

The Confrontation at Rivière aux Ilets de Bois

Allen Ronaghan

ABSTRACT. In April 1871, Manitoba Métis became alarmed that settlers arriving from Ontario were "squatting" on lands the Métis believed would be theirs under the terms of the Manitoba Act of 1870. A confrontation occurred at Rivière aux Ilets de Bois but was defused by Lieutenant Governor Adams Archibald. The Métis agreed to obey the law and allow Archibald to press their claims with the federal government. But Métis discipline and obedience to their country's laws, rather than save the day, cost them their lands.

SOMMAIRE. En avril 1871, les Métis du Manitoba se sont alarmés lorsqu'ils ont vu des colons en provenance de l'Ontario s'installer sur des terres qui, selon eux, leur appartenaient en vertu de l'acte du Manitoba de 1870. Il y eut une confrontation à Rivière aux Ilets de Bois, mais le lieutenant-gouverneur Adams Archibald désamorça la situation. Les Métis acceptèrent de respecter la loi et consentirent à ce que Archibald fasse valoir leurs revendications auprès du gouvernement fédéral. Mais la discipline des Métis et leur respect des lois, au lieu de les aider, leur coûta leurs terres.

The confrontation in 1871 at Rivière aux Ilets de Bois, which nearly ended in a bloody clash between the Métis and newcomers from Ontario, has received little attention from historians. Yet the episode, in which bloodshed was averted only by the discipline of the Métis and the intervention of A.G. Archibald, Manitoba's first lieutenant governor, is important in what it reveals. It casts a grim light on how the Métis were dispossessed of land they rightly considered theirs, and upon the dominion government's seemingly duplicitous land policy.

Several writers have argued that government Métis lands policy proved duplicitous. But the argument, made especially strongly by D.N. Sprague in several works,¹ has been that the Manitoba government must shoulder as much or more blame for dispossessing the Métis of lands as must the federal government. Emphasizing the Manitoba experience in the late 1870s and early 1880s, Sprague has used Manitoba's onslaught on Métis lands to demonstrate that strong provincial administrations can achieve their ends by successfully manipulating national institutions. But the deliberate dispersal of the Métis, Manitoba's goal in its dealings with the federal government in the period studied by Sprague, had indeed been the goal of the federal government in the preceding period. A study of the confrontation at Rivière aux Ilets de Bois in 1871 suggests that the federal government needed no lessons in duplicity from Manitoba provincial administrations.

The Rivière aux Ilets de Bois (Boyne River) drains a stretch of partially wooded country which in the 1870s had already been considered a seasonal Métis settlement for many years. No residences had been built, but Métis from the parish of St. Charles had camped there during the summer and had built corals and fences to control cattle. On certain occasions, when homes in the Assiniboine and Red River valleys were flooded, people had gone to higher spots in the vicinity to seek refuge. Some families kept bees there. In due course, as the population in the home parish of St. Charles increased and as the Métis decided to lead a more settled way of life, Rivière aux Ilets de Bois would have become a parish in its own right.² The area was one of a number under close scrutiny by Métis leaders in the spring of 1871 as they contemplated the

forthcoming apportionment of the 1.4 million acres of land promised to them in the Manitoba Act.

Métis leaders thought they were in a strong legal and constitutional position as a result of the work of Riel's provisional government and Father N.J. Ritchot's negotiations. Section 31 of the Manitoba Act stipulated that the lieutenant governor was to select "lots or tracts" of land and divide them among the children of Métis heads of families residing in the province at the time of the transfer. In addition to this, during the negotiations Sir George-Étienne Cartier had given Father Ritchot a letter stating that the regulations respecting the reservation of 1.4 million acres would be "such as to meet the wishes" of the Métis residents.³ Métis parish leaders could visualize a Red River Settlement widened by the addition of blocks of land behind the existing lots along the Red and Assiniboine, with parishes enlarged by similar blocks at St. Laurent (Lake Manitoba) and Ste. Anne (Oak Point). New parishes would have to be formed at Rivière aux Ilets de Bois and elsewhere to accommodate parishes like St. Charles, St. Boniface West and St. Vital which, because of their position at the angle formed by the junction of the two rivers, lacked room for expansion. Meetings had been held with a view to arriving at amicable solutions and no one foresaw any difficulties.

