8. Dispossession vs. Accommodation in Plaintiff vs. Defendant Accounts of Métis Dispersal from Manitoba, 1870–1881 (1991)

D.N. Sprague

From the perspective of the preceding chapter this is the other side of the coin. Examined from a different angle, the historical data appear to point in three parallel directions: there was no Red River Métis dispersal before the 1870s; the sale of lands was subjected to unfair speculation and the use of a lottery system; and cynical young governments (Canada and Manitoba) used administrative delays to further dislocate the aborted Métis Nation.

According to well-established Métis oral tradition, the Red River Resistance of 1869–1870 was more than Canada could bear. Riel was driven from power; his people lost their land; and the Red River Métis were forced to ever more remote parts of their own homeland by hostile invaders. They were classic victims. Such is the stuff of oral tradition—it simplifies and deifies, but reduces complex reality to the nub of some usable memory, not necessarily false.[1] An oral tradition is an inherited approximation, a collective editing of fact. For people without written history or archives, the importance of maintaining such touch with the past is perhaps most well developed.

For academic historians, oral traditions are useful for formulating questions in documentary investigation. From the 1930s George Stanley, for example, was alert to evidence of victimization and confirmed the injustice done Riel.[2] At the same time, he reiterated the legend of the wholesale swindle of the general population, but without elaborate documentation of the process, nor did Stanley impugn the essential good faith of Canada's negotiators of the Manitoba Act, or of the administration of the land-promise

provisions of the statute by the Department of the Interior. Nor did W.L. Morton or the other academic historians touching upon the subject in the 1950s and 1960s. The novelty of the dispossession-preceding-migration explanation of the turnover of population in Manitoba in academic history appearing in the 1980s was the suggestion that Métis dispersal was fostered by "government lawlessness," processes of legislative amendment and administration that unfolded more or less without regard to legal propriety.[3]

The reckless amendment aspect of "government lawlessness" was found in the evisceration of the land-promise provisions of the Manitoba Act by amending statutes and orders in council (as if the law were any ordinary statute, rather than an integral part of the constitution of Canada). The other aspect of "lawlessness" appeared in the records of the Department of the Interior showing its discriminatory administration of land claims. Since the two patterns of evidence together are the basis for allegations in a lawsuit still pending,[4] the "government lawlessness" version of the story is fairly characterized as the plaintiff account of Métis dispersal.

Historians Gerhard Ens and Thomas Flanagan have been retained by the Canadian Department of Justice since 1986 to defend Canada from the plaintiff's claims. Both have published what they consider a better view of the same evidence.[5] As the defendants' defenders they argue that the dispersal of the Red River Métis after 1870 was simply an acceleration or accentuation of disintegration evident for at least a decade before the transfer of Rupert's Land to Canada. In 1870 (continuing to about 1872) many conflicts are admitted to have occurred between old settlers and newcomers, especially between the French-Catholic Métis and Ontario-origin Protestants. Such conflict (said to be completely beyond the control of Canada) is regarded by Flanagan and Ens as tipping the balance in the minds of many Métis who were already tempted by the pull factors that are supposed to have become almost irresistible by the 1860s. The assertion Ens and Flanagan stress is that virtually all persons who wanted to remain on the land they occupied in 1870 had merely to corroborate their claims to occupancy with the testimony of neighbours, and their titles would eventually be confirmed as free grants by Canada. So powerful was the temptation to sell, however, particularly in the context of escalating land values during the boom of 1880 to 1882, that even many confirmed landowners sold out and moved on. At the same time, of course, they liquidated other assets. Flanagan argues that the prices received reflected fair current values. On that account, if descendants of the original settlers in poor circumstances today identify the root of their problems with the imaginary dispossession of their ancestors in the last century, they dream a "morally destructive"[6] nightmare in Flanagan's

characterization. According to Ens and Flanagan, Canada fulfilled and overfulfilled the land promise provisions of the Manitoba Act. Some small mistakes were made, but as errors in good faith; the assertion of an overall pattern of *deliberate* discouragement conflicts with what Flanagan calls "overwhelming" evidence proving nearly the exact opposite was the case.[7]

What follows is a comparison of the evidence of the two sides on the issues for which a central claim and counter-claim have emerged to date.

Migration History

Did the pattern of the 1870s represent a dramatic accentuation? or abrupt departure from previous trends?

The position taken by Ens on migration, 1870–1881, is basically a continuity thesis. Table 1 exhibits some figures reported by Ens in support of his argument. A quick glance at the population trends in St. Andrew's and St. François Xavier (SFX) shows that both parishes sustained phenomenal growth rates even with considerable out-migration for his first period of observation, 1835 to 1849. The population of the Protestant-Métis parish increased 195% in that fourteen-year period. The Catholic-Métis example grew slightly less rapidly in the same interval (180%) because SFX sustained a higher rate of outmigration. Still, the base period was one of unsurpassed *rates* of growth for both areas of the Red River settlement.

