

Metis Rights and Land Claims

An Annotated Bibliography

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For many years the Metis National Council and its affiliates have pursued a rights based agenda with the federal and provincial governments of Canada. This annotated bibliography has been developed to assist university students who wish to learn more about the struggle for Metis rights in Canada.

Aboriginal Justice Implementation Commission, Metis Policy Sub-Committee. "Toward a Metis Policy." Report prepared for the Aboriginal Justice Implementation Commission (Manitoba). Winnipeg: February, 2001.

The AJIC Metis policy sub-committee prepared this paper as a contribution to the development of a Manitoba Metis policy. This document, by its preparation, acknowledges the distinctness of the Metis citizens of Manitoba-both those who identify with the Metis people and those that are linked to the Red River or Rupert's Land Metis communities.

The Report of the Royal Commission on Aboriginal Peoples and the AJI Report both make reference to the Metis people and the need for change. The former includes a call for a change in policies and building new relationships, and the latter on issues related to the Manitoba justice system.

Metis identity can be defined with some precision by tracing decent through family genealogies. This leaves a large number of non-Metis and non-First Nations people whose history and lifestyles reflect discrimination and marginalization from the "non Aboriginal" community. This poses the question of how is Manitoba to define for policy purposes, who are Metis. This paper proposes a position somewhere in the middle between the federal and provincial positions.

The authors suggest that the Province of Manitoba pursue a provincial policy for a number of reasons. These arguments use historical recognition as it relates to the Red River Colony and the fact that the creation of Manitoba as a province is due largely to the activities of the historic Metis Nation. This view has been reinforced by the Provincial Court and the Supreme Court cases.

Notwithstanding the many arguments and debates, the greatest barrier to a Metis policy initiative is "...whether or not Metis fall within federal jurisdiction for 'Indians', and lands reserved for the Indians" or, alternatively, are completely outside s.91 (24). All of the provinces except Alberta and Quebec hold that the Metis are a federal jurisdictional and financial responsibility. There are four major issues being litigated by Metis and non-status Indians (in terms of rights, the distinction between these two groups may be one without a difference) across Canada, but mainly in Western Canada:

1. Whether the Metis fall under the law making authority under the *Constitution Act*, 1867 s. 91(24),
2. Whether Metis have *Constitution Act*, 1982 s. 35 Aboriginal and treaty rights,
3. Whether pursuant to s. 15 of the *Charter* "similarly situated" Metis communities have the right to receive the same level of programs and services from the federal government as do status Indians,
4. Whether Metis have access to resource harvesting rights under *the Natural Resource Transfer Agreements*.

A positive finding for the Metis under any of (2), (3) or (4) would impact the first issue and the federal government would be had pressed to maintain the position that the Metis do not fall under s. 91(24). The authors offer three options for clarifying the law assuming a judicial decision supports the provincial view. First, supporting a Metis sponsored action: the province joining in a test case debating s.91(24) and, although positive for the Metis in that there would be support from the province legally and economically, the case might stretch out over many years and the court ruling might not touch on the issue of jurisdiction.

Second, challenging a question(s) of constitutional law via the Manitoba Appeals Court and with a positive decision, motivate/encourage federal interest in the larger Metis policy initiative. This option would act as a provincial policy announcement, would not involve excessive costs, however, would point to the province seeking guidance from the court, receive pressure from other provinces in similar situations and still be a fairly lengthy time to conclude.

The third and what appears to be the most attractive option is a joint reference to the Supreme Court. This approach would create a shared action bearing responsibility for the Court's decision, costs would also be shared and is likely to involve the least amount of time. A federal-provincial partnership would provide a cooperative environment that promotes public education as well as a framework for dispute resolution. The province however, does not have complete control over the questions before the Court and is subject to the federal government's willingness to be a partner in the process.

Given the costs that would be incurred by the federal government, it would be likely that it may want to delay any action in this way until there is further progress on broader "settlements" with the First Nations groups.

