

LAND EXPROPRIATION

Lesson 2

GOVERNMENT LEGISLATION AFFECTING INDIANS

(Indian Act and Others)

Land Expropriation

Lesson 2: Government legislation Affecting Indians
(Indian Act and Others)

I AIM

The students will:

1. gain information about legislation made by government on behalf of Indians; and,
2. become familiar with the policies of the Indian Act.

II OBJECTIVES

The students will be able to:

1. tell what the Royal Proclamation affirmed for Indians;
2. name a policy of the Indian Act which benefitted Indian contact with European settlers;
3. name a policy of the Indian Act which was detrimental to Native Peoples; and,
4. give reasons for the inability of Indians to help themselves.

III TEACHING METHODS

1. Read teacher's Familiarization Material, "The Indian Act", p.p. and excerpt from "Indians of Canada", p.p. , to give information about the Indian Act and policies affecting legislation for Indians.
2. Present a lecture on the Indian Act.
 - (a) the process of conferring responsibility for Indians to the federal government under the B.N.A. Act.

- (b) the relationship of Indians to the rest of Canadian society.
 - (c) the policy of government protection for Indian lands and why it was needed.
 - (d) the policy of granting Indians aboriginal rights so that land can be acquired by legal processes.
 - (e) the policies of assimilation, civilization, and enfranchisement.
 - (f) the inability of Indians, under legislation like the INDIAN ACT, to become a self-determining people.
3. Duplicate and distribute Student Handouts:
- (a) THE INDIAN ACT and WHAT IT MEANS
 - (b) MAJOR GOVERNMENT LEGISLATION AND POLICIES AFFECTING NATIVE PEOPLES, p.p. ,
and read in class or assign as reading for homework.
4. Have students complete Student Assignment p. orally or in written form.
5. Provide feedback on the assignment.

IV PERFORMANCE CRITERIA

1. Have students name legislation enacted for Native Peoples which, in their opinion, was of particular significance to them and ask them to give reasons for their choice (to support their answer).
2. Ask students to comment on the Royal Proclamation:
 - (a) what rights it reaffirmed;
 - (b) why Indians have certain land rights which other Canadians do not have;

- (c) by what authority in 16th century Europe the rights of Native inhabitants were confirmed; and,
 - (d) why confirmation of rights was important.
3. Let students name policies of the Indian Act:
- (a) which benefitted Indians; and,
 - (b) which were detrimental to Indians.
4. Let students explain why it was difficult for Indians to develop processes of self-help and/or political action.

V MATERIAL

1. Teacher's Familiarization Material: THE INDIAN ACT, prepared by Gabriel Dumont Institute staff, p.p.
2. Student Handout A: MAJOR GOVERNMENT LEGISLATION AND POLICIES AFFECTING NATIVE PEOPLES, prepared by Gabriel Dumont Institute staff, p.p. IV - II - 8
3. Excerpt from Student Handout B: THE INDIAN ACT and WHAT IT MEANS, interpreted by the Union of B.C. Chiefs, 2140 West - 12th Avenue, Vancouver, B.C., 1975, p.p. IV - II - 13
4. Excerpt from INDIANS OF CANADA, by John A. Price, Prentice Hall of Canada, IV - II - 21

Teacher's Familiarization Material: THE INDIAN ACT

When, in 1867, the BNA Act assigned responsibility for "Indians and Lands Reserved for Indians" to the federal government, it did not define how this responsibility was to be carried out. A separate Indian Act, eleven years later, provided details of Canadian parliaments administration on the affairs of Indians. The Indian Act of 1867, though revised many times, has remained basically unchanged. It served more as an agent of social control than as a promoter of human welfare to the Native Peoples. It served to assure that Indians stood not in the way of progress envisioned by the Canadian government. The Act, in Harold Cardinal's words, "defined the relationship between Indians and the broader Canadian society."¹ This was achieved by devising separate standards for Canadian citizens and Indians, with a greater number of privileges for the former.

Not only did the Indian Act define the relationship between Native Peoples and Canadian society, it also affected relationships among Native Peoples themselves by creating major divisions among them. By narrowly defining an Indian person and disregarding cultural traditions of language, land tenure and tracing descent, it excluded many persons which had formerly been part of the kinship clan; for example women married to non-Indians, including their offspring, and those who traced their descent through the mother. According to the Indian Act an Indian is a male person of Indian blood belonging to a particular band; any women lawfully married to such a male and the children produced by this marriage.

Indians wish to avail themselves of the privileges granted to Canadian citizens were given the opportunity through the enfranchisement policy provided in the Indian Act. This policy

¹ Cardinal, Harold, *The Rebirth of Canada's Indians*, (P. 75), M. E. Hurtig, Edmonton, 1977.

set forth a process in which an Indian could "liberate" himself of his status by denouncing his Indianness and severing all ties with the Native community. Enfranchisement was offered as a kind of reward for acquiring Christianity and civilization. The reward included the ability to get title to land, freedom of speech, the right to organize, access to liquor and the right to vote. Many Native Peoples who had fought in either World Wars and found that, on returning home, the government for whom they had served withheld from them the privilege of determining political direction in elections, and it is perhaps due to the outspoken criticism of such injustice that, in 1960, finally, all Indians got the right to vote; e.g, were enfranchised for federal elections.

The Indian Act of 1876, was not the first piece of legislation enacted for the benefit of Indians. As early as 1670, the British Government had placed jurisdiction over Indian affairs into the hands of the Colonial governors and laid out the fundamental elements which were to govern British policies in the future; namely,

- protection of Indian peoples from unscrupulous elements of society;
- introduction to Christianity;
- the role of Crown as protector of Indians;
- the Colonial government as agent for the Crown, (a role taken over by the federal government after Confederation).

An important milestone in the history of Indian politics had been the Royal Proclamation, which, in 1763, not only affirmed that Indians had aboriginal rights to the land they occupied since time immemorial, but also established the Crown as middlemen in the process of transferring land from Indians to the incoming flood of European settlers.

During the 18th century the Colonial government had been mainly concerned with maintaining peace and friendship with Native Peoples and had sought their aid or neutrality in war.

In the 19th century, the climate of social reform which prevailed in Britain affected policies abroad and civilization and protection of Indians became the primary goals of Colonial Government in North America. These goals,

"...were designed to protect Indians from the evils apparently inherent in contact with white settlers and traders and to encourage the settlement of Indian villages where the instruments of civilization and Christianity, schools, churches and agriculture could be brought into effect; the eventual target was the assimilation of Indians into the general society."²

In 1857, an "Act for the Gradual Civilization of the Indian Tribes of Canada" offered money, property and enfranchisement to Indians who were willing to cut tribal ties. These inducements were later incorporated into the Indian Act of 1876.

The process of making distinctions between Native Peoples was also begun early, in the 19th century, as part of legislative framework designed to protect Indians from trespassers on their land. It prevented non-Indian males married to Indian women from acquiring land, referring to them as non-status Indians. This distinction between status and non-status Indians was outlined further in the Indian Act, which after Confederation consolidated, clarified and revised all pre-existing legislation.

Although in pre-confederation days special commissioners had been appointed to carry out the policies the Canadian government designed for Native Peoples, the Department of Indian Affairs was created after Confederation as an agent of the federal government. This department administers the Indian Act, allocates funds and supervises the limited control

². Ponting, Rick, *Out of Irrelevance*, page 5, Butterworth's, Toronto, 1980.

exercised by bands and band councils. (In 1979 - 80, it had a staff of about 6,700 people of which 1,300 were Indians. It had an annual budget, then, of \$658,600,000 of which 44% was applied to social services, band management, housing, capital expenditures, administration. 40% was applied to education, 7.5% to general administration, 6.6% to economic development, 1% to policies and research.)* The Department designs all Indian programs which are established by an executive composed of over 99% non-Indians. The Minister of Indian Affairs has veto power over all band government activities. It is no wonder that DIAND is referred to as a quasi-colonial government. Native Peoples have been prevented from participating in decisions concerning themselves and are still deprived, constantly, of influencing government. They are, however, learning ways of dealing with government bureaucracy.

"...One of the main reasons for the absence of political pressure on governments for most of the post-confederation period is simply that Indians were formally outside federal and provincial political systems. They lacked the federal and provincial franchise and as long as they were denied the franchise they had virtually no sanctioned methods by which they could influence the basic political decisions which affected their existence. As stated earlier even their right to organize was restricted."³

"Change is occurring but that change continues to be directed by the Department (which) denigrates Indian self-determination by labelling it 'balkanization'. It recommends that Indian autonomy must be controlled ..."⁴

³. Opekoew, Delia, The First Nation's Indian Government and the Canadian Confederation, Federation of Saskatchewan Indians, 1980.

⁴. Ibid., p.

Student Handout A

MAJOR GOVERNMENT LEGISLATION AND POLICIES AFFECTING NATIVE PEOPLES

1763 The Royal Proclamation (also called the Charter of Indian Rights)

Under the Treaty of Paris, all lands that were to become Canada came under British control. King George III, apprehensive about the treatment given to Indians in the American colonies and fearing resistance toward European settlement by the Native population, issued a special proclamation to state the British position on the question of land acquisition. The Indians, he proclaimed,

"who live under our protection should not be molested in the possession of such parts of our dominion as, not having been ceded to, or purchased by us, are reserved to them."

The King went on to state that the Crown alone can make arrangements for the purchase of Indian lands. Through this proclamation, the rights of Indians to their land which they had occupied before anyone else, was re-affirmed. This right, also referred to as Aboriginal Right, was first recognized in 1537 through a proclamation by the pope--the final authority on all matters of concern in Europe at this time. He stated:

"Indians are truly men; they may and shall freely and legitimately enjoy their liberty and the possession of their property."

1867 The BNA Act (also called the Canadian Constitution)

When four North American provinces joined together in a process referred to as Confederation, the elected central (federal) government laid down the ways in which to administer its responsibility through a special set of laws. The BNA Act

transferred jurisdiction over "Indians and lands reserved for Indians" from the Colonial government to the Canadian federal government, which created a special Department of Indian Affairs with a Minister in charge of reporting to parliament.

1876 The Indian Act

This special legislation, originally designed to protect Indian people and their land, was drafted in anticipation of the treaty process. Policies of,

- enfranchisement - giving up Indian status,
- civilization - adopting Christianity and a non-Native lifestyle,
- assimilation - being absorbed into the Canadian mainstream,

acted as agents of social control.

The Indian Act determined membership; e.g., defined an Indian person and made distinctions between status and non-status Indians; it allowed local band government (under the supervision of the Indian Affairs Department) which had, however, no power in parliament; and it set out procedures for land management and land expropriation.

The Indian Act was modified many times. The following are examples of modification to the Indian Act:

- 1911 - Expropriation of reserve lands near towns of over 8,000 people. Acquisition of reserve lands by municipalities and companies with the consent of Indian Affairs.
- 1917 - Governor in Council assigns Indian lands for residential or industrial schools.
- 1918 - Indian Affairs superintendents can lease Indian lands.
- 1920 - Indian women marrying off-reserve lose benefit of band funds besides losing status.
- Compulsory enfranchisement for Indians who become

civilized or educated. (Compulsory enfranchisement came and went several times until 1951, Indians who wanted to go to University had to enfranchise.)

- 1924 - Eskimos come under the jurisdiction of Indian Affairs.
- 1944 - Old Age pension and Family Allowance extended to Indians.
- 1947 - Health Services transferred from Indian Affairs to Department of Health and Welfare.
- 1949 - Power of Indian Affairs reduced.
- 1959 - Indians can leave reserve without permission from Indian Affairs.
- 1960 - Indians given access to liquor and the right to vote.

Major policies affecting Native Peoples are:

1917 - The Migratory Birds Convention Act

A pact signed between Canada, U.S.A., and Mexico prohibiting Indians from hunting game birds for other than personal food purposes.

1930 - The Resources Transfer Agreement

An agreement which transferred natural resources from federal to provincial jurisdiction and required provinces to make unoccupied Crown land available to Indians who had not received the land they were entitled to.

1969 - The White Paper

Legislation proposed by John Cretien to do away with reserves, treaties and the Indian Act and to assimilate Native People into the mainstream of Canadian life. A similar plan had been proposed in 1949 by Diamond Jenness. Both were shelved after receiving strong criticism from Native Peoples.

While reserves, treaties and the Indian Act have not benefitted Indians, these have recognized the rights of Native Peoples. The termination of rights is not the answer; enhancing them and living up to promises made to Indians, participation of Indians in directing their future may provide a better solution.

LAND EXPROPRIATION

Lesson 3

THE RUPERTSLAND TRANSFER AND THE ISSUE OF "SCRIP"

Landexpropriation

Lesson 3: THE RUPERTSLAND TRANSFER AND THE ISSUE
OF "SCRIP".

I AIM

Students will gain an understanding:

1. of the Colonial Administration of Rupertsland under the Hudson's Bay Company and the (consequent) transfer of this area to the Canadian government in 1870,
2. of the distribution of land and money scrip and its questionable benefit to the Metis of Western Canada.

II OBJECTIVES

Students will be able to:

1. point out the area defined as "Rupert's Land" on a Canadian map,
2. explain how the Hudson's Bay Company became the colonial government of Rupert's land,
3. tell about the transfer of Rupert's Land and designation of the district of Assiniboia as the first province of Manitoba,
4. explain the position of the Metis after the Hudson's Bay Company sold out,
5. describe the process of compensation known as "scrip",
6. explain what happened to most of the money and landscrip after the Metis received it,
7. give reasons why it was not utilized for its intended use.

III TEACHING METHODS

1. Read Teacher's Familiarization Material THE RUPERT'S LAND TRANSFER p. IV - I - 5 and duplicate student handout A: MAP OF RUPERT'S LAND p. IV - I - 8
Explain the following: granting of trade charters brought European merchants to colonized countries and established trade from which colonial empires derived great profits. Trade established alliances with Native Peoples. The trade relationship between Indians and Hudson's Bay Company was mutually beneficial and allowed Britain to become the most powerful colonial government in North America. Over several generations Indians unlearned their cultural survival skills and developed dependancy on European goals. Marriage relationship between Europeans and Indians produced a new race, the Metis, who were also engaged in the furtrade. When the Hudson's Bay Company sold Rupertsland the economic base of both, Indian and Metis, collapsed. Riel took responsibility for the Metis cause and achieved conciliation with the Canadian government. Details provided in the chapter on the transfer, as previously indicated. Be sure to use a map to point out the areas of importance.
2. Duplicate the Student Handout B and THE ISSUE OF SCRIP AND SCRIP AND SCRIP SPECULATION p. IV - III - 17
Have students read the handout and facilitate understanding of the issue through questions. for example:
 - Did only the Metis receive scrip or was it granted to other persons and groups also?
 - What was the difference between land and money scrip?
 - How much Halfbreed scrip passed to speculators?