Table 1. Population Trends, Whole Settlement vs. Select Areas

Year	St. Andrew's		SFX		Whole Settlement	
	Observed	Expected	Observed	Expected	Observed	Expected
1835	547	—	506	—	3646	—
1849	1068	—	911	—	5391	—
1856	1207	—	1101	—	8691	—
1863	—	2082	—	1640	—	7979
1870	1456	—	1857	—	11960	—
1877	—	4060	967	2952	—	11809
1881	947	—	743	—	—	—

Explanation: "Expected" figures are based on the rate of increase for each area observed in the interval between 1835 and 1849 (195% in 14 years for St. Andrew's, 180% in 14 years for St. François Xavier, and 148% in 14 years for the whole settlement).

Sources: The St. Andrew's and SFX "Observed" values are in Ens, "Dispossession or Adaptation," 128, 136, and 138 (footnote 62); Whole Settlement "Observed" values are the totals from the Red River Census of 1835 and 1849 in the Hudson's Bay Company Archives, Provincial Archives of Manitoba and the tabulation of the 1870 census of Manitoba reported in the Canadian Sessional Papers, No. 20 (1871).

The new pattern, allegedly extending into the 1870s, is supposed to be evident from the 1850s and 1860s. According to Ens, there was a steady increase in out-migration in response to a dramatic change in the economy, a shift away from summer-autumn pemmican production (with people maintaining a home-base claim to their river-front properties at Red River) towards winter harvest of buffalo for their hide and fur when the coat of the beasts was thickest. With more people chasing fewer animals at a different time of year, the result was expansion of the trade at the expense of the population of the Red River settlement. Ens argues that "scrip records" of the Department of the Interior, 1885–1921, show an ever-increasing exodus which began in the 1850s.[8]

The most serious difficulty with the attempt to locate the beginning of the great dispersal before 1870 is that the argument relies on population trends in two parishes taken in isolation from the rest of the settlement. When the focus shifts to the larger picture, the "Whole Settlement" column of Table 1, the obvious conclusion is that the older parishes began to exhibit declining rates of increase in the 1850s and 1860s as they became crowded and more and more people moved to well-timbered vacant land in nearby satellite parishes. As a result, the rate of increase in the older areas began to level off, but population increase for the settlement as a whole (projected as a figure from the overall rate of growth observed for the 1835–1849 period) continued unabated. Indeed, the whole-settlement population expected for 1863 and 1877 (on the sustained rate calculation projecting the 1835–1849 rate to 1877) was in fact exceeded by the observed figures for 1856 and 1870. In other words, while the rate of increase in the over-populated parishes slowed, that of the newer areas in Red River accelerated because the population surplus from the old spilled over to vacant land in the new. The hypothesis of an increasing *rate* of outmigration to distant destinations is not sustained by the undiminished growth of the community taken as the old parishes and their nearby satellites. Net migration plus natural increase sustained the same rate of growth for that entity from 1850 to 1870, as from 1835 to 1849. Table 1 shows that the dramatic change from the pattern—the real break in continuity—dated from the 1870s, not the 1860s.

Persistence to 1875

Large or Small?

While the population data show that the great dispersal began sometime before 1877, the same figures do not show the precise timing and, of course, the reasons for migration between 1870 and 1877. Ens and Flanagan admit that certain push factors were present in August 1870. They deny that the

pushes—formal or informal—were as powerful as the lure of the new fur trade dating from the earlier period. They agree that a "reign of terror"[9] began with the arrival of Canada's peacekeepers and continued until 1872[10]; they do not hold Canada responsible for the lawlessness. Nor do they see delays of Métis land claims during the terror period (along with encouragement of newcomers to take up land wherever they found apparently vacant locations)[11] as part of an unstated policy of deliberate discouragement to original settlers. Ens and Flanagan insist that the outcome was an inadvertent rather than an intended result. From that standpoint, it is important to show that large-scale migration began before a single claimant was disappointed in his land claim.

Late in 1873 Canada finally opened the door to wholesale consideration of Métis claims to river lots, and more than two thousand applications for letters patent confirming ownership came forward over the next twelve months. The surveyor general reported in December 1874 that "2059 applications under section 32, and subsequent amendment[s] of the Manitoba Act, have been received and filed, of which, 614 have been examined and recommended for patent."[12] Over the next several years Canada completed the examination of several hundred more claims. Table 2 shows that by the end of 1877 approximately 850 river lot claims had passed through the process of application, consideration, and confirmation. The same tabulation also makes clear that roughly one-third (282 of 855) represented cases of purported buyers claiming the land of occupants who may have sold out *before* 1875. According to Ens, "This early glut of river-lot sales would seem to contradict Mailhot and Sprague's assertion that 90 per cent of those Métis found in the 1870 census were still in the settlement in 1875."[13] In fact, the record of the "early glut of river-lot sales" exhibited in Table 2 is evidence of something completely separate from the issue of the persistence of an increasingly discouraged Métis population.

