fault.

71 *Ibid.*, 421.

72 Reprinted in Stanley et al., eds., *The Collected Writings of Louis Riel*, II, 413-23.

73 *Ibid.*, 424-6.

nence," among Métis opponents behind only Schultz, Dennis, and Bolton [*sic*]. Schultz and Dennis were beyond the reach of the government, Riel admitted. "They were more guilty, too," thought Riel, "although Scott was guilty enough." Riel told the *Sun* reporter that Scott came close to being killed by the Métis for trying to murder his guard. The Irishman had "seized a bayonet that was in the room and endeavoured to slay the guard by plunging it into him through an opening in the door of the guard room. He was always hot-headed and violent." As an example of one of his "crazy acts," Riel repeated the story of Scott's dragging Norbert Parisien with a horse, one end of a scarf tied around Parisien's neck and the other tied to the tail of the horse. When Riel pleaded with Scott to be quiet in the Fort, Scott had replied, "You owe me respect; I am loyal and you are rebels." From Scott's perspective, of course, this observation was indisputable. From Riel's, it was apparently another illustration of Scott's insulting attitude.

According to a third-hand report reprinted in many Canadian newspapers in 1885, Riel purportedly told his confessor, Father Alexis André, shortly before his execution that he now saw the death of Scott as a "political mistake" but not a crime.<sup>74</sup> Riel added that Sir John Macdonald was executing Louis Riel for the same reason that Riel had executed Scott, "because it is necessary for the country's good." He continued, "I admit Scott's shooting was mismanaged, but I commanded it because I thought it necessary. He tried to kill his guards. They came to me and said they could do nothing with him. The rebellion was on the eve of breaking out all over the country, but as soon as Scott was killed it subsided."

Further stories about Scott's bad behaviour, mainly drawn from the oral traditions of the Métis community, appeared in the years after Riel's death, often in work produced within the Manitoba Francophone historiographical tradition. A.H. de Trémaudan recounted in a footnote of great detail Scott's mistreatment of Norbert Parisien, based on an interview of 1923 with André Nault, who sat on Scott's court martial and voted for his execution. Nault gave as his source "Parisien himself, while he was lying on his sick bed."<sup>75</sup> Trémaudan also reported a story told him by Paul Proulx, a councillor of the provisional government in 1870 and a frequent visitor to Upper Fort Garry, about an interview between Riel and Scott, after the guards had told Riel that if Scott was not executed, they would shoot Riel himself.<sup>76</sup> "Riel went to warn Scott, who sneeringly said: 'The Métis are a pack of cowards. They will never dare shoot me.' Then Riel asked him again, 'Ask me anything at all for a punishment.' 'I want nothing,' retorted Scott, 'you are nothing but cowards.'"<sup>77</sup> A.G. Morice, without giving a source, wrote in 1935 that "such was the fury which the very sight of the Métis chief could arouse in his [Scott's] breast that, having one day seen him pass by the half-open door, he sprang at him as would a wild beast and, knocking down in his excitement the stool on which he had been sitting, cried out to him with a significant gesture: 'Ah! son of a b——, if I ever recover my liberty, it is at these my hands that you shall perish!'"<sup>78</sup> This is one of the few instances where Scott is recorded as using

74 *Ibid.*, III, 583-4.

75 Trémaudan, "The Execution of Thomas Scott," 228-29n.

76 *Ibid.*, p. 231n.

77 The Anglophone witnesses concur that Scott could not believe that he would actually be executed. These witnesses suggest that Scott's disbelief was a product of his sense that he did not deserve death for his behaviour, rather than because of his contempt for his captors.

obscenity, and it is not documented to a first-hand source. In none of Riel's accounts does Scott employ a single swear word, although it is true that Riel may have been too prudish to reproduce any.

There was an Anglophone oral tradition about Scott as well, some of which was reported by George MacBeth in his *The Romance of Western Canada*: "In their cold quarters in Fort Garry, the prisoners used to keep themselves warm by wrestling and sparring. Scott is said to have taken a few rounds out of the guards, and Riel treated that as contempt of his high authority; and so a kind of trial was held... ."79 MacBeth also reported that Scott's body had been dumped in the river, weighted down with chains, "as I learned in later years from one who was there when it was done."<sup>80</sup> Another local story dealt with the failure to find Scott's body. It had Scott released by the Métis at the last minute, and paid to disappear into the United States, as the authorities hoped to do with Riel and Ambroise Lépine a year later. The execution was then faked.<sup>81</sup>

The tendency to view the killing of Scott as a political act, although not everyone would agree on the politics involved, has dominated the historical treatment of Scott since 1870. While on one level such a perspective is quite legitimate, what has gotten lost in the process is the question of the character of Thomas Scott himself. While not everyone has accepted the propriety or legitimacy of Scott's execution, few have come forward to question the Métis characterization of him as a "hard case," at the very least "hot-headed and violent" and at the worst a singularly villainous man.<sup>82</sup> We shall never be able to get at the unvarnished truth: what we can do, however, is to appreciate the nature of the problem of evidence regarding Scott, and seek to avoid some of the worst excesses of the treatment of Scott's character resulting largely from the ongoing partisanship of the events in which he found himself enmeshed.

