MÉTIS LANDS IN WESTERN CANADA: AN UNRESOLVED ISSUE

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The Northwest Is Our Mother – Louis Riel

In the 19th century, the Métis travelled over a vast territory to hunt buffalo. They travelled from Red River to the plains and, once the hunt was over, they returned home. This back and forth movement fostered a close relationship with the land. The Métis thus built "extensive economic networks based on inter-generational extended family networks across the northern Plains" (Macdougall 2016, 261). As pointed out by historian Brenda Macdougall, these relational constellations not only strengthened kinship ties, but above all anchored the Métis solidly in their territory (2016, 261).

As time went by and the demand for bison products increased, hunters established non-permanent villages on the plains. They hunted *vers le large* all winter from mid-November to mid-March to benefit from the quality of the very woolly bison hides. Those who lived in Red River returned home in the spring and then resumed the hunt in the summer. However, the demand for bison hides caused some families to stay on the prairie longer, sometimes for up to two years. This phenomenon became more pronounced as the bison herds became more and more remote due to the gradual disappearance of the animals.

The connection to the land/territory was such that women sewed symbols of it into the clothing they produced for their families and the world at large. The distinctive style of brightly coloured floral designs developed by the Métis will become the norm across the Northwest throughout the 19th century. On the clothing worn by community

members, women reproduced the plants, flowers and berries that were used not only to feed the family but also to care for the community. According to Sherry Farrell Racette, Métis women not only played a very important economic role by selling the fruits of their labour to passing strangers, which often enabled families to survive, but they also, in their own way, ensured the dissemination of the expression of an identity, territory, pride and nationalism unique to Canada (2005, 5).

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Despite the fact that the Métis lost access to large territories at the end of the 19th century and throughout the 20th century, mobility remains an important part of Métis identity today. As Bret Nickels pointed out in the context of the Goodon proceedings, movement, a central feature of historic Métis culture, remains an important characteristic of contemporary Métis people living in Manitoba. Today Métis land use extends from the prairies, through the Parkland and woodlands of Saskatchewan and Manitoba. In addition, the Métis continue to use some historic trade routes that radiate from southern Manitoba to the Qu'Appelle Valley, Wood Mountain, the Cypress Hills region, and northward through Saskatchewan to Battleford (2005, 10-11). What is true for Manitoba, is also true for Saskatchewan and Alberta (R.v. Laviolette 2005; R.v. Hirsekorn 2013).

COVETED LAND

Influenced by the Ontario annexationist movement, in 1869 the Dominion government signed an agreement with the Hudson's Bay Company to purchase Rupert's Land. Once the immense territory had been ceded, the Canadian administration decided to take possession of the land. However, the main interested parties, the Indigenous peoples, were not consulted. At the scene, the surveyors sent by the Dominion met some resistance from the Métis, who were not in favour of reconfiguring their river lots into townships and sections.

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This failure of consideration towards the people of the region pushed the Métis to create a provisional government, led by Louis Riel. Negotiations between the Dominion and the Métis led to a compromise. Their demands were enshrined in the Manitoba Act of 1870. Among other things, the Métis were to receive 1.4 million acres of land (567,000 hectares). These lands were to be set aside for Métis heads of families and their children born before July 15, 1870. Each head of family was to receive the equivalent of 160 acres of land while the children were to receive the equivalent of 240 acres of land. The purpose of these land grants was to allow Métis

children a head start before the expected influx of settlers from the east. However, the flawed application of the system had the effect of dispossessing the Métis of their land (RCMR 2018, 4; see also Tough and McGregor 2007).

