

Métis Land rights and Self-Government – Leah Dorion, with Darren R. Préfontaine

The Métis have always been closely connected to the land. Historically, the Métis had an extensive land base throughout the Prairie West, and the northern Plains States. Over a fifty-year period (1874-1924), which coincided with European agricultural settlement in the region, the Métis lost this land base. The students will learn how the Métis had their Aboriginal title to the land extinguished through the Scrip system. They will also learn that through Scrip speculation, the Métis lost their land base in Western Canada. The dissolution of the Métis' land base throughout Western Canada led to their dispersal and their marginalization as squatters known as the "Road Allowance People". They will learn that Alberta is the only jurisdiction in Canada that has provided the Métis with a self-governing land base. The students will finally learn that the Métis' current move towards self-government is largely built on acquiring a land base and fully utilizing all the natural resources on the land for the Métis. This in turn means that the students will understand the position of the Métis on land claims issues, the importance of land to the Métis and the role of the courts in deciding Métis land claims and resource harvesting rights.

I. Métis Scrip System in Canada - Leah Dorion and Darren R. Préfontaine

In 1870, the new Dominion of Canada acquired Rupert's Land from the Hudson's Bay Company (HBC) without the prior consent of the region's Aboriginal peoples: First Nations, Inuit, Métis and Country Born (Anglophone and Protestant mixed-bloods). The Red River Métis resisted this transfer, especially since they were not involved in the transfer process, which was between distant concerns in London and Ottawa. The end result of the Red River Resistance of 1869-70 was that the federal government was forced to extinguish¹ the Aboriginal resident's Indigenous title to the land before settler society could develop. This meant going back to the principles of the 1763 *Royal Proclamation*, which maintained that before settlement of lands in North America inhabited by Indigenous peoples could occur by British subjects, the original occupants had to have the title to the land extinguished by the Crown. For the First Nations, this meant that various treaties, the so-called "Numbered" Treaties, were entered into with the various First Nations and the Crown, as

¹ **Extinguish:** A legal concept used by the Canadian government that refers to the land rights of Aboriginal peoples. Before Canada could lawfully settle the lands they had to legally extinguish the Aboriginal rights or title of the Aboriginal people. These rights were usually extinguished by treaty or other written agreement.

represented by the federal government from 1873 to 1909. For the Métis and the Country Born, this meant having their Indigenous title extinguished through the Scrip System from 1870-1921.

The dissolution of the Métis land base through the scrip system is one of the least known events in Canadian history – although the historiography on the topic is hotly contested. The federal government implemented the scrip system to extinguish the Métis' Aboriginal title to the land before settlement could occur on the Prairies. Scrip was a government-sponsored certificate that entitled the bearer a set amount of land or money. Scrip certificates were originally in amounts of \$160 or 160 acres per person, but were later increased to \$240 or 240 acres to accommodate the increasing price of land. Money scrip functioned like cash. All those with money scrip could take it to any Dominion Land Office and exchange it for land worth that amount. However, money scrip was easily transferable, which resulted in widespread speculation. By contrast, land scrip was much more difficult to transfer because the person (always Métis) to whom it was issued could only redeem it. Despite these measures, speculators still managed to trade in Métis land scrip, through impersonation and forgery.

To receive scrip, the Métis had to individually surrender their Aboriginal title to the land. Since the scrip system extinguished individual Aboriginal title to the land, it was fundamentally different than the treaty process, which maintained the First Nations' collective rights. As a result of various bureaucratic procedures and subterfuge, the Métis were not allowed to create a reserve land holding system or live in family-based block settlements. The Métis also had to compete for land on government-surveyed lands with non-Aboriginal settlers in

one of the biggest land rushes in the history of the world, the opening of the Canadian West. The lack of a land base greatly impaired the development of Métis identity.

The Scrip System was supposed to provide the Métis with a sustainable land base; however, it failed. Provisions for using Scrip to extinguish the Métis' and the Country Born's Indigenous title to the land are hinted at in *The Manitoba Act* (1870) and are clearly spelled-out in *The Dominion Lands Act* (1879). *The Manitoba Act* promised the Métis 1.4 million acres of land. *The Manitoba Act* indicates the necessity of extinguishing the Métis' and the Country Born's Aboriginal title to the land in Sections 31 and 32.

MANITOBA ACT 1870

Section 31.

And whereas it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as the may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of said transfer to Canada, and the same shall be granted to said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

Section 32.

For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:

- 1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown.*
- 2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.*
- 3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown.*

4. *All persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian Title has not been extinguished, shall have the right of preemption of the same, on such terms and conditions as may be determined by the Governor in Council.*

5. *The Lieutenant Governor is hereby authorized, under regulations to be made from time to time by the Governor General in Council, to make all such provisions for ascertaining and adjusting, on fair and equitable terms, the rights of Common, and rights of cutting Hay held and enjoyed by the settlers in the Province, and for the commutation of the same by grants of land from the Crown.*

However, *The Dominion Lands Act* spelled out the mechanism for the Métis and the Country Born to surrender their Indigenous title to the land: the Scrip System. However, although s.125 of *The Dominion Lands Act* was enacted in 1879, it was not until an order-in-council of March 31, 1885 that it was finally implemented. The order allowed the following:

1. *To each halfbreed head of family resident in NWT...the lot or portion of land of which he is at present time in bona fide and undisputed occupation...to the extent of 160 acres; if said land he is in bona fide occupation of is less than 160 acres, the difference to be made up by an issue of Scrip redeemable in land at the rate of \$1 per acre; those halfbreeds not in bona fide occupation of any land shall be issued Scrip for \$160 redeemable in land.*

2. *To each child of a halfbreed head of family...the lands he is at present in bona fide and undisputed occupation...to the extent of 240 acres; any different to be made up by an issue of Scrip redeemable in land...if not in bona fide occupation of any land, such child to be issued Scrip redeemable in land for \$240.*

Here's how the Scrip System worked: Each Métis or Country Born in Western Canada and in the Northwest Territories was provided with the opportunity to either take a certificate for land or for a certain amount cash in exchange for the Aboriginal title to the land. These certificates were given to the Métis and Country Born by Scrip Commissions, which resembled Treaty Commissions. Often the Scrip Commissions traveled in the vicinity of Treaty negotiators dealing with the Métis and the Country Born at or near the same time. In theory the system should have worked; however, it was plagued with a number of inherent flaws. The Métis Scrip System was doomed for failure for the following reasons:

1) It assumed that the Métis and the Country Born were part European and they therefore did not require a fiduciary relationship between themselves and the federal government. A fiduciary relationship is when the government holds and maintains the rights of a minority group in trust and strives to maintain their best interest. The Scrip system was essentially laissez-faire: once the land or money certificate was given to the Métis they were free to do with it whatever they wished. This was unlike the First Nations who were treated as wards of the state rather than individuals, which meant that they could not use their land in any manner without permission of the local Indian Agent. While the Treaty System was paternalistic, it prevented the transfer of most reserve land to non-Aboriginal interests.

2) The Métis were never able to establish land bases in Western Canada. The individual Scrip certificates were handed out to recipients in diverse locales, often several kilometres from friends and family. This prevented the development of Métis bloc settlements in the Prairie West, which would have preserved the Métis land base and ensured their cultural survival. Instead the Métis often sold their certificates because they were far from friends and family, or were on marginal land with no access to woods and water, which was an integral component of the familiar Red River farming system.

3) The Métis did not understand the system. During this time, when the Scrip commissions traveled across the Prairies and the Northwest Territories, many Métis were illiterate and had a poor understanding of European law. This meant that often the Métis did not know what they were signing. As a result, many

Métis signed away their Aboriginal title to the land to Scrip speculators² for not much in return. The Métis did not know at the time that Scrip was meant to extinguish Aboriginal title to the land for perpetuity, unlike the First Nations who received continuous benefits under the Treaty System.

4) The scrip system was also poorly administered. Scrip Commissioners traveled to Métis communities in order to take applications for scrip. The Scrip Commissions advertised their travel schedules in posters and local newspapers. Unfortunately, low literacy levels and a busy natural resource harvesting schedule ensured that many Métis missed these commissions. The legal basis for scrip originates from the *Manitoba Act* of 1870. The 1874 *Dominion Lands Act* ensured that scrip would be distributed in the Northwest Territories. The original wording of *The Manitoba Act*, in sections 32 and 33, indicated that the Métis were to be provided with a land base for future generations. However, the granting of scrip was delayed until 1876, six years after the end of the Red River Resistance and the passing of the *Manitoba Act*. By 1881, only half of the Métis living in Manitoba received scrip, the rest had already left the Red River for Métis settlements further west and south. Moreover, a federal government Order in Council, dated May 26, 1871, allowed new settlers in Manitoba the right to take up homesteads, prior to the surveying and settlement of lands claimed by the Métis. The federal government appointed commissioners to regulate the system. As a result, Métis communities in Manitoba were disrupted, displaced, and broken apart.

² **Speculation:** To engage in a risky business transaction in the hope of making a large profit.

Finally, The Scrip Commissions often missed whole Métis communities. This was problematic in more northerly Métis communities, especially during seasons involving intense resource harvesting such as summer and fall.