A provincial policy for the Metis people of Manitoba as it exists has generally been a reactive response to various pressures over several decades and emphasizes the need for a Global Metis Policy for the Province of Manitoba. A global policy of this nature allows for regional differences whether northern, rural or urban and encourages sensitivity to local and varying needs. The Family Services and Justice Departments are two examples of provincial jurisdiction where the Metis people can provide culturally appropriate services to their constituents. These two Departments and the process of accessing the mandate to provide the service could act as a template for further development of policy in other areas of provincial jurisdiction.

The Commission sub-committee that prepared this report was led by Professor Bradford Morse of the University of Ottawa Faculty of Common Law. It was comprised of Commissioner Paul Chartrand, JeanYves Assiniwi, John Giokas and Robert Groves.

Acoose-Pelletier, Janice. "The Land Commission." *New Breed*, 16(3), 1985: 14-15.

Alberta. *Report of the Royal Commission on the Rehabilitation of the Métis*. Edmonton: Royal Commission on the Rehabilitation of the Métis, February 15, 1936.

_____. *Report of the Royal Commission on the Condition of the Half Breed Population of the Province of Alberta*. Sessional Paper 72. Edmonton: Government of the Province of Alberta, 1936.

_____. *Report of Activities in Connection With the Settlement of the Métis: Period January 1, 1939-January 31, 1940*. Edmonton, Bureau of Public Welfare, Government of the Province of Alberta.

_____. *Metis Settlements Act*. Statutes of Alberta, 1990, Chapter M-14.3 with amendments in force as of May 17, 1995. Consolidated June 28, 1995. Edmonton: Queen's Printer for Alberta, 1995.

_____. Native Affairs Secretariat. *Alberta's Métis Settlements: A Compendium of Background Documents*. Edmonton: Native Affairs Secretariat, 1985.

_____. Native Affairs Secretariat. *Background Paper No. 6: The Métis Betterment Act: History and Current Status*. Edmonton: Native Affairs Secretariat, 1985.

Allain, Jane. *Bill C-16 the Sahtu Dene and Métis Land Claim Settlement Act*. Ottawa: Library of Parliament, Research Branch, 1994.

Bains, Greg N. "Métis Claim Land in Northwest Saskatchewan." *Saskatchewan Indian*, Vol. 23 (2), 1994: 3.

Barkwell, Lawrence J. "Early Law and Social Control among the Métis." In S.W. Corrigan and L.J. Barkwell (Editors): *The Struggle for Recognition: Canadian Justice and the Métis Nation*. Winnipeg: Pemmican Publishers Inc., 1991: 7-38.

The author demonstrates that during the 1800s, the Métis had their own systems of equitable justice, which ensured the continuance of their societies with a minimum degree of disruptive behaviour. These rules and regulations evolved from Métis perceptions of what constituted desirable behaviour in other Aboriginal societies, of the knowledge and particular needs in Métis society, and an awareness of British and Canadian (common and civil) systems of justice.

"Early Law and Social Control Among the Métis." In R.A. Silverman and M. Nielson (Editors): *Aboriginal Peoples and Canadian Criminal Justice*. Toronto: Butterworths, 1992: 61-68.

This is an edited shortened version of an essay with the same title which appears in S.W. Corrigan and L.J. Barkwell (Editors): *The Struggle for Recognition: Canadian Justice and the Métis Nation* (1991).

"The Archer Martin Collection of Métis Land Claim Broadsides: Catalogue and Descriptive Essay." Winnipeg: Louis Riel Institute, 2008.

This is the catalogue and essay that accompanies a Louis Riel Institute travelling exhibit of the Archer Martin Broadsides which are the public notices in the matter of the grant of 1,400,000 acres of land to the children of Half-Breed heads of families under Sec. 31 of the Manitoba Act 33 Vic., cap 3, and the orders in council, dated severally the 25th April, 1871, and the 7th September 1876. The original posters and broadsides were scanned for the Louis Riel Institute as digital (tiff) images by the staff of Library and Archives Canada. The broadsides range in size from 42 cm. x 15 cm. (16.5 inch. x 5.9 inch.) to 144 cm. x 69 cm. (56.16 inch. x 27.1 inch.). The broadside notice for St. Norbert parish is incomplete. However, two separate fragments of this broadside are included in the collection. No broadside for the St. François Xavier and Baie St. Paul claims has survived. However, twenty-three allotment sheets remain; a great number of these are barely legible and useful scans could not be produced. A number are quite legible and have been reproduced in this exhibit. These may be handwritten copies from a broadside that no longer exists. The original collection would include the names of over 6,500 Metis children eligible for land under the *Manitoba Act* of 1870.