- Why were corporations interested in getting Metis scrip?
- Did those who sold their scrip get the total value of their certificates from speculators?
- What did the Metis do who could not pay their taxes or who got no help from government to buy farming implements?
- Where, in Saskatchewan do we find successful Metis homesteaders?

IV PERFORMANCE CRITERIA

1. Have students locate the areas of Red River, Assiniboia, Rupert's Land, on a map of Canada.
2. Let students explain how the Hudson's Bay Company became established in North America and became a powerful British colonial government.
3. Ask students to describe how the province of Manitoba was created.
4. Have students explain the position of the Metis after the transfer of Rupert's Land and how the compensation in the form of scrip, by Canadian government affected them.

V MATERIAL

1. Teacher's Familiarization Material
THE HUDSON'S BAY COMPANY TRANSFER P. IV - III - 5
2. Student handout a, MAP OF RUPERTSLAND p IV - III - 8
3. Student handout B, THE ISSUE OF SCRIP
material from AMNSIS working paper on "SCRIP" by

IV - III - 4

AMNSIS Library, Regina. P. IV - III- 11

4. Student handout C, SCRIP AND SCRIP SPECULATION
by Lyle Mueller p. IV - III - 17
New Breed Magazine, December 1980

Teacher's Familiarization Material

THE HUDSON'S BAY COMPANY TRANSFER

In 1760 King Charles of England granted a furtrading charter to a number of British merchants known as the "Company of Adventurers of England". The charter gave these merchants the right to trade and to govern an area comprising of approximately five million acres surrounding the Hudson's Bay. This area became known as Rupert's Land and was from thereon governed by British colonial merchants, through a network of forts and trading posts. The colonial merchant enterprise was called the "Hudson's Bay Company".

The Indians had become involved in the fur trade by choice. They realized the advantages to both parties but were unaware that with the right to trade the Hudson's Bay Company had received the right to govern two hundred years passed before they realized that the Company had also laid claim to Indian land.

The Hudson's Bay Company established island in the Indian territory. They laid claim to land within the pickets of the post, to fenced and planted fields around them, and to pasture in the Company's "horseguards". However the Indian people did not recognize the Company's claim to land within the posts; as the Indian knew that area was set aside as neutral territory for trade pruposes.¹

When in 1867 the four Eastern Provinces of Quebec, Ontario, Nova Scotia, and Brunswick formed the new Dominion of Canada in a process of confederation, the Canadian government began to make plans to bring Rupert's Land and the North west into the dominion also. Britain agreed to sell Rupert's Land for 300,000£ sterling to Canada.

The Hudson's Bay Company was willing to relinquish it's charter (in Rupertsland) because it realized that the days of the furtrade were over; the furbearing animals had

been hunted so extensively that they became virtually extinct. The Native Peoples which had originally been self-sufficient had become more and more dependant on the goods they received in exchange for fur and had, over two hundred years of trading, lost most of their survival skills.

"Up to 1763 the Indians had an upper hand, and their culture was not greatly influenced by the Europeans..." But, "The role of the Indian people in the furtrade changed during the period from 1763 to 1821...Migration, diseases and the consequent population alternations caused changes..."

"Initially those who had remained to participate as trappers...grew dependant on European goods..."

By 1825-26 the region had been depleted by the furtrade and the clothing for Indians came from the Company along with certain foodstuffs."²

When news of the transfer to the Dominion of Canada reached the people of Rupert's Land they reacted with anger and indignation. Both, Indian and Metis alike, realized the unfairness of the sale (deal) and recognized the difficulties that lay ahead: the Company upon whom they depended (for food and clothing) (economically) was pulling out; their natural resources had been exhausted, and now they were losing the land on which their ancestors had lived for generations - the - land they had shared with each other and the Company on generous terms.

Those most concerned over the future were the Metis, or "Halfbreeds", as they came to be called during that time. The Metis understood that the Dominion of Canada would probably arrange for compensation of land with the Indians because the Royal Proclamation, in 1763 had reaffirmed inherent or "aboriginal rights" of Indians to their ancestral land. The Metis, being of Indian ancestry through ~~matrilineal~~ matrilineal descent, had to establish a case for consideration with the new Canadian government. The considerations they requested were for language, religion and control of land.

In the Red River district (colony) of Assiniboia, in Rupert's Land, lived more than 5,000 inhabitants of mainly French-Canadian and Metis origin. Many of these people had been educated either in Quebec or in the Red River district and were well able to express their demands at public meetings, or in petitions to the Canadian government. While the sale was under negotiation there was neither the British Colonial, (Hudson's Bay Company,) nor the Canadian government in charge of the Rupert's Land area, therefore Louis Riel set up a provisional government for the district of Assiniboia. He wanted this area to have the status of a Canadian province and the people therein to enjoy the same privileges as granted to the citizens of other provinces. Although his efforts as leader of the provincial government were quite constitutional, the Canadians treated him like a rebel; but they agreed to the request of making Assiniboia a Canadian Province. Under the Manitoba Act in 1870 Assiniboia became the original province of Manitoba.

The Manitoba Act assured the Metis their rights to language and religion but not to control of land. Instead the Canadian government set aside 1.4 million acres of land for the Halfbreed children of this province - Manitoba as compensation for giving up control of the public domain. The land was distributed in the form of certificates, termed "Scrip". Recipients could either choose "land scrip" or, those not interested in land, "money scrip". "In the early years, land and money scrip had the same value when applied to land. Therefore, most of the scrip issued was money scrip. In the early 1900's when land became more valuable, the amount of land scrip increased dramatically, even though it was more difficult to locate."

Land and "scrip" certificates were given out for \$160.00 or 160 acres per head of family.

The practice of issuing scrip to persons of mixed parentage was adapted in other provinces as well. When the treaties were signed in Western Canada thos Halfbreeds who

did not wish to reside on a reserve with a particular band had the option to take scrip instead.

(See also lesson 4, THE TREATIES: Student handout.
THE SPECIAL CASE OF THE METIS)

Footnotes

1. Opekokew, Delia THE FIRST NATIONS: INDIAN GOVERNMENT AND THE CANADIAN FEDERATION.
Federation of Saskatchewan Indians,
Saskatchewan 1980.
2. Ibid.
3. AMNSIS Discussion Paper on Scrip.
AMNSIS Library, Regina

Student handout A

This handout contains two maps of North America. The first map defines the four major areas of Canada before they were joined together:

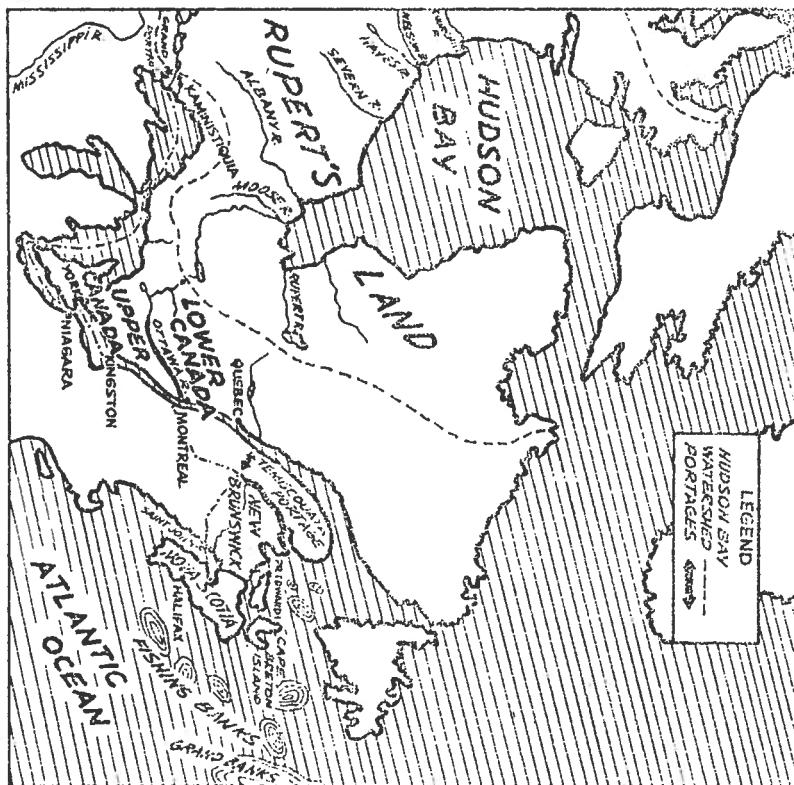
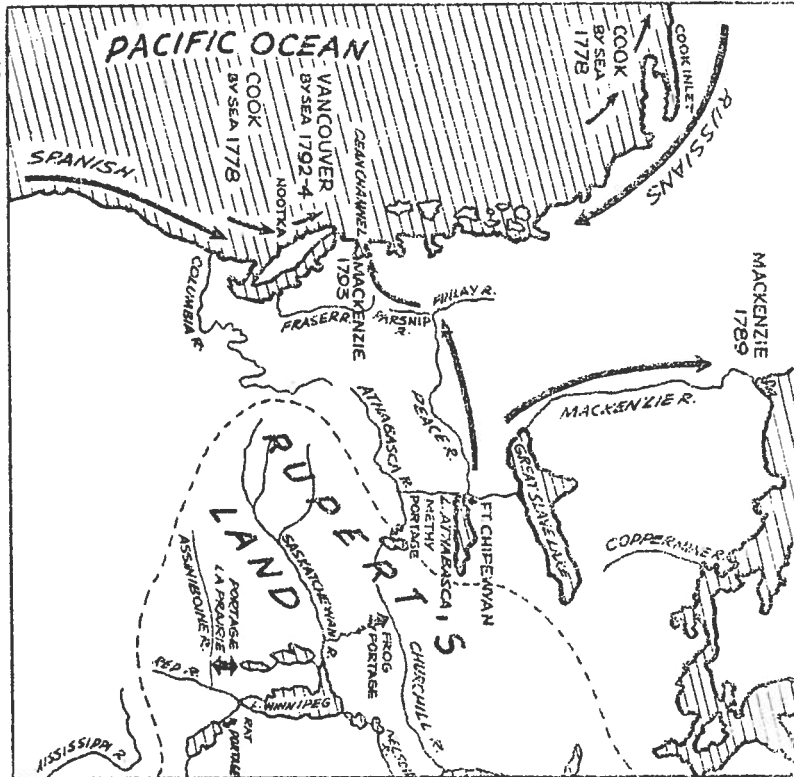
To the East, The Dominion of Canada - a Confederation of four provinces: Quebec, Ontario, New Brunswick and Nova Scotia, created in 1867.

Central Rupert's Land (with the Province of Manitoba created by the Manitoba Act in 1870) and the North West Territories acquired by the Dominion of Canada through an Act of Parliament in 1870.

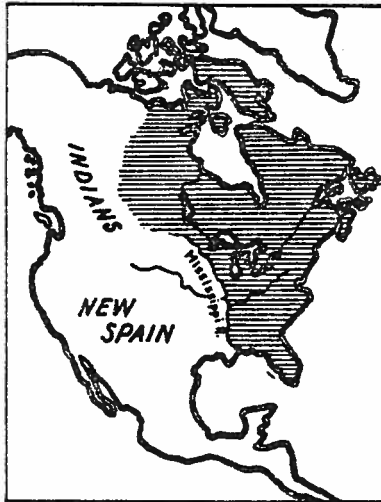
To the West, British Columbia, which became part of the Dominion in 1871.

The second map is relatively unmarked and may be used by students to delineate the areas of Rupert's Land and the district of Assiniboia from memory.

First map: Source, Tawow Resource Kit
The Book Society of Canada Limited
Agincourt, Canada



