



## Circles for Reconciliation Gathering Theme

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### Métis Struggles for Land

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#### ***Red River Resistance: Provisional Government & Manitoba Act (1870)***

Métis families were established in the region where the Red and Assiniboine Rivers converge (“The Forks,” Winnipeg), by the time the Selkirk Settlers arrived in 1812. French and Métis voyageurs retired there with their families when their fur trade contracts expired. Here, the Métis Nation would emerge shortly.

In 1670, King Charles II of England gave the HBC an exclusive trade monopoly over Rupert’s Land (Hudson’s Bay drainage). In 1869, the HBC transferred Rupert’s Land to Canada. Surveyors arrived in Red River – where the Métis formed a majority – to divide the land without consultation. Fearing an influx of settlers, Louis Riel and others stopped surveyors in October 1869; so began the *Red River Resistance*.

Métis, and others, politically organized to protect their land. The *Comité National des Métis* was formed in December 1869 with John Bruce as president and Riel as secretary. In March 1870, Bruce would become president of the *provisional government*; Riel would eventually become president. The provisional government issued a “Declaration of the People of Rupert’s Land and the North-West,” rejecting Canada’s authority over the North-West, asserting the legitimacy of their provisional government, and inviting Canada to negotiate the region into confederation. Since Canada had yet to establish formal government in Red River, the provisional government became the legal government in the area. Ottawa begrudgingly recognized this and began negotiations.

The provisional government drew up a bill of rights – terms by which they would agree to confederation – and sent three representatives to Ottawa to negotiate. The bill of rights would become the List of Rights which secured the confederation of Manitoba as the fifth province of Canada via the *Manitoba Act (1870)*. The list aimed to secure Métis land use, rights, and customs. Section 31 of the Act reserved 1.4 million acres of land for Métis families in the new province; Section 32 secured land rights for already established inhabitants (including white farmers).

Only the British Parliament could legally amend the Manitoba Act; however, the Canadian government ignored this and passed amendments limiting eligibility for sections 31 and 32. These included Eurocentric ideas of a “proper” home, garden size, and fence; many Métis lived in shacks without fences and were sometimes bison hunting during harvest time. Métis faced backlash from English Canada for confederating a

province, and because a Métis tribunal condemned Orangeman Thomas Scott to death by firing squad in March of 1870.

Prime Minister John A. Macdonald sent Colonel Wolseley and the Red River Expeditionary Forces to ensure the transition from a provisional to a provincial government. For two years, they beat Métis men, raped Métis women, established saloons which increased alcohol-related violence, and prevented Métis from voting. Scrip, a federal land grant system, also cheated many Métis from their land (more below). Métis began to flee from Manitoba.

### ***North-West Resistance (1885) and The Forgotten Years***

Métis established themselves in communities further west (St. Laurent, Batoche, SK). Settlers followed and again Métis feared they would lose their land. They formed a second provisional government with local Métis leader, Gabriel Dumont, assuming the role of Adjutant General. Petitions sent to Ottawa were ignored. Instead, Macdonald used the new railway to send militia to suppress the Métis. The series of battles that ensued became known as the *North-West Resistance (1885)*. After their defeat, the Métis scattered again. Some stayed and faced oppression on the prairies, others moved to British Columbia, to the Northwest Territories, and into the northern United States – these were roughly the boundaries of the historic Métis Nation; many had trade and kinship relationships therein.

After 1885, the Métis entered a period of repression known as “The Forgotten Years.” Riel was executed and the Métis experienced severe poverty, unemployment, and racism; many become known as “Road Allowance People.” The only places left for Métis to live were along road allowances set aside for future buildings, roads, railway. Families moved every time construction crews arrived; community cohesion suffered. Many Métis denied their Indigenous identity. Survival trumped passing on cultural knowledge. Repression began to lift only after WWI.

### ***Historic Treaties and Scrip***

Meanwhile, the Canadian government was extinguishing Aboriginal title (rights) to land via treaties and scrip. One year after the Manitoba Act, the government began signing the Numbered Treaties. Treaty 3 is the only historic treaty that Métis were permitted to enter as a collective. Otherwise, only individual Métis were accepted. Initially, one could choose treaty or scrip; however, Métis faced increasing pressure to take the one-time scrip as it let the government off the hook for annuities. Many First Nations chiefs, like Shingwauk, requested that Métis enter treaty. Treaty commissioners were instructed to say no—the government denied Métis indigeneity to reduce the number of people entering treaty.