Barsh, Russel Lawrence. "Trust Responsibility and the Coordination of Aboriginal Issues in the United States: Potential Applications in Canada." Report prepared for the Aboriginal Justice Implementation Commission (Manitoba). Winnipeg, June 2000.

This report has important things to say in the areas of policy formulation, governance and financing of Aboriginal institutions and services.

In the USA, case law and Congressional decisions have reinforced the principle of a "trust responsibility" which applies to all federal officials and every federal activity affecting Indian tribes. Therefore, federal revenue sharing legislation exists to include Indian tribes largely on the same footing as states.

In the USA the key federal departments that have an Aboriginal file have formed a policy sub-committee under the auspices of the White House Domestic Policy Council. However, in

actuality, the real power behind Indian policy coordination is Congress acting through its Senate Committee on Indian Affairs. This committee is the gatekeeper of relevant legislation and holds the Executive branch accountable through its oversight hearings.

Because of the evolution of Canadian federalism, through constitutional revision and political accords, Ottawa is not in as strong a position as Washington is in the US system. Thus Canadian federal mechanisms cannot achieve the same results as the United States. Instead, a Canadian solution must rely on the assumption of fiduciary responsibilities by the provinces and the creation of provincial level intergovernmental arrangements to share policy making and resources directly with Aboriginal groups.

Federal obligations to Aboriginal people have also been spelled out the US Supreme Court:

...the assumption of federal guardianship is "subject to limitations inhering in such a guardianship." The US courts have repeatedly warned federal officials that they are "bound by every moral and equitable consideration to discharge [this] trust in good faith and fairness," and that they are subject to "moral obligations of the highest responsibility and trust," as well as "the most exacting fiduciary standards." (p. 3)

The authors go on to outline the practical consequences of the trust, its operational locus, and state responsibilities. This is followed by an outline of the division of labour in federal Indian programs, including a discussion of system-wide coordination, Congress's role in Indian policy, and the nominal role that the Bureau of Indian Affairs actually has.

In the US, the counterpart to Canada's Royal Commission on Aboriginal Peoples was the American Indian Policy Commission. However, unlike RCAP, the AIPC could implement its recommendations through the Select Committee on Indian Affairs.

The comparative overview notes that although Canada and the USA share a model of federalism where the central government has constitutional supremacy, in practice the American federal government has a monopoly in certain functions, in particular those regulatory powers which come under the Commerce Clause of the Constitution. By contrast the federal and provincial governments in Canada have relatively equal powers.

In the US the Indians are a federal responsibility under the Commerce Clause of the Constitution. This clause regulates commerce among states, with foreign nations and "with the Indian Tribes." The authors then outline five aspects where American administration and framework for Indian programs differs from Canada:

1. Federal legislative primacy. Federal responsibilities toward Indians are more broadly "plenary", pre-emptive and fully delineated.
2. Although the "trust" is not enforceable against the several states, the burden on the federal government is pervasive.
3. Indian tribes are defined by legislation as equivalent to state governments for the purposes of revenue sharing.
4. Most federal agencies have adopted Indian consultation protocols, and many have established special tribal liaison offices.
5. Indian policy coordination is mainly by the Senate Committee on Indian Affairs (through congress rather than the Executive).