The Métis leaders, however, had not counted on the resourcefulness, determination and influence of Charles Mair and his "Canada First" associates, who had influenced many Ontario farmers to leave the old province and make a new start elsewhere. On the same day that the Manitoba Act was introduced in the House of Commons, Mair wrote a letter to the *Globe* outlining his proposal of a "party of immigrants after the German model." The response to the letter encouraged him to solicit a "party of Canadian emigrants from Ontario to the new territory." In August 1870 Mair and his friends organized the North-West Emigration Aid Society. This society published and distributed circulars to interested emigrants, and soon eager farmers across Ontario were preparing to leave for Manitoba. In his first letter Mair had suggested that emigrants should avoid Fort Garry by cutting across country from Pembina to Portage la Prairie.⁴ By the spring of 1871 Ontario farmers were doing this, and on the way they discovered the lands of the Rivière aux Ilets de Bois in the vicinity of present-day Carman. Some settled there, seeing in the partially wooded prairies precisely what they had left Ontario to find. Before long shelters had been erected and signs put up indicating that the river was henceforth to be known as "the Boyne," after the northern Irish river of Orange tradition.⁵ It was not long before the St. Charles Métis noted these signs of activity.

A people less disciplined than these Métis would have reacted immediately and with force, and blood could have been shed. However, the Métis stopped short of violence, warning the intruders off the land and sending messengers to Lieutenant Governor Archibald to complain. Many of the Ontarians left, fearing

trouble, some decided to stay, and others went to "Silver Heights" to find Archibald and protest these developments.⁶

It must be emphasized that the situation would never have arisen had Archibald's advice been followed, for he had urged in vain the prompt apportionment of the 1.4 million-acre grant. By 9 December 1870 Archibald had completed the enumeration required by section 31 of the Manitoba Act.⁷ By 20 December he had made the recommendations expected of him as administrator of the ungranted or waste lands of Manitoba,⁸ an authority granted in a 29 July 1870 memorandum from Sir George-Étienne Cartier, and confirmed on 4 August 1870 by E.A. Meredith, under-secretary of state for the provinces.⁹

At the time of the negotiations Father Ritchot had hoped, and Cartier and Macdonald originally had promised, that a committee of the local legislature, or a committee chosen by mutual agreement, would be set up to parcel out the 1.4 million acres.¹⁰ Under either system the Métis lands could have been dealt with in the summer or autumn of 1870, since the Métis had "priority of right."¹¹ However, Cartier and Macdonald then had decided unilaterally that the apportionment be done by the lieutenant governor, acting under the instructions of the cabinet. When Ritchot protested this change, Cartier and Macdonald promised an order in council authorizing a committee "charged with choosing and dividing, as may seem good to them, the 1,400,000 acres of land promised."¹² Ritchot had to be content with this and Cartier's letter.

The Canadian government did not neglect the lands of the newly acquired province of Manitoba and the North-West Territories. It was suggested that the Manitoba Act as passed was not in the spirit of the British North America Act and that accordingly the Canadian government could be challenged for abusing its legislative powers. This could only be remedied by asking the British parliament to sanction what the Canadian parliament had done, and on 29 June 1871, only a few days before the end of the confrontation at Rivière aux Ilets de Bois, a bill to that end passed the British parliament without debate.¹³ The people of Manitoba, who on several occasions had specifically requested local control of their lands, were not represented in any of the legislative bodies which decided, as section 30 of the Manitoba Act stated, that their lands were to be "administered by the government of Canada for purposes of the Dominion."

The government had also been busy on another front. A committee, set up to recommend government policy on the lands of Manitoba and the North-West Territories, had reported on 1 March 1871. It recommended that control and management of crown lands in Manitoba and the North-West Territories be placed in the office of the secretary of state. Following these recommendations the 25 April 1871 order in council was issued over the name of Secretary of State J.C. Aikins. This order in council described the system of land survey which was to be followed, a system which imitated its American counterpart but included

a grid of "road allowances." The second part of the order in council made several provisions concerning the distribution of the 1.4 million acres. At first these seemed to outline just what the Métis had wished: "the most liberal construction" was to be put on the word "resident," and the lieutenant governor was to designate the allotments. Elation turned to anxiety, however, when it was realized that the lands were to be parcelled out in townships.¹⁴ The Métis preferred the system then in use in the settlement, which ensured that each settler had a neighbour nearby.¹⁵ Furthermore, there were no surveyed townships to assign since there were no surveys being carried out in the province and no sign that any surveyors were coming.¹⁶ Finally, and of greatest concern to the Métis, newcomers were arriving who wished to settle on lands that the North-West Emigration Aid Society had assured them were in Manitoba for the taking.¹⁷ The period of contemplation was over; the period of confrontation had begun.