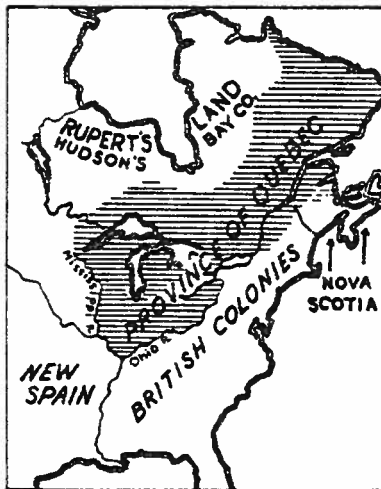
LEGEND
 HUDSON BAY
 WATERSHED
 PORTAGES



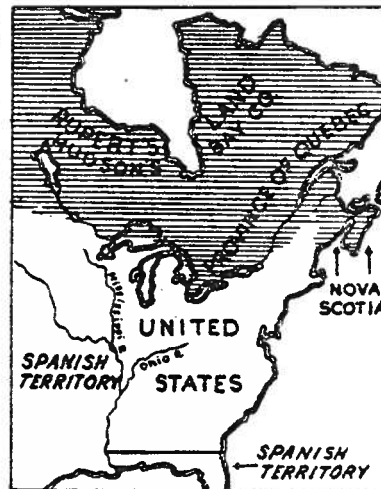
British Possessions in 1763



Proclamation of 1763

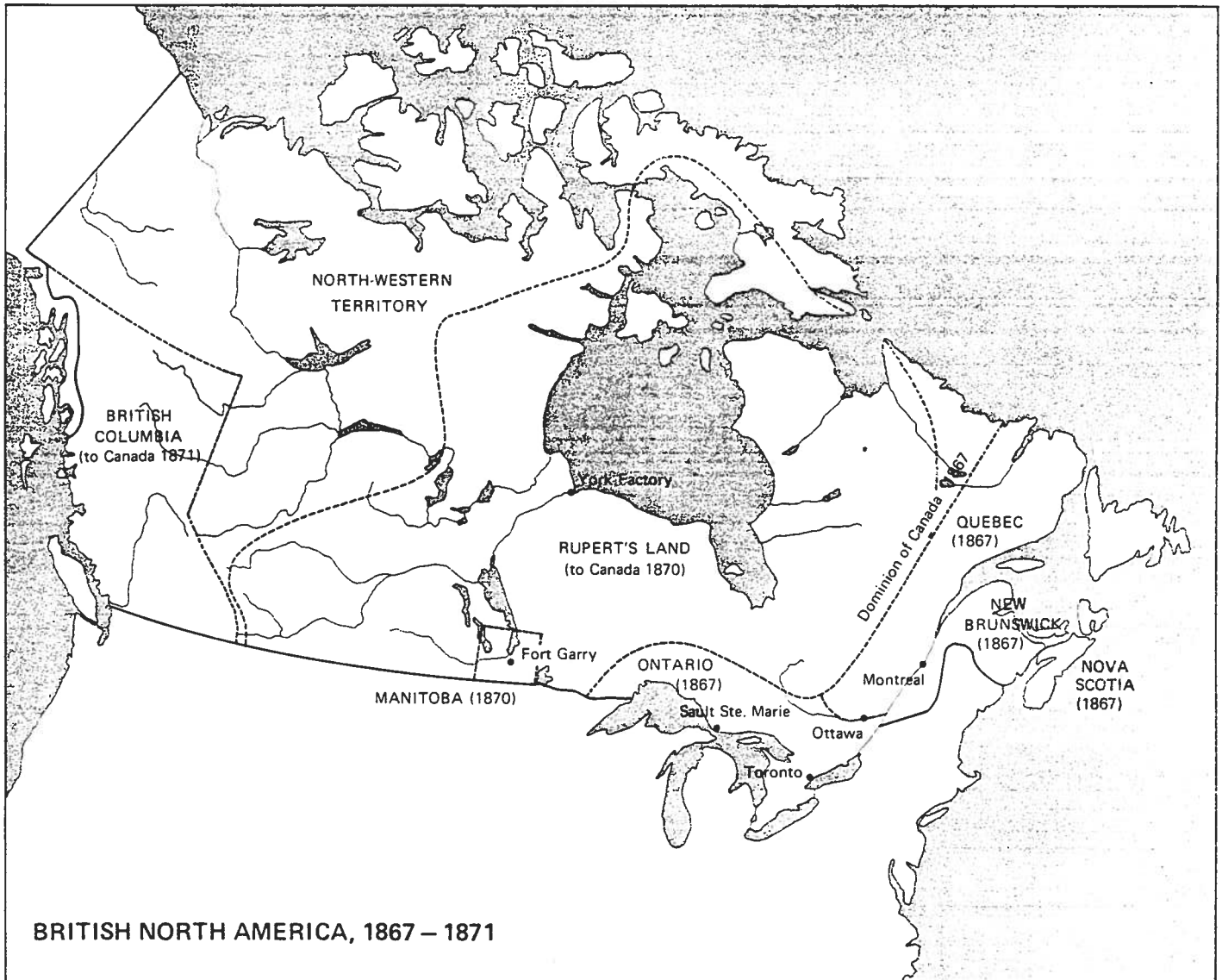


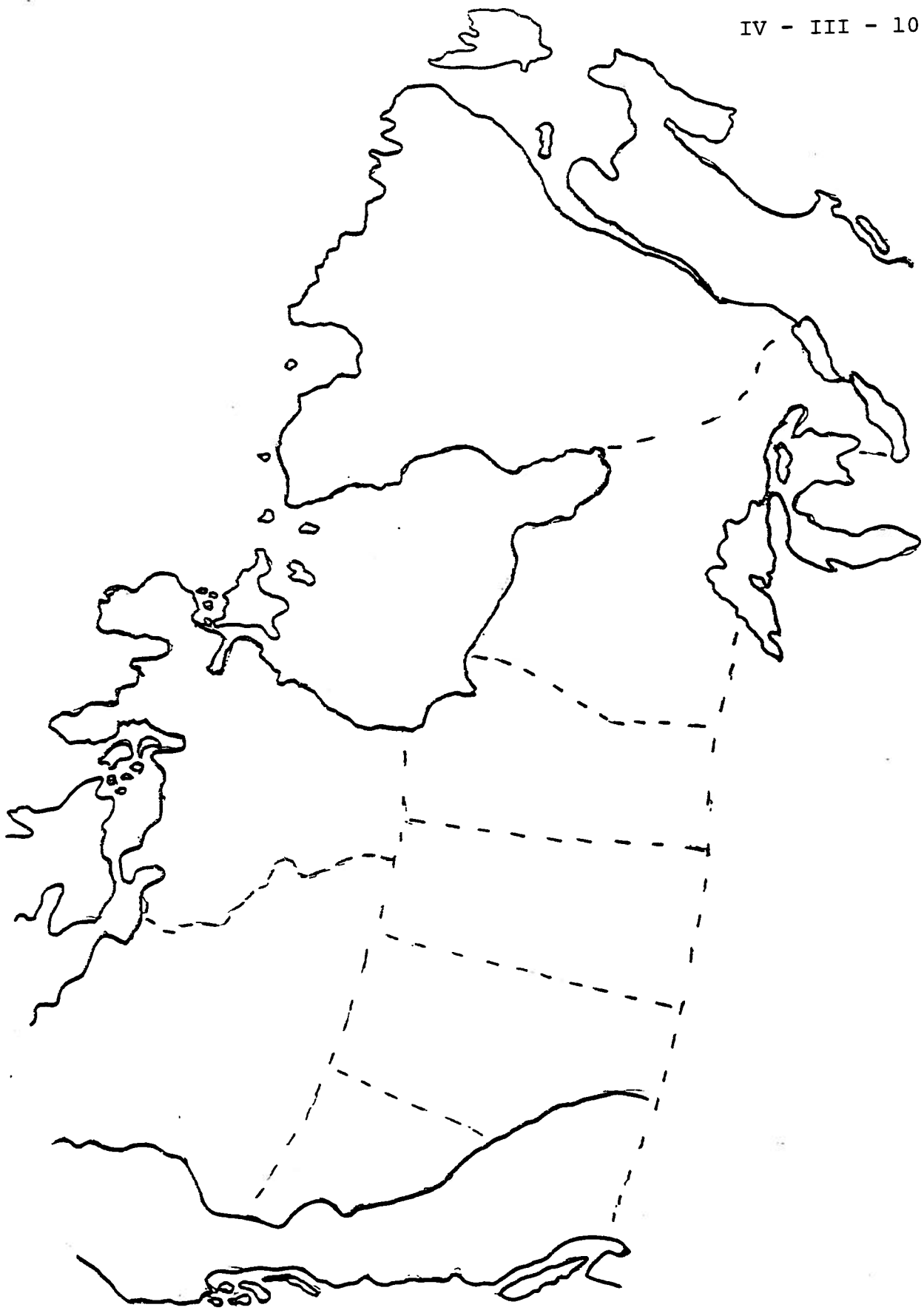
Province of Quebec, 1774



The Peace Treaty of 1783

Within twenty years, 1763-1783, there were crowded four boundary settlements which have an important place in Canadian history. The first and fourth were caused by wars, the Seven Years' War (Map 1) and the American Revolution (Map 4). The other two resulted from attempts made by the British government to solve the difficult problems of Canada and the control of the western country.





Student Handout B: THE ISSUE OF SCRIP
excerpt from: The Extinguishment of Aboriginal Claims, Law and
practice in Canada, by AMNSIS

Introduction

The term scrip and the benefits it bestowed on those who received it, are probably among the most misunderstood facts in Canadian history. The word itself is often confused with the word script, and is believed by many to have been a form of money which could be used to purchase goods. During the early days of settlement in the North West, it was a household word among the Metis people who were to have been its main beneficiaries. It was favoured by the politicians as a way of disposing of claims against the government or of granting rewards for special service such as military service. It was favoured by the speculators as a means of getting access to land and other resources which they could not get access to in any other way, or as a means of making a quick profit. It seems to have been favoured as an asset by the banks against which they could create low risk money for high rise investments.

How Did it Originate and What is Scrip?

According to Webster's Dictionary, scrip is a certificate which gives the person or corporation, to whom it has been granted, the right to receive something. It is a temporary asset which can be exchanged for money, land or goods. The government which granted the scrip therefore had to have resources to back up the value of the scrip, or had to guarantee to redeem it with money if other resources for which the scrip could be used, were not available.

Kinds of Scrip Issued

The original practice had been to issue what was known as money scrip. The scrip notes specified a money value on the face of the scrip and these notes could be used to acquire open Dominion Lands (lands to which no one else had made a claim or which had not been set aside for other purposes) up to the value of the scrip. For example, if the going price for land was \$2.00 an acre, a \$160.00 scrip note would acquire 80 acres of land. If land was \$1.00 per acre, it would acquire 160 acres of land.

Differences Between Land and Money Scrip

Money scrip notes were made out to the bearer. That meant that whoever was in possession of them could take them to a Dominion Land Office and apply them on land to the value of the scrip. Up until approximately 1900, for purposes of applying scrip, the Government of Canada valued land at \$1.00 per acre. Thus, a \$160.00 scrip note would acquire 160 acres of land and \$240.00 worth of scrip would acquire 240 acres of land. Because money scrip was considered personal property, the person to whom the scrip was granted could dispose of it as he could have disposed of any other personal property.¹

...Therefore, although money scrip was not money, it did have a cash value on the speculative market. It was usually discounted to about 1/3 to 1/2 of its actual value, but was nevertheless very popular with speculators, financial institutions, and with merchants and lawyers...

... Land scrip always specified on the fact of scrip note, the amount of land for which it could be exchanged. Like all other scrip, it could be located on any open Dominion Lands....(The following is an account of scrip issued between 1885 and 1923. Government disputes over the distribution of compensation delayed the process over several decades. Many Metis lost hope of ever receiving their shares and left Manitoba to take residence elsewhere in the West.

Example of Scrip issued between 1885 and 1923
(outside of Manitoba)

| <u>YEAR</u> | <u>MONEY SCRIP</u> | <u>LAND SCRIP</u> | <u>NUMBER APPROVED</u> |
|-------------|---|-------------------|------------------------|
| 1885 | \$279,201 | 55,260 acres | 1815 |
| 1886 | 61,689 | 2,640 | 1414 |
| 1887 | 122,424 | 3,120 | 753 |
| 1889 | 183,568 | NIL | 881 |
| 1898 | 286,800 | 110,520 | 1190 |
| 1900 | 315,000 | 477,840 | 3306 |
| 1901 | 344,267 | 117,680 | 1190 |
| 1903 | 55,564 | 296,564 | 1326 |
| 1904 | NIL | 32,640 | 136 |
| 1906 | 65,040 | 54,480 | 498 |
| 1908 | 14,160 | 28,560 | 178 |
| 1909 | NIL | 7,440 | 31 |
| 1910 | 2,160 | 18,480 | 86 |
| 1923 | -- a cash issue of \$41,280 instead of scrip. | | |

The above clearly shows the pattern which was established. In '85 - '89, just over 90% of the scrip issued is money scrip. In 1898, money scrip makes up 70% of the scrip issued. Starting in 1900, the amount of land scrip issued increases dramatically and in the period from 1900 to 1910, approximately 57% of the scrip issued was land scrip.

Who Acquired the Scrip?

The question of who acquired the scrip is an important one since it is indicative of whether or not the Metis people benefitted from what was supposed to have been a settlement of their aboriginal claim. The evidence gathered to date indicates that probably as high as 90% of all Halfbreed scrip passed into the hands of persons who can only be classed as speculators.² These were persons or corporations who bought and used or bought and sold scrip to make a profit, acquire land, create money, and/or acquire access to other valuable resources such as timber and coal.

AMNSIS has gathered extensive information on a large number of individual scrip cases, approximately 15,000. These have been committed to computer and we are just now beginning to analyze this information. A preliminary investigation, however, indicates that in the combined case of both land and money scrip, those who acquired and used the scrip in some way can be categorized as follows:

| | |
|--|-----|
| a) The Individual Allottee | 10% |
| b) Chartered Banks | 60% |
| c) Private Banks, Trust Companies and other financial institutions | 20% |
| d) Small-time speculators (lawyers, merchants, and other businessmen) | 10% |

The scrip buyers paid prices which varied during the period that scrip was on the market. The following are prices paid for scrip during various periods:

1885 - 1898:

- money and land scrip 30¢ on the dollar

1899 - - :

- money scrip from 40 to 50¢
- land scrip from 40 to 50¢ per acre up to 1903 to prices ranging up to \$5.00 per acre after that
- scrip was exchanged for equivalent value in groceries and supplies, for a cow or a horse, or farm implement in some cases
- some speculators acquired scrip for as little as \$25.00 for a 240 acre or \$240 scrip by telling people this was a down payment and having them sign a quit claim deed. They were told that the paper they were signing simply entitled the speculator to act as their agent.³

In summary, it is possible to say that approximately 80% of the scrip was acquired by large financial and commercial corporations, 10% by small-town speculators, and that the remaining 10% was used by Metis people themselves to acquire land.

XI Benefit of Scrip to the Metis People

In general it can be said that the Metis people themselves benefitted very little from scrip. Of those few who used scrip to acquire land, many later lost their land for taxes, sold the land when they could not get help from the government to establish themselves in farming,⁴ or simply moved away and left the land. In a survey conducted by A.M.N.S.I.S. researchers in the summer of

1976, we only located two out of 120 families interviewed who still had land in the family which was acquired with scrip and these proved to be marginal farms providing a very low level of income to the families who owned them. ⁵

Those who sold their scrip generally received an immediate and very short term benefit. The Metis were poor and needed immediate cash to survive. Much of the money received from scrip went for staples such as food, clothing and shelter. In some cases it enabled families to meet such basic needs over one winter. By that time, the few dollars they received for their scrip were exhausted and the great majority of the people were again destitute. They were left to make their living as best they could by trapping, hunting, fishing, and doing casual labour.

A few used their scrip to acquire basic agricultural needs to start farming and then entered a claim for a homestead. Some of this group did manage to establish themselves as farmers. A few still farm in areas around Prince Albert, McDowell, Batoche, Duck Lake, Debden, etc. Of these, most are marginal farmers having to supplement their farm incomes by cutting bush, or by other available casual or seasonal labour. We have been able to find only a handful of Metis farmers who are successful and prospering farmers.

On balance it can be categorically stated that the great majority of the Metis people received no permanent benefits of any kind from the scrip they were granted. In most cases even the short-term benefits were of a limited nature. The clearest evidence of this fact is to be seen in the large scale poverty and unemployment found among Metis people in Western Canada, and in the serious social problems and social dislocation with which they are burdened.

Source: AMNSIS Working paper on Scrip
AMNSIS Library, Regina

Footnotes:

1. Department of the Interior Rulings
Volume 67A, AMNSIS Library, Regina
2. Scrip Registers and Speculators Accounts
Volume 75-79, AMNSIS Library, Gabriel Dumont Institute.
3. See below
4. Department of the Interior Correspondence
Volume 16, AMNSIS Library, Regina
5. Community Questionnaire, Volumes 29A - 2913
AMNSIS Library, Regina

* SUPRA. Dewdney Papers, Volume 21
Rutan's letter to Dewdney.