The author comes to a number of conclusions which are stated in the form of recommendations:

- *Under Canadian conditions, fiduciary obligations should apply to all federal and provincial Crown officials (avoiding the necessity of disentangling federal and provincial jurisdictions).*
- *There should be a systematic effort to ensure that every federal and provincial department incorporates Aboriginal needs and concerns in its work, not only by adopting protocols providing Aboriginal leaders with direct access to all ministerial decision makers, but by including Aboriginal authorities in revenue sharing and regulatory coordination on the same footing as other government authorities.*

- *Coordination, transparency and accountability would be strengthened if Aboriginal leaders have direct access to Parliament and to provincial Legislative Assemblies through special; standing committees.*

MMF found much to agree with in this paper and its recommendations. The MMF intends to have follow up discussions with both levels of government on these ideas. In Canada, the example we have of direct flow of policy input and devolution of funding to Aboriginal groups is in the Human Resource Development Canada devolvement of services to Aboriginal groups through the Aboriginal Human Resource Development Agreement (AHRDA) process. Funding to AHRDA holders is based upon a jointly negotiated formula, which takes labour market needs, risk factors, language needs, distance and other characteristics into consideration. This process could well serve as a model for similar funding in sectors such as Justice.

Bell, Catherine. "Métis Aboriginal Title." LL.M. Thesis, University of British Columbia, Faculty of Law, 1989.

_____. "Who are the Métis in Section 35(2)?" *Alberta Law Review*, Vol. XXIX, No. 2, 1991: 351-381.

Although Section 35(2) of the Constitution Act defines Aboriginal people as Indian, Inuit and Métis, this section is more ambiguous than it would seem. The ambiguity stems from the fact that the term Métis is not defined, nor does the section say whether the Métis have existing Aboriginal rights as recognized in Section 35(1). These questions stem from the fact that those who self-identify as Métis are not a homogeneous group. In addition, they have been excluded from almost all federal programs benefiting Indians. The author examines some of the frameworks that have been suggested to define the term Métis and concludes that the term must be defined according to logical and political considerations in addition to self-identification based on racial, historical and cultural criteria.

_____. *Alberta's Metis Settlement Legislation: An Overview of Ownership and Management of Settlement Lands*. Regina: Canadian Plains Research Center, University of Regina, 1994.

On November 1, 1990, the Alberta government enacted legislation to enable Métis ownership and self-government on Alberta's Métis Settlement Lands. This was the first comprehensive rights plan for an Aboriginal people to be put in place by a provincial legislature in the twentieth century. Bell examines the Métis land registry system, land use planning, resource management and the integration of provincial regulation and common-law property rights. She ends with a consideration of provincial jurisdiction in this area and constitutional protection for the Métis Settlements legislation. This book will be of interest to students studying models of Aboriginal self-government.

_____. "Self-government on Alberta's Métis Settlements: A Unique Solution to a Constitutional Dilemma." In Jill Oakes and Rick Riewe (Editors): *Issues in the North, Volume I*. Occasional Publication # 40. Calgary: Canadian Circumpolar Institute, 1996: 151-162.

_____. *Contemporary Métis Justice the Settlement Way*. Saskatoon: Native Law Centre, University of Saskatchewan, 1999.

The Métis Settlements Justice regime is not intended to address issues of Aboriginal rights or the ultimate goal of Métis governance and dispute resolution. However, it does reflect the Métis ability to blend their Aboriginal and European heritage to create unique institutions. The Métis Settlements Appeal Tribunal was created in 1990 as part of a comprehensive system of Métis self-government on the eight Métis settlements located in northern Alberta. It is a quasi-judicial body with jurisdiction over settlement membership, implementation of Métis law, land interests and resource development. This book should be read in conjunction with Fred Shore and

Lawrence Barkwell (Editors): *Past Reflects the Present* (1991), which outlines Métis customary law as remembered by the Elders and which also gives recommendations for a Métis justice system.

Berger, Thomas R. and James R. Aldridge. "Plaintiff's Written Argument" for Manitoba Metis Federation and Others vs. Attorney General of Canada and Attorney General of Manitoba. Filed with Manitoba Court of Queen's Bench, December 2001.