Archibald's position at this time was very insecure. The force of volunteers at Fort Garry, authorized by the agreement between the Canadian and British governments just before negotiations began with the Red River delegates in April 1870, was supposed to support the civil administration. In effect, it had been an unruly mob, mistreating the Métis throughout the fall and winter of 1870-71, and mutinying on 18 February 1871.¹⁸ Archibald knew that many of these volunteers were not reliable, but while they were in uniform they were at least subject to some restraint. Beginning on 1 May, however, the force was gradually disbanded, and at the time of the confrontation there were only eighty men in Fort Garry.¹⁹ Archibald had no way of knowing whether they were reliable. Furthermore, many of the disbanded men had joined forces with the newcomers, each hoping to choose the grant of land promised him when his military service was completed. In spite of his instructions, Archibald dared not call upon the troops at Fort Garry to protect the Métis against newcomers and former volunteers from Ontario.²⁰

The position of the Métis was grim in the spring and summer of 1871. The bright promise of responsible government offered by the Manitoba Act had faded with the coming of the Red River Expeditionary Force and the failure of the government to issue a general amnesty to the people of Red River. The hostile volunteers at Fort Garry had pursued Elzéar Goulet to his death, and forced the acknowledged leaders of the settlement, Riel and Lépine, into hiding.²¹ The mutiny of 18 February revealed the weakness of the provincial government,²² while there were almost daily attacks on Métis visiting Winnipeg. As Archibald reported to Macdonald, many of the Métis had "been so beaten and outraged" that they felt as if they were living in a "state of slavery."²³ Disconcerting as this violence was, the delay in implementing the 1.4 million-acre land grant was of even greater concern to the Métis. The 25 April 1871 order in council was disappointing, but Métis leaders saw that it would be acceptable if implemented immediately. However, the land had not been surveyed into townships and sections, and newcomers were arriving in force. The month of May was

probably the most agonizing of all, and the publication of the 26 May 1871 order in council, protecting newcomers in their "irregular" occupation of land, was seen as an effective declaration of war on the Métis.²⁴ Riel returned to St. Vital in May and immediately consulted with parish leaders and prepared material for publication in *Le Métis*, which appeared on 27 May.²⁵

At this stage only one peaceful course of action remained—to get official sanction for the Métis choice of blocks of land according to the ancient principle of "metes and bounds." A delegation representing all groups went to Archibald with a letter requesting information on several points connected with the land. The delegation outlined the situation to Archibald, insisting that Métis rights should have priority and pointing out that while newcomers were looking for land everywhere, no surveyors were in the province.²⁶ Archibald was familiar with the situation and held the 25 April and 26 May orders in council. Although he hesitated to reply to the delegation, Archibald felt that the situation allowed him no choice. As he stated in his letter to Aikins, he presumed that the Métis were in the position of having "paid their money into the Crown Land Office, and were asking for their grants . . . The principle in all such cases," Archibald pointed out, "is . . . that priority of application gives priority of right."²⁷ Archibald looked again at section 31 of the Manitoba Act, decided that the expression "lots or tracts" gave him some latitude in the matter, and set to work preparing a reply to the delegation which was published in both English and French in the *Manitoban*. The most important paragraph read: "Wherever any Parish of [Métis] . . . shall have a choice of a particular locality" and given public notice of their choice in such a way that settlers cannot "enter upon the tract in ignorance of the previous selection, I shall . . . be guided by the principles mentioned, and confirm the selections so made so far as this can be done without doing violence to the township or sectional series."²⁸ The lands in question had all been suitably marked. It now remained for each parish to insure that a description of each block was made in the local newspapers, using well-known landmarks such as ferries, creeks, trails and clumps of trees; these descriptions soon filled the pages of both the *Manitoban* and *Le Métis*.

That did not end the matter. For their part the newcomers pointed to the wording of the 26 May order in council, which assured them that parties "found upon the lands at the time of the survey" would be "protected in the enjoyment thereof." As for the Métis, their leaders had told them of Archibald's warning that "if they lifted a hand or struck a blow it was all over for them."²⁹ The *Globe* stated that about twenty newcomer families had determined to stay at what they now called "the Boyne" no matter what happened.³⁰

Nothing could be done other than wait for the surveyors and for a report of the government's response to Archibald's land policy statement. When Archibald wrote his reply he knew he might not be supported by the Canadian cabinet, as was indeed the case.³¹ Aikins insisted that no lands could be

apportioned until they had been surveyed. In November Joseph Howe, secretary of state for the provinces, wrote to Archibald:

I regretted very much seeing your letter giving countenance to the wholesale appropriation of large tracts of country by the [Métis]. As I understood the matter, all the lands not in actual occupation are open to everybody, [Métis], Volunteers and Emigrants . . . none of them have authority to set off and appropriate large tracts of country *until these have been surveyed* [author's emphasis] . . .³²