The data supporting Mailhot and Sprague's "assertion" of large-scale persistence are census returns reported in 1875 permitting comparison with the pattern of 1870. The 1870 figures, printed in the *Sessional Papers* of 1871,[14] indicate that the Métis population then was 9,800 people (9,778 according to the enumeration of the whole province by "English" enumerators, 9,840 according to the "French"). The comparison number for 1875 is found in the returns of commissioners who took affidavits from Métis and descendants of "original white settlers" to enrol both for Canada's revised concept of the benefit of section 31 of the Manitoba Act and its amendments. Their lists of diverse categories of claimants have survived for nearly every parish.[15] Table 3 shows that Commissioners Machar and Ryan accounted for more than

Table 2. Manitoba Act Grants of River Lots by Parish and Year

Year	French Parishes				English Parishes				Totals
	Old		New		Old		New		
	Owner	Buyer	Owner	Buyer	Owner	Buyer	Owner	Buyer	
April–June 1875	57	10	2	—	102	11	28	—	210
June 1876–March 1877	78	46	9	15	124	34	29	20	355
March–November 1877	44	52	24	45	41	33	35	16	290
Totals	179	108	35	60	267	78	92	36	855

Explanation: "Old" parishes are the areas included in the HBC survey in the 1830s. "Old French" are St. Boniface, St. Charles, St. Vital, St. Norbert, and SFX. "New French" are Ste. Anne, St. Laurent, Ste. Agathe and Baie St. Paul. "Old English" includes St. Johns, Kildonan, Headingly, St. Pauls, St. Andrew's, and St. Clements. "New English" are Portage la Prairie, Poplar Point, High Bluff and Westburne.

Until 1878, special forms were used for different kinds of Dominion Lands grants. "D.L. Grant (33. Vic)" distinguished Manitoba Act grants from all others. Each such patent described the land, named the owner in 1870 as well as the patentee.

Source: Government copies of the Manitoba Act grant patents are in the National Archives of Canada, microfilm reel C-3992, C-3994, and C-3996. The confirmation that the three cited locations embrace every "D.L. Grant (33 Vic)" is the Alphabetical Index, Parish Land, Manitoba (1875–1883), also in the NAC, microfilm reel M-1640.

9,000 of the persons enrolled in the 1870 census. However, Machar found about 500 "half breeds" in the 1870 enumeration of the Protestant parishes ineligible for Canada's concept of benefits under section 31 in 1875 (mainly because they had "taken treaty" since 1871 and become "Indians," or because they were absent at the time of the transfer on July 15 but present for enrolment in the census in October, or because they were children whose birth dates fell between the date of the transfer and time of the census, between July and October 1870). Ryan's list of claims "disallowed" in the French Catholic parishes has not been found. But assuming a rate of disallowance in the Catholic parishes that was at least half as much as the Protestant (because French "half breeds" were less likely to have "taken treaty"), the number of disallowed claims for the Catholic parishes by reason of absence from Manitoba on the date of the transfer and disqualifying birth date was probably no less than 250 persons, making an overall total of 9,334—"half breeds" and "original white settlers"—in 1875. Since 714 of the claimants were in the "original white settler" category, the persistent Métis component would appear to be 8,620 persons, or 88% of the 1870 figure.

Table 3. Enrolment of Manitoba "Half-Breeds" and "Original White Settlers" by Commissioners Machar and Ryan, May–December 1875

	Categories of Claimants				
	"Half breed"			Whites	Totals
	"heads"	"children"	disallowed		
Protestant Parishes					
St. Peters	35	61	270	—	366
St. Clements	132	251	3		420
St.Andrew's	392	798	116	29	1335
Kildonan	23	58	5	369	455
St. Johns	44	106	27	38	215
St. Pauls	66	133	11	27	237
St. James	87	157	6	21	271
Headingly	56	156	11	45	268
High Bluff/Pop. R.	160	360	27	22	569
Portage/White Mud	78	178	33	24	313
Catholic Parishes					
St. Boniface	283	526		19	828
St. Vital	72	171		44	287
St. Norbert	252	562		19	833
Ste. Agathe	135	240			375
Ste. Anne	81	226		32	339
St. Charles	97	190		3	290
SFX/Baie St. Paul	495	897		22	1414
St. Laurent/Oak R.	80	189			269
Totals	2568	5259	543	714	9084

Machar canvassed the Protestant parishes, Ryan the Catholic. Sources: See footnote 15.

The situation of many persisting families with unresolved claims puts in question migration estimates based on purported sales of land by "landowners" where a landowner population is still indeterminate. The census of 1875 provides a more appropriate statement of the facts regarding persistence to that time. There were approximately 2,000 Métis families in the Red River settlement in 1870, and approximately 1,800 were enumerated again in 1875. River lot claims establish that 2,059 persons represented themselves as "landowners" by 1874 but 1,200 were still unconfirmed as late as December 1877. Since the beginning of the great exodus would appear to fall between 1875 and 1877, Canada's delays and denials might account for far more migration than Ens and Flanagan are willing to concede.