Berger and Aldridge argue that Father N. J. Ritchot, Judge John Black and Alfred Scott travelled to Ottawa on behalf of the Provisional Government of Red River to treat with Sir John A. Macdonald and Sir Georges-Etienne Cartier as to the conditions under which Manitoba would enter confederation with Canada. This treaty or agreement was to be implemented by the passage of the *Manitoba Act*. Certain specific assurances made to the Metis population were established under Sections 31 and 32 of the Act. These sections imposed a fiduciary obligation on the Crown in right of Canada, and these commitments were not fulfilled. The Plaintiffs are seeking declarative relief. Some of the facts set out in their argument are as follows:

Terms for Metis Land Distribution

Section 31, Children's Land Grants:

- 1.4 million acres;
- To be supervised by the local Legislature;
- Held in trust by heads of families, to be,
- Granted to children,
- For settlement by the children,
- No sales before grant;
- No sales before age of majority; (An order in Council set this at 18, yet the age of majority in Manitoba at the time was 21);
- To be distributed to children before grants were made to new settlers;
- To be done at the time of transfer to Canada, or in any event as soon as possible;
- Was toward "extinguishment of Indian title".

March 14, 1877: Senate of Canada debate. Senator Girard pointed out that the 1,400,000 acres "... should have been allotted as soon as possible, ...but nearly seven years had elapsed... and nothing had been done with it." By this time of course both the Icelandic and Mennonite settlers had received their patents to land. In fact the three year residency requirement before obtaining patent had been waived for the Mennonite settlers.

February 14, 1880, an address of the Legislative Assembly states that all of the 1.4 million acres have now been allotted. This did not mean that patents for the land had all been issued, ie. it had not been granted as yet.

April 20, 1885, an Order in Council is enacted providing that the children with entitlement under Section 31 would receive \$240 worth of scrip if they filed before May 1, 1886. The original land (1.4 million acres) was now gone because of inaccurate government calculations based on an incomplete census.

Lands protected under Section 32:

- Persons in possession of land would receive grants from the Crown;
- Possession was according to the "custom of the country" and would include, haylands and woodlots where people normally did not live (but made use of the land).
- No payment (or equivalent requirement) would be required; and;

- Suitable arrangements would be made for grants with respect to haylands.

February 23, 1875, petition from John Norquay to Laird on behalf of the St. Andrew's Metis: "Nearly five years have elapsed since the passing of the Act and not yet one Halfbreed in the province is in possession of one acre of land or deriving any benefit therefrom, that the lands set apart are depreciating by the illegal removal of timber therefrom (which the Dominion Lands Office said it was unable to stop)."

August 31, 1877, nearly seven years and four months after enactment of the *Manitoba Act*, Donald Codd (Chief Agent of Dominion Lands) wrote to Dennis acknowledging receipt of the first patents under the half-breed grant.

January 24, 1885 Lang writes to D.L. McPherson (Minister of the Interior) setting out how Section 32 claims had been administered. In spite of his suggestion of moving with alacrity the fact was that almost 1,200 Section 32 claims were not patented until after 1882, some 12 or more years after the enactment of the *Manitoba Act*.

August 25, 1886, the Metis of St. Vital petition Prime Minister Macdonald grieving the delays and malfeasance in the land allocations, in that speculators are getting patents on land whereas "the poor half-breeds after sixteen years of anxious suspense", are restricted as to where they can patent or are being allowed to purchase at \$2.50 per acre. This was all contrary to the *Manitoba Act* whereby Metis lands were to be allotted in advance of settler land grants and no charge was to be levied. By this time of course the Railway Colonization companies had received millions of acres of land free of charge.

Borrows, John. "Domesticating Doctrines: Aboriginal and Treaty Rights, and the Response to the Royal Commission on Aboriginal Peoples." *Building the Momentum: A Conference on Implementing the Recommendations of the Royal Commission on Aboriginal Peoples*. Toronto: Indigenous Bar Association et al., April 22-24, 1999.

Métis land and resource issues are discussed in Section IV (pp. 44-47) of this paper.

Canada. Department of Interior. Public Archives. Accounts Branch. "Scrip Registers and Ledgers, 1885-1924." Vols. 1754-1760.

Canada. Department of Interior. Public Archives. Dominion Lands Administration (1821-1959), "Half-Breed File Series, 1885-1887." Vols. 170-236.