5) The Scrip System had no mechanism to prevent against fraud. Closely following on the heels of the various Scrip Commissions were Scrip Speculators who bought Scrip certificates from the Métis for very small amounts. This left the Métis with short monetary gain but no long-term land base. In addition, many people had their names forged and had Scrip certificates traded in their names without their knowledge. Scrip Speculators often sold the Scrip certificates to the main chartered banks in Canada – who in the end held most of the land and money Scrip handed out to the Métis and the County Born. Speculators, many from chartered banks, land companies or government bureaucracies, trafficked in Métis land scrip because there was a huge boom in agricultural lands in the Prairie West after the international depression of the 1870s and 1880s abated and when the United States ran out of agricultural land. The Métis were pressured into selling their land scrip to these speculators, who were able to take advantage of the saleable nature of Métis scrip and resell the certificates for many times the original price. Speculators also obtained powers of attorney, many of which were forged, in order to legally invest and sell scrip on behalf of a Métis. Speculators were also protected from criminal action by government legislation. For instance, a 1921 amendment to the Criminal Code of Canada imposed a three-year time limit on any appellant who wanted to bring a criminal charge against a scrip speculator. The federal Department of the Interior even kept an inventory of scrip speculators that traded in Métis scrip. As early as 1900, the federal government knew that the scrip system failed the Métis, and yet they continued to implement it. In the end, as a result of rampant

speculation, out of 14, 849 money Scrip notes, which were issued, 12,560 of them appear to have been procured by speculators. This represents an overall alienation rate of 84.6 percent. Furthermore, out of 138,320 acres of Métis land Scrip in northwest Saskatchewan only 1% of the land Scrip actually went to Métis claimants.

The vast majority of Métis people received no long-term benefits from the scrip system. After the depletion of the bison and the emergence of the new agrarian economy in the Prairie West after 1870, the Métis wanted to integrate in the new society while maintaining their cultural distinctiveness. Under the scrip system, the Métis were given the option of receiving lands far from home. However, rather than relocating to an unfamiliar region and leaving family and friends, most Métis sold their scrip to speculators. In other cases, many Métis living in the southern Prairies sold their scrip to buy better land elsewhere or to buy farm implements. The Métis were then forced to enter a claim for a homestead like regular settlers, which often put them in area far from their families and extended families. In addition, many Métis had low literacy skills and did not understand the concept of the scrip system or the functioning of the cash economy, which was different from the Hudson's Bay Company's credit and debit system. For those who had taken treaty, the scrip commissioners encouraged them to abandon the treaty rolls in order to take scrip. This resulted in a loss of their status, land base and treaty benefits.

Research by academics and Métis political organizations has indicated that about 85-90% of all scrip land passed into the hands of speculators, mainly from the chartered banks. As a result of scrip speculation, the Métis lost their land base and a sense of identity. Land issues and the failure of the scrip system

weighed heavily on the minds of those Métis who fought in the 1885 Resistance. Since the 1980s, Métis political groups have submitted land claims through the court system in order to address the issue of the dissolution of the Métis land base.

Speculators in the Northwest outside of Manitoba			
Chartered Banks			
Name of Speculator	Number of Land Scrip Acquired	Number of Money Scrip Acquired	Totals
Imperial Bank of Canada	1,721	4,659	6,380
Merchants Bank	271	2,286	2,557
Bank of Hamilton	25	878	903
Bank of Montreal	46	359	401
Dominion Bank	–	365	365
Bank of Ottawa	–	180	180
Federal Bank of Canada	–	183	183
Molson's Bank	36	76	112
Banks acquiring less than 100 notes (Nova Scotia, Union, Ontario, Commercial)	22	253	275
Totals	2,189	9,314	11,499

The above statistics are based on tabulations of approximately ninety percent of the Scrip files. The other ten percent were lost or destroyed in archives. With the above figures it can be projected that in the case of the Imperial Bank, for example, that they acquired approximately 7,000 Scrip notes with a land value of 1.3 million acres.

**Speculators in the Northwest outside of Manitoba:
Private Banks, Financial Institutions and other speculators**

Name of Speculator	Number of Land Scrip Acquired	Number of Money Scrip Acquired	Totals
Osler, Hammond and Nanton (private bank)	8	1,366	1,374
Alloway and Champion (private bank)	15	814	829
Conroy (civil servant)	408	45	453
R.C. MacDonald (speculator)	22	187	209
Dixon Brothers (merchants)	17	180	197
McDougall and Secord (lawyers)	75	103	178
D.H. McDonald (civil servant)	134	40	174
Adamson (Member of Parliament)	94	53	147
Delivered to Dominion Land Agents	1,946	172	2,118
Speculators acquiring less than 100 Scrip notes	83	413	496
Totals	2,182	3,363	6,175

It is assumed that the agent passed on most Scrip delivered to land agents to the grantee. However, it is known that a few agents, such as Isaac Cowey, were involved in Scrip speculation after leaving their positions with the Dominion Lands Branch. Other speculators included Chaffey, Cowdry Brothers, Haslam Land Company, Tait and the Hudson's Bay Company.

Distribution and Delivery of 26,000 northwestern Métis Scrip notes³

	Percent	Scrip Notes
Allotees	11%	2,800
Dominion Land Agents	8%	2,100
Small Speculators	12%	3,100
Private institutions and large speculators	17%	4,500
Chartered banks	52%	13,500
Total	100%	26,000

Timeline of Métis Scrip Commissions in Western Canada - Leah Dorion

Manitoba Métis Scrip

1870: Section 31 of *The Manitoba Act* set aside 1,400,000 acres for Métis land grants “towards the extinguishment of the Aboriginal title.” Grants were to be made to the “children of half-breed heads of families”.

1871: The Privy Council recommended a mode of distributing land to all Métis residents and directed that a census be taken of the eligible claimants. Meanwhile Métis people begin to disperse from the region.

1872: The Privy Council Office determines the basis of selecting the Métis lands and orders that a sufficient number of townships be set aside. In November, the government announces that the division of the Métis land reserve into individual allotments will be made in early 1873. Extensive speculation in Métis lands breaks out immediately.

1873: The first allotment of 140 acres each to Métis children and heads of family begins and the Manitoba Legislature passes *The Half-breed Land Grant Protection Act*, to inhibit speculation. In April, a month later the Canadian government cabinet declares that only children of Métis heads of family are eligible to share in the 1.4 million acre land grant, according to a strict reading of *The Manitoba Act*.

1873: In June plans for re-allotment of Métis lands, excluding Métis heads of family are underway. In November, the second distribution of the Métis land grant begins and the size of the individual grants is increased to 190 acres as a result of the reduced number of eligible claimants

1874: Amendment to *The Manitoba Act* allowing half-breed heads of families to 160 acre land grants

³ The Three pop up charts on Métis speculation are done by the Association of the Métis and Non-Status Indians, the predecessor of the Métis Nation – Saskatchewan.

1875: Appointment of a Commission to investigate Métis claims under *The Manitoba Act*. The commissioners were Machar and Ryan. In four months they completed their work having investigated 9,300 claims.

1876: The Minister reported that no land had as yet actually been granted to Métis under *The Manitoba Act*. Matthew Ryan was authorized to continue to act as commissioner for two years to take the evidence of claimants who had left Manitoba for the Northwest Territories prior to the sittings of the Half-Breed Grant Commission

1877: All but seven of the Métis parishes in Manitoba have had their lands allotted and 1, 115 patents were issued.

1878: Two more parish allotments are completed In Manitoba eight years after the legal provisions for Métis lands in Manitoba. Delays created a steady exodus of the Métis from Manitoba.

Northwestern Half-breed Scrip

1879: *The Dominion Lands Act* made provision for the claims of the Métis in the Northwestern region. Section E states that "To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the North-West Territories outside of the limits of Manitoba...and on such terms and conditions as may be deemed expedient."

1885: Commissioners Street, Goulet and Forget are appointed to issue Scrip in the Northwest. They visited places such as Fort Qu'Appelle, Touchwood Hills, Regina, Maple Creek, Calgary, Fort MacLeod, Pincher Creek, Edmonton, St. Albert, Fort Saskatchewan, Victoria, Fort Pitt, Battleford, Prince Albert, Batoche, Duck Lake, Fort a la Corne, Cumberland House, Moose Jaw, Willow Bunch, Grand Rapids and Winnipeg and Griswold ,Manitoba.

1886: Roger Goulet continued to issue Scrip in the Northwest as many Métis communities and people were missed previous year. Goulet visited Swift Current, Maple Creek, Calgary, Red Deer Crossing, Battle River, Laboucanne Settlement, Peace Hills, Edmonton, St. Albert, Victoria, Lac La Biche, Fort Pitt, Battleford, Prince Albert, St. Laurent, Fort Qu'Appelle and Fort Ellice.

1887: Roger Goulet and N. O. Côté continued the work of the two previous commissions. They visited Prince Albert, Fort a la Corne, Cumberland House, Birch River Portage, The Pas, Moose Lake, Grand Rapids, Norway House, Popular River, Berens River, Fisher River and Fort Alexander. During these three commissions, known as the "Northwest Half-breed Commissions", there was a total of \$622, 694.23 worth of money Scrip and 61, 029 acres of land Scrip issued.

1889: To close the work of the North-West Commissions, Roger Goulet was appointed commissioner visiting Green lake, Montreal Lake to issue Scrip.

1889: The Treaty 8 Scrip commissioners, Major Walker and J.A. Côté traveled to northern Alberta to issue Scrip and negotiate Treaty. They visited communities such as, Lesser Slave Lake, Peace River Crossing, Fort Chipewyan, Smith's Landing, Fort McMurray, Lake Wabasca, Pelican Portage, Grand Rapids, Calling River Portage and Athabasca landing. 1, 195 Money Scrips at \$240.00 each were issued and 48 Land Scrip certificates at 240 acres each. McRae and

Conroy go back later to issue Scrip once more in Northern Alberta Treaty 8 region.