LAND EXPROPRIATION

Lesson 4

THE TREATIES

Landexpropriation

Lesson 4: THE TREATIES

I AIM

1. Students will be able to understand the events which led to the signing of treaties.
2. Students will become familiar with the process and provisions of the treaties.
3. Students will realize that the Metis were left out of the treaty making process.

II OBJECTIVES

1. Students will explain why with advancing European settlement treaty making was the only alternative left to Indians.
2. Students will outline the process and the provisions of the treaties.
3. Students will be able to tell what provisions were made for the Metis.

III TEACHING METHODS

1. Read "Events leading to treaty making and the treaty process"
Teacher's Familiarization Material pages
IV - IV- 5
2. Explain to students how industrialization in Europe led to immigration of North America and how the dispossessed European farmers were particularly interested in acquiring land and working land.

3. Outline the position of Indians and Metis employed in the furtrade and the devastating effect the extinction of the buffalo had on the Indians and Metis of Rupert's Land. The buffalo was not only a fur resource but also a supplier of meat and miscellaneous items. (Review the lessons on the buffalo economy and the making of pemmican. Cultural overview, Topic I)
4. Emphasize the recognition of the sovereignty of Indian nations. Point out the efforts of Indian leaders to provide for the future of their people. Explain the divisions caused by separating Native people into Status, Non-status and Halfbreeds and the separation of kinfolk through the reserve system.
5. Duplicate Student Handout A EXCERPTS FROM THE FIRST NATIONS IV - IV - 9 and have students read about the process and the provision of the treaties. Ask for feedback, for example,
 - What does the word "treaty" mean?
 - Why did Indians need protection?
 - What rights did the treaties guarantee?
 - Why were Indians unable to fully understand what they were giving up?
 - What was promised to Indians?
 - How did Indian chiefs react to the promises made by the commissioners?
6. Duplicate Student Handout B. THE SPECIAL CASE OF THE METIS p. IV - IV - 12
7. Duplicate Student Handout C, MAPS OF THE WESTERN TREATIES AND INDIAN RESERVE LANDS AND DISTRICT BOUNDARIES p IV - IV - 14
Point out which treaties made in Saskatchewan and locate areas in Canada where no treaties

IV PERFORMANCE CRITERIA

1. Have the students explain why, with the advance of European settlement, treaty making was the only alternative left to Indians.
2. Ask students to outline the process and the provision of the treaties, for example:
 - what the word treaty means,
 - What rights were affirmed,
 - what was promised,
 - how treaties were made,
 - who was present
 - if all Indians understood what they were giving up.
3. Let students describe briefly what provisions were made for Metis.
Raise questions like,
 - did the Metis make treaties with the government,
 - under what act were provisions made,
 - what does the word scrip mean,
 - were all Metis able to get scrip?

V MATERIAL

1. Teacher's Familiarization Material
EVENTS LEADING TO TREATY MAKING AND THE TREATY PROCESS. Prepared by Gabriel Dumont Staff
page IV - IV - 5
2. Student Handout A, EXCERPTS FROM THE FIRST NATIONS page IV - IV - 9
by Delia Opekokew, Federation of Saskatchewan Indians.
3. Student Handout B, THE SPECIAL CASE OF THE METIS page IV - IV - 12

excerpts from P.A. Cummings and N.H. Mickenberg
NATIVE RIGHTS IN CANADA
Indian Eskimo Association of Canada
general publishing CO. Ltd. Toronto, 1972

4. Student Handout C
MAPS OF THE WESTERN TREATIES AND INDIAN RESERVE
LANDS AND DISTRICT BOUNDARIES.

TEACHERS FAMILIARIZATION MATERIAL

EVENTS LEADING TO TREATY-MAKING AND THE TREATY PROCESS

During the early 19th century industrialization in Europe led to extreme social upheaval. Commercial farming displaced family farming and uprooted thousands of peasants which then flocked to urban centres in search of work. From this large unemployed or grossly exploited workforce came the landhungry immigrants which were eager to settle and farm in the New World. Of the 800,000 which arrived in North America, between 1815 and 1850, not all turned to the plow however, some, particularly those of Scotch and Irish descent, became involved in the fur-trade.

In 1821 the merger of the two major companies, Hudson's Bay Company and North West, gave the monopoly on the furtrade to the Hudson's Bay Company. This merger was of serious consequences to the Metis and Indians which trapped and hunted for the company in the area of Rupertsland because it eliminated the need for certain posts and overland trading routes, reducing the manpower requirements by more than half. Most of the Metis and some Indians settled along the Banks of the Red and the Assiniboine Rivers and lived off subsistence farming and buffalo hunting. They developed a trade in pemmican and buffalo robes; items much in demand in Rupertsland and elsewhere. Eventually the demand for robes switched to buffalo hides for the leatherbelts of machines in the developing industry of the United States, and the buffalo was hunted to its virtual extinction.

Once the buffalo was gone the furtrade came to a standstill. Consequently, the Hudson's Bay Company arranged a quiet deal with the Canadian government for the sale of Rupert's Land - without the consent of the Native Peoples - for three million dollars, and the Canadians, anxious to extend their territory to the west to accomodate the flood of European settlers, admitted Rupert's Land to Canada by Order-in-Council.

The Hudson's Bay Company, although it had the furtrade monopoly for Rupertsland had never had any political or territorial power over the Native Peoples in the area. It had never made any treaties with Indians over land, therefore, after the transfer the Indians still had full and complete title to the Rupertsland territory. Although the Canadian government realized this it gave away one-twentieth of the land to the Hudson's Bay Company plus the right to retain its trading posts. For the remainder of the land it made deals with the Indians. The deals involve certain promises in return for land. These deals, contracts or agreements are known as treaties.

Treaties can only be made among sovereign nations because they are recognized under international law. In negotiating treaties with Indians the government acknowledged that it recognized both, Indians title to their land and sovereignty of Indian nations.

In 1871 a delegation of Saskatchewan Cree chiefs met with the Hudson's Bay factor W.J. Christie and told him that they wished to enter into a treaty with the Crown because they were objecting to the transfer of Rupertsland. One of the chiefs, Chief Sweetgrass, sent a petition to the Secretary of State which explained:

"Great Father, - I shake hands with you and bid you welcome. - We heard our lands were sold and we did not like it; we don't want to sell our lands; it is our property and no-one has the right to it."¹

In answer the government appointed a Commissioner to arrange for negotiations with the Native Peoples. Between 1821 and 1929 eleven numbered treaties were signed covering what is now Ontario, Manitoba, Saskatchewan, Alberta and parts of the Yukon. British Columbia and Quebec Indians did not enter into treaty with the Canadian government.

Under the treaties certain lands were set aside for Indian Peoples so that they could carry on living as they had

done before. When the chiefs, concerned over the future, enquired if treaties limited their inherent rights one of the treaty commissioners replied:

"What I have offered does not take away your way of life, you will have then as you have it now, and what I offer is on top of it."²

The treaties were written in victorian, legal style which was difficult to understand. More than one chief stated that he had no idea he was completely and absolutely giving up possession of the traditional lands of his people; he had only intended that the white settlers be permitted to use the land.

Some Indians did not move to the reserved areas and choose to remain outside of the treaty process. They gave up certain benefits inherent in the treaties and received cash benefits inherent in the treaties and received cash settlements (and) or land in compensation; as did the Native People referred to as Halfbreeds under, for example, the Manitoba Act. Halfbreeds were people of mixed Indian and European descent. However many Halfbreeds living like Indians remained with their kinfolk (of Native origin) and moved onto the reserves, being from thereon recognized as "Status Indians". The distinction of status and non-status, although begun before the treaties, was further perpetuated through treaty making and legalized in the Indian Act.

The numbered treaties were not the first Treaties made, they are merely those negotiated after Confederation. Previously a number of treaties had been made in the Ontario, Quebec and present Manitoba region. These are known as the Jay Treaty, Selkirk Treaty, Robinson (Huron and Superior) Treaties, and Manitoulin Island Treaty. Another region acquired by Europeans was the former St. Lawrence (French) settlements, in Quebec, whose boundaries were drawn by the Royal Proclamation.

*Originally the term "Halfbreed" was used to describe people of Indian-European descent, later it referred to those of mixed Indian-Scotch, Irish or English origin in contrast to people of Indian-French heritage, which were called "Metis". Nowadays the term "Metis" is used for anyone of Indian and any other ethnic origins.

Footnotes

1. Opekokew, Delia "The First Nations: Indian Government and the Canadian Federation". Federation of Saskatchewan Indians Saskatoon, 1980 (P.)
2. IBID (P. 11)

THE FIRST NATIONS: INDIAN GOVERNMENT
AND THE CANADIAN CONFEDERATION

Written, edited and compiled
by Delia Opekokew

Federation of Saskatchewan Indians

The Meaning of Treaties

Indian people entered into a political arrangement with the Crown so that they could live as Indian people forever; that is, to retain their inherent powers. That guarantee is made by a commissioner,

What I have offered does not take away your way of life, you will have it then as you have it now, and what I offer is put on top of it.

The treaties that were signed by our forefathers confirmed the following principles and guaranteed the following rights in perpetuity:

1. The Indian nations retained sovereignty over their people, lands, and resources, both on and off the reserves, subject to some shared jurisdiction with the appropriate government bodies on the lands known as unoccupied Crown lands. This is the foundation of Indian government.
2. By signing the treaties, the Indian nations created an ongoing relationship with the Crown in Indian social and economic development in exchange for lands surrendered.
3. The Indian nations established tax revenue sharing between the Crown and the Indian nations.
4. The Indian nations established a political protocol for annual reviews of the progress of the treaties.
5. The Indians' interpretation of the treaties will supersede all other interpretations.

The written treaties do not correspond with the spirit and intent of the treaties as understood by Indian people. There is a disparity, a significant difference between the meaning of treaty as understood from a plain reading of the text of any of the treaties and what Indian persons say it means.

In the 1976 Federation of Saskatchewan Indians study of the circumstances surrounding Treaty 6, it was concluded that, "In considering the terms of a specific treaty, both the actual treaty document and the recording of the discussions involved must be included. This is the nature of the communication process within Indian culture. When oral communication takes place, it is understood that men are literally bound by their words. Considering this process then, it is easy to understand that the verbal assurances and statements of the commissioners were accepted by the Indian people as part of the treaty agreements. The Indian leaders trusted that they would receive the same honesty and sincerity from the government officials that they themselves offered."

"The men who were sent out as commissioners were skilled orators. They addressed the Indian people in poetic speeches, similar to the way Indian people expressed themselves:

Who made the earth, the grass, the stone, and the wood? The Great Spirit. He made them for all his children to use, and it is not stealing to use the gifts of the Great Spirit.

"Often during the course of the negotiations, the commissioners made vague statements such as these words spoken by Lieutenant Governor Morris: 'We are brothers, we will lift you up, we will teach you if you will learn.' Such statements caused misunderstandings and frustrations for the Indian people, both when they

pressed to get specific answers from the commissioners, as well as in later years. Since the treaties were signed, more than one chief has stated that he had no idea he was completely and absolutely giving up possession of the traditional lands of his people; he had only intended that the white settlers be permitted to use the land.

"Further considerations must include differences in the perceptions of those involved in the negotiations. All land, food, and clothing were measured by an alien system. How could the Indian people understand the size of 160 acres? . . . the value of \$5.00?

"One must also wonder if they could really foresee the massive migration of settlers into their lands. During the negotiations, the Indian people were led to believe that 'much of the land was beyond the places where the white man would want to go.' They were convinced that although the land was ceded to the Queen, they still had rights to hunt, fish, and travel as freely as before. They were always assured of the Queen's concern for them and their future, being addressed throughout the negotiations as the Red Children of the Great White Mother, the Queen.

"Coming into the west in increasing numbers, the settlers were claiming land as their exclusive private property. These values were alien to Indian culture and threatened the very roots of the freedom they had so dearly cherished since the beginning of time.

"Big Bear expressed his rejection of the offerings of the government, sent by way of a forerunner to the main delegation,

We want none of the Queen's presents: when we set a fox-trap we scatter pieces of meat all round, but when the fox gets into the trap we knock him on the head: we want no bait, let your Chiefs come like men and talk to us.

"During the Treaty No. 6 negotiations, Poundmaker gave the Commissioner this opinion of the terms offered:

The Government mentions how much land is to be given us. He says 640 acres, one mile square for each band. He will give us he says. This is our land, it isn't a piece of pemmican to be cut off and given in little pieces back to us. It is ours and we will take what we want.

"The feelings of the Indian people toward their traditional tribal territories seems best exemplified in the following story. It took place when Chief Crowfoot of the Blackfoot Confederacy was meeting with government representatives during the negotiations preceding Treaty 7. The white man laid out a number of bills on the ground to show the meaning of treaty money payments. As he did this, he explained:

This is what the white man trades with, this is his buffalo robe. Just as you trade with skins, we trade with these pieces of paper.

"When the white man was finished laying out the amount of money that would be paid, the great Chief took a handful of clay, made it into a ball and put it on the fire. He then turned to the white man and told him to put his money on the fire to see if it would last as long as the ball of clay. The white man admitted that his money would burn up very quickly.

"Chief Crowfoot turned to him, saying 'Your money is not as good as our land, is it? The wind will blow it away, fire will burn it, water will rot it. But nothing

can destroy the land. Your trade does not seem very good to me.' As he spoke, he picked up a handful of sand, and pouring it into the white man's hand, asked him to count the grains of sand while he counted the money. The white man saw that not even in a lifetime could he count the grains of sand. He turned to Crowfoot, admitting that the Chief could count the money in a few minutes.

"Chief Crowfoot spoke with great wisdom:

Our land is more valuable than your money. It will last forever. It will not perish as long as the sun shines and the waters flow, and through all the years it will give life to men and beasts.

We cannot sell the lives of men and animals, and therefore, we cannot sell the land. It was put here by the Great Spirit and we cannot sell it, because it does not really belong to us. You can count your money and burn it with the nod of a buffalo's head, but only the Great Spirit can count the grains of sand and the blades of grass on these plains. As a present to you, we will give you anything we have that you can take with you, the land we cannot give.

"In considering the making of the treaties, one must appreciate the untenable dilemma that the Indian people were faced with at the time the negotiations were taking place. Increased white settlement, devastating epidemics, an influx of ruthless whiskey traders into the North West, and the disappearance of the buffalo, were all factors which weakened the Indian's bargaining position. In spite of this, Indian people consistently approached the treaty negotiations with dignity and courage."

