

The Territory Prior to Confederation

MANITOBA LAND



**ASSOCIATION
OF MANITOBA
LAND SURVEYORS**

The region now defined as the province of Manitoba was first included in a recognized political unit in 1670. On 2 May of that year, Charles II of England granted a substantial portion of what is now Canadian territory to the “Governor and Company of Adventurers in England Trading into Hudson’s Bay.” If described on a modern map, the vast trading domain of the Hudson’s Bay Company (HBC) would have included not only Manitoba, but also those portions of Ontario and Quebec lying north of the Laurentian watershed and west of Labrador, most of Saskatchewan, half of Alberta and a large portion of the North-West Territories. The total area of Rupert’s Land, as the region was then called, measured 1,244,160 square kilometres.

Until the early nineteenth century, the HBC had little actual governing to do in that part of Rupert’s Land which is now Manitoba. The population was small and sparse, and no permanent nucleus of settlement existed. The company concentrated its trading operations on Hudson Bay, letting native trappers take furs and pelts to the posts. The situation began to change in the mid-eighteenth century. Competition from free traders and the Montreal-based North West Company forced the HBC inland to establish rival posts in the heart of the fur trade territory.

By 1811, a Scottish nobleman, Thomas Douglas, Fifth Earl of Selkirk, gained a controlling interest in the HBC. Selkirk proposed a series of emigration schemes designed to assist the dispossessed Scottish crofters who had lost their lands through the “Highland Clearances” of the late eighteenth century. The London Committee of the HBC agreed to grant him a 296,960 square kilometre tract of land in the vicinity of the Red and Assiniboine Rivers for an agricultural settlement. The land ceded to Selkirk for a nominal sum of ten shillings was to be henceforth known as “Assiniboia”.

Between 1812 and 1814, three groups of Selkirk Settlers made their way to the junction of the Red and the Assiniboine Rivers. Joined by a number of “freemen” and their Indian wives, they formed the nucleus of an agricultural colony later known as the “Red River Settlement.” After Selkirk’s death in 1820, the colony became the responsibility of his estate. In 1835 the HBC purchased the territory, and the

administration of Assiniboia was entrusted to a governor and an appointed council. The “District of Assiniboia,” over which the governor and council exercised some degree of control, spread out north and south along the Red River, and west along the Assiniboine to a distance of approximately eighty kilometres from the junction.

Over the next few decades, the role of the HBC as civil authority in the agriculture-based colony became an issue of concern. The inhabitants’ growing demands for freedom of trade and responsible government coincided with the company’s own desire to give up its obligation to maintain peace and administer the country. By 1869, the government of Canada had negotiated the final transfer of Rupert’s Land from the HBC, and, effective 1 December 1869, it was to become responsible for the affairs of the entire North-West.

The passage of the “Act for the Temporary Government of Rupert’s Land” provided for the administration of the territory. Nevertheless the actual transfer resulted in a dispute because it was negotiated without the knowledge or consultation of the inhabitants of the area. The settlers at Red River, led by Metis spokesman Louis Riel, resisted the transfer, insisting that the terms and conditions of the territory’s entry into Confederation reflect the concerns and interests of its inhabitants. As the December 1869 transfer was dependent upon the “peaceable possession” of Rupert’s Land, it was postponed.

A list of rights was drawn up by a committee of delegates from various parishes and served as the basis for negotiations with Ottawa. It reflected the inhabitants’ desire to protect the lands, local traditions, languages and institutions to which they were accustomed. A revised list, greatly influenced by Riel, included a demand for provincial status and for local control of public lands and natural resources.

Three delegates from Red River were sent to Ottawa in March 1870, armed with the list of rights, to negotiate the terms and conditions surrounding the entry of the territory into Confederation. During the negotiations the actual boundaries of the proposed province became a matter of debate. The Red River Settlement of 1870 included twelve English and twelve French-speaking parishes strung out along the Red and Assiniboine Rivers. Somewhat apart were St. Laurent, on the southwest

shore of Lake Manitoba and Ste. Anne along the Seine River. The final agreement, which took into account the settled area, was embodied in the "Manitoba Act." The act received Royal Assent on 12 May 1870 and was officially proclaimed on 15 July of the same year.

Among the concessions granted by virtue of the Manitoba Act were: provincial status, provisions for separate schools, a guarantee of 1,400,000 acres of land set aside for the mixed-blood population in recognition of aboriginal title to the land, a constitution similar to that of the old provinces, government by a Legislative Council and Assembly, and representation in the House of Commons. Unlike the other provinces within Confederation, Manitoba was not given authority over its own public lands and natural resources. Ottawa retained control in these two areas and this later became a matter for heated debate between the two levels of government.

The tiny province created by the Manitoba Act encompassed the old District of Assiniboia, with a slight westward extension to include the growing settlement at Portage la Prairie. The area was described by Sir John A. Macdonald as beginning at a point 96° West of Greenwich (passing near Whitemouth) and extending to a point 99° West of the Principal Meridian (passing near Portage la Prairie). It was bounded on the south by the forty-ninth parallel and by latitude 50° 30' to the north. The small "Postage Stamp Province" measured only about 33,280 square kilometres and, beyond its borders lay the vast remainder of the North-West, a territory to be governed by Ottawa.

There were obvious limitations to a province of such small dimensions, with a population of less than 12,000. The federal per capita subsidy to Manitoba was hardly sufficient for the pressing needs of a pioneer province. Ottawa's retention of land and resource control also deprived Manitoba of an important source of revenue. Ottawa's justification for maintaining resource control was a claim that the land could be better utilized "for the purposes of the Dominion." At issue, no doubt, were the building of the transcontinental railway and federal plans for western land settlement, two policies which might also explain the limited area conceded to Manitoba jurisdiction.