1900: McKenna and Walter issued Scrip in the Alberta and Athabaska regions. They visited communities such as Willow Bunch, Fort Qu'Appelle, Touch wood Hills, Swift Current, Maple Creek and Medicine Hat, Lethbridge, MacLeod, Pincher Creek, Calgary, Edmonton, Victoria, Saddle Lake, St. Paul des Métis, Lac La Biche, Athabasca Landing, St. Albert, Lac Ste. Anne, Fort Saskatchewan, Wetaskiwin, Duhamel, Lacombe.

1900: J. A. Côté and Samuel McLeod issued Scrip in the Assiniboia and Saskatchewan regions. Scrip was issued in the amount of \$240.00 and 240 acres for both the 1900 commissions. Prince Albert, St. Louis, Batoche, Snake Plains, Sandy Lake, Devil's Island, Green Lake, Battleford, Onion Lake, Bresaylor, Fort a la Corne, Strugeon River, Cumberland, Birch River Portage, The Pas, Cedar Lake, Grand Rapids, Saskatoon, and Red Deer Lake.

1901: McKenna issued Scrip in the Northwest region. Birtle, Manitoba, Fort Pelly, Winipegosis, Kinosota, Oak Point, Fort Alexander, Killarney, Oak Lake, Moosomin, Fort Qu'Appelle, Prince Albert, Duck Lake, Battleford, Moosejaw, Medicine Hat, Lethbridge, MacLeod, Calgary, Edmonton, Wetaskiwin, Lacombe, Winnipeg.

1904: Métis Scrip was issued to claimants living on Indian reservations in the United States.

1906: J.A.J. McKenna was appointed as the Treaty 10 negotiator and Scrip commissioner. Scrip was granted for \$240.00 or 240 acres. McKenna visited communities such as La Loche, Isle a la Crosse, La Loche Mission, La Loche River. 541 claims were taken and 271 Money Scrips at \$240.00 each were issued and 227 land Scrips at 240 acres.

1907: Thomas Borthwick appointed to return to the Treaty 10 region and issue Scrip to families whom were missed the previous year. He visited Isle a la Crosse, Lac du Brochet Post, Lac du Brochet South end, Stanely, Lac la Ronge, Mistawasis. 119 land Scrips and 59 money Scrips were issued.

1907: Conflict and controversy amongst Scrip buyers and Interior Department. Bradshaw, Richards and Affleck filed declarations by Thompson and Gordon, Adams and Kemp, ask department to investigate Scrip commissioner Thomas Borthwick and Bishop Pascal.

1908: Reverend Semmens was appointed to take admission to Treaty number 5 and issue Scrip in northern Manitoba. Commissioner Semmens accompanied north by Chest Thompson, a Scrip buyer. Semmens reported that Scrip buyers (Sinclair, Anderson and Flett) for McDonald had been advancing trade goods at Oxford House.

1909: Reverend Semmens was appointed to take admission to Treaty number 5 and issue Scrip in northern Manitoba to communities that were missed the previous year.

1910: Reverend Semmens is appointed to go into Northern Manitoba to issue half-breed Scrip in the Treaty Five region. Scrip buyers Tyerman and Thompson enter into an agreement to act together to keep Scrip prices low.

1921: Conroy appointed Scrip Commissioner for the Treaty 11 region known as the MacKenzie River District. 172 claims were allowed and were satisfied by the payment of \$240.00 in cash to each claimant totaling \$41, 280.00. The compensation in these cases was paid to the claimants by officers of the Department of the Interior on their annual visits to that territory.

1924: Scrip to the Métis in Fort Smith. 35 Claims were taken.

II. A Brief Historiography of Métis Land Rights – Leah Dorion

The Métis have a historic relationship to the land and resources. The Métis land issue was revived in the 1980s when self-government and land rights were high priorities on the political agenda. The Métis land claim court cases of *Dumont v. Q* (1981) and *Morin v. Q* (1994) created a wealth of literature on the subjects of Métis Scrip and Métis land rights.

Opposing perspectives are evident in the literature. Research conducted by Thomas Flanagan advocates that the claims of the Métis arising out of the extinguishment of the Indian title have been effectively dealt with through the provision of *The Manitoba Act* and *The Dominion Lands Act*. Flanagan states that as far as the Métis living in the prairies are concerned, the Métis claims are a dead issue. Whereas, research conducted since the 1980s by the Alberta Métis, Manitoba Métis and Saskatchewan Métis associations support the existing Métis land claims.

Current research by authors such as D.N. Sprague, Paul Chartrand and Dorion and Tough identify numerous accounts of how the Scrip program benefited speculators at the expense of the Métis, with the governments knowledge and sometimes with its assistance. Paul Chartrand's book entitled, *Manitoba's Métis Settlement Scheme of 1870*, analyzes the many inherent problems with the

Métis Scrip system. The research by Joseph Sawchuk in *Métis Land Rights in Alberta*, also acknowledges the outstanding nature of Métis claims.

Legal and academic opinions have been expressed about the nature of Métis claims and Métis Aboriginal rights. Paul Driben's article entitled, "The Nature of Métis Claims" analyzes these claims from a cultural, political, and legal perspective. John Taylor attempts to give a comprehensive historical overview of Métis land claims. At the same time, various researchers have provided more focused information about the complexity of the Métis Scrip system. These works include Ken Hatt's article, "The North-West Rebellion Scrip Commission, 1885-1889" and D.J.Hall's work "The Half-Breed Claims Commission."

III. The Road Allowance People - Darren R. Préfontaine

The Scrip process made many people and financial institutions very wealthy; however, it also led to the dispossession of the Métis. With the dissolution of the Métis' land base, many Métis became squatters, living on land that they did not even own. From 1885-1945, the landless Métis moved from locale to locale, often forcibly, in order to make a living and live among themselves. Indeed, the Post-Resistance Period (1885-1945) was a turning point in Métis history. During this era, the Métis were deprived of their land base (and identity) because of systemic racism, Scrip speculation and government policies such as the *Prairie Farm Rehabilitation Act* (1935), which gave the state the power to forcibly remove the Métis from their homes. Zelig (1987), Payment (1990) and Campbell (1995), using interviews with Métis Elders, document how the Métis were dispersed following the 1885 Resistance, forced to squat on road allowances, and were forcibly removed from their communities to remote locales. These are hidden facts of the Canadian historical narrative, which have been elucidated by

Elders, but ignored by most historians. Dispossession and relocation are key developments in the historical experience of the Métis.

After the 1885 Resistance, the Métis found themselves in a frightening new situation. The government had just crushed all resistance, homes were burned and people were abused. Non-Aboriginal settlers began inundating the region. Many Métis soon dispersed to remote and northern areas such as Alberta's and British Columbia's Peace River Country. For those Métis that stayed on the southern prairie, their title to the land became tenuous as unscrupulous Scrip speculators bought land and money Scrip from unsuspecting clients. Many other Métis who did not receive Scrip and did not apply for a patent, under *The Dominion Lands Act*, lived precariously as squatters along road allowances. Other displaced Métis joined them and soon shanty communities such as Crescent Lake, Saskatchewan and Ste. Madeleine, Manitoba emerged. The Métis living in these communities quickly became known as the "Road Allowance People". These impoverished Métis had a difficult time finding suitable housing for themselves in the face of extensive non-Aboriginal settlement on the Prairies. Therefore, road allowance houses were usually tarpaper shacks built from discarded lumber or logs.

Colonialism also began to take away the Métis' collective and individual sense of worth. A vicious cycle soon emerged because many Métis did not have title to the land, and therefore paid no taxes. This meant that a majority of Métis children were denied access to public schooling. Some Métis children managed to attend separate (Roman Catholic) and reserve schools, but they were a small minority. Those Métis children that attended these schools often encountered discrimination from other children, teachers, priests and nuns. The Michif

language, their customs and even their poverty were ridiculed. The stigma of being called “rebels” or “traitors” and being discriminated against for having Aboriginal ancestry forced many Métis to deny their identity. Adults also had a very difficult time finding anything other than low-paying seasonal employment. Many of these Road Allowance People went on municipal relief rolls because seasonal employment could not sustain them through the year. Family Allowance Payments, after 1944 and other social spending helped alleviate poverty in Métis communities, but it also created a dependency cycle among some of its recipients.

In the 1930s and 1940s, the Alberta and Saskatchewan governments began to address the economic, social and political marginalization of the Road Allowance People. The desperate plight of Métis families was becoming a scandal. Métis leaders in Alberta such as Malcolm Norris, James Brady and Peter Tomkins convinced the Alberta government to pass *The Métis Betterment Act* in 1938, creating eleven Métis colonies. Overtime the Métis colonies in Alberta proved successful.

Similar attempts in Saskatchewan to alleviate the social conditions of Road Allowance People proved less successful. The CCF (The Commonwealth Cooperative Federation) government created a series of Métis experimental farms at Lestock, Lebret, Crescent Lake, Glen Mary and Green Lake to help the Métis increase their standard of living, reduce their dependence on relief, and give them farming skills. Unfortunately, the program was paternalistic and extremely shortsighted. For instance, at Green Lake, each Métis family received a 40-acre tract of land on a 99-year lease, which made the Métis tenants and not owners of the land. Moreover, these lots were too small for commercial

farming. When the Métis arrived in Green Lake, they found that much of the land was wooded and would take years to clear. There was no housing, few jobs, and no relief payments to sustain themselves until they became self-sufficient. Finally, in 1949, as many of the Métis left their shanty community of Lestock for Green Lake aboard trains, many of their houses were deliberately burned down. (The same thing happened at Crooked Lake, Saskatchewan and Ste. Madeleine, Manitoba and numerous other Métis Road Allowance communities.) By the 1960s, the Métis farms at Green Lake were operating at a subsistence level. Not surprisingly, most of the southern Métis eventually abandoned Green Lake.