In Manitoba, scrip was supposed to distribute the 1.4 million acres promised to the Métis. This lottery system of land allotment issued coupons to individuals for 160 or 240 acres or dollars. Eurocentric amendments by the federal government regarding what constituted a “proper” house, fence, garden size drastically reduced those who were eligible. The system was slow (scrip wasn’t issued until 1876), disorganized, confusing (many Métis were illiterate and spoke Indigenous languages but instructions were in English/French), and fraud was rampant. Residence patterns were ignored and split up families. Many sold their scrip for a pittance; most did not receive their entitled land – many left Manitoba.

Phases two and three of Métis scrip occurred in the North-West (Saskatchewan and Alberta) and during the signing of treaties 8 and 10 (Alberta, Northwest Territories, Saskatchewan), respectively. Scrip coupons did not specify that they were meant to permanently extinguish Aboriginal title.

### ***Métis Settlements & Modern Treaties***

Métis lobbying in Alberta led to the Métis Population Betterment Act (1939) which created 12 Métis colonies (four dissolved in the 1950s). This is the only constitutionally-protected Métis land base in Canada. Métis own their land in fee simple (strongest land right) and have a measure of self-government.

Since 1975, Indigenous peoples have been signing modern treaties (comprehensive land claims) with Canada. There are currently 100 treaty negotiation tables across Canada with dozens of treaties in various stages of negotiation; on average it takes 15 years to finalize a treaty. Some of these treaties include a self-government clause. Self-government agreements are slowly gaining traction. A few of these agreements have fee simple ownership. With exceptions in the north, the government refuses to negotiate treaties and self-government agreements with the Métis.

### ***Courts & Legislation***

In 1982, Canada patriated its constitution and included section 35 which identifies the Aboriginal Peoples of Canada (First Nations, Métis, and Inuit), and states that Aboriginal/treaty rights must be honoured. The terms *Métis* and *Aboriginal rights* were not defined; the courts are defining these. Government refuses to negotiate unless they are forced to in court.

In 2013, the Supreme Court declared that the Crown failed when distributing the 1.4 million acres promised in the Manitoba Act (*MMF v Canada*). In May 2016, a Memorandum of Understanding was signed between President David Chartrand of the Manitoba Métis Federation (MMF) and Minister of Indigenous and Northern Affairs, Carolyn Bennett, to advance reconciliation. The MMF’s goal is to sign a modern treaty

with Canada including a trust fund, lands for collective use, and programs, supports and initiatives to benefit Manitoba Métis.

In July 2016, Thomas Isaac, Ministerial Special Representative for Métis rights, issued his final report and recommendations regarding section 35 Métis rights, and implementation of the MMF v Canada land claim. Isaac asserted that rights-bearing Métis communities have outstanding land claims from Ontario westward that must be negotiated; that First Nations treaty rights should not trump Métis rights; and that Canada should accept unique forms of Métis self-government. He urged the government to develop a Framework Agreement with the MMF to settle the 1870 land claim. Formal negotiations have not begun.

In 2016, the Supreme Court of Canada ruled that Métis (and non-status Indians) are “Indians” in section 91(24) of the Constitution Act (1867) which states that the federal government has jurisdiction over “Indians and lands reserved for Indians” (Daniels v Canada). Like in MMF v Canada, remediation/compensation was not awarded; however, it opens the doors to federal assistance for Métis like that enjoyed by First Nations.

In *Powley v Canada* (2003), the Supreme Court recognized that Sault Ste. Marie, Ontario is a historic Métis community with section 35 Métis rights. This case devised the “Powley Test” to define what constitutes Métis rights and who is entitled to them. Courts are taking a case-by-case approach; a ruling in one case does not necessarily apply to other Métis communities.

Nonetheless, Métis people are maintaining relationships with their home territories. Many Indigenous peoples are moving from rural to urban locations, yet remaining connected to their communities/land through celebrating culture days, pursuing subsistence activities, and reconnecting with land through ceremonies. Métis are not waiting for government/court assistance; we push forward and continue nurturing our relationships with land.

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