What can we say about Scott's character? Many of our conclusions must be negative, rejecting features that have most often received attention from the secondary literature. No contemporary first-hand evidence exists to suggest that he was a heavy drinker. The stories from Pointe des Chênes are about all the Canadian workmen, not about Scott. No evidence survives that he was a henchman of John Schultz, that he was a leader of the "Portage Boys" or the Canadian Party, or even in Riel's many statements, that he was either an extreme anti-Catholic or a master of profanity. Ironically enough, given his subsequent enshrinement as Orangist martyr, Scott's Red River contemporaries never mentioned his Orange Order affiliation. Apart from the stories about his treatment of Norbert Parisien — which are not substantiated in any of the many Anglophone eye-witness accounts of affairs at Kildonan in mid-February 1870, including that of Charles Boulton, who claimed to have saved Parisien from his tormenters after he shot Sutherland — there is precious little evidence that Scott was a bully. Aside from his ducking of John Snow — which could well have been an instance either of frontier justice or boyish high spirits — and the dubious tales of his early confrontations with Riel, there is little evidence from the

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78 Morice, *Critical History*, 283n.

79 R.G. MacBeth, *The Romance of Western Canada* (2nd ed., Toronto: William Briggs, 1920), 156-57.

80 Ibid.

81 PAM, MG3 B23, W.M. Joyce Papers.

82 "Issued from a low social stratum," wrote A.G. Morice, "he was of a naturally rough disposition which, in captivity, bordered on actual ferocity," in *Critical History*, 283.

Anglophone side of Scott's use of physical violence. Alexander Begg wrote sympathetically of Scott in the Snow affair; and certainly nothing from the Métis side suggests that Riel and Scott had ever met before December 1869. George MacBeth, who was a young man in Kildonan in 1870 but not personally acquainted with Scott, summarized the Anglophone memory when he wrote in 1898: "There is no need now to canonize Scott, nor to claim that he possessed all the virtues and none of the vices of life; but so far as we can gather from those who knew him well, he was a young man of rather quiet habits, indisposed, as most men of Irish blood are, to be trodden upon, but not given to aggressive and unprovoked offending."<sup>83</sup>

As MacBeth's comments suggest, most of his Anglophone contemporaries saw Scott as a well-mannered young Irishman, who had a sense of humour and may perhaps have had a bit too much of a tendency to speak his mind. James Ashdown was the only one who suggested that Scott might have made frequent use of profanity, if we assume that was what was meant by being "free with his language." Although the Scott of the later secondary literature often employed foul language, Louis Riel himself never suggested that this was what Scott's "insults" were about. It is possible that Riel's objections to profanity meant he could not bring himself to repeat what Scott had actually said, although such a position seems too puritan even for Riel. Scott was certainly fearless: there are hints that some of the actions that brought him to the forefront — the negotiations with Riel in early December, the searching of the Winnipeg house in mid-February, perhaps even the standing up to his Métis captors — were the result of his willingness to do things that others were afraid of doing. Scott was also a loyal Canadian, critical of the Americans and an acknowledged opponent of the provisional government of Riel and the Métis. Perhaps — as much of the secondary literature suggests — Scott had nothing but contempt for half-breeds. But insofar as the actual language he used can be substantiated from first-hand testimony, it suggests that he was chiefly contemptuous of rebels. The lionization of Riel has tended to obscure the fact that loyalty to Canada was quite legitimate in the context of the Red River of 1869-70, and that Riel and the Métis could indeed be perceived as rebels against the Queen. Scott ought not to be made out a villain simply because he opposed Louis Riel and the provisional government, or because many Anglophone contemporaries rather simplistically saw his loyalty as the sole cause of his execution.<sup>84</sup>

Nor ought Scott to become a martyr solely because of the poignancy of his last few hours. The details of the death of Scott were, from the very beginning, the stuff of legend, particularly since it was never clear who actually had been an eyewitness to the event. Most of the written accounts came years later from men who had not been present at the time. There were approximately 150 eye-witnesses to the actual execution, however, mostly residents of the village of Winnipeg. The testimony of many of them, taken at the 1874 murder trial of Ambroise Lépine, demonstrated mainly how lacking in precise observational powers and memory most eyewitnesses could be; they even disagreed over exactly what the time was when Scott was shot.<sup>85</sup> George Young was certainly present at the execution, but his detailed account of it,

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83 R.G. MacBeth, *The Making of the Canadian West: Reminiscences of an Eyewitness* (Toronto: William Briggs, 1898), 82.