Not all was bleak for the Métis at this time. Road allowance communities were festive: families and communities were closely knit, dances were held regularly, people picked berries and dug seneca root together and the Oral Tradition and storytelling were vibrant. Joe Venne, a Métis Elder from Manitoba, has said that the Métis “ were a nation of people that liked pleasure...and had a lot of parties...We never missed – twice a week, three times a week...” (Zelig p. 43) Many of the social pathologies that plague many Aboriginal communities today were non-existent mainly because people had to work hard just to survive. While people were very poor, they still tried to have a positive outlook on life. For Métis Elders life in road allowance communities was positive because they were able to speak Michif amongst themselves, the Old People provided them with a traditional education, children respected their parents and other adults, the land was “clean”, free of chemicals and the Métis were independent. Even in hardship, many Métis Elders still look fondly back to their time in road allowance communities.

IV - The Alberta Métis Settlements - Darren R. Préfontaine and Leah Dorion

Alberta is the only province that has given the Métis a land base. The history of the Alberta Métis Settlements, which are in many ways similar to First Nations reserves, is little known outside of the Métis community. It is one of the great ironies of Canadian history that the “right-wing” province of Alberta created these settlements while the more “progressive” provinces of Saskatchewan and Manitoba failed to create similar Métis settlements.

The Métis settlements had their beginnings with the aftermath of the 1885 Resistance, in which many Métis from Batoche and area fled to what is now Alberta. Mission settlements such as Lac Ste. Anne and St. Albert attracted many Métis families as places to rebuild their lives. This created a significant increase in Alberta’s Métis population. By 1885, the Métis in the Northwest Territories (Present-day Alberta, Saskatchewan, northern Manitoba, Nunavut and the Northwest Territories) were becoming a minority population. For instance, by 1901, the population of the Territories population reached 159, 000. Of this number, only 26,000 were listed as Indian or Métis. This shift in region’s demographics led to the alienation of many Métis from the emerging political, social and economic system. In many cases, the Métis moved away from the advance of Euro-Canadian and European settlement. For many of these “internal” refugees, life was a desperate struggle as they eked out an existence as freighters, fur traders, fishermen, trappers and interpreters.

In 1890, Père Albert Lacombe, a French-Canadian priest, desiring to alleviate the poverty, social breakdown and dispossession of the Métis, devised a plan for a large Métis reserve to be granted by the federal government. In this colony, known as St. Paul des Métis, the Métis were to become self-sufficient agrarians.

The government, perhaps recognizing the failure of the scrip system, favoured the Métis farm colony as a cost-effective means to solve the Métis "problem" in this region. In 1896, St. Paul des Métis was established. The Métis residents soon built a church, school, sawmill and gristmill.

The colony proved to be very paternalistic since the Oblate priests governed without consulting the Métis. In addition, the government only surveyed the land and provided seed and implements, but failed to provide aid in lean years. In 1905, out of frustration with the colony's management, Métis children set the boarding school on fire. The colony had been a failure because there was no Métis input into its governance. As a result, in 1907, the colony was thrown open for French-Canadian settlers, which forced many Métis out of the settlement, making them a landless people. The original Métis settlers of St. Paul des Métis sent a petition to Ottawa requesting land be retained for them. Despite these requests increased settlement of Quebec settlers caused many Métis to leave the region. Many Métis residents of St. Paul des Métis moved and squatted on lands in northern Alberta.

Throughout the early twentieth century, the Métis in northern Alberta tended to be a poor, isolated and landless people. Many lived on road allowances and did not own title to their land. During the Depression, they looked nervously as farmers from southern Alberta, suffering from drought, low prices and crop failure, began moving northward. Many Métis realized that their lands had to be protected or they would be once again dispossessed.

In the 1930s, strong leaders emerged from within the Métis community to work towards alleviating the social conditions of the Métis. In 1932 Jim Brady, Malcolm Norris and Adrian Hope founded the *Métis Association of Alberta*. These men actively traveled to Alberta Métis communities to raise political awareness. In 1933, the association had 1,200 members in 41 locals. The priority of the organization was to petition the government and raise awareness about Métis issues. In 1935, Métis leader Joseph Dion argued that, "We cannot work out any of the other problems until we have some place we can call home to begin with." In 1934, successful lobbying by Métis leaders Jim Brady, Malcolm Norris and Peter Tomkins, the so-called "Big Three", led to the United Farmers of Alberta government appointing a royal commission to study the social and economic conditions of the Métis living in the province.

The *Halfbreed Commission*, also known as the *Ewing Commission*, held hearings and consultations with the Métis. The Métis community wanted to ameliorate their deplorable health conditions, lack of educational opportunities, as well to create a Métis land base based on sustainable resource harvesting. The commissioners found that 80% of Alberta Métis children received no education. Even those children who live within an areas served by a public school are averse to going to such school because they are ridiculed and humiliated.

The *Ewing Commission* further found that health conditions were deplorable among Alberta's Métis, mainly due to a lack of adequate education, poverty, proper nourishment and access to health services. In their final report, the Commission recommended the implementation of a government-controlled welfare system to provide the Métis with social and economic assistance. The *Ewing Commission* also recommended that the proposed Métis farming colonies

contain a considerable amount of good agricultural land. The Métis settlements were to be located near wooded areas for building supplies and lakes for fresh supply of fish. The area was to be free from interference by white settlers and it should be capable of expansion. Brady, Norris and Tomkins had argued from the beginning of negotiations that the Métis had inherent rights to land, education, resources and healthcare. However, the provincial government viewed the assistance provided to the Métis as a temporary welfare package on leased land, and not a right. Assimilation of the Métis into the provincial mainstream was still the Alberta government's main priority. The *Ewing Commission* claimed that the, "only hope to making a half-breed a self-supporting citizen is through agriculture and particularly stock raising."

The *Ewing Commission* findings were very paternalistic and recommended a government controlled welfare system with ultimate control held by the government rather than the Métis. Assimilation of the Métis was also a main goal:

A long process of education and training is necessary. A gradual initiation into the new life is the only possible way. It is during this long period of transition rendered necessary by the white man that he has a right to look to the white man's organized system of Government for, help, for guidance, and for encouragement.
1934 *Ewing Commission Report*

The Métis Settlements would become a reality in the late 1930s and 1940s. In 1938, the "Big Three" worked with Adrian Hope, Joseph Dion and Felix Callihoo to lobby for *The Métis Betterment Act*, the end result of the *Ewing Commission's* recommendations. The Act provided for land settlement, Métis governance on these lands and additional Métis self-governing powers such as the ability to make by-laws. The Alberta Bureau of Relief was given the task of relocating Métis who wished to move onto a settlement.

Peter Tomkins, the first supervisor of the colonies, worked to ensure that the Métis both chose and governed the land in which they settled. This led to conflict with the government, which was now overseeing the management and daily affairs of the Métis settlements. Nevertheless, the development of the Métis Settlements was a positive development because it created the first Métis land base in Canada at the following new communities: Keg River (Paddle Prairie), Big Prairie (Utikuma), East Prairie, Pigeon Lake, Marlboro, Goodfish Lake, Sidebert Lake, Wolf Lake, Cold Lake, Fishing Lake and Elizabeth. In 1939, the Elizabeth Métis Colony established a *Métis Settlement Association* and created the first constitution for any colony, the first step towards self-government for the new Métis settlements. By the mid-1940s, the *Métis Rehabilitation Branch* was formed to manage the Métis Settlements and to ensure that colonies were free from interference by non-Aboriginal settlers.

The colonies, known as Settlements, exist to this day, and the Métis have gained more autonomy in governing them. Some settlements have been abandoned, but seven still exist at Paddle Prairie, Little Buffalo, Peavine, Gift Lake, East Prairie, Kikino, and Fishing Lake/Elizabeth. In 1989, the government of Alberta and the *Métis Settlements Tribunal* negotiated an historic deal, later implemented in *The Métis Settlements Act*. The act ensured that the Métis' title to the settlements was constitutionally entrenched, and it also provided the settlements with a financial package, including the sharing of settlement and subsurface resources.

V. Métis Land Claims in Canada - Leah Dorion and Darren R. Préfontaine

The late nineteenth and early twentieth centuries proved to be difficult periods for the Métis. Not only was their dream to live free and independent lives abruptly taken away from them, they encountered a settler society that had no empathy in ensuring that the Métis' cultural, educational and land rights would be protected. While the cultural dispossession of their collective and individual self-worth was bad enough, the loss of a self-sustaining land base was in many respects more traumatic because it took away from large sections of the Métis community the economic levers of survival. As a result, the struggle to restore the Métis' lost land base has been an ongoing activity since 1885. In fact, the Métis land claims issue is one of the most active struggles being undertaken by the Métis political movement.

In the 1970s and early 1980s, during periods of extensive constitutional negotiations in Canada, the Métis in Manitoba, Saskatchewan and the Northwest Territories began to press the federal government for the settlement of their land claims. However, in 1981 the federal Minister of Justice, Jean Chrétien, rejected all existing Métis land claims. The Canadian government argued that the Métis' land rights had been extinguished by the Scrip System. As a result, the Métis could not negotiate on the issue. This meant that the only way to achieve a land deal would be to use the Canadian legal system, which is a costly undertaking since lawyers, researchers and experts have to participate in the lengthy process. Since 1981, some of the more prominent Métis land claims in Canada have been in Manitoba and Saskatchewan.