The FSI report also observes, "In realizing the significance of the interpreter's role, we must consider the great linguistic difference between Indian and English languages. English is linear, analytical, explicit, and easily reported. The Cree language contained an eloquence which made it seem more than just an intellectual process. Cree had the quality of being animistic, a reflection of a characteristic of the people who spoke it. Moreover, Indian speech was often accompanied by the use of sign language for the benefit of those who did not know their tongue. It has been described as 'communication as total as the ability of the speaker could make it.' It required an awareness of each other's culture for the two sides to be able to fully understand and appreciate the meaning behind one another's word.

"When an agreement had been reached, the treaty was formally drawn up and signed by the commissioners, the Indian leaders and witnesses. The witnesses would likely include members of the North West Mounted Police, local missionaries, and doctors. Interpreters were always present and their role was of great importance. The government appointed official interpreters who could be counted on to be loyal to the government's best interests. The Indian people chose someone they trusted."

The Commissioners did include in the written treaties some of the rights and benefits to be retained by Indian people in exchange for the cession of their lands. These rights and benefits included the following:

- 1 Reserve lands were to be established within the territories ceded for the use of the Indian people signing the treaties:

and their people who were parties to the treaty, and thereafter annuity payments were to be paid to them and their descendants;

- 3 Farming implements and supplies were provided as an initial outlay, and thereafter ammunition and other hunting and fishing materials were to be furnished to the Indian people on an annual basis;

- 4 Indians reserved the right to hunt, fish, and trap over unsettled areas of the ceded land;

- 5 The Government was to establish and maintain schools for the education of the Indian children on the reserves;

- 6 The Government promised to provide suits of clothing, flags, and medals for the chiefs and headmen of the tribe;

- 7 The Government was to provide a "medicine chest" for the use of the Indians; and

- 8 The Government was to provide assistance to advance the Indians in farming or stock-raising or other work.

Student Handout B

THE SPECIAL CASE OF THE METIS

Excerpt from the book:

Native Rights in Canada by Peter A. Cumming and
Neil H. Mickenberg

Publ. - The Indian - Eskimo Association of Canada in association
with General Publishing Co. Ltd. Toronto 1972

Chapter Nineteen:

The mixed racial and cultural status of the Metis people has resulted in governments in Canada adapting a rather unique approach in dealing with the part of Canada's Native population. While there have been departures from policy, the general attitudes of governments has long been that all Metis were treated as having Native rights and that those persons of mixed blood who live as Indians were given the option to be dealt with as full blooded Indians.

The decline of the buffalo as a source of trade and subsistence on the prairies, in the mid 19th century, generated an increased concern by the Metis for the protection of their lands. These fears were naturally heightened as white settlers began seeking title to lands upon which the Metis and their Indian brethren had only an aboriginal claim. Indeed, the desire of the Metis to protect their land rights was an important factor contributing to the 1869 Red River Rebellion in Manitoba.

The Manitoba Act^{*} had been designed to resolve disputes over land claims, but the application of the provision was handled incompetently and stretched over such a long period of time that the Metis became disheartened.

* The Manitoba Act

A Canadian Act - Law which established Manitoba as a province.
Up to 1870 Manitoba had been part of the N.W.T.

The Manitoba Act states:

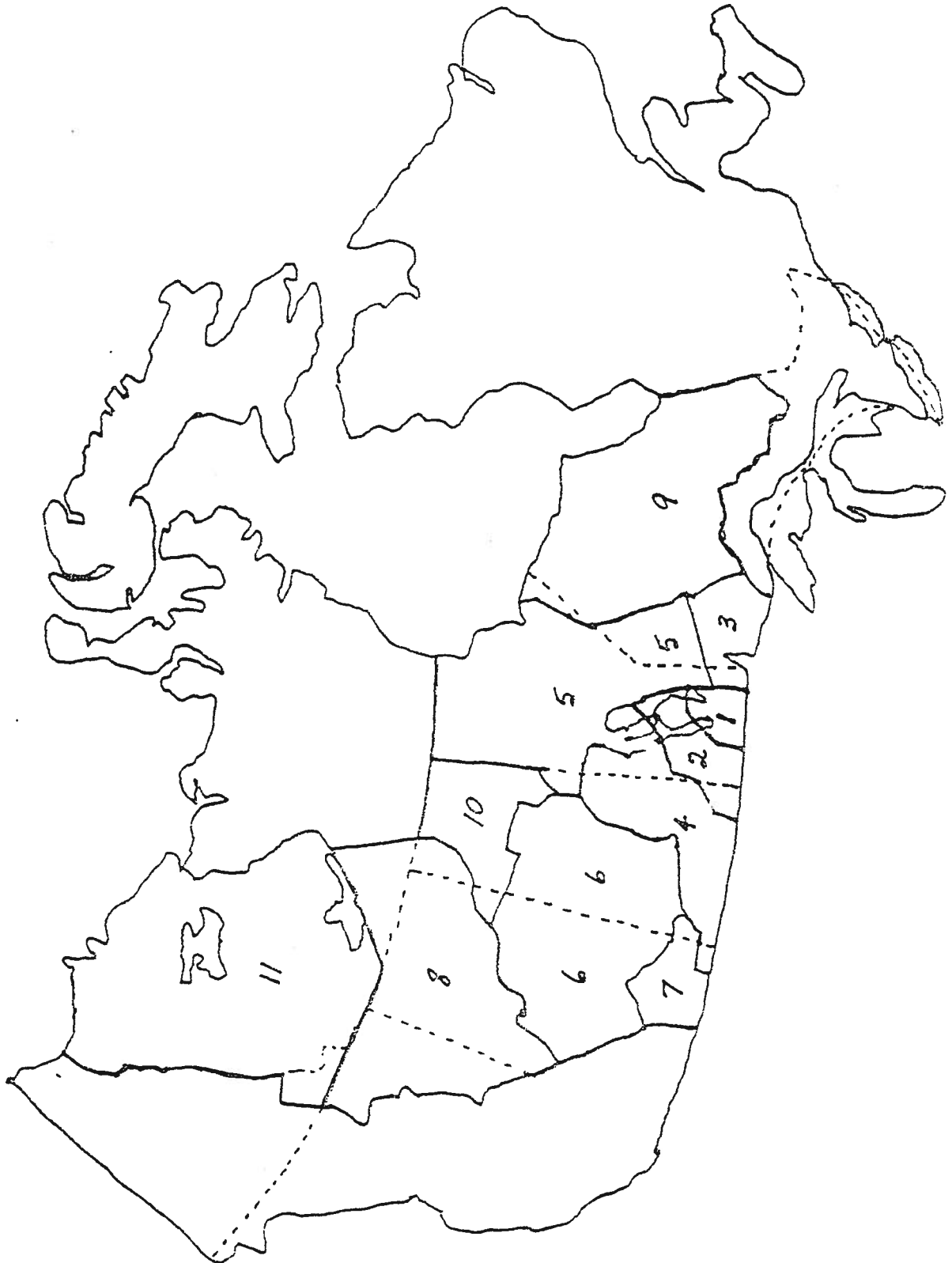
"And whereas it is expedient, towards the extinguishment of the Indian Title to the lands in the province, to appropriate a portion of such...lands, to the extent of one million four hundred thousand acres thereof for the benefit of the families of the halfbreed residents, it is hereby enacted, that... the Governor General shall select such lots...and divide the same among the children of the halfbreed heads of families residing in the province at the time of the said transfer to Canada..."

Initially heads of families had been excluded from the land grants and an allotment of 190 acres promised to each Halfbreed child in Manitoba. Later this decision was reversed and a grant of 160 acres of land or a certificate valued at 160 dollars allotted to each head of a Metis family.

The Department of Indian Affairs claims that the terms of the Manitoba Act have been fulfilled but research indicates that a number of discrepancies involving the distribution of the allotments occurred: Land credited to the Metis may have been distributed to persons not entitled to it. Because of the government delay in the distribution of land, many Metis, unemployed and destitute sold their scrip certificates to speculators and land agents and moves west or North to Saskatchewan and Alberta. The certificates were sold at a low price - perhaps \$1.00 per acre. Speculators and land agents resold the same for t to 10 times the amount of purchase. Many Eastern banks and railway companies made their wealth through dealing in scrip.

Recognition of rights in Manitoba led to the Metis population in the N.W.T. asking for the same treatment in regard to their land claims - in 1873. Several years went by before their requests were heeded. The Metis rebellion in Saskatchewan finally brought action: In 1885 the government awarded compensation for land to the Metis in the N.W.T.

Student Handout C



THE WESTERN TREATIES

LAND EXPROPRIATION

Lesson 5

LAND CLAIMS SETTLEMENTS IN THE PRAIRIE PROVINCES

Landexpropriation

Lesson 5: LAND CLAIMS SETTLEMENTS IN THE PRAIRIE PROVINCES

I AIM

Students will understand why Indian and Metis (Native Peoples) are demanding that their long outstanding claims be settled.

II OBJECTIVES:

1. explain the position of Saskatchewan Indians in regard to land claims.
 - a) Why Indians are asking for more land.
 - b) Where the land Indians want is situated.
 - c) What will happen to the people who live on the land now.
 - d) What legislation made Indian claims settlement possible.
2. Give reasons for the Metis claim for loss and livelihood through acquisition of the North-West.
3. Propose what methods of self-help the Metis have established, through the AMNSIS organization.

III TEACHING METHODS.

1. Discuss with students the present situation in regard to Indian and Metis land entitlement or compensation as outlined in teacher's familiarization material.
 - a) SASKATCHEWAN INDIAN ENTITLEMENTS
Page IV - V - 3
 - b) "ABORIGINAL LAND CLAIMS OF THE METIS
Page IV - V - 5

IV PERFORMANCE CRITERIA

1. Students will explain why Indians are asking for land and what the government has done to accommodate their demands.
2. Students will explain the position of the Metis on the current land claims issue, and propose what solution they feel would help the Metis.

Teacher's Familiarization Material A
SASKATCHEWAN INDIAN LAND ENTITLEMENT

Since the Second World War revisions to the Indian Act have attempted to give Canada's Native peoples greater autonomy. The strengths of emerging Native organizations helped to win government support for outstanding land entitlements. Many Canadians are under the impression that the treaties settled all land claims for Indian people and that since then no land has been acquired. (From Indians) This is far from correct. In Saskatchewan, for example, between 1896 and 1914 approximately 416,000 acres of land were acquired by speculators. Some were government agents. Cases of fraud have been recognized and are under investigation. Twenty one treaty entitlements have been completed and 116,000 acres of land transferred to reserve status in this province with another 340,000 acres still outstanding.

Canadians are asking two fundamental questions, according to sources from the Saskatchewan Federation of Indians, namely,

- are Saskatchewan farmers going to be robbed of their land?
- What kind of land do Indians want?

The Federation decidedly denies the first answer:

"The province has not agreed to give away someone else's rights to the Indians."¹

Under the Resources Transfer Agreement of 1930 provinces are obliged to make unoccupied Crown Land available to meet treaty land entitlements, but the Province of Saskatchewan consented to make land available whether it was occupied or vacant, and agreed to compensate the occupants satisfactorily. In summary, there is legal, federal and provincial provision for possible relocation and compensation of settled areas, should such be required.

To the second question in regard to the type of land which will be selected by Indians, the F.S.I. has concluded that about 500,000 acres are still outstanding in the southern part of the province. While there has been co-operation

from the Association of Rural Municipalities, the wildlife Federation and Stock Growers Association, there has been reluctance by government to settle the issue.

It would be well to remember that from 1890 to 1930 homesteaders in this area received 30 million acres, in the form of land grants, the Hudson's Bay received 3.3 million acres, the railraod 15 million and Indians only 1.4 million acres. It may be true that Saskatchewan will be hard pressed to find the types of suitable land Indians are requesting, at this point. "But this is a legitimate debt which should not be allowed to continue."²

Are Saskatchewan's people prepared to find a satisfactory settlement through adjustment and co-operation?

-
1. Treaty Land Entitlement Concerns
Toward and Indian Future
Federation of Saskatchewan Indians
Saskatoon, 1981
 2. Indian Lands and Canada's REsponsibility
Land Titles Office
Province of Saskatchewan,
Regina, SAskatchewan.

Teacher's Familiarization Material B
ABORIGINAL LAND CLAIMS OF THE METIS

Many Canadians aware of Indian claims grievances are unaware that the Metis also have valid reasons to ask for settlement of outstanding land entitlement or adequate compensation for the latter.

The Manitoba Act of 1870 brought the entire Canadian Northwest, except the southern part of B.C., into the Canadian Dominion, by an Act of Parliament. The Hudson's Bay co-operated by selling what they considered their property, namely Rupertsland, to Canada, and Louis Riel negotiated for the relatively small area of Assiniboia; the remainder was annexed without negotiation or consent of the people living in the North West. To acquire land for European settlers, the Canadian government made treaties with Indians and attempted to settle with the Metis by issuing land and money scrip. Previous lessons have outlined the bureaucratic delay and legislative squabbles over minor concerns which prevented prompt settlement with the Metis. Most of the scrip they received ended up in the hands of speculators enriching banks, railroads and private corporations.

The Association of Metis and Non-Status Indians have compiled a list of several thousand original recipients who were in this way defrauded. The Association has given the questions of Aboriginal Rights for Metis people top priority and produced several well researched working papers on this issue. The following pages contain excerpts from one of these papers, entitled.

"The Extinguishment of Aboriginal Claims, Law and Practice in Canada. (AMNSIS, March 1979)

Historical writers generally agree that the Metis had, along with the Indian tribes, an interest in the land in the North West. Archer Martin refers to this interest as a "moiety".⁴⁶ This means a half interest or equivalent interest to that of the Indians. If this is so, the Metis had claim to at least half of the land in...

the Northwest. What would constitute equivalent compensation? Did the allocation of 1.4 million acres in Manitoba, or the later scrip issues constitute equivalent compensation? Did title to the river lots in Manitoba and along the Saskatchewan River constitute equivalent compensation? The Metis, even those who farmed, had access at their pleasure to all of the land in the Northwest and to the resources of that land, as was necessary for their survival. In other words, the land provided them with their food, the materials for their clothing, the materials for shelter and fuel, and the "cash crops" (furs and buffalo meat) with which they could purchase their extras. In other words, the land provided them with their livelihood.⁴⁷

Is the provision of European title to a few acres of land (160 or 240) compensation of equivalent value? Did it provide the opportunity for an alternate means of livelihood equivalent to that expropriated by the government?