Canada's Confirmation of Titles to River Lots

Every occupant seeking accommodation? or systematic denial of the customary rights guaranteed by the Manitoba Act?

Ens's analysis of land occupancy and sale presupposes a system of formal survey and documentary evidence establishing a chain of title from date of survey to most recent recorded owner. No survey, no land description or record of ownership. No record of ownership, no owner. Sprague's discussion of Métis land tenure assumes a system of customary demarcation of boundaries and descent of rights by community consent. People allotted what they needed. They owned what they used. The obvious point of potential conflict between the two historians was also the point of disagreement between the Métis and Canada in 1869. Métis leaders recognized that the transfer of Rupert's Land to the new Dominion would bring a transition from the customary to the formal system of land tenures, and there was no assurance when Canada's surveyors started their work even before the transfer that the existing population would not be "driven back from the rivers and their land given to others."[16] What made the potential for conflict all the more ominous was that the Red River settlement already had a system of land survey and registry that covered enough of the population that some future authority might be tempted to assert that everyone who deserved protection was already registered.

The system of survey and registry that was partially in effect dated from the mid-1830s. Always eager for a new way to turn a shilling, the Hudson's Bay Company (HBC) had authorized subdivision of the settlement almost as soon as the company clarified the matter of overall title with the heirs of Lord Selkirk. The surveyor hired for the task of confirming the boundaries of the lots occupied by Selkirk settlers (to receive free land), other settlers (expected to pay), and room to grow (lot by lot as succeeding generations of established settlers and newcomers bought land from the HBC) was George Taylor. He laid out 1528 river lots of approximately 100 acres each by 1838 and the HBC capped the project with the opening of a land registry that most settlers cheerfully ignored.[17] In effect, the settlement developed on a dual-track basis—customary as well as formal, especially as the population expanded beyond the limits of the Taylor survey in the 1850s.

By 1860 the HBC abandoned any pretense of enforcing payment for lands. That year, the local Council of Assiniboia adopted a homestead ordinance affirming the legitimacy of the customary, unrecorded system, but required a survey and registration of ownership (in the territory beyond the Taylor survey) where disputes arose. To be sure, settlers with some knowledge of the paper mysteries surrounding formal land tenure did order such

surveys in advance of their occcupation of vacant land. R.A. Ruttan, the commissioner of Dominion Lands in Winnipeg in the late 1880s, explained the practice to Archer Martin, a jurist-historian trying to make sense of Red River land tenures in the mid-1890s:

> The Council of Assiniboia authorized two surveyors [probably the only ones in the settlement] Goulet and Sabine, to make surveys for parties desiring to take up land *outside the H.B. surveys*. A survey made by one of those gentlemen defined the land which you or I might hold: gave us a facility for recording too. There was no limit other than that imposed by custom to the river frontage (the country distant from the rivers wasn't considered of any value in those days) which might be taken, excepting the Minute of Council which prescribed 12 chains as the limit in cases of dispute which practically enabled one to take possession of part of the property if anyone were trying to hold more than 12 chains.
>
> I cannot learn that there ever was a dispute before "the transfer."[18]

Unfortunately for the Métis, Canada took the formalities of ownership more seriously than the pattern of residency. Mailhot and Sprague were careful to point out that "the land surveyors were not part of a conspiracy to overlook most Métis while recording a few."[19] They do suggest, however, that the surveyors were more interested in running the boundaries of lots than mapping the locations of persons in the haste to complete everything quickly.[20] The result was many families included in the 1870 census are not found in the surveyor's field notes,[21] even though most such persons enrolled in 1870 were enumerated as residents again in 1875 by the "Half breed commission." Subsequently, any such resident faced two obstacles in establishing his claim by occupancy under the amendments of the Manitoba Act. The first was proving his residency notwithstanding the surveyor's returns to the contrary. Ens and Flanagan correctly point out that supporting affidavits from nearest neighbours were sometimes sufficient to establish occupation overlooked by the surveyor. They conclude too readily, however, that officials at the first level of consideration (Dominion Lands Office, Winnipeg) were willing to accept claims without evidence of "really valuable improvements." No amount of neighbourly corroboration could establish a Métis claim in the mid-1870s if the level of improvements was considered insufficient proof of "occupation."[22] And no level of improvements by

"squatters" could establish their title if a non-resident "owner" produced documentation of a chain of title predating the tenure of the actual resident.[23] Table 4 exhibits the scope of vulnerability. What makes the tabulation especially interesting is that the labelling and numbers (except for the "Whole Settlement" column) are Ens's own words and data.