In 1981, the Manitoba Métis Federation (MMF) decided to lay a land claim in the Manitoba court system. The basis of the Manitoba Métis claim is the failure of the Scrip System to retain the Métis' land base in the province, which in their view ensured that 85% of all eligible Métis were denied their benefits. The MMF claim covers much of the City of Winnipeg, which they argue was originally Métis land that the Métis were never properly compensated for. The MMF feels that the claim on much of Winnipeg, if successfully settled, would allow the province's Métis with the opportunity to provide further economic sustainability for those living in Winnipeg in terms of employment and in other areas of the province in terms of money transfers.

Métis Land Claims in Saskatchewan

In 1938 J.A Gregory the president of the Historical society took the case for Métis land claims to the legislature. Zach Hamilton, a husband of a Métis woman, indicated that the Métis had land claims against the federal government but they could not be legally justified. In 1940, the Saskatchewan Métis Society received \$10,000 from the Saskatchewan government to hire lawyers to study the constitution as it pertained to Métis land claims. However, the war interfered with these developments. In 1943, the Métis locals had almost disappeared and it was decided that the land claims issue should once again be pursued. A previous report argued that the Métis had neither a legal, nor a moral claims for their land rights. They further stressed that the Métis only focus on current social and economic issues. The lawyers hired by the Métis did not do a competent study on *The Manitoba Act* or on Aboriginal Rights.

In 1944, a change in government occurred and the Métis were given \$500 to take their brief to Ottawa. The brief reinforced the government policy that the Métis had no legitimate land claims. The federal government made it clear to the Métis that land claims had been settled when land and money Scrip had been issued. The Métis Society struggled and many Métis veterans (from World War I) left the organization. Movement on the Métis land issue was made in 1944 when the Saskatchewan government supplemented its Métis farms with eight townships of public lands for the Green Lake settlement.

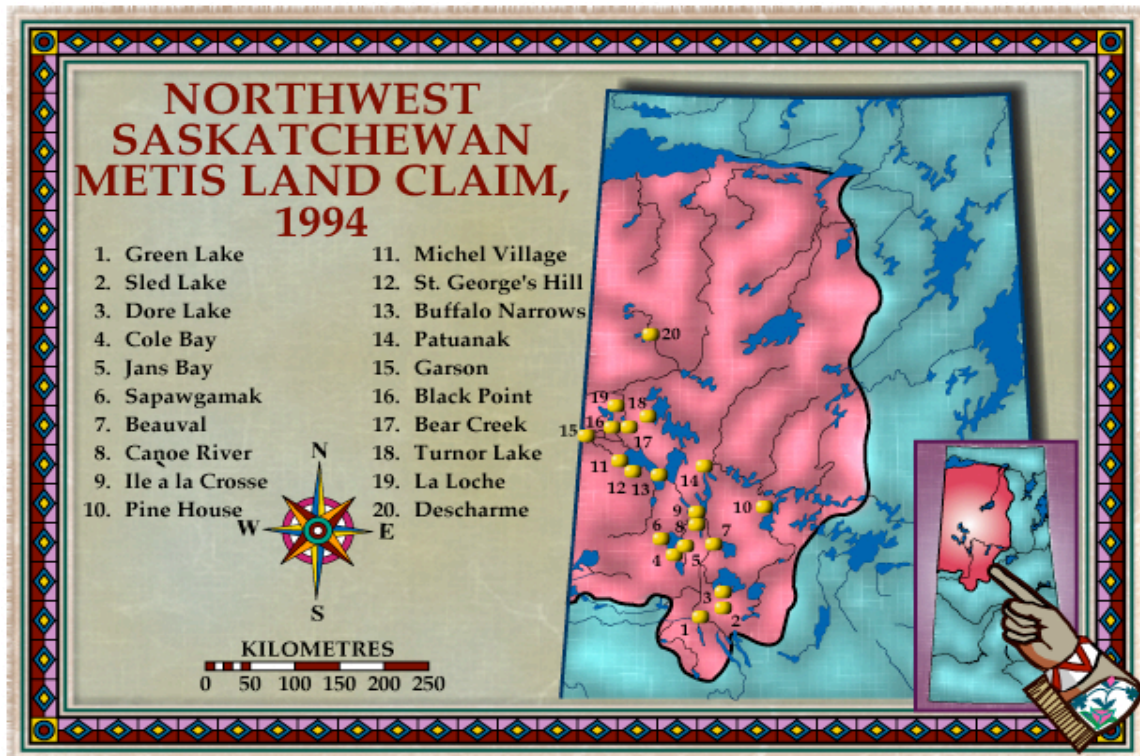
The modern Métis land claims issue has occurred since the 1990s. The Métis Nation – Saskatchewan (MN – S) has had, since 1994, a land claim for much of northwestern Saskatchewan focusing on such traditionally Métis communities as Ile a La Crosse, Beauval, Buffalo Narrows and Pine House Lake. This is a resource-rich region containing the largest portion of the province's forestry industry, some mining activity and considerable fauna such as moose and black bear. The MN – S feels that if this claim were settled, it would provide the province's Métis with solid economic activities for generations. The MN –S has this to say regarding this extensive land claim:

After the failure of the Charlottetown Accord, along with the companion Métis Nation Accord in the fall of 1992, the leadership of the Métis in Saskatchewan responding to the advice of Métis Elders, decided to begin defending the rights of Métis people in the courts. There was also a decision made to file a statement of claim challenging the validity of the scrip system as a legitimate means of extinguishing the Aboriginal title of the Métis. At a general assembly of the Métis Society of Saskatchewan in the summer of 1993, the assembly, after reviewing a number of options decided to limit the geographic scope of the court challenge to northwest Saskatchewan. This decision was based on a number of factors including a smaller geographic area; scrip distributed most recently (1906); less research required, thereby costing less; and finally, that land was not available in northern Saskatchewan at that time, as the area was not surveyed.

The Statement of Claim was filed in Court of Queen's Bench in Saskatoon in May 1994. Through the Statement of Claim filed on behalf of the Métis National Council, the Métis Nation of Saskatchewan and the Métis Locals of Northwest Saskatchewan, the plaintiffs sought three declarations: a declaration that the Aboriginal title to the lands and resources of the Métis of that region was not extinguished by the 1906 scrip distribution; a declaration that the Aboriginal right to hunt, trap, fish and gather was

not extinguished; and a declaration that the inherent right of self-government was not extinguished.

The action was filed against both the federal government and the government of Saskatchewan, both of whom have filed statements of defence claiming that those rights were validly extinguished in 1906 by the distribution of scrip. No further court action has taken place since 1994⁴.



VI. Métis Self-Government and Activism – Leah Dorion

If the Métis land claims are resolved and the creation of economically viable land based occurs, the Métis will endeavour to fully implement true self-government on these homelands. Currently, the Métis in the four Western Provinces and Ontario are working towards self-governing agreements with the various provincial and territorial governments. Many Métis feel that only when a significant number of these economically sustaining land bases are established

⁴ Taken from the World Wide Web (www.metisnation-sask.com/rights/index.html) on January 23, 2003.

that true self-government can occur. The Métis are one of dozens of Indigenous nations that are striving for self-government. The United Nations has recognized the need to promote the human rights of individuals and groups of people in the *International Covent on Economic, Social and Cultural Rights Convention 169*, which maintains that:

Article 1: 1. *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

Article 7: 1. *The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development...*

Article 1 (3): 3. *The use of the term "peoples" in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.*

Article 1 (2): 2. *Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.*

Like many Aboriginal people throughout the world, the Métis have benefited from the actions of the United Nations and the World Council of Indigenous peoples. These organizations study issues such as basic human rights and self-determination of indigenous peoples. This worldwide awareness of the effects of colonialism on Aboriginal peoples has educated the general public and sparked political organization among many Aboriginal groups. In recent years, the Métis of Canada have publicly voiced concerns over issues they face in their communities, governments and families. In a new political and social climate the Métis have once again asserted their freedom and rights to self-government.

The Métis, of course, believe that self-governing rights has other bases other than international law. At a Métis self-government workshop held in March 1993, the *Métis National Council* (MNC) outlined their position regarding the inherent rights of the Métis in Canada. According to the workshop, inherent

rights include things such as customs, traditions, values, practices, culture, spiritual, language, resources, lands, water, air, self-government, self-determination, social development and citizenship and membership.

According to the MNC conference papers, “ Métis inherent rights are granted from the Creator, and we inherent our rights from Indian/non-Indian heritage and ancestry, from generation to generation. Our rights cannot be granted to us by parliament or any governments, nor can they be taken away, nor altered in any way.” Clearly the MNC advocates that the Métis Nation reserves the exclusive right to define and determine the form and nature of their inherent rights and freedoms. The Métis firmly state that “Inherent Rights exist “independent” of Treaties and Constitutions” as a result, laws must be constructed by the Métis governments respecting the inherent rights of Métis and the Métis Nation.”

The basis of any self-government or self-determination movement includes activists. An activist follows a policy of vigorous action in a cause, especially in politics. Activists organize forums and people and speak openly on important issues. Many activists have made enormous social, economic and political sacrifices to stand-up for their beliefs. Many Métis activists and organizations have emerged over the years to promote and preserve Métis history, culture and lifestyle, as well as the Métis’ social, economic and political rights. Many Métis activists have gained respect from the general public for their commitment to Métis social justice.