It certainly did not do so when viewed from the perspective of the native concept of land or from the native lifestyle. Even when applying the European concept of intensive cultivation and the production of a variety of produce, the land grants did not provide equivalent compensation. Certainly a tract of land of 160 or even 240 acres could not sustain livelihood based on the traditional Metis lifestyle. Since the land was not improved, i.e. unbroken and not cultivated, it would not sustain a livelihood based on the European lifestyle either. It could only do so after considerable further capital investment and the breaking and cultivation of the land. Even under the best of circumstances, this took time. But the Metis had no capital to invest, and they could not obtain the tools, implements, seeds, or domestic animals required to make a livelihood from the land a reality. Further, there were almost no export or domestic markets for their products even if they had

received the capital. Even in those days, a tract of land such as granted most Metis families did not constitute a self-sufficient agricultural unit, except for the river lots and these had been already mostly claimed.

The government refused to provide help in the form of capital to enable the Metis to establish themselves on farms and in the absence of markets there was no cash income.⁴⁸ Farming at best would have provided the Metis with a meager existence. But, for most Metis, a small circumscribed tract of land was seen as worthless as a means of providing their livelihood. Therefore, it was natural that they would sell for whatever they could get and move west and north where they could maintain a more traditional lifestyle.

The idea that expropriating large tracts of land and then giving back a little bit of it as compensation is absurd. It belonged to the inhabitants in the first place and therefore could not constitute compensation. In addition, the whole process was devoid of any kind of consideration of equivalent value and, based on the law of nations and on expropriation law, could not be seen as a legally constituting compensation. Without equivalent compensation, the most essential ingredient of extinguishment is absent and therefore the extinguishment provisions of the Dominion Land Act and of The Manitoba Act, are nothing more than permissive legislation, and do not in themselves constitute extinguishment. In other words, the contract, even if there had been one, had never been fulfilled by the government and therefore was void.⁴⁹

Conclusions

The conclusion of this discussion is that the steps taken by the federal government to extinguish title were invalid on two basis.

Conclusions (Cont'd.)

First, the steps taken by the government to extinguish title did not follow the legal-constitutional provisions of Canadian and British statutes.

Second, there was no equivalent value compensation which would mean that even if the proper procedures had been followed in obtaining title, the agreements reached were never made operable because of this lack of equivalent compensation.

One can therefore only conclude that the aboriginal title of the Metis has not been extinguished. Therefore, they still possess a sovereign claim to their half interest in all of the land. Since the land has in effect all been expropriated by various subsequent acts of the government, the whole question of a claims settlement or adequate compensation for expropriation still must be dealt with by the government.

FOOTNOTES

1. The Origins, Theory and Practice of Aboriginal Rights, A.M.N.S.I.S. Discussion Paper.
2. Metis Nationhood Claim up to 1870, A.M.N.S.I.S. Discussion Paper; The Question of Metis Nationhood after 1870, A.M.N.S.I.S Discussion Paper.
3. Who is an Indian? A.M.N.S.I.S. Discussion Paper. See Appendix I.
4. See List of Rights, Tremauden, Stanley, Morton or other sources.
5. See Ritchot's Diary, Birth of a Province, Morton; and Wicks Taylor Papers, memo to Hamilton Fish, May 1870.
6. See Royal Proclamations and Native Rights in Canada.
7. Ibid.
8. Ibid.
9. See B.N.A. Act, section 146 and Appended O.C.'s.
10. See A Concept of Native Title, by Leroy Little Bear.
11. Ibid.
12. Ibid.
13. Supra, The Origins, Theory and Practice of Aboriginal Rights.
14. Supra, Leroy Little Bear.
15. Ibid.
16. Ibid.
17. Supra, See Royal Proclamations and Native Rights in Canada
18. Ibid.
19. See Early Indian Acts and Canada's Treaties with the Indians, Alexander Morris.
20. See The Question of Aborigines in the Law and Practice of Nations, Snow.
21. Ibid.
22. See The Laws of State Succession; Cambridge University.
23. See Native Rights in Canada; Mickenberg.
24. Ibid.
25. Ibid.
26. See Macdonald Papers, Volume 48, A.M.N.S.I.S. Library.
27. See Louis Riel; George F. Stanley.
28. Supra, see Mickenberg.
29. Supra, see B.N.A. Act, section 146. Also see exchange of correspondence between Canada and Britain 1868 - 70; Volume I, Sessional Papers, A.M.N.S.I.S. Library.

30. Supra, See George F. Stanley.
31. Supra, See Morris, Treaties with the Indians.
32. Supra, See Native Rights in Canada.
33. Supra, See Ritchot's Diary and Wickes Taylor Papers.
34. Ibid. Ritchot's Diary.
35. See Manitoba Act and Dominion Land Act.
36. Supra, Ritchot's Diary.
37. Supra, See George F. Stanley and Manitoba and Dominion Land Act.
38. Supra, See Macdonald's Papers.
39. See Northcote's Papers, A.M.N.S.I.S. Library.
40. Supra, See Ritchot's Diary.
41. Ibid.
42. Ibid.
43. Supra, See Dominion Land Act. Also see Parliamentary Debates of 1879; Volume 9B, A.M.N.S.I.S. Library.
44. Ibid.
45. Supra, See Mickenberg.
46. See Volume 12, A.M.N.S.I.S. Library.
47. See Tremauden, The History of the Metis.
48. Supra, See George F. Stanley.
49. Supra, See Mickenberg.

LAND EXPROPRIATION

Lesson 6:

HISTORICAL OVERVIEW

Landexpropriation

Lesson 6: HISTORICAL OVERVIEW

I AIM

To develop an understanding of the events which shaped the creation of a Canadian Nation.

To provide a background of information by which the policies of the new Canadian government can be explained.

II OBJECTIVES:

Students should be able to tell:

1. how the British gained control of North America,
2. where the boundary line between Canada and United States is located,
3. when the Canadian Dominion was formed,
4. why the new Canadian government began to negotiate treaties.

III TEACHING METHODS

1. Read the chapters on THE RISE AND FALL OF THE METIS IN CANADA.

Teacher's Familiarization Material p IV - VI - 15

Provide each student with the HISTORICAL

OVERVIEW, Student Handout A p. IV - VI - 4

Read and discuss the significance of each event

Follow each event by pointing out the areas involved, on a map.

Raise the following questions:

- How would Native tribes react to the disputes between European Nations?

- a) alliances (Native to Native, Native to non-Native).
 - b) use of guns (formerly weapons of bone, wood and stone)
 - c) use of gifts by European powers
 - d) Indian "guerilla warfare" compared with European "open field" battles.
2. Ask the students if treaty making was a unique process between Native and Non-Native people or if European nations also made treaties among themselves.
- What treaties are named in the historical overview?
3. Discuss the American Revolution:
- 1) reasons for wanting independence from Britains
 - What were the effects of the Loyalist immigration?
 - By what treaty was a boundary between British North America and U.S.A. drawn? What parallel was chosen?
4. Duplicate student handout b: NATIONAL POLICIES
P IV - VI - 25
- Let the students name the policies of the new Canadian government often referred to as "National Policies"?
- Why has the Rupertsland transfer in the design of this policy?
 - How did the building of a railway aid the new government.
 - Why did the new government decide to make treaties with the Indians?

5. Duplicate and distribute "Student Assignment"
(not to be used as a test) p. IV - VI - 13

IV PERFORMANCE CRITERIA

1. Students should be able to explain verbally or in writing:
 - a) how the British gained control of North America,
 - b) where the boundary line between Canada and the United States is located,
 - c) when the Canadian Dominion was formed,
 - d) why the Canadian Government began to negotiate treaties.

V MATERIALS

1. Teacher's Familiarization Material
THE RISE AND FALL OF THE METIS IN CANADA, and
THE METIS AS FARMERS p. IV - VI - 15
by Don McLean, Gabriel Dumont Institute, Regina.
2. Student handout A: HISTORICAL OVERVIEW
p. IV - VI - 4
3. Student handout B: THE NATIONAL POLICIES
p. IV - VI - 25
4. Student assignments p IV - VI - 13

Student Handout A: HISTORICAL OVERVIEW

The 18th Century

From the time Columbus entered upon the American continent European empires fought over it's possession.

First: Spanish, Portugese, Dutch, British, French. Later: Spanish, British French.

1713 Treaty of Utrecht, mapped out areas of, Spanish territory: Most of South America, Florida, Mexico, up Pacific Coast, north of Mexico. English Territory: 13 colonies along Atlantic seaboard, Hudsons Bay region, coast of New Foundland. French territory: Acadia and Quebec, south of Great Lakes to Gulf of Mexico St. Lawrence and Mississippi areas.

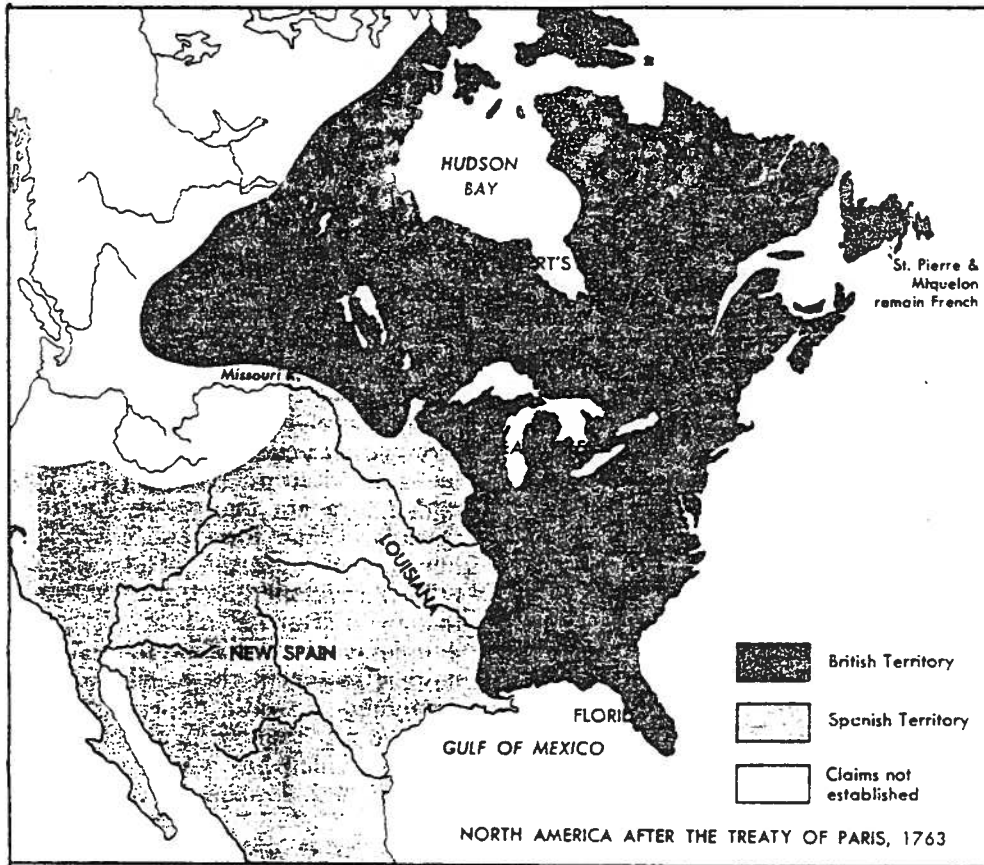
1756 The Seven Years War
French and English conflicts lead to destruction of France's North American empire, Wars fought by land and sea all over Eastern half of N. America and in Europe and India as well.

(St. Lawrence, Mississippi, Acadia, 13 Colonies)

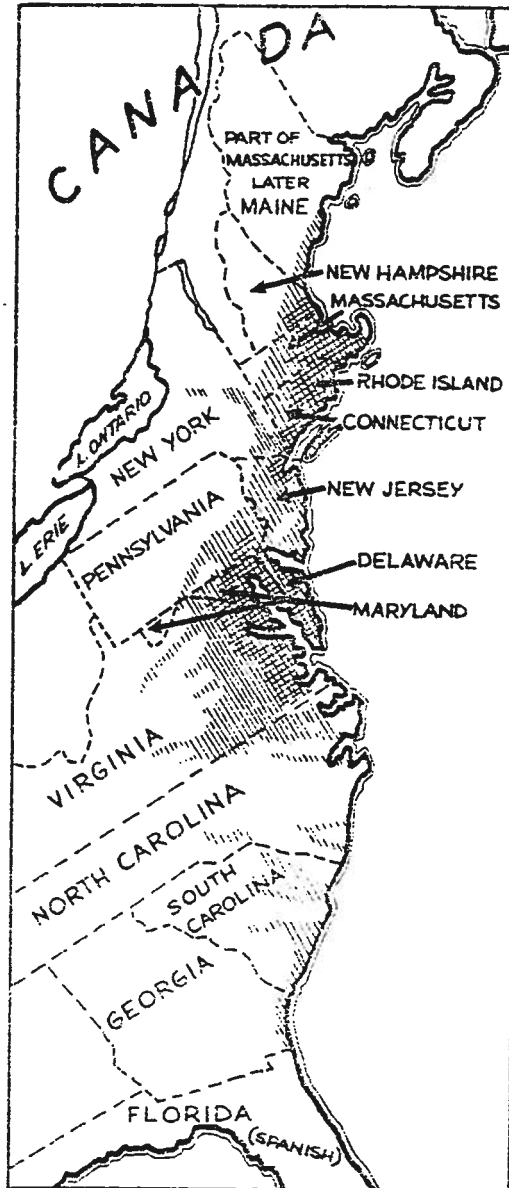
Note: The name CANADA was applied to the part formerly occupied by the French. The French, were often referred to as CANADIANS.

1760 Hudson's Bay Company get charter to Rupert's Land.

1763 The Treaty of Paris. End of Seven Years War.
Britain gains control of North America by defeating France. (Battle on the Plains of Abraham outside of Quebec City) Se map, next page.



THE THIRTEEN COLONIES



By the end of the 18th Century Britains had difficulty controlling the large territory it attempted to govern. The 13 Colonies developed self government. Inhabitants born on American soil saw themselves as a separate group of people. Many, although of British ancestry, had never seen Britain. Population mixed: German, Dutch, British.

CANADIANS under British rule were fearful of losing law, language and religion.

CANADIANS came into dispute with English speaking merchants which gained control of the furtrade.

BRITAIN wanted to control all trade - import and exports - and levied heavy taxes on CANADIANS and 13 Colonies. Colonies organize revolt under General Washington.

1774 American revolution

Colonists fight for independence from Britain. Those loyal to Britain, refuse to fight and are persecuted. LOYALISTS have to flee to CANADA and NOVA SCOTIA.

1776 Declaration of Independence by thirteen colonies.

Through the revolution two separate countries created: British North America (which includes CANADA) and America.