Chartier, Clem. *In the Best Interest of the Métis Child*. Saskatoon, University of Saskatchewan Native Law Centre, 1964.

This monograph addresses the issue of Métis child welfare, explains the group interest the Métis have in their children and examines initiatives taken by the Métis in this regard. It discusses problems unique to the Métis as opposed to First Nation's concerns. Chartier is presently the President of the Métis Nation of Saskatchewan. He was Chairperson of the Métis National Council in 1983-85, vice president of the Association of Métis and Non Status Indians of Saskatchewan and is a past president and vice-president of the World Council of Indigenous Peoples.

_____ *Half-Breed Land and Money Scrip: Was this a Constitutionally Valid Method of Extinguishing Claim to Indian Title?* Saskatoon: College of Law, University of Saskatchewan, 1978.

_____ "Indians: An Analysis of the Term Used in Section 91(24) of the British North America Act, 1867." *Saskatchewan Law Review*, Vol. 43, 1978-79: 42-49.

_____ "Native People and the Legal System." *New Breed*, 12 (4), 1981.

_____ "Métis Land Rights." Ottawa: Native Council of Canada, 1982.

_____ "Aboriginal Rights: The Métis Perspective." Paper presented at the Aboriginal Rights Conference. Lethbridge, Alberta: January 20 1983.

_____ "Aboriginal Rights and Land Issues: The Métis Perspective." In Menno Boldt and J. Anthony Long (Editors): *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*. Toronto: University of Toronto Press, 1985: 54-61.

_____ "Métis Lands and Resources." In Royal Commission on Aboriginal Peoples, *Sharing the Harvest: The Road to Self-Reliance*, Report of the National Round Table on Aboriginal Economic Development and Resources. Ottawa: Supply and Services, 1993.

_____ "Self-Government and the Métis Nation." In John Hylton (Editor): *Aboriginal Self-Government in Canada: Current Trends and Issues*. Saskatoon: Purich Publishing, 1994: 199-214.

For an articulate and well-reasoned approach to the issue of self-government for the Métis Nation, Chartier's article is useful. He uses the Métis National Council definition of who is Métis, and argues that "mixed-bloods" outside of the Métis homeland should not be in this category because they never constituted a distinct Aboriginal nation. After this preliminary discussion, he launches the reader into an overview of the last twenty years of negotiations between the Métis National Council and its affiliates for the creation of a Métis land base, which has been frustrated by the federal government's position that the Métis people had their Aboriginal rights extinguished through the scrip process.

_____ "Métis Perspective on Self-Government." In Richard Gosse, James Youngblood Henderson, and Roger Carter (Editors): *Continuing Poundmaker and Riel's Quest: Presentation Made at a Conference on Aboriginal Peoples and Justice*. Saskatoon: Purich Publishing, 1994: 83-87.

Chartier discusses what self-government for the Métis Nation would mean and he discusses how the Métis implemented self-government in the past and how they will do so in the future. As a Métis political leader, he discusses his frustration with the federal government's obstructionist tactics and its denial of an obviously inherent right.

_____ "Governance Study: Métis Self-Government in Saskatchewan." In *For Seven Generations: Research Reports*, a research study prepared for the Royal Commission on Aboriginal Peoples, March 16, 1995. Ottawa: Royal Commission on Aboriginal Peoples, Libraxius CD-ROM, 1997.

The author describes an infrastructure for self-government on a non-constitutional basis. He outlines the democratic exercise of elections, establishment of a legislative assembly and the creation of affiliated institutions for the delivery of programs and services. He also gives a useful review of current Métis self-government structures, and identifies and describes four distinct perspectives on governance including those of non-status Indians, Métis, off-reserve and urban peoples.

_____ "Aboriginal Self-Government and the Métis Nation." In John Hylton (Editor): *Aboriginal; Self-Government in Canada*. Second edition. Saskatoon: Purich Publishing Ltd., 1999: 112-129.

Canada. Department of Interior. Public Archives. Dominion Lands Administration (1821-1959), "Half-Breed File Series, 1885-1887." Vols. 170-236.