Since the events at Red River (1869-1870) and Batoche (1885), a large portion of the general public, academics and politicians held misconceptions about Métis

history. These beliefs have had a negative impact on the formulation of Métis identity and culture in Western Canada. For the most part, the role of Métis people in the development of Canada went unrecognized. As a result, Métis activists have promoted alternative points of view from a Métis perspective in order to make positive change for the Métis. This began soon after the troubled events of 1885. For instance, in 1887, Métis nationalists met in St. Vital, Manitoba to found a historical and cultural society known as the *l'Union Nationale Métisse de St. Joseph*.

However, it was in 1930s that modern Métis political and social activism really emerged. The 1930s were years of economic hardship on the Prairies. For the Métis, poverty, lack of education and starvation were central issues.

In Alberta, the Métis began to organize to address these social and economic concerns. In 1932 the *l'Association des Métis de l'Alberta* pressured the Alberta government into appointing a Royal Commission to inquire into the conditions of the Métis. The *Ewing Commission* released its report in 1936. As a result, the *Métis Population Betterment Act* was passed which provided the establishment of Métis settlements.

In Saskatchewan, local Métis gathered at informal meetings in Regina to discuss the local needs of the Métis community. By 1935, Joe Ross a Regina labourer and Joe McKenzie began to build the foundations of the *Métis Society of Saskatchewan*. The goals of these early Métis leaders were to pressure government to improve the economic and social conditions of the Métis, to help the Métis get jobs or relief, and education for their children and to press the government for a satisfactory settlement of land claims. In 1937, the new

organization was officially formed and called the *Saskatchewan Métis Society*. The goals were to better the Métis' social, cultural and economic life and to correct the historic record. They also set up branches of the society as affiliates across southern Saskatchewan. However, a lack of political experience was a major problem; therefore, lobbying proved very difficult.

During the 1950s, Métis associations were weakened by shortage of funds and government sponsorship. However, a resurgence of political activity grew in the 1960s. The African-American Civil Rights movement, the Red Power movement and American Indian movement had an influence on Métis politics and leadership. After years of repression, racism and economic marginalization, the Métis organizations in Saskatchewan began to build. In 1967, the northern and southern Métis organizations joined into the *Métis Society of Saskatchewan*. Provincial and federal funding sources emerged. In 1975, the organization went through another name change to become the *Association of Métis and Non-Status Indians of Saskatchewan* to include many who had lost their Treaty rights through enfranchisement or marriage. The new organization worked for better education, jobs, better-living conditions, fishing, hunting and trapping rights.

Métis National Council (www.metisnation.ca)

The national Métis government in Canada is called the *Métis National Council* (MNC). The three provincial Métis associations on the Prairies, in Saskatchewan, Alberta and Manitoba originally founded the MNC in 1983 with its headquarters in Ottawa. The MNC was formed so the Métis could be properly represented at the first First Ministers' Conference on Aboriginal Constitutional Affairs in March 1983. One of the main goals of the MNC is to ensure the full participation

of the Métis in the process of obtaining for the Métis, the inherent Aboriginal rights and self-government and self-determination. However, the MNC has since expanded its membership to include other regions of the Métis homeland: British Columbia and northwestern Ontario. The MNC has represented these regions and the Métis people of these regions at national forums, conferences and First Minister's Conferences.

Like all major national organizations, the MNC has a local, provincial and national structure. The MNC parallels the Canadian federal government and the provincial affiliates such as the Métis Nation – Saskatchewan or the Manitoba Métis Federation resembled provincial governments. The provincial association is the focus of most political attention. The executive is chosen in general and direct province-wide elections in which every Métis has the right to vote. These elections are held by secret ballot, at regular intervals, in communities throughout the province or region. Audrey Poitras is the interim president of the MNC.

Métis Nation of British Columbia (www.metisnationbc.com)

After the 1885 resistance, many Métis moved to the Peace River country of northeastern British Columbia to join existing Métis communities. In the 1970s the *Louis Riel Métis Society* formed in the western part of the region, and by 1983, the association had gone province-wide. The Métis Nation of British Columbia emerged in 1990s as the main representative of the province's Métis. Harvey Desjarlais is the current president of the *Métis Nation of British Columbia*.

Métis Nation of Alberta

The *Métis Nation of Alberta* (MNA) was originally known as *L'Association des Métis de l'Alberta et des Territoires du Nord-Ouest*. It was formed in 1920 to look after the rights of the Métis. In 1967, it was re-named the *Métis Association of Alberta*. The MNA succeeded in negotiating the *Métis Betterment Act* making Alberta the only province with a Métis land base. The MNA's headquarters are in Edmonton. Currently, the MNA is a signatory to two protocol agreements, a tripartite and a framework agreement, to transfer service delivery of programs to the Métis. Some of the objectives of the organization are to coordinate the efforts of the Métis for promoting their interests through collective action; to contribute to the understanding of Métis history, accomplishments and contributions to Canadian society; to make representations to federal, provincial and municipal governments regarding all legislation that affects the interests of the Métis. The MNA also provides a selection of programs designed to promote Métis culture and lifestyles. Audrey Poitras is the current president of the MNA.

Some of the past presidents of the *Métis Association of Alberta* include:

1928-1958	Joe F. Dion
1959-1961	Jim McDonald
1961-1967	Adrian Hope
1967-1971	Stan Daniels
1971-1972	James Ducharme
1972-1975	Stan Daniels
1975-1976	Ambrose Laboucane
1976-	Stan Daniels

Métis Nation – Saskatchewan (www.metisnation-sask.com/index.html)

The Métis Nation – Saskatchewan (MN-S) is one of the largest of MNC's provincial affiliates. The MN-S' objectives are to strive for the political, legal and constitutional recognition and guarantee of the rights of the Métis Nation, including the right to a land base, self-government and self-governing

institutions and to rebuild the Métis' social base and revive the cultural heritage and pride.

Past presidents of the MN-S include:

1939	Joe Laroque
1943-1944	Mr. St. Denis
1946	Fred DeLaronde
	Joe Amyotte
1969-1971	Howard Adams
1971-1988	Jim Sinclair
1988	Clifford Laroque
1989-1992	Jim Durocher
1992-1995	Gerald Morin
1995-1998	Jim Durocher
1998-2002	Clem Chartier

Manitoba Metis Federation (www.mmf.mb.ca)

In 1967 Reverend Adam Cuthand contacted Meits leaders to join a provincial organization known at the *Manitoba Metis Federation* (MMF). Cuthand, an Anglican priest was elected as the Federation's first president, in recognition of his interest and service to the Métis cause. With no government funding, the MMF relied on operating money from businesses and churches. The MMF has seven regions with the head office in Winnipeg. In 1972, the MMF formed a book publishing operation, now known as Pemmican Publications, which has long been devoted to publicizing and preserving the history and culture of the Métis. As part of Métis economic development, the MMF launched the Métis Credit Union of Manitoba in the late 1970s. David Chartrand is the current president of the MMF.

Some of the past presidents of the MMF include:

1967-1970	Adam Cuthand
1970-1974	Angus Spence
1974	Ferdinand Guiboche
1975-1976	Edward Head
1976-1981	John Morrisseau
1981-1984	Don McIvor
1984-1993	Yvonne Dumont
1993-1994	Ernie Blais
1994-	Billyjo DeLaRonde

Métis Nation of Ontario (www.metisnation.org)

The *Métis of Ontario* (MNO) developed from a split with its parent organization the *Ontario Métis Aboriginal Association*. In 1993, the MNO restructured to improve the living conditions and enhance the economic opportunities for the Métis of the eastern extreme of the Métis Homeland. The MNO has been involved with provincial negotiations for recognition of hunting and trapping rights, and social service delivery. The highly publicized *Powley Case*, in which a northern Ontario Métis fought for his inherent right to hunt and trap are the most recent example of MNO leadership. Tony Belcourt is the current president of the MNO.

The MNC and its five provincial affiliates have been striving for Métis self-government in all aspects for decades. The Métis Nation of Canada has presented various approaches for implementing Métis self-government. These include:

1) Traditional modes of Métis self-government

In the past, the Métis had their own local governing bodies such as the Council of St. Laurent (in the late 1870s around present-day central Saskatchewan), and the two Provisional Governments during the Red River and 1885 Resistances. In addition, the laws governing the Métis' bison hunt in the mid-nineteenth century or the *Law of the Prairie* was an act of self-government.

2) Métis Settlements of Alberta

The Métis settlements in Alberta are the case of Métis governance over a Métis land base. The system used by the Alberta Métis can serve as a model for other Métis communities.

3) Métis Self-government in Urban Centers

Métis association locals have evolved into local self-government vehicles for Métis living in urban centres and off a land base. Métis locals deliver programs and develop policies on issues such as economic development, housing and child and family services.

Métis Self-government Obstacles

Self-government, however, is not easily attributed to the Métis because there is no federal statute dealing with the Métis. In the past, there was no law requiring a distinct Métis-federal government relationship. The Métis were usually dealt with after dealings were made with First Nations. A number of factors are hindering the Métis as they move collectively towards self-government. These include: lack of a land base (dispossession), financial resources, an unclear definition of who a Métis is, which will satisfy all major stakeholders, a proper enumeration of the Métis and a social and economic infrastructure in most communities. Métis leadership at every level feels that all this would change if the Métis became the responsibility of the federal government like Status First Nations or the Inuit.