Table 4. Recognition of 1870 Occupants by Canada

	St. Andrew's		SFX		Whole Settlement	
Occupancy Status	Number	(%)	Number	(%)	Number	(%)
Owned or were recognized as being in possession.	161	56	174	52	959	53
Residing on lots owned by other members of the extended family or squatting on others' land.	126	44	160	48	849	47
Total	287	100	334	100	1808	100

Sources: The Occupancy Status labels and data for St. Andrew's and SFX are from Ens, "Dispossession or Adaptation," 136 (footnote 50) and 128 (Table 1); Whole Settlement data are from Mailhot and Sprague, "Persistent Settlers," 11 (Table 1).

The key issue pertains to the half of the population that Ens and Flanagan consider justifiably outside the claims process. The observation that Canada eventually accorded direct or indirect recognition of everyone except the half of the population in Ens's "squatter" category begs the question of the accommodation or denial of "squatter" rights. A better view of the data in Table 4 (in comparison with Table 2) is that almost half of the entire population of the Red River settlement were excluded from the outset. Such a suggestion is supported by testimonial evidence as well.

Joseph Royal, member of Parliament representing the French parishes of Manitoba, wrote numerous letters to officials in Ottawa from the mid-1870s through the early 1880s seeking "more liberal" treatment of "squatters" claims. In the spring of 1880 his appeal took the form of a concise history intended to persuade the prime minister that the administration of such cases since 1870 had been anything but accommodating. Royal asserted that "hundreds of claims are disallowed, *not having this or that*, which was never required by the Act of Manitoba." The especially difficult cases involved settlement without survey, and occupancy with little "improvement":

> We easily understand the difficulty for officials to recognize the condition of things [before the transfer] which admitted of nothing official, and it was in fact with a foresight of that difficulty that the people of Red River dreaded a loss of their property. They knew perfectly well that their right to

> the portion of the Settlement Belt regularly surveyed and occupied could not be disputed, but they apprehended that the same right to the land they possessed outside of the surveyed Settlement Belt might be contested: consequently that they would be, more or less, at the mercy of the New Government that might refuse to accept or understand the former condition of this country.[24]

Royal was not alone in making the same complaint. The principal spokesman for Métis interests in the negotiations for the Manitoba Act, Noël Ritchot (parish priest of St. Norbert), also appealed to Macdonald, in Ritchot's case as one negotiator of the Manitoba Act to another. Ritchot reminded the prime minister that they both knew that the law was

> not intended to say that all persons having a good written title and duly registered, etc etc that he shall have continually resided and cultivated so many acres of land yearly and for so many years before the Transfer to Canada, and that he shall cultivate and continually reside during the period of ten years after the Transfer to Canada, so many acres etc etc to be entitled to letters Patent for lands so cultivated and inhabited, [but] … this is what is required today by the Government through their employees.[25]

Both quotations from credible sources confirm a pattern of discouragement by delay and denial. As early as 1876, large numbers of such discouraged "squatters" were liquidating their assets and moving on. Speculators purchased rights to their claims, evidently confident that additional documentation from them would assure eventual confirmation of even the most "doubtful" cases.

Scrip and Childrens' Allotments

Valuable asset disposed of at fair market prices? or ephemeral benefit sold for derisory return?

The most plausible interpretation of the Métis people's understanding of the land promises they won in the Manitoba Act was that they had an assurance from Canada for continuity where they were already established, and additional scope to expand freely for at least one more generation onto the unoccupied terrain along the rivers and creeks of the new province. One part of the Manitoba "treaty" (section 32) protected the tenure of land already occupied. Another part (section 31) assured heads of families that they might select vacant land for their children. Such a view was not inconsistent with

the assurances outside the "treaty" given in writing by Cartier in the name of Canada to Ritchot in May 1870 and by Lieutenant Governor Archibald to Métis leaders when he invited them to designate areas from which families might select their land in 1871.[26] A great deal of claim-staking followed accordingly. Commissioner Ruttan joked about the proceedings in his correspondence with Martin:

> They moved with wonderful alacrity and unanimity. Since '62 or about that time the [French Métis] had been in the habit of wintering stock along the Seine, Rat and La Salle Rivers. These lands naturally offered the favourite playground for the staker who in short order had the entire riverfront neatly staked off. A man didn't confine himself to 1 claim. He frequently had 2 or 3. Sometimes for children, present and in expectancy, he would have the riverside dizzy with "blazes" and "stakes."
>
> Venne, whose first name was most pertinently Solomon, must have staked 15 claims and, being of uncommon ambition, laid them down along the Red River.[27]

Notwithstanding Archibald's encouragement, the Dominion government refused to recognize any such arrangement as an appropriate administration of section 31 of the Manitoba Act.