84 Captain George Huyshe in his *The Red River Expedition* (n.p., 1871), 20, insisted that Scott's "only crime had been loyalty to his Queen and country."

85 Scheduled for noon, the execution occurred nearly an hour later, partly because of the time taken by Donald Smith pleading for Scott's life.

written years later, was hardly definitive.<sup>86</sup> Much of it was confused with Donald Smith's 1870 report to Ottawa, which Young had obviously read.

Among the various eyewitnesses, there was general agreement that Scott was led out of the east-side gate at Upper Fort Garry and shot against the wall there. Reports varied as to whether he emerged blindfolded or was blindfolded later. Scott apparently prayed continually while in the open air. According to Donald Smith, who was inside the fort and heard an account from others, the condemned man told Reverend Young, "This is a cold-blooded murder." Young's much later report was that Scott had said, "This is horrible! This is cold-blooded murder. Be sure to make a true statement." Scott then knelt in the snow and said, "Farewell." A firing squad of six men, according to some witnesses intoxicated, then shot him. Reports of the number of shots varied, although several narratives (including Young's) agreed that the Irishman did not die instantly after the initial volley. Some said he was dispatched on the spot by a revolver bullet through the head.<sup>87</sup>

As we have seen, there was a bad Thomas Scott; he was almost entirely a product of Métis evidence, however, especially that of Louis Riel. That testimony is almost entirely unsubstantiated on the Anglophone side, either in specifics or in tone. It is possible that Scott turned into a monster around the Métis, and especially under confinement. But as was pointed out earlier, it would seem fairly problematic to accept without question the executioners' unsubstantiable accounts of the victim's bad character and behaviour when this bad character and behaviour was mainly what was used to justify his execution. Moreover, the evidence of Scott's bad character did become progressively blacker and more detailed as time progressed, especially in the later Métis oral tradition and in the burgeoning secondary literature. Louis Riel, for example, saw Scott as a man of incorrigibly violent behaviour, but never suggested that Scott used profanity, was contemptuous of Métis, or was bigoted against Roman Catholics. André Nault, who had been tried and acquitted of Scott's murder, was the source for several of the later stories, recounted to earnest researchers after an afternoon or evening of conviviality.<sup>88</sup>

One of the many mysteries surrounding the execution of Thomas Scott was what had become of his body, which had supposedly been buried in a plain wooden coffin within the walls of Upper Fort Garry. The question took on special piquancy because of the insistence of several witnesses, mainly Métis guards, that the firing squad had not actually killed him. Noises and talking were heard from the coffin by several passers-by after the execution. Moreover, when the grave was finally dug up after the arrival of the Wolseley expedition in the autumn of 1870, it was found to be empty. The defence in the trial of Ambroise Lépine made much out of this absence of a body, although most contemporaries were satisfied with trial testimony which suggested that the corpse had been disinterred in the middle of the night a few days after the execution and dumped in the Red River.<sup>89</sup> Louis Riel went to *his* grave without

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86 Young, *Manitoba Memories*, 131-37.

87 Witnesses at Lépine's trial could not agree on who had fired the revolver shot.

88 See, for example, Tremauden, "The Execution of Thomas Scott" for an account of the interviewing process.

89 A.G. Morice in 1935 wrote that he had learned from André Nault, who claimed to be one of those who had helped Riel remove the body from the Fort, that it had been buried in an unmarked spot in St. John's Protestant cemetery. Morice, *Critical History*, 293-95.

disclosing the final whereabouts of Scott's body, which was one of the last questions asked him.<sup>90</sup>

Instead of becoming obsessed with the disposition of Scott's physical remains, however, it might have been more useful if more of his contemporaries had been concerned with his reputation. Thomas Scott was not only a victim, he was also a perfect illustration of the way historians, or the twists of history, can blame the victim. That he was young, a stranger to Red River, and without social connections, all contributed to the unfortunate end result.

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90 Stanley, ed., *The Collected Writings of Louis Riel*, IV, 583.