

The Reality of the Manitoba Act

For Red River residents, the terms outlined by the *Manitoba Act* were initially viewed with optimism. For Métis people, the act promised considerable land grants and other concessions that would allow them to protect their culture, economy, and communities. However, as the years passed, Métis people realized the act had failed them. This failure was due to a variety of factors.

First, the system to distribute the lands promised by Section 31 of the *Manitoba Act* (the 1.4 million acres for the children of Métis and Country-born households) was devised by the Dominion government without consultation with the community, despite promises made to Father Ritchot during and after the negotiations that led to the *Manitoba Act*. The Section 31 lands were often without river frontage, a vital transportation corridor, and many grants were far from the Old Settlement Belt, where most people in the province lived. At a time when transportation depended on rivers and a few cart trails, isolated lands without river frontage were not much use.

Second, the land-grant process was highly confusing. The rules about who could receive a land allotment and the size of the allotments changed many times, preventing the government from issuing any land titles for several years.

Through the Section 31 land grants, the government intended to **extinguish** Métis and Country-born people's **Aboriginal title** to the land. This meant that, in exchange for land, Métis and Country-born people would give up their claims to the land as Indigenous peoples, just as First Nations gave up their claims by signing treaties. After much debate, the government decided that **scrip** should be given to parents whose children were receiving land grants under Section 31. Scrip was a currency that could be redeemed for land from the federal

government. These "parental scrip" allocations were intended to extinguish the Aboriginal title of parents at the same time that their children's titles were extinguished through the Section 31 grants. However, the government also gave scrip to long-term non-Aboriginal residents of Manitoba. Some people today argue that because the scrip was not issued to Aboriginal people alone, it cannot be considered compensation for the extinguishment of Aboriginal title.

Third, many people had trouble getting title to their land as promised in Section 32, which guaranteed land titles to people who were residents of Red River as of July 15, 1870. To receive these titles, the government required people to have made specific "improvements" to the land, such as building certain farm buildings and cultivating a particular amount of land. Some Métis people did not live all year round on their land and had difficulty establishing their claim using the federal requirements.

Figure 7-13 To apply for Section 31 land, people had to complete an affidavit, which is a written statement confirmed by an oath to a government official. The original Section 31 *Manitoba Act* affidavits are today held by Library and Archives Canada in Ottawa. This example shows Ann Atkinson's declaration on behalf of her son, Benjamin Clark, who was born in September 1860.

DOMINION OF CANADA.
PROVINCE OF MANITOBA.
County of *Lacrosse*

I, *Ann Atkinson (born Head)*
of the Parish of *St. Andrews* in the said
County of *Lacrosse*
make oath and say as follows:

1. I am a *half-breed* head of a family, resident in the said Province on the fifteenth day of July, A.D. 1870.

Benjamin Clark of the said Parish now personally present, is the child of myself, this deponent, a *half-breed* and of *Ben Clark* a *Country-born* and was born on or about the *ninth* day of *September* A.D. 1860 at the Parish of *St. Andrews* and will attain the age of eighteen years on or about the *9th* day of *September* A.D. 1878.

2. The said *Benjamin Clark* claims to be entitled to participate in the allotment and distribution of the 1,400,000 acres of land set apart for Half-breed children pursuant to the Statutes in that behalf, and I believe him to be so entitled.

3. The said *Benjamin Clark* is not the head of a family, and I believe that he has not made any claim other than the above in this or any other Parish, nor claimed or received as an Indian any annuity moneys from the Government of said Dominion.

Ann Atkinson
make

Sworn before me at the Parish of *St. Andrews*
in the County of *Lacrosse* on the
2nd day of *August* A.D. 1878, having
seen first read and explained in the
language to said deponent who seemed perfectly to
understand the same and *made her mark*

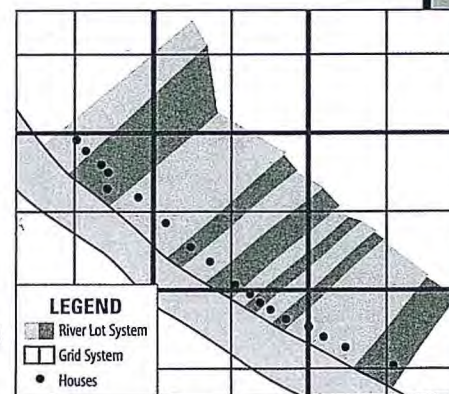
Fourth, land surveyors ignored the existing system of land distribution. The river lot system had been established generations ago by Métis people's Canadian ancestors. In the river lot system, farms were arranged in long strips along the riverfronts. The surveyors favoured a grid-style system common in the United States and Ontario.

Fifth, the implementation of Sections 31 and 32 of the *Manitoba Act* took a long time. Eleven years passed before even half of the promises made in the act had been acted upon. In 1991, the Royal Commission on Aboriginal Peoples noted that "the promises were spoiled by delay, like meat left out in the prairie sun." The delays were significant because, while Red River residents waited for the act's promises to be fulfilled, non-Aboriginal immigration to Manitoba soared. Many of the newcomers were openly hostile to Métis people, making many feel like strangers in their own land. Notably, non-Aboriginal immigrants, especially those from Ontario, had little trouble receiving title to land. Some of their claims overlapped those of people whose claims were stalled in federal government delays in implementing the terms of the *Manitoba Act*. As a result, new immigrants sometimes received title to land that Métis and Country-born families had occupied for years.

The government had originally intended that the lands distributed under the *Manitoba Act* would not be transferable. This meant that only the person who received an allocation could keep it—it could not be sold or given away. However, the government later granted the right to sell the land or scrip allocations. This change left people open to various kinds of fraud. As a result, many of the land allotments intended for Métis people ended up in the hands of non-Aboriginal people, sometimes due to sale, but also due to unscrupulous or illegal actions by land speculators and government employees.

In the end, the Dominion government issued scrip to almost 3200 Métis and Country-born people and to 800 non-Aboriginal people. Most of this scrip was issued in 1876. The Section 31 lands were also allocated, although the process took between 1877 and 1890 to be completed. To distribute Section 31 lands, the government first prepared a list of children approved to receive grants. Then, by lottery, each child was assigned 240 acres (97 hectares) from lands within each parish reserved for this purpose. Land titles were issued once children turned twenty-one. Some people with farms in the Old Settlement Belt eventually received title to their land under Section 32. However, many people in the predominantly Métis parishes, especially in the outer sections of the Old Settlement Belt, lost their land or gave up and moved away. The loss of the Section 32 land base was a severe blow to the Métis community. Section 31 lands were worthless without the Section 32 river lots—the hub of the province's social, political, and economic life. Without these lands, Métis people could not vote or attend school, and they had lost the base from which to grow their wealth and actively play a role in the development of their province.

Figure 7-14 The river lot system ensured that most people had access to the river, a vital transportation corridor. The river lot system also allowed people to build homes near one another, providing a greater sense of community. How was the grid system a problem for people used to the river lot system?



EXPLORATIONS

1. In 1981, the Manitoba Metis Federation (MMF) filed a lawsuit in the Manitoba courts against the Governments of Canada and Manitoba. The "MMF case" is about whether the Canadian and Manitoban governments fulfilled the promises made in Sections 31 and 32 of the *Manitoba Act*. Research the background and current status of the MMF case.
2. Consider the ethical dimensions of this case. Was justice done in the implementation of the *Manitoba Act*? If not, should or could justice be done now?