In 1875 Canada launched its substitute. In the new arrangement, married adults—with or without recognized claims to river lots—were to receive a special monetary gratuity called "scrip," redeemable for 160 acres of Dominion Lands open for homestead. The population of unmarried persons (not "heads of families" therefore "children" regardless of their age) were to have access to a lottery for drawing 240-acre rectangles of open prairie, no closer than two or four miles to the "settlement belt" along the rivers. Neither benefit was of great value to the Métis, especially as the proposed method for distributing the 1.4 million acres was random selection by lottery. Flanagan observes that "the partition of reserve land into 240-acre parcels made it difficult to resettle there as a group; it would only be by chance if a group of relatives happened to get allotments near each other." The value of both "children's" allotments and "heads of family scrip" was, therefore, as liquidated assets, in Flanagan's characterization, "to finance a departure from Manitoba."[28] From that perspective, the Métis would have been more justly served (and at considerably less trouble to the bureaucracy) if Canada had simply handed each head of family $160 and each "child" $240, and ordered them to move. Instead, the government called the residents of all of

the parishes to meet with commissioners in the summer of 1875 to swear to their residency in Manitoba on July 15, 1870. Each person whose claim was corroborated by at least two neighbours was assured future consideration. In the meantime, on-the-spot speculators were willing to pay $30 or $40 instant gratification to secure power of attorney to collect whatever reward should arrive in the future.[29] The government then offered deliberate or inadvertent protection to such speculators by requiring every claimant "not known personally to the Dominion Lands Agent" to hire an intermediary who was known to the man behind the counter to do the actual collecting of the land or scrip.[30] The holder of the power of attorney thus had the edge over the claimant. Still, an important element of risk remained for "attorneys" because individual "half breeds" were said to have sold their claims more than once. Consequently, when the first scrip arrived in Winnipeg in June 1876, there was a great rush on the land office by the speculators to claim their property. They had to rush because Canada distributed the paper to the first "attorney" in line for the claim. Later arrivals were simply denied their reward (Canada did not wish to investigate frauds).[31]

The process of separating recipients of the 240-acre allotments from their land was somewhat more orderly. Moreover, since allotments were of land rather than a specialty currency, their distribution had the fuller cover of documentation that necessarily surrounds all transactions in real estate. More documents mean more room for conventional historical debate as well.

Flanagan does not question the propriety of Canada's substitution of scrip and bald prairie for the benefit the Métis preferred but he does state the facts of enrolment and allotment clearly and correctly: by the end of 1875 more than 5,000 "children" were enrolled, drawings began in 1876, continued in 1877, then became stalled in 1878, according to Flanagan, "for reasons that are not fully understood."[32] Table 5 shows the pattern—Protestant parishes first, the large French-Métis parishes last. The sequence has considerable analytical significance because the timing meant that the allotments for SFX, for example, were not available until that parish had begun wholesale dispersal of its 1870 population (compare Table 5 with Tables 1 and 2).

Still, the migration of recipients was no impediment to the sale of their land. Table 6 shows that in a random sample of 289 allottees whose parentage and sale history have been traced, French-Métis children with landless parents (probably the first to migrate) were also the most likely to become separated from their land within one year of allotment. Nor was age a barrier: almost 60% of a larger random sample of "vendors" were under the legal age of 21 (the age of majority in general application). Flanagan's sample of fifty-nine cases shows that a smaller proportion of land recipients were

Table 5. Timing of Grants by Parish, October 1876–February 1880

Parishes*	1876	1877	1878	1879	1880	Totals
Portage la Prairie	183					183
Kildonan	55	11	11			77
Ste. Anne	163	58				221
St. Peters		68				68
St. Clements		264				264
St. Andrew's		840				840
St. Pauls		133				133
St. Johns		113				113
Headingly		163				163
High Bluff		359				359
St. Laurent		194				194
St. James			179			179
Ste. Agathe			279			279
St. Charles			186			186
St. Boniface			768	24		792
St. Norbert					631	631
St. François Xavier					1319	1319
Totals	401	2203	1423	24	1950	6001

*Poplar Point probably included with High Bluff, St. Vital with St. Boniface and St. Norbert, and Baie St. Paul with SFX.

Source: National Archives of Canada, "Register of Grants to Half-Breed Children," RG 15, volume 1476.

under age when they became separated from their allotments,[33] in part because Flanagan uses age 18 as the appropriate threshold, and partly because his sample is too small to test the relationship between age and date of sale. Table 7 shows that the ages of the overall population are so skewed beyond 21 years by the time most allotments occurred, that a much larger sample than Flanagan's is needed to draw a population of minors large enough for meaningful statistical generalization.

Given customary preferences as to location and patterns of occupancy, the issue of sale versus retention was settled as soon as Canada devised the lottery scheme from section land on open prairie. No better system for encouraging immediate sale could have been invented. The more open question concerns value received. Table 8 exhibits data from sales records supporting Flanagan's contention that the proceeds to Métis vendors were

Table 6. Tenure of Children's Allotments by Land Status of Parents

Parents' Status	Children's Tenure (in years)			Totals
	less than 1	1 to 5	5 or more	
landless French Métis	72	5	4	81
landless English Métis	27	9	11	47
French Métis patentees	63	7	9	79
English Métis patentees	35	30	17	82
Totals	197	51	41	289

Sources: Every tenth grant starting with grant 10 drawn from the Grants Register (NAC RG 15, vol. 1476) yielded a sample of 626 cases. Linkage with a separate register of "Manitoba Half Breed Children" (NAC RG 15, vol. 1505) yielded information on parentage enabling linkage with the land tenure data compiled from the "Census of Manitoba, 1870" (MG2 B3) and land patent data cited in Table 2. Information on tenure of the children's allotments was taken from the Abstract Books in the Winnipeg and Morden Land Titles Offices.