If the Métis were to become the responsibility of the federal government, federal-provincial “off-loading” in which neither level of government claims responsibility for the Métis would end. Moreover services delivered by and received from the Métis would be more uniform than currently. If the Métis became a federal responsibility then they would have a greater to participate in programs in the past that only benefited the (Status) First Nations and the Inuit. In addition, the Métis would also benefit from the Comprehensive and Specific Claims process that First Nations across Canada are taking part in. In the end, this process would cost hundreds of millions, if not billions, of dollars, something which the courts and the federal government are aware of.

VII. Métis Self-Government: A Brief Historiography - Daren R. Préfontaine

Today, “resistance” centres on such issues as self-government, community and economic development, political organization, cultural life, Aboriginal and hunting rights, racism, Métis legal identity and justice issues are popular contemporary topics. However, the prominence placed on Métis self-government issues during the 1980s has resulted in a lack of comprehensive material developed on the other issues. Some very good resources have since been developed by organizations on other important issues for example, in the area of justice, *The Struggle for Recognition* provides a good overview of articles discussing Métis justice issues.⁵ Since the early 1990s, the Métis National Council has published informative papers and studies on literacy, the Michif language, the child welfare system, and Métis economic development. The Internet also contains a significant amount of content about Métis history, identity and culture, but researchers must critically examine these sites. Significant information about contemporary Métis issues is contained in the Royal Commission on Aboriginal Peoples.⁶

Admittedly, there is a real gap in the literature regarding the growth of Métis political organisations following the 1885 Resistance. These were important years for the Métis. However, since the Métis were marginalized and many were colonized or even hid their Métis identity in order to escape racism, Métis politicians and activists faced great challenges trying to organize. Marginalization, assimilation and social displacement were common experiences

⁵ The Métis National Council. *The Struggle for Recognition: Canadian Justice and the Métis Nation* . Winnipeg: Pemmican Publishing.1991.

⁶ Royal Commission of Aboriginal Peoples. Volume 4: *Perspectives and Realities* . Canada Communication Group Publishing. 1996.

facing the Métis from 1885 onwards. The next generation of Métis political leaders developed new strategies to alleviate the dire social conditions of the Métis people. The first book of note in this subject was Murray Dobbin's political biography of James Brady and Malcolm Norris, *The One-And-A-Half Men*.⁷ Despite being written from a Marxist perspective, it remains useful. Brady and Norris were well respected because they sacrificed their personal lives for their people, and laid the groundwork for modern Métis political organizations in Alberta and Saskatchewan. As well, both men were part of the post-war Métis leadership who contributed to the creation of the Alberta Métis settlements. The book also describes in detail, the process, which led the Alberta government to appoint a commission into alleviating the social conditions facing the province's Métis in 1932.⁸

The work by Norris, Brady and other Métis leaders led to the historic creation of the Alberta Métis settlements and the Métis Betterment Act. Joe Sawchuck is considered the pre-eminent authority on the Alberta Métis settlements. His monograph, *Métis Land Rights in Alberta: A Political History*, with Patricia Sawchuck, Theresa Ferguson and the Métis Association of Alberta, is the most-widely-known monograph on this topic. Particularly useful is his analysis of Scrip,⁹ the St. Paul des Métis colony,¹⁰ the Métis settlements¹¹ and the unique development of the Grande Cache Métis settlement.¹² This book complements

⁷ Murray Dobbin, *The One-And-A-Half-Men. The Story of Jim Brady and Malcolm Norris: Métis Patriots of the 20th Century*. Regina: The Gabriel Dumont Institute, 1981, pp. 66-87.

⁸ Ibid, pp. 88-104.

⁹ Joe Sawchuck, Patricia Sawchuck, Theresa Ferguson and the Métis Association of Alberta, *Métis Land Rights in Alberta: A Political History*. Edmonton: Métis Association of Alberta, 1981, pp. 87-158.

¹⁰ Ibid, pp. 159-85. Père Lacombe originally started the St. Paul des Métis settlement as a Métis colony in 1896. For a host of reasons, the Métis people lost control of the colony in 1909, and were forced out and French-Canadian settlers took the land, which the Métis people had spent years clearing.

¹¹ Ibid, pp. 187-214.

¹² Ibid, pp. 215-41.

T.C. Pocklington's more recent study on the same topic, which explains the process leading to Métis' control of these lands through a bipartite agreement with the Alberta government in 1990.¹³

Unfortunately, the literature is not overly developed on events from 1885 to the 1960s. The literature on the historic development of Métis provincial organizations is underdeveloped. Joe Sawchuck has written the only overview of Prairie Métis political organizations, which covers the 1930s to the present.¹⁴ There were many Métis political organizations in Prairie Canada at this time including *L'Union Nationale Métisse St. Joseph du Manitoba*¹⁵ and the *L'Association des Métis D' Alberta et des Territoires du Nord Ouest*.¹⁶ Once again, Joe Sawchuck provides a useful analysis of the structure of the Manitoba Métis Federation during the late 1960s and the early 1970s.¹⁷ His most recent book, *The Dynamics of Native Politics: The Alberta Métis Experience* is an excellent volume for anybody interested in the creation of Métis political organizations, their internal structures and their relations with the Canadian state.¹⁸ As well, the late F. Laurie Barron analyzed the Cooperative Commonwealth Federation (CCF) government in Saskatchewan's well meaning but paternalistic Aboriginal policy, which failed to significantly improve the lives

¹³ T.C. Pocklington, *The Government and Politics of the Alberta Metis Settlements*. Regina: Canadian Plains Research Center, 1991.

¹⁴ Joe Sawchuck, "Fragmentation and Realignment: The Continuing Cycle of Métis and Non-Status Indian Political Organisations in Canada", *Native Studies Review*, 10, No.2, (1995), pp. 77-95.

¹⁵ See A. -H. de Trémaudan, (translated by Elizabeth Maguet), *Hold High Your Heads: A History of the Metis Nation in Western Canada*. Winnipeg: Pemmican Publications, 1982. This translation of the original Trémaudan book *La Nation métisse dans l' Ouest Canadien* does not discuss the role played by this early Métis organisation. However, the book was written on behalf of this Métis cultural organisation.

¹⁶ See Dobbin, *The One and A-Half Men.*, pp. 54-65

¹⁷ Joe Sawchuck, *The Metis of Manitoba: Reformulation of an Ethnic Identity*. Toronto: Peter Martin Associates Limited, 1978, pp. 45-67.

¹⁸ Joe Sawchuck, *The Dynamics of Native Politics: The Alberta Métis Experience*. Saskatoon: Purich Publishing, 1998. Sawchuck provides further insights into the imposition of categories of "Nativeness" on Aboriginal people by the Canadian state (pp. 13-27); a thorough discussion of Aboriginal political organisations in Canada (pp. 28-48) and the organization of the Métis Association of Alberta (49-68).

of the province's Métis people.¹⁹ Of particular interest to students of Métis Studies is his analysis of the CCF's Métis policy, which led to the creation of Métis farms in Lebret and Green Lake, Saskatchewan.²⁰ For a centennial project commemorating the execution of Louis Riel in 1885, Wayne McKenzie wrote "Métis Self-Government in Saskatchewan", in which he provides a paradigm for the implementation of Métis self-government.²¹ Finally, the current president of the Métis Nation of Saskatchewan, Clem Chartier, has written a great deal on the Métis people's struggle to obtain self-government.²²

Questions and Activities:

Terms:

Act: An enactment as of legislature.

Accord: To be in agreement or harmony. Settlement of points of issue between nations.

Brady, James [1908-1967]: Jim Brady was born in 1908 at Lake St. Vincent near St. Paul, Alberta. His father was a wealthy storekeeper of Scottish ancestry. His mother, a registered nurse, was Philomena Archange, a Métis. Brady grew up in St. Paul, which was the largest Métis community in Alberta. The militant ideologies of the community were to have a tremendous influence on Brady's life. While he was growing up, the Brady family were strong advocates of Métis identity and social equality. As a young man, various politicians, radical and union supporters, tutored Brady. During the 1920s he worked as a labourer and became knowledgeable about the politics of work. In 1930, Brady became a Marxist. Intent on social equality, he joined Malcolm Norris, Pete Tomkins and Joseph Dion in the thirties. Together they formed the *Métis Association of Alberta*. When war broke out, he was refused entrance into the army because of

¹⁹ F. Laurie Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF*. Vancouver: University of British Columbia Press, 1997. See also James M. Pitsula, "The Thatcher Government in Saskatchewan and Treaty Indians, 1964-1971: The Quiet Revolution", *Saskatchewan History*, vol. 48, No. 1., pp. 3-17. This essay, while dealing largely with Treaty First Peoples, argues that Thatcher's government was paternalistic to both Indian and Métis people, and that the premier used legitimate Aboriginal grievances for his own political ends.

²⁰ Ibid, pp. 29-57. See as well: F. Laurie Barron, "Introduction to Document Six: The CCF and the Saskatchewan Métis Society", *Native Studies Review*, Vol. 10, No. 1(1995), pp. 89-106. See also: Jim, Pitsula, "The Thatcher Government in Saskatchewan and the Revival of Metis Nationalism, 1964-71", *Great Plains Quarterly*, Vol. 17, No. 3-4, pp.213-236. Pitsula is a social historian who only recently began to write about Aboriginal issues. In this essay he manages to both praise former Saskatchewan premier Ross Thatcher's efforts to find a better place in society for the province's Aboriginal people and denounce his paternalism.

²¹ Wayne McKenzie, "Métis Self-Government in Saskatchewan", in F. Laurie Barron and James B. Waldram (editors), *1885 And Afterward: Native Society in Transition*. Regina: Canadian Plains Research Center, 1986, pp. 297-306.

