

## After 140 years and a review of 2000 volumes of documents, Métis win land claim

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In a case that looks back to the time of Louis Riel and Sir John A. Macdonald, the Supreme Court has determined that the Government of Canada failed in its obligations to the Métis under the 1870 agreement that brought Manitoba into Confederation.

The decision opens the door to claims by the Manitoba Métis Federation (MMF) to 1.4 million acres of land, including Winnipeg and the surrounding area that is known as the Red River Settlement. The group collected more than 2,000 volumes of historical documents to back their assertion that they own the land because of promises contained in the Manitoba Act.

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The MMF went to court to force negotiations around compensation for the territory that was promised in that document to the 7,000 Metis children but was never given to them, or was given and then purchased back for a pittance.

And the court, in a 6-2 ruling, agreed, finding that “the federal Crown failed to implement the land grant provision set out in (section) 31 of the Manitoba Act, 1870, in accordance with the honour of the Crown.”

David Chartrand, the president of the MMF, said before the court’s verdict was announced Friday morning that the important thing is to help the rest of Canada understand the injustices endured by his people.

This case has been the number one issue for the Métis, said Mr. Chartrand. “So I promised them that, no matter what happens, we will take this case to the highest court in the land, which is the Supreme Court, and seek justice,” he said. “And, if not, we are going to tell our story.”

In 1870, the Red River Settlement in Manitoba had 12,000 people, about 10,000 of whom were Métis – the descendants of white fur trader fathers and aboriginal mothers. When Confederation was being negotiated, the Metis wanted no part of it and rebelled against becoming part of Canada.

The court determined that Canada did not owe a fiduciary duty to the Métis but said the implementation of land grants was “ineffectual and inequitable. That was not a matter of occasional negligence, said the court, “but of repeated mistakes and inaction that persisted for more than a decade.”

A government intent on fulfilling its duty “could and should have done better,” said the court which also dismissed government arguments that the claimants were too late in making their case and that the matter should have been brought before the courts in the 1800s.

Queen Victoria demanded that the uprising be settled before she would allow the land to be transferred to Canada. So Riel and Macdonald hammered out the agreement that set aside the land, which was located along the Red, Assiniboine and other rivers, for the Métis children.

But Métis say that, because of lengthy delays and inopportune governmental decisions, about 6,000 of the children got disparate plots scattered about the province far from parents and siblings, the other thousand got nothing, and Manitoba passed laws that were designed to pass the land from Métis to non- Métis ownership.

The MMF has been fighting for more than 40 years and spend more than \$5-million to be compensated for the loss.

The matter went through the trial courts and Manitoba Court of Appeal three times on different points of law. In the most recent decision, the Métis lost a 5-0 ruling.

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