Table 7. Ages of Recipients of Children's Allotments at Date of Separation from Land Grant

	Sale Periods				Totals
Ages	1876–78	1879–81	1882–84	1885 and later	
8	1				1
9	1				1
10	3	4			7
11	2	4			6
12		14	1		15
13	1	12	4		17
14	2	7	1		10
15	1	4	4	1	10
16	1	9	3		13
17	1	7	4	1	13
18	4	23	19	23	69
19	2	16	9	11	38
20	6	15	2	12	35
21	8	16	1	13	38
22+	40	51	15	26	132
Totals	73	182	63	87	405

Sources: Grant registers and Abstract Books cited under Table 6.

Table 8. Average Recorded Sale Prices of Children's Grants by Chronological Period of Sale and Ethnicity of "Vendor"

	Chronological Period		Overall Averages (Totals)
Ethnicity	1876–78	1879 and later	
"French" vendors (74% illiterate)	$213 (N=31)	$394 (N=245)	$374 (N=276)
"English" vendors (44% illiterate)	$126 (N=76)	$317 (N=119)	$242 (N=195)
Overall Averages (Totals)	$151 (N=107)	$369 (N=364)	$310 (N=471)

Sources: Literacy information taken from Powers of Attorney in NAC, RG 15, volumes 1421–1423. Ethnicity and sales price data are from grant registers and Abstract Books cited under Table 6.

more than reasonable, an overall average exceeding $1 per acre (approximately the same value obtained by sellers of other unimproved lands distant from the rivers).

On closer scrutiny, however, a surprising anomaly becomes readily apparent. It is known that the exodus from the French-Métis parishes such as SFX was well on its way by 1877, and nearly complete by the time of the allotment of that parish in 1880. There is also reason to suggest that almost three-quarters of the "children" in the French parishes could neither read nor write to the extent of signing their own names on the sales documents. Notwithstanding the two disabilities of absenteeism and illiteracy, the anomaly is that they appear to have received the very best prices for their land—almost $400 per 240-acre allotment.

One possible explanation is the rapidly rising land values after 1879, but the other anomaly is that the recipients of land in the English parishes in 1876 and 1877, who held on to their allotments waiting for just such a speculative return, fared remarkably more poorly than the illiterate, absentee recipients of land in the French parishes purportedly selling in the same period after 1879. Is it possible that the documents filed at the Land Registry and Dominion Lands Office were fictional covers for much less respectable—or even nonexistent—sales?

According to the sworn testimony of the chief justice of the Manitoba Court of Queen's Bench before a provincial commission inquiring into the sales of "half breed lands" in 1881, actual prices were $40 to $80 per 240-acre claim. The reason for the discrepancy with the documentary evidence, in Justice Wood's testimony (and he was in an excellent position to know because he and three of his sons played important roles in claim running), is that almost anything was possible in the construction of the paper trail from allottee to the land office:

> All sorts of conveyances were resorted to. Deeds were executed beforehand in blank. A power of attorney was taken to fill them up, or they were filled up without it. And so soon as the allotment came up, there was such a race to the Registry Office with the conveyances to get registered first that horses enough could not be found in the City of Winnipeg for that purpose. In some cases, a man would be at the Registry Office with his deed, and they [his accomplices] would telegraph him the number of the section [as soon as it was posted in the parish outside Winnipeg], when he would fill it in, and thus be enabled to put in his deed fast—five or ten minutes perhaps before half a dozen others would come rushing into the office with deeds for the same lands. The Halfbreed lost all moral rectitude and would sell to every man as fast as they possibly could—all the contest was as to registering the papers first.[35]

While Wood blamed the allottees for multiple "sales" of the same property, the absence of hundreds if not thousands of "vendors" from the province at the time of the purported transactions would suggest many instances of "sales" with no involvement of the owner at all. Either way, however, the risks to buyers were great and would predict low prices for Métis lands. Quite simply—why would a claim runner pay "retail" prices for land he was acquiring "wholesale," especially considering that the "wholesale" buyer had little assurance that his paper was going to be the first conveyance registered? Flanagan concedes that such purchases were risky, and his selective quotation of testimony from the record of the provincial commission of inquiry impugning the veracity of all such documents suggests deep skepticism is warranted.[36] Inexplicably, however, Flanagan concludes that the sales contracts all "appear normal."[37] The conclusion strains his credibility, to say the least.