²² See Clem Chartier, "Aboriginal Self-Government and the Métis Nation" (Don Purich Editor), *Aboriginal Self-Government in Canada*, Saskatoon: Purich Publishing, 1994, pp. 199-214.

hi Communist affiliations. He continued his political struggles until he was finally accepted into the army in 1943. After the war, Brady moved to northern Saskatchewan. He lived in a simple log cabin lined with scholarly books and he worked as a prospector to support himself. He was reunited with Norris and together they worked to organize the *Northern Métis Association*. Brady was viewed as the strategist. In 1967, while on a prospecting expedition with a Cree friend, Brady and his partner disappeared. An extensive RCMP search ensued, but they were never found. Many Northerners believe that the two men were murdered for political reasons.

Constitution: The fundamental laws of a nation. The document containing such laws.

Dispersal: The Métis of Western Canada made two major dispersals from their homelands after the 1869-70 and 1885 Resistances. The major reasons for the Métis dispersal were the inability to receive a land base and discrimination in the new social order.

Dispossessed: Means when an individual or group of people has something taken away from them, which belongs to them. In most cases, this means the loss of a homeland or a way of life or it could be the family house, farm or business.

(The) Dominion Lands Act: In 1879 the Act made provisions to provide Métis in the Northwest with a land grant based on the Scrip system used in Manitoba.

Ewing Commission: The Alberta Government established the *Ewing Commission* in 1934 in order to study the social and economic conditions of the Métis living in the province. The commission concluded in 1936.

Extinguishment: A legal concept used by the Canadian government that refers to the land rights of Aboriginal peoples. Before Canada could lawfully settle the lands inhabited by Aboriginal nations they had to legally extinguish the Indian title of the people through Treaty or other written agreements.

Fiduciary Obligation: Means held or given in trust depending for its value on public confidence or securities. Recent Métis land claims state that the federal government had a fiduciary obligation to administer land grants in the Métis' best interests. The Métis claim that the government historically failed to look after the best interests of the Métis land grant system, which led to the current lack of a Métis land base in Canada. The Métis viewed this as a breach of trust.

Half-breed Commission: This commission was established in Alberta on December 12, 1934 in order to study the social and economic conditions of the Métis people in Alberta. The commission's recommendations were made public on February 15, 1936. The commission was later known as the *Ewing Commission*.

Justice: Justice refers to the principle of ideal or moral rightness. Justice systems uphold what is determined as right by a society. The justice system is created to administer the law. In Canadian society a judge or jury makes the decisions about fairness and justice.

Lacombe, Father Albert [1827-1916]: Father Albert Lacombe was born and raised on a farm in the French-Canadian parish of St. Sulpice, Québec. He entered the

college and seminary at L'Assomption to be educated for the priesthood. He met Father George Belcourt, missionary among the Indians and Métis of Pembina in the Red River Valley. Lacombe became a priest in 1849. He then became a missionary at Pembina, Red River and worked with most of the First Nations and Métis in present-day Western Canada and the United States. He worked extensively with the Métis, Cree and Blackfoot and Sarcee. The Cree people called father Lacombe, "Noble Soul." He assisted in establishing Métis communities such as, Lac Ste. Anne, Big Lake (St. Albert), St. Paul (Manawan), and the Lacombe Home at Midnapore. He had Indian in ancestry and was known for a passionate attitude towards Aboriginal people. He has many accomplishments as a missionary. Father Lacombe also established the mission school at St. Albert.

Laws: A rule of action or conduct established by authority, society, or custom. A body of such rules. The control that ensues when such rules are enforced. The study and science of law is jurisprudence. The profession of a lawyer. A code of ethics for behaviour.

Legislation: The act or process of passing laws. Lawmaking. A law or group of laws proposed or enacted by a legislature.

Legislature: An officially selected body of persons with the power and responsibility to make and change laws.

Métis Betterment Act: As a result of the recommendations made by the *Ewing Commission*, the first *Métis Betterment Act* was passed on November 22, 1938. This Act outlined the Alberta provincial government's responsibilities towards Alberta Métis citizens.

Norris, Norris [1900-1967]: Malcolm Norris was born at Edmonton in 1900. His father, John Norris, was a wealthy Scottish settler. His mother was Euprosine Plante, a Métis of St. Albert. Children from his father's previous marriage were antagonistic to their Métis stepmother and her children. As a result, the family lived in two separate homes. Malcolm grew up and received his education in St. Albert. Métis heritage and the Resistance of 1885 were familiar topics of discussion in the Norris home. In his twenties, Norris married, became an avid socialist and began to fight against bigotry and racism. He often introduced himself as "Redskin Norris". He spent five years working for the Hudson's Bay Company until he grew disenchanted with its trading methods. He left the Company and spent his next five years trapping and trading. Political turmoil in the 1930's caused Malcolm to become a strong activist, lobbying for Métis rights and social equality. He joined Jim Brady, Pete Tomkins and Joseph Dion. Together, they organized the *Alberta Métis Association*. When World War II broke out, the organization disbanded and Norris joined the RCAF. After the war, he went to work for the CCF party in Saskatchewan. He became a strong defender of Métis rights and began to organize another Métis association. With the ousting of the CCF party in 1964, Norris was dismissed from his job. He worked in Prince Albert as the director of the Indian-Métis Friendship Centre. He continued to fight for Métis rights and, in 1964, started the *Métis Association of Northern Saskatchewan*. In 1966, Norris suffered a stroke, but he continued his political career from a wheelchair. He moved back to Alberta in 1967 where he suffered a stroke and passed away. Norris is remembered as a brilliant orator and political organizer.

Road allowance; road allowance people: Lands set aside by the government for the development of roads. Many dispossessed Métis lived on road allowances when they were pushed off their traditional lands, becoming known as the road allowance people.

Scrip certificate: A government issued certificate that gave Métis land or money.

Scrip Commission: These were government-organized gatherings held at or near Métis communities for the purpose of determining who was eligible for Scrip, as well as issuing it.

Section: A parcel of land measuring 640 acres (259 hectares) or 1 mile by 1 mile (1.6 kilometres by 1.6 kilometres). There are 36 sections in a township. Sections are commonly broken up into quarter sections (160 acres) and half sections (320 acres). Land Scrip certificates issued in Manitoba were worth 160 acres or, in other words, a quarter section.

Section 35, The Constitution Act: The section of the constitution, which recognizes Aboriginal people as being First Nations (Indian), Inuit and Métis.

Self-determination: Is the desire of a nation of people, for a whole host of reasons, to obtain more self-government or to become independent of the larger political entity in which they live.

Self-government: Is the desire of groups of colonized or politically marginalized people to govern their own affairs without outside interference. The term does not infer separation but means instead autonomy.

St. Paul des Métis: Was the first Métis settlement in Alberta that did not start out as a fur trade centre. Located in northern Alberta, the settlement, the first of the Métis settlements of Alberta, began through the efforts of the Métis missionary Father Albert Lacombe and lasted from 1896 until 1909, when its residents left due to financial difficulties and the resistance of other Métis who did not want to live in the community.

- 1) Define and explain the term "Scrip".
- 2) Explain what happened to most of the money and land Scrip after the Métis received it and give reasons why it was not utilized for its intended use?
- 3) What does *The Manitoba Act* guarantee for the Métis?
- 4) Why were banks interested in getting Métis Scrip? Give examples of financial institutions dealing in Métis Scrip.
- 5) Pretend you were a bank manager what would you do with the Métis Scrip certificates?
- 6) How was Scrip distributed to Métis families?
- 7) How did dishonest land dealers take advantage of the Métis?
- 8) Compare and contrast the Scrip and Treaty processes.
- 9) With your classmates, submit your own hypothetical Métis land claim to the Canadian government. How would you form the package and what evidence would you submit?
- 10) What is the legal basis for the 1994 Métis land claim in Northwestern Saskatchewan?
- 11) Outline the legal basis for the Manitoba Métis land claim.
- 12) Create a debate regarding Métis land claims. One side should be government and the other the Métis claimants.

- 13) What is meant by a fiduciary obligation? From what you understand of Canadian history, did the federal government also maintain a fiduciary obligation to the country's various Aboriginal peoples? Why or why not?
- 14) Why were the Métis known as the "Road Allowance People"? Outline the events, which made the Métis have this title.
- 15) How did government legislation make life hard for the Road Allowance People?
- 16) How are the Alberta Métis Settlements unique in Canada? Do you think that they could serve as a model for the development of future land bases for the Métis?
- 17) What are the main avenues for self-government among the Métis?
- 18) Outline the structure of Métis political life in Canada.
- 19) Doing research on the Internet, determine how successful the various provincial Métis agencies have had in promoting self-government. How similar and different are the programs implemented by these agencies?
- 20) Major Activity:
 Create a simulation game regarding the dispossession of the Métis in 1870-1885. Include how the Scrip system failed to provide for a Métis land base in Western Canada. Your game can also be in the form of a board game.
 Things to prepare for the simulation or board game:
 Make a timeline of the key events to begin your simulation.
 Find out basic the facts for the 1885 and 1870 resistances.
 Do background research on the dispossession of the Métis from 1870-1885.
 Outline the structure of the Métis communities involved in resistance.
 Who were the Métis resisters and what was their lifestyle?
 Outline the role of the North West Mounted Police in 1880s.
 What were the views of the federal government on Métis lands?
 Explain the influences of the Canadian Pacific Railway and HBC or the Métis resistances.
 Who were the major people and places?
 Outline how the Scrip system worked.
 What was it like for the Métis people whom wanted to patent their lands?
 What was the role of the dominion lands office?

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