1783 Treaty of Versailles

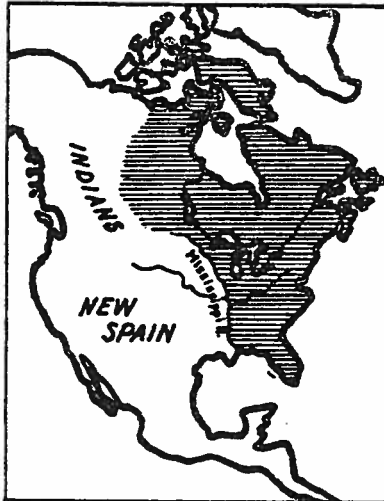
10,000 LOYALISTS from the 13 colonies settle in St. John Valley (Newfoundland.) A new colony created: New Brunswick. Canada has three:

1791 British - North - American colonies (or provinces) now:

- 1) "CANADA" also called, Quebec
- 2) New Brunswick
- 3) Nova Scotia. Provinces get self government.

Some LOYALISTS settle in Quebec but do not like French civil law and the seigneurial land system. (See lesson four)

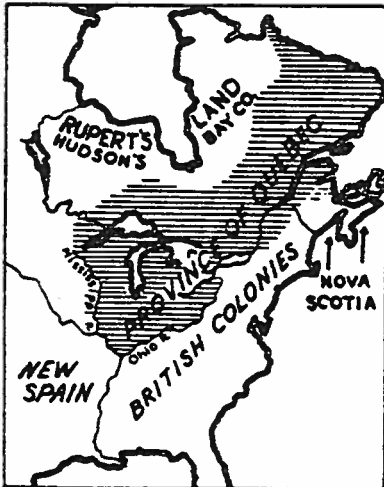
Province of Quebec is divided into Upper and Lower Canada. (Ottawa River is boundary) Upper Canada was later called Ontario.



British Possessions in 1763



Proclamation of 1763



Province of Quebec, 1774



The Peace Treaty of 1783

Within twenty years, 1763-1783, there were crowded four boundary settlements which have an important place in Canadian history. The first and fourth were caused by wars, the Seven Years' War (Map 1) and the American Revolution (Map 4). The other two resulted from attempts made by the British government to solve the difficult problems of Canada and the control of the western country.

The 19th Century

British merchants from England Scotland and the former 13 colonies establish themselves in Montreal and Quebec and are in control of the furtrade, formerly in the hands of French "Canadians." Merchants are called "NOR'WESTERS. NORWESTERS make fortunes but come in conflict with HUDSON'S BAY CO.

1808 PACIFIC COAST explored and opened up for trade with China, India. England sends expedition under Captain George Vancouver who surveys and maps coast of British Columbia. Spain's power declining. Releases territory at North West Coast to Britain. Fraser explores Fraser River.

West coast of America, North to South;

Alaska - Russian

British Columbia - British

United States - American

South America - Spanish

1811 Lord Selkirk buys 116,000 square miles off H.B.C.

1812 War in North America and Europe.

In Europe: Britain and France at war,
(Napoleon)

In N. America: Britain and the U.S.A. at war

1814 War ended; treaty of Ghent

49m parrallel chosen as boundary line, (from Lake of Woods to Rocky Mountains,) between British - North - America and United States. United States wanted boundary line drawn to Pacific Coast but British are unwilling because they wanted to protect the furtrade in the west. Compromise made.

Great wave of European migration to North America.

1815 - 1850 (800,000 people)

Poverty, starvation in Europe. Exploitation of working class.

Commercial farming displaces (small) family farming.

Immigrants are landhungry, want to settle and farm.

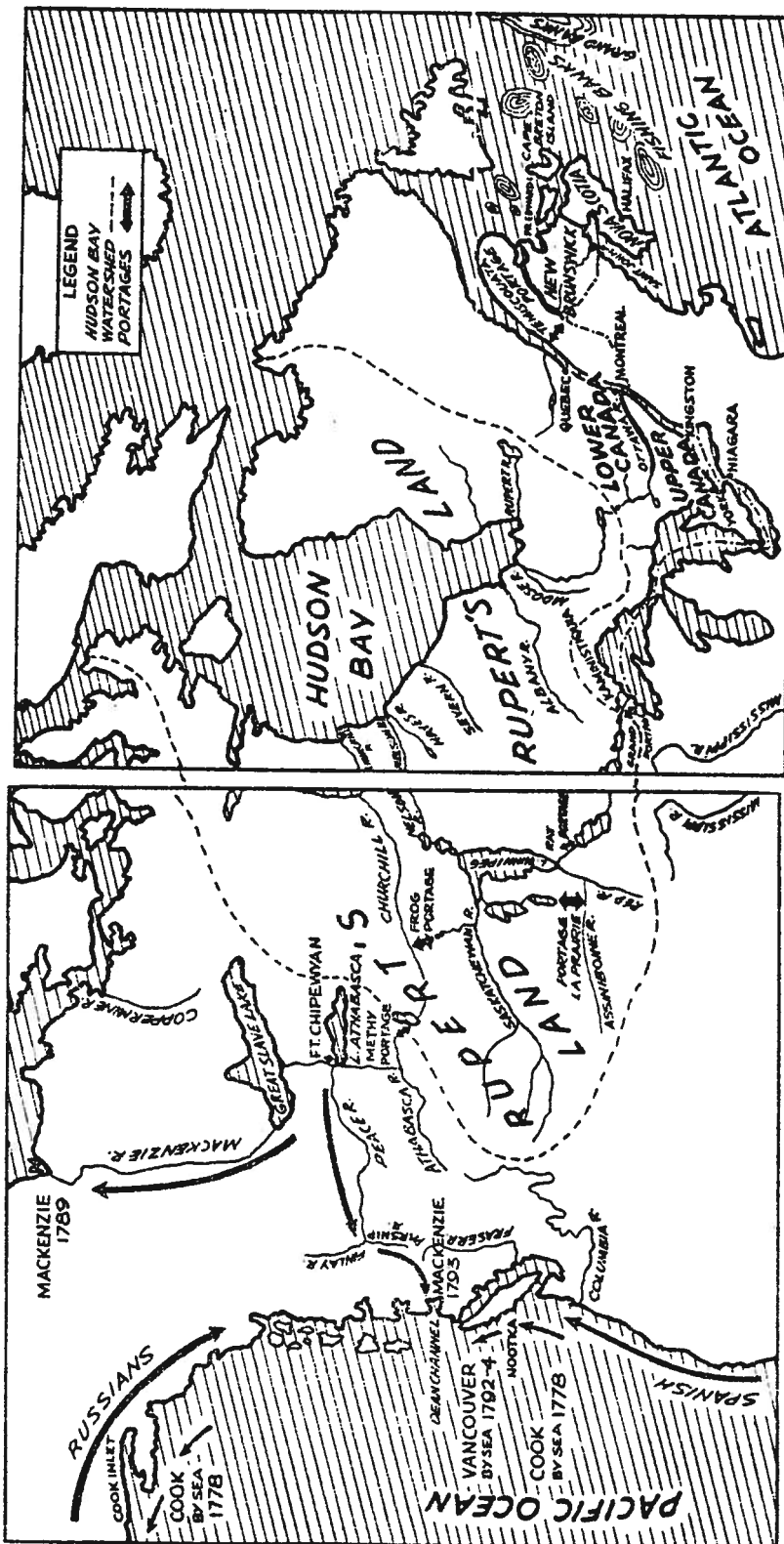
Land companies organized 2,400 acres surveyed and settled in Upper Canada (Ontario)

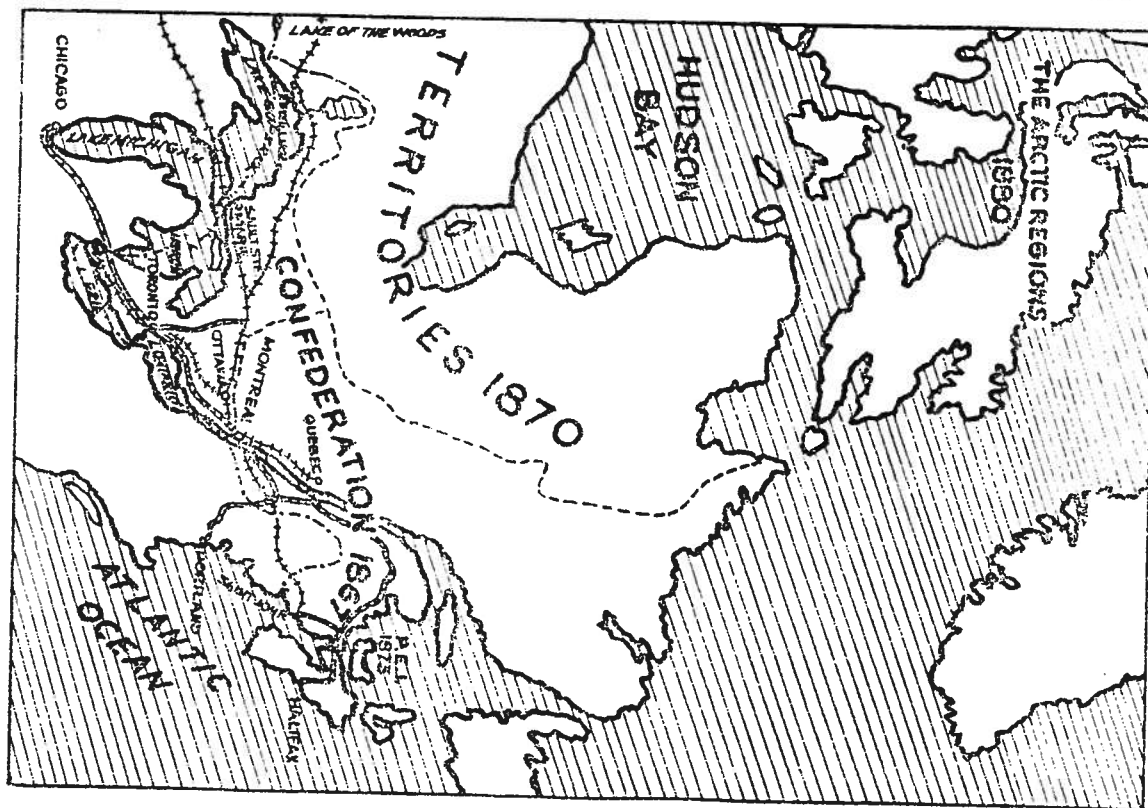
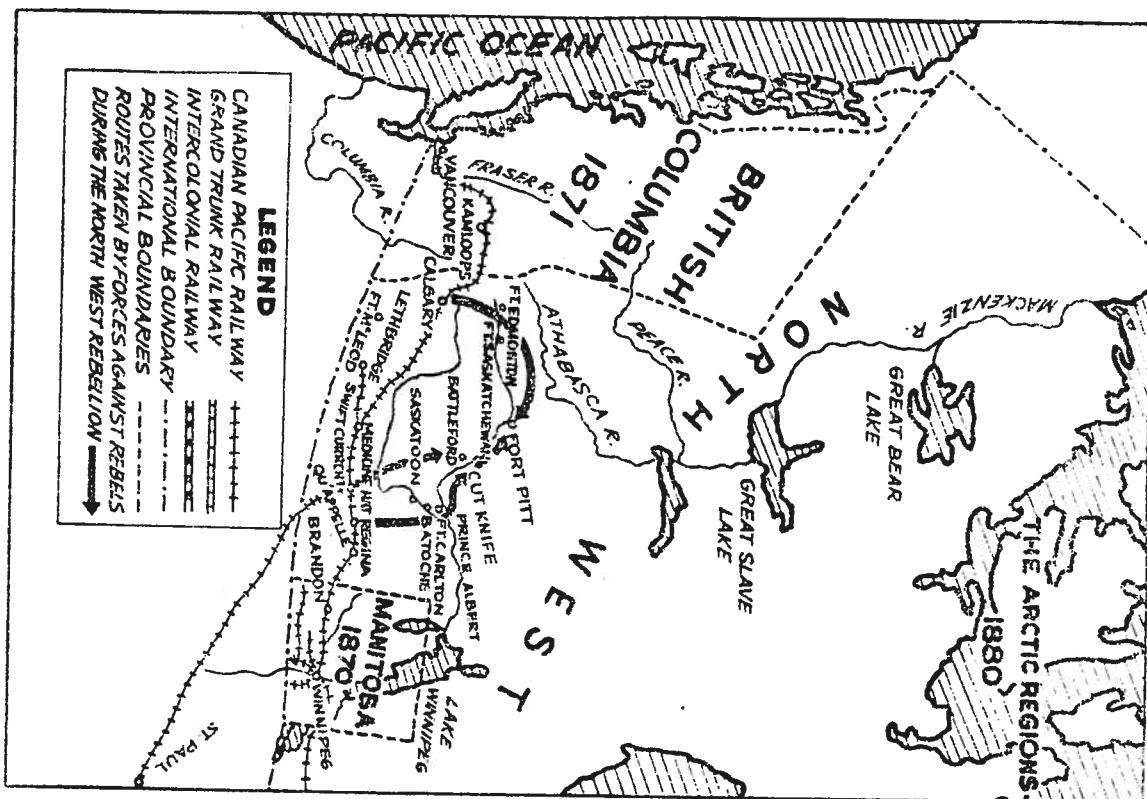
1860 Transportation - communication - network established two thousand miles of railway in operation, in Eastern North America. Oxcarters going back and forth between St. Paul and Fort Garry. Steamers travelling along the Red River. Cariboo Road, in British Columbia built.

1864 Charlottetown conference (P.E.I.) Delegates from British North-America discuss possibility of Union of British Provinces: Upper and Lower Canada (Ontario & Quebec) Nova Scotia, New Brunswick.

1867 Canadian Dominion formed, by process of CONFEDERATION of Provinces
BRITISH NORTH AMERICA ACT drawn up.

1869 Hudson's Bay Company cannot continue its charter. Buffalo - staple of furtrade - almost extinct. Settlers dissatisfied with company rule. Indians and Metis, dependant on furtrade, on point of starvation. Hudson's Bay Company arranges quiet deal with government: Government to buy Rupertsland off company for 300,000 pounds sterling. Metis, Indians, settlers not consulted. Petitions to government go unanswered.





ASSIGNMENT FOR STUDENT:

A.) Name the treaty which European nations made to divide the North American continent among themselves.

1763

B.) After the American Declaration of Independence, Britain and France signed a treaty, namely

1783

C.) When in 1812 the war in Europe and North America ended, a treaty was made and the boundary line between Canada and the U.S.A. established. What was the name of the treaty in 1814?

D.) What words do you think, describe the process of treaty-making? Underline the words that you feel are appropriate; a law, a contract, an agreement or a compromise.

E.) Why did Europeans come to North America? (1815 - 1850)

F.) What kind of transportation did the new Canadian Dominion wish to establish to link the provinces together?