Conclusions

Undisputed statistical data impugn the hypothesis of accommodation on four central points:

1. The Red River settlement sustained the phenomenal growth of the 1830s to 1870.

Crowding of population was a problem in the older parishes, but the pull of migration before the transfer was mainly to nearby river frontage rather than to the smaller settlements in the distant west and north. Red River

remained the central location of the Métis "nation." To be sure, profound internal divisions developed along lines of religion and economic interest. Even so, the shared fear of disruption by colonization from Canada united Red River in one effective community, the provisional government of 1869-1870. The success of negotiating the "Manitoba treaty" with Canada in April appeared to guarantee continuing political autonomy and adequate land to assure continuity for the Red River settlement as a province of Canada after 1870.

2. Almost 90% of the Métis population enumerated in the autumn of 1870 persisted to 1875, evidently waiting for the terms of the "Manitoba treaty" to come into effect.

Flanagan concedes that Métis patience was bound to be disappointed, however, because Canada had "no intention of establishing a Métis enclave,"[38] no intention of administering the Manitoba Act as understood by the Métis leadership. Nor did Canada sustain Lieutenant Governor Archibald in his similar understanding of the law and its appropriate administration. The Government of Canada regarded the Métis as a "semi-barbarian," "insurgent" population in need of rule by a "strong hand until … swamped by the influx of settlers."[39] For two years the population was terrorized by a Canadian "peacekeeping" force. For four years, not one Métis claim to a river lot was confirmed in accordance with section 32, not one Métis reserve was established "for the benefit of the families of the half-breed residents" in accordance with section 31.

3. Once Canada did devise a process for administering claims through the Department of the Interior in 1873, the Lands Branch received 2,059 applications for titles to river lots by the end of 1874, but confirmed less than 42% as late as 1878, moving especially slowly on the claims to river lots in the parishes that had developed without general survey before 1870.

Registered owners of lands surveyed under the authority of the HBC were most likely to obtain their patents within one or two years from date of application. A "squatter" improving vacant land registered in the name of another person had to disprove the competing title to establish his own; a "squatter" on vacant Crown land with improvements overlooked by surveyors faced enormous frustration proving occupation contrary to surveyors' returns. Anyone discouraged by the process (for whatever reason) became increasingly tempted to sell his land (at discounted value) to the growing army of land sharks willing to pay at least some pittance for a claim, no matter how "doubtful." Then, after submission of appropriate

supplementary documentation a patent would eventually issue to the speculator. As more and more lots passed from original occupants to apparent newcomers, Canada relaxed its criteria concerning the kind of improvements needed to establish a "squatter's" claim. Virtually any type of land use that had routinely disqualified a Métis claim in the mid-1870s was allowed purported buyers of such lands pressing their claims in the 1880s. By that time, the dispersal of the original population was so advanced that there was no longer any threat of a significant Métis enclave remaining. By that time, Flanagan agrees, much of the "agitation carried on in the name of Métis rights had little to do with the actual interests of the Métis."[40] By the same admission, of course, most of the patents conceded after 1878 had little to do with accommodating the Métis and their claims. On that account, the observation that Canada eventually patented 1,562 river lots in the old surveyed part of the Red River settlement, and 580 in the newer, outer parishes[41] does not prove that the Métis migration was "not caused by any inability to obtain Manitoba Act patents"[42] nearly so much as the statistic documents Canada's willingness to reward the informal agents of Métis dispersal. Flanagan's interpretation mistakes long-term results (river lots were eventually patented) for what should have occurred many years earlier (when the lands were still occupied by Métis claimants).

4. Discouraged by harrassment and unreasonable delays, most Métis people dispersed from their river lot locations in the 1870s before the 1.4 million acres of reserve lands were distributed.

The value of the 1.4 million acres went to claim runners who collected patents at the Dominion Lands Office as "attorneys" of the allottees. Many nominal recipients may have known of their grants and intended to sell: some may have realized substantial considerations. The sales documents were certainly intended to create such an impression. However, the testimony of knowledgeable claim runners, lawyers, and jurists concerning transactions in Métis lands in November 1881 suggests a different reality. The sworn testimony of several witnesses impugned the veracity of the documentation generated routinely by most rapacious speculators. Since the same small population of claim runners were at the forefront of transactions in the transfer of claims to river lots as well, a cloud of suspicion must remain over all of the evidence generated by claim runners. In sum, it would seem that the "cascade of benefits"[43] concerning Métis lands in Manitoba fell upon land sharks and their cronies with connections in the bureaucratic apparatus created by Canada more than upon the people who rallied to the provisional government in 1869, and cheered the triumph of their collective

resistance in 1870. By 1877 most of that population had become "desperate under the repeated delays"[44] and began selling out to finance retreat west and north. Interpreting the exodus as a reasonable adaptive response states the obvious; asserting that the migration had nothing to do with the frustration of land claims in Manitoba before 1877 is completely contrary to fact. In the case of the dispersal of the Red River Métis, justice delayed was quite literally justice denied.