The Métis had to give way on lands they hoped to possess at Rivière aux Îlets de Bois, at Oak Point and elsewhere, and newcomers and volunteers not even in Manitoba when the Manitoba Act was passed were confirmed in their irregular occupation of lands. Canadian government policy was to obtain the lands of the new province and administer them "for the purposes of the Dominion." There was no room in this policy for the Red River Métis to hold lands in their traditional manner. As Archibald pointed out, 1.4 million acres was barely in excess of sixty of the townships the surveyors eventually laid out.³³

The newcomers had more time to make irregular occupations since the surveyors did not arrive in Manitoba until late July 1871. The commissioner of lands, G. McMicken, did not arrive in Manitoba until October.³⁴ Métis restraint and obedience to the laws of their country, under the circumstances, resulted in the loss of their lands.

It is clear from this account that, if we are to understand the process by which the Métis were alienated from their lands, we must study a variety of factors, both in government and elsewhere, and both before and after the passing of the Manitoba Act.

NOTES

1. D.N. Sprague, "The Manitoba Land Question, 1878-1882," *Journal of Canadian Studies* 15 (1980); D.N. Sprague, "Government Lawlessness in the Administration of Manitoba Land Claims," *Manitoba Law Journal* 10 (1980); D.N. Sprague, *Canada and the Métis* (Waterloo: Wilfrid Laurier University Press, 1988).
2. Canada. House of Commons. *Journals* 8, 1874, "Report of the Select Committee," Archibald's deposition, 140 (hereafter "1874 Report").
3. W.L. Morton, ed., *Birth of a Province* (Winnipeg: Manitoba Record Society Publications, 1965), 143-55. The text of Cartier's letter is in "1874 Report," Ritchot's deposition, 74.
4. Allen Ronaghan, "Charles Mair and the North-West Emigration Aid Society," *Manitoba History* (Autumn 1987): 10-14.
5. "1874 Report," 140.
6. The Archibald family moved to "Silver Heights" in May 1871. See the *Manitoban*, 13 May 1871.
7. Public Archives of Canada (hereafter PAC), RG 15, Vol. 228, no. 1155. Archibald to Howe, 9 December 1870.
8. *Ibid.*, no. 796. Archibald to Howe, 27 December 1870.
9. Canada. *Sessional Papers*, 1871, no. 20, pp. 6-7.

9. Canada. *Sessional Papers*, 1871, no. 20, pp. 6-7.
10. Morton, ed., *Birth of a Province*, 147.
11. PAC, RG 15, vol. 230, no. 167. Archibald to Aikins, 17 June 1871.
12. Morton, ed., *Birth of a Province*, 147.
13. United Kingdom, *Parliamentary Debates*, 5th ser., vol. 206 (1871), 1171.
14. Canada. *Sessional Papers*, 1871, no. 20, p. 1. Regulations respecting the Public Lands in the Province of Manitoba.
15. *Manitoban*, 27 May 1871, "Louis de la Ronde and others."
16. *Ibid.*, 22 July 1871. Surveyors came in July.
17. Public Archives of Manitoba (hereafter PAM), MG 14, C 23, Box 3. Diary of C.N. Bell for 26 and 29 April 1871.
18. PAC, MG 26A, Vol. 187. Archibald to Macdonald, 28 May 1871.
19. "1874 Report," 140.
20. Canada. *Sessional Papers*, 1871, no. 20, Instruction no. 7.
21. *Ibid.*, p. 15, Archibald to Howe, 17 September 1870.
22. PAM, MG 12, A1, no. 199. Joseph Royal to Archibald, 23 February 1871.
23. "1874 Report," 156. Archibald to Macdonald, 9 October 1871.
24. PAC, PC 1036, 26 May 1871.
25. G.F.G. Stanley, gen. ed., *The Collected Writings of Louis Riel* vol. 1 (Edmonton: University of Alberta Press, 1985), 140. Riel to Dubuc, May-June 1871.
26. *Manitoban*, 10 June 1871.
27. PAC, RG 15, Vol. 230, no. 167. Archibald to Aikins, 17 June 1871.
28. *Manitoban*, 17 June 1871.
29. "1874 Report," 140.
30. *Globe*, 14 July 1871 (Winnipeg, 24 June 1871).
31. PAC, RG 15, Vol. 230, no. 167. Archibald to Aikins, 17 June 1871.
32. PAC, MG 24, B 29. Howe to Archibald, 4 November 1871.
33. PAC, RG 15, Vol. 228, no. 796. Archibald to Howe, 27 December 1870.
34. PAC, MG 26A, Vol. 61. G. McMicken to Macdonald, 5 October 1871.