G.) Why did the Metis in Batoche, Saskatchewan resist the advance

H.) How did the Canadian government respond to the petitions which settlers, Indians and Metis in Manitoba sent them?

I.) Why didn't the Manitoba Act allow the province to control their own land and resources?

When the Metis created the province of Manitoba through their revolutionary actions in 1870, they had been in the majority. Red River carts still plied their noisy way south to St. Paul, laden with trade goods. The last of the buffalo were being slaughtered, remnants of the fur trade still existed and the western prairies were largely unfenced areas of sparsely populated grassland. But by 1885 Sir John A. Macdonald's National Policy was working effectively and peasants from Europe and entrepreneurs from Canada were pouring in. In the United States rail lines criss crossed the nation, the Indians had all been "settled" and a vast agricultural economy had been established across the prairies. Even the west coast had been settled and a large stable population existed there with local industry, and a booming "gold rush" economy.

The American expansionist spirit of "manifest Destiny" had not materialised in to military conquest. Instead it was conquering the world through trade and commerce, using the military only where necessary, as against the plains Indians. America was becoming a substantial force in world affairs, threatening British omnipotence in many ways. Thus British interests were impatient to get a rail line completed across the northern route, so that a friendly colony would provide a trade route to the Pacific rim. Canadian capitalists (the Montreal Merchants) were equally anxious to see this accomplished but the amount of capital required was too great. To a large extent they joined forces with British and to some extent even American investors to provide capital for the C.P.R. construction. Even this was not sufficient for the task. This left one thing for them to do, use tax money from the "public sector" to pay for the private ownership of the rail line. This they eventually got from the government of Canada. Sir John A. Macdonald, and Donald Smith were both men of mixed allegiance. In so far as Canada could provide the latter with a vast personal fortune, he was loyal to Canada, but he was first and foremost a "British Imperialist." The C.P.R. was absolutely essential for Great Britain following her successful war with China.

Despite the amount given the C.P.R. by the government, it was still short of funds in 1881, and it began to look like the project would not be successfully completed without further government funding. It was becoming difficult to continue giving away these vast sums of money to the super-rich. In turn, the super rich were kicking back generous amounts in to the political funds of Macdonald and Cartier. The "C.P.R." scandal brought down the Macdonald government once, when they were caught by opposition members taking "bribes" from the capitalists. Given the "grass roots" resistance to this overwhelming tax burden, taken from the workers and farmers, and given to the rich, it was becoming an unpopular project. What the Canadian government needed was a rebellion in the West.

If a rebellion occurred, the people of Canada would once again "rise to the occasion", and make the financial sacrifices necessary to "keep the old flag flying". They had insufficient fire-power to put down a general Indian uprising in the west. A rebellion of about two or three hundred "half-breeds" would be just right. Just as the slaughter of the Highlanders brought on the amalgamation of the fur trading Corporations, and just as Scott's death had brought the province of Manitoba in to being, would not another Metis uprising in Saskatchewan ensure the completion of the C.P.R., by uniting Ontario labour with Ontario capital in a holy war generated on the basis of nationalist sentiments?

Indeed it would, and Canada would exist sea-to-sea. The settlers would swarm in, each one of them representing dollars to the merchants by generating profits for the C.P.R. in getting to the west, by generating profits to the speculators who had expropriated Metis land through scrip. and who then could sell it at a mark-up, and by generating profits when they purchased farm machinery and supplies, and by generating profits when they sold their grain through the private marketing system. There was the potential here for the creation of an empire that could generate billions of dollars, and there was the potential for this new empire to create a trade route to another empire across the pacific. But first this small, proud band of Metis farmer-hunters must be disposed of. This might be a problem, since the Metis were not at squeamish when it came to using a gun or a knife.

The following chronology of events, again passed off in our history books as "history" must be seen in the light of the requirements of the ruling class of the time. Thus, the rebellion of 1885 instead of being "something that made history", was simply the reaction of the Metis people to the policy of the ruling class of the time, through its agency, the Canadian state. And it looks as though that rebellion was engineered by Ottawa to justify the use of more public funds to finish the railway "so that the rebellion could be smashed".

The population figures had changed dramatically after 1870. In 1881, Manitoba had a total population of 62,260 of which only 6,388 were of Indian and Metis origin. The "North West territories", (now Sask. Alta, B.C. and N.W.T. had a population in 1881 of 46,446, of this 49,472 were Indian and Metis ⁶ This was the result of the Native migration after the Red River struggle.

From 1870 to 1885 the Metis moved in a slow but steady migration from Red River to Qu'Appelle, Batoche, St. Louis and other remote sections of what is now Saskatchewan. They moved to escape oppression but in more practical terms they moved to acquire land, land that could be successfully farmed within the framework of their own technology and social organization.

Then, having settled on this land, they began to seek title to it. They had learned from the treachery in Red River that this important "piece of paper" was needed if they were to retain their little piece of land. But, as the excerpt from a letter written by governor Adams Archibald to governor Dewdney (who was to become an important civil servant who speculated extensively, and got very rich) reveals, that scrip was designed to be a simple way to extinguish Native title, at the same time forcing a situation such that title would quickly pass from the Metis to the speculators, banks, and land development companies. Governor Archibald wrote:

"It is only because the French half-breeds and their leaders treat the question, not as one of business, but rather as one of race, and breed and language, and because they are unwilling that their people should form part of a mixed community, that they prefer having _____?_____ which they are entitled _____?_____ off in one block.

But there is another feature in the arrangement they contemplate which would, I think, work more injuriously _____?_____ in depreciating the value of their lands.

The grants to the half-breeds are, by the act, to be made "in such made and on such conditions as to settlement or otherwise as the Governor General in council shall from time to time determine. The French or their leaders wish the lands to be so tied up, as to prevent them at all events, for a generation from passings out of the family of the original grantee. Now of the Half-breeds more than $\frac{1}{2}$ are under 10 years of age, $\frac{1}{2}$ are under 20. The effect, therefore, of any such arrangements as that suggested would be to render absolutely inalienable, for a long period of time, a large portion of this Reserve.

Take a neighborhood where this policy obtains. Much of the reserve is owned by children: nothing can be done till they come of age, even they cannot sell. The land must descend to their children after them. It would not become alienable till the third generation. The effect would be to

lock up a large portion of the land of the contry, and exclude it from the improvements going on in localities where land is unfettered. The whole tendency of the modern legislation, not only on this side of the Atlantic, but beyond it is to strike of the fetters which clog free traffic in land. There is no state in the Union, and no province in the confederation, so far as I know, that has not abolished "Estates Tail".

All the tendency of Modern Legislation is in the line of abandoning the feudel ideas respecting lands and bringing Real Estate more and more to the condition of personal property and abolishing restraints and impediments on its free use and transmission⁷."

The above document clearly indicates that scrip was used so that the land could be quickly taken back from the Natives "legally". Thus, by this sleight-of-hand, the government officials opened up "investment possibilities" for themselves and their friends. Governor Dewdney was heavily involved in scrip speculation and amassed a fortune in Saskatchewan from it.

Teacher's Familiarization Material

EXCERPT FROM CHAPTER X

THE METIS AS FARMERS

The Canadian National Policy became a vehicle for profiteering landagents. Members of parliament correspondence reveals how Metis are seen as obstacles in way of settlement:

"Alloway and Champion" became a financial firm that made a vast fortune from the acquisition of Metis and Indian lands.

The "legal" and illegal acquisition of Native lands was built in to the Canadian Policy. It was the prerequisite for successful settlement, (successful as defined by the profits of the speculators - not the success of the individual settler; that was a matter of little consequence to these new capitalists and their parliamentarians.)

Following is a letter written by Sir John A. Macdonald to Sir John Rose (the reader will recall the Rose had originally been placed as a member of parliament to protect the interests of the Hudson's Bay Company, by the then governor Simpson. It seems Rose was now working for Donald Smith and the C.P.R. et al. Sir John wrote (selected excerpts) see appendix 2 for entire letter)

February 23/1870 "Everything looks _____ for a delegation coming to Ottawa including the redoubtable Riel. If we once get him here, as you must know pretty well by this time, he is a gone goon. There is no place in the Ministry for him to sit

42. Peter Lowe, All Western Dollars, a paper written in a journal of the Historical and Scientific Society of Manitoba, 1946.

This article is available at AMNSIS library Gabriel Dumont

next to Howe but perhaps we may make him a senator for the territory. I received your cable to the effect that Her Majesty's government will co-operate in the (Wolsely) expeditions. ...There impulsive Half-breeds have got spoilt by the emeute (popular uprising) and must be kept down by a strong hand until they are swamped by the influx of settlers."⁴³

These excerpts from Macdonald to Rose are clear statements of the National Policy. It was no "accident" that Wolsely's troops pillaged and murdered in Red River. Members of the provisional government were brutalized and H. F. O'Lone a fenian was killed in his saloon, while Francis OUILLETTE, ELZEAR, AND ROGER GOULET AND JAMES TANNER were also killed by the drunken soldier-mob. Riel's family was terrorized and people were beaten up in the streets. This was the "heavy hand" that Macdonald spoke of. Gradually the Metis let their property go to the speculators, loaded their belongings, and left Red River for ever. They were moving to Saskatchewan to escape the oppression of this government. Below, Tremaudin lists the "practical results" of the Metis struggle in Red River. The Manitoba Act is of course, the most lasting one.

1. Instead of being annexed to Canada as a colony of a British colony, the Red River settlement had become a Province of Confederation. This one point alone would be sufficient to justify a rebellion.
2. The public educational system was settled to everyone's satisfaction.
3. The question of the two official languages, English and French was settled.
4. Section 22 of the Manitoba Act assured generous subsidies and an equitable taxation policy.

43. Letter, Sir John A. Macdonald to Sir John Rose, dated Feb 23/1870 taken from The Saskatchewan Archives Board. See this copy at AMNSIS library, Gabriel Dumont Institute.

5. The laws regarding customs duties and internal revenue already existent in the colony and satisfactory to the inhabitants, were retained.
6. Children of Metis and Half-Breeds, who resided in the country at the time of the transfer had right to a grant of 1,400,000 acres of arable land.
7. A generous homestead law was adopted.
8. It was stipulated that the remainder of the North-West Territories be admitted into Confederation at a future date, and that, in the interim, laws at present in force should continue.
9. To assure to the inhabitants of the new Province the peaceful possession of the lands they were occupying at the time of union, it was understood that:
 - a) All absolute titles turned over by the Hudson's Bay Company until March 8, 1869, would be, at the owner's request, confirmed by Crown titles.
 - b) All titles other than the preceding, agreed to by the said Company until the above date, would be, at the owner's request, converted to Crown titles.
 - c) All titles of occupation, sanctioned by the said Company, until the above date - relating to land situated in that part of the Province, where Indian titles had not yet been settled, would be, at the owner's request, converted into absolute Crown titles.
 - d) All people in peaceful possession of certain areas at the time of the transfer to Canada, in these parts of the Province where Indian titles had not been settled, would have the right to preemptions on this land, on such terms and conditions as the Governor-General in Council decided.
 - e) The Lieutenant-Government was authorized, by regulations that would be formulated from time to time by the Governor-General in Council, to do what was necessary to define and to fix, according to just and equitable conditions, common rights, such as the rights to hayland (that the settlers enjoyed), and to transform them into Crown lands.

Briefly, except for the many-times-made but never-granted-until-ready promise, and except for a few details

of secondary importance, in its Manitoba Act of 1870, the Canadian Government had acquiesced to all the demands presented in the List of Rights of the Red River and North-West Metis. Three Provisional Government delegates had presented this famous List and had been received and recognized in their official capacity by Ministers of the Federal Government in Ottawa.

44

Manitoba was born of this struggle. The 1,400,000 acres of scrip granted the Metis in Manitoba was soon re-taken. What good was farm land without farm implements. The Metis had no access to capital for these implements so they let land go for what they could get and in the forlorn hope that the old free ways could still be found further West they migrated to:

Many migrated to old settlements
...but others formed new communities--St. Laurent, St. Louis, and Batoche on the South Saskatchewan and Duck Lake nearby. Less permanent groups were at Cypress Hills, at the Qu'Appelle Lakes and at Fort Pelly. All of these were French half-breeds. English half-breeds went to Fort Carlton...and to the present site of Prince Albert

45

Fifteen years more is all they had left as a free nomadic people. In Red River, now that the fur trade was finished and the Buffalo were gone, how could the Metis earn profit for anyone? "The more aggressive of the immigrants expressed the opinion that "the Metis should be wiped off the face of the globe".

44. Auguste Tremaudin unofficial translation p. 237, 238, 239

45. A. S. Mlerton, History of Prairie Settlement, Macmillan Co. Toronto p. 64

46. G. F. Stanley, Louis Riel p. 160

Student handout B

NATIONAL POLICIES OF THE NEW CANADIAN DOMAIN

The creation of a new Canadian Dominion was the beginning of a separate Nation-state which eventually controlled North America - above the 49th parallel - from sea to sea. (Atlantic to Pacific Ocean) The people who arranged the federation of provinces are often referred to as the "Fathers of Confederation". The "Fathers" were influential, politically active businessmen who had certain plans or ambitions for the new state they had helped to create. These ambitions were outlined, discussed and acted upon in the years following confederation and are often referred to as "National Policies". We can distinguish between four deliberate policies:

- 1) Open the North-West to former settlers from Europe and the United States.
- 2) Obtain land from Indians by recognizing aboriginal title, then extinguishing it through treaties.
- 3) Establish a railway to direct flow of trade from one section of Canada to another.
- 4) Create a Canadian state from Atlantic to Pacific.

The years following Confederation saw the carrying out of these policies:

- 1870 Acquisition of Rupert's Land and the North West territories through an Act of Parliament: The Manitoba Act. Louis Riel arranges for creation of Province of Manitoba to prevent Assiniboia from becoming a British colony. Riel is exiled by the Canadian Government and then recalled by the Metis to organize the Batoche resistance, because the Canadian government refuses to recognize title to Metis land along the Saskatchewan River. Troops are sent by Ottawa to quell uprising and Riel is hanged, his followers imprisoned.
- 1885 Railway to Pacific is completed shortly after Batoche Resistance. Prime Minister McDonald formerly unable

to raise the capital to finance the CPR to the west coast gets public assistance by pleading support to put down the rebels in Western Canada. The CPR consequently get 25,000,000 dollars and 25,000,000 acres of land. British Columbia, on the point of breaking away, (possibly joining USA,) is now linked to the rest of the Dominion.

1871-1929

12 treaties with Indians in Western Canada.