Families living outside Manitoba, moreover, had no guarantee that the land question would be resolved. Very aware of what was happening in Manitoba and conscious that the massive influx of new settlers to the West would drastically change their reality, Métis living elsewhere on the prairies sent petitions to Ottawa "as a means of informing the colonial state of their interests and in defending their rights" (Hamon 2019, 38). For example, in Alberta in 1877, the Métis of Blackfoot Crossing "petitioned the government for farming tools, seeds, and assistance to settle the land". In 1878, the Métis of Cypress Hills wrote a petition "for land in the form of a reserve" (RCMR 2018, 10). In 1880, the Métis of Edmonton and St. Albert asked the government to survey the land in the area (RCMR 2018, 10). Also, in the 1880s, Métis from the Batoche area of Saskatchewan sent several petitions to Ottawa expressing concern about title to their river lots. Their petitions remained unanswered. In 1884, in the face of government indifference, the Métis asked Louis Riel, who had been exiled to the United States, to return to Canada. Once in Batoche, Riel established a provisional government and drafted a list of demands to settle land rights. John A. Macdonald's government responded by deploying a militia. After several victories, the Métis, under shelling by General Middleton's artillery, were forced to surrender in May 1885. Louis Riel was arrested, tried and hanged (Indigenous Peoples Atlas of Canada, *Métis*, 2018, 34-35).

CERTIFICATE COMMISSIONS

The Dominion Lands Act of 1872, which authorized the granting of lands in the Canadian West to individuals or groups of individuals, did not include the Métis, however, until it was amended in 1879. As a result of the amendments to the Act, Métis scrip commissions were established to collect information from applicants and then issue scrip to beneficiaries. For example, the one in Edmonton, Alberta, established on June 3, 1885, had the power "to satisfy all existing claims in connection with the extinguishment of Indian title." It 'offered' the Métis a government certificate known as scrip that could be exchanged for a parcel of Crown land or money to buy land through the homestead system. The money scrip was valued at $160 or $240 and the land scrip was equivalent to a quarter section of 160 acres or a 240-acre parcel. Both were to be used to purchase land that had been surveyed by the government and then processed into homestead. The government commission registered 1,000 applications for certificates in Edmonton during the first summer. The commissioners returned to Edmonton and St. Albert again to negotiate certificates in July 1886. In all, Canada processed the scrip claims of more than 24,000 Métis in the West and North between 1870 and 1935 in transactions with a land value of 5.4 million acres (Goyette 2004, 101). Unfortunately, the slowness of the system, the complexity of the process and the fraudulent methods used meant that most Métis land scrip ended up in the hands of land speculators. Furthermore, the land 'offered' to Métis people was rarely located where they lived, which meant moving away from their communities and extended families. As a result, most decided to sell their scrip for a fraction of its real value. The consequences of this dysfunc-

tional system resulted in the gradual dispossession of Métis people from their lands. The Métis became the people of the road allowances – Crown land used for road construction in rural areas and certain areas of low fertility. These communities emerged as opportunities for seasonal work arose (Indigenous Peoples Atlas of Canada, Métis, 2018, 40-41).

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Despite encroachment, dispossession and lack of recognition by governments, Métis people have maintained a connection to the land over the years, pressing forward year after year in their many political and legal claims, preserving traditional knowledge structures that are integral to their culture. During the 20th century, while Métis people sought recognition of their rights, the federal government assumed that it had settled the Métis land question through the scrip system. In 2013, the Supreme Court of Canada in *Manitoba Métis Federation Inc. v. Canada (Attorney General)* concluded that “the federal Crown has not honourably implemented the land grant provision of section 31 of the Manitoba Act, 1870” (*MMF vs Canada* 2013). This judgment is important because it recognizes both the injustices committed by the Crown and the need for future negotiations between the federal government and the MMF regarding modern Métis land claims. While elsewhere in Western Canada, the issue of Métis land remains unresolved, the Framework Agreement signed by the Métis Nation of Alberta with the Federal Government in 2017 – following the Daniels decision (2016) – for example, recognizes the need to address the injustices suffered by the Métis Nation as a result of the scrip system and declares a common commitment to develop a solution that promotes reconciliation (RCMR 2018, 26).

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