

The First Boundary Extension

MANITOBA LAND SURVEYORS



**ASSOCIATION
OF MANITOBA
LAND SURVEYORS**

By 1873, Manitoba was actively seeking an extension of its boundaries. The provincial government determined that the province created by the Manitoba Act was not nearly sufficient to meet the needs of a growing population. This factor, along with a desire for port facilities on Lake Superior or Hudson Bay, and the pressing need for a larger provincial income through control of natural resources, formed the basis of the expansionists' demands. The provincial government dispatched representatives to Ottawa in March of 1873 to present its claims. The request, if agreed to by Ottawa, would have increased the size of the province to 768,000 square kilometres and would also have given Manitoba potential port facilities on both Hudson Bay and Lake Superior. A change in the federal administration resulted in the proposal being shelved, and Manitoba was left unchanged.

In the meantime, the question of Ontario's western boundary became a political issue. In 1871 the Ontario government asked the Dominion to join with it in appointing a commission to define the western and northern boundaries of that province. By August of 1874, after a series of setbacks, the Commission submitted its report, recommending that the boundary between Manitoba and Ontario follow the meridian passing through the North-West Angle of the Lake of the Woods. A committee of arbiters was appointed to make the final decision, but the change of government in 1878 resulted in their recommendations being ignored. Consequently, the matter remained unresolved for a number of years.

Manitoba expansionists received their first major setback in 1875, when Parliament passed an act granting the North-West Territories a government distinct from that of Manitoba. Until that time, other districts from the Territories could have been added to the province without disturbing the machinery of either government. The new distinction between the provincial government of Manitoba and the government of the North-West Territories made territorial annexation much more difficult.

The campaign for boundary extension continued throughout the 1870s. A minor adjustment, which took into account the township lines in the realignment of the western boundary, was granted in 1877. The change occurred after the land survey was completed when it was discovered that the original border actually dissected

farm holdings in the margins of the province. The new boundary was moved a few miles west to the nearest township lines, and this accounts for the jagged appearance of the western border of the province.

Between 1876 and 1881, ten thousand people settled in the area just beyond the reaches of the province. Their demands for representative government added another dimension to the boundary issue. Within the province itself, the population had blossomed to 65,954 by 1881. The increased numbers created a strain on the financial resources of the province and re-opened the debate on federal control of Manitoba's natural resources and public lands. The province maintained that population growth necessitated greater provincial income through resource control and more land through the extension of Manitoba's boundaries.

When the federal election of 1878 returned John A. Macdonald's Conservatives to power, the provincial government again dispatched a delegation to Ottawa seeking a solution to the issue of expansion. Both sides agreed that an extension was necessary if the province was to keep up with those settlers who had gone beyond Brandon in the west, and those who inhabited the New Iceland settlement to the north. Finally, the negotiations for boundary extension were concluded and on 23 December 1881, the act was proclaimed.

Although the boundary extension of 1881 did not match the original demands of the provincial government, it did expand the area of the province to 189,327 square kilometres, or to five times its original size. The boundaries were set in the west at the twenty-ninth range of townships, which is Manitoba's present western border, in the north at 52° 50' latitude or south of Grand Rapids, and in the east at the "western boundary of Ontario." The latter definition was, of course, confusing as Ontario's western border had remained in dispute since 1874.

Manitoba readily accepted the 1881 boundary extension and quickly established its legislative authority over the new addition. The government divided the "new" province into electoral districts and proceeded to consolidate its holdings in the revamped provincial legislature. Still at issue was the area known as Rat Portage (today's Kenora) which fell into the disputed area of Ontario's boundary claim.

The delineation of Ontario's western extremities had always been somewhat questionable due to poor or incorrect mapping and ambiguous wording on official documents. These discrepancies led to the debate over whether or not Ontario's western boundary should be drawn near Port Arthur, due north of the confluence of the Ohio and Mississippi Rivers, or near Rat Portage, on the line drawn north of the North-West Angle of the Lake of the Woods.

Ontario maintained that, based on the boundaries established by the Quebec Act of 1774, its western border should be drawn in accordance with a line extending north from the source of the Mississippi which ran just one hundred and twenty-nine kilometres east of Winnipeg. In August of 1881, Manitoba also laid claim to the controversial area, maintaining that Ontario's border was as far east as Port Arthur. The Dominion government sought to mediate between the two through the Supreme Court but Ontario refused and, in March of 1882, its provincial government attempted to establish authority over the disputed area.

The boundary dispute was further complicated with the arrival of Ontario lumbermen into the area during the construction of the Canadian Pacific Railway in the early 1880s. The granting of timber leases was a partisan issue over which the federal Conservatives and the Ontario Liberals were bound to disagree. At the centre of the debate was the question of who actually held the land rights - Ontario, which managed its own lands and resources, or the federal government, which maintained control of Manitoba's lands. Gold, too, had been discovered at Rat Portage and there was a question of jurisdiction over the royalties.

The inhabitants of Rat Portage found themselves highly sought after and encouraged both parties. During 1882-83, the town was incorporated by both Manitoba and Ontario. Each province proclaimed its laws in force in the district, built a courthouse, a jail and appointed their own magistrates and constables. The effects of this duplication of services were confusing, to say the least. Prisoners arrested and jailed by the authorities of one province were released by the other, while the constables who made the arrests were themselves arrested by the policemen of the other province. One of the more noteworthy incidents was the

storming and burning of the Manitoba jail by its rival's loyal citizens.

In July of 1883, the Manitoba legislature amended its 1881 boundary extension act, allowing for a representative from the disputed area to sit in the legislature. Attorney-General James Millar was the first and only representative elected to the Manitoba legislature from the constituency of Varennes. At this point, the inhabitants of Rat Portage could boast of having not only two organizations of municipal government but of also having representation on two different provincial legislatures.

The issue of dual representation finally brought the dispute to a head in 1883. The respective attorneys-general of both Ontario and Manitoba met and agreed to allow the Privy Council to settle the dispute. The decision passed down in 1884 upheld Ontario's claims, but it was not implemented until 1889 when the Dominion fixed the boundary at the North-West Angle.