Chartier, Clem. Canada. Department of Interior. Public Archives. Accounts Branch. "Scrip Registers and Ledgers, 1885-1924." Vols. 1754-1760.

Chartrand, Larry. "The Métis Settlement Accord: A Modern Treaty." Paper presented at the *Indigenous Bar Association Annual Meeting*, Montreal, 1992.

Métis law professor Larry Chartrand is from Paddle Prairie Métis Settlement. Currently, he is an Associate Professor of Common Law at the University of Ottawa.

_____ "A Commentary on Metis identity and citizenship from an international law perspective." Native Law Centre of Canada, *Justice as Healing*, Vol. 6, No. 2, 2001.

Chartrand, Larry N., Tricia E. Logan, Judy D. Daniels. *Métis History and Experience and Residential Schools in Canada*. Ottawa: Aboriginal Healing Foundation, 2006.

Chartrand, Paul L.A.H. "The Rights of the Métis People." Winnipeg: Manitoba Métis Federation, 1987.

For many years, Paul Chartrand has been a leader in the development of Metis philosophical analysis of the state of government to government relations between the Metis Nation and the Canadian State. His academic papers and presentations have analyzed the moral, ethical and legal issues arising from this historical relationship. He has been innovative in formulating solutions for the dilemmas that have arisen at the interface of the historic Metis Nation, Canada and its provinces. For these reasons, his work is essential reading for policy makers and analysts in the area of Metis rights.

Paul Chartrand (B.A., LL.B. (Hons), LL.M.) is the best known and pre-eminent Metis lawyer associated with the Metis National Council. He has served as their Ambassador to the United Nations. He formerly taught public school at St. Laurent Manitoba, taught university level courses in Australia and at the University of Manitoba where he was head of the Department of Native Studies. Paul was the first President and CEO of the Institute of Indigenous Government in Vancouver. He is an advisor to the National Judicial Institute and serves on the Task Force of the Canadian Race Relations Foundation. He was a Commissioner of the Royal Commission on Aboriginal Peoples (1991-1996) and served on the board of the Aboriginal Healing Foundation. He has recently completed an appointment as a Commissioner of Manitoba's Aboriginal Justice Implementation Commission.

_____ "The Limits of Ethnicity: The Case of the Métis of Manitoba." Presentation to the *Canadian Sociology and Anthropology Association Annual Meeting*. Winnipeg: 1986.

_____ *The Obligation to Set Aside and Secure Lands for the "Half-Breed" Population, Pursuant to Section 31 of the Manitoba Act, 1870*. Saskatoon: Master of Laws Thesis, University of Saskatchewan

_____ "The Dispossession of the 'Half-Breed' Population of Manitoba for the Promotion and Purposes of the Dominion: The Interpretation of Section 31 of the Manitoba Act of 1870." Presentation to the *Manitoba History Conference*, University of Manitoba. Winnipeg: 1988.

_____ "Propos sur la jurisprudence récent et les droits des Métis aux termes de la loi sur Manitoba." Dans Gilles Lesage (Editeur), *Riel et les Métis canadiens*. Saint-Boniface, Manitoba: La Société historique de Saint-Boniface, 1990: 67-78.

Paul Chartrand soulevé les arguments constitutionnels de la revendications des droits des Métis.

_____ "Manitoba's Aboriginal Justice Inquiry. 1988-1990." *Australian Law Bulletin*, Vol. 2 (42), February 1990.

_____ *Manitoba's Metis Settlement Scheme of 1870*. Saskatoon: Native Law Centre, University of Saskatchewan, 1991.

This book is a re-edited version of Paul Chartrand's LL.M. thesis. This work is a study of the constitutional provision of Section 31 of *The Manitoba Act* and is based upon the historical foundation provided by Douglas Sprague (*Canada and the Métis, 1869-1885*, 1988). Chartrand, a former commissioner for the Royal Commission on Aboriginal Peoples, provides readers with the most thorough legal analysis of the Manitoba Métis land question to date. In this treatise, the author uses legal precedents, statutes, and newspaper accounts of Manitoba's entry into Confederation and politicians' private papers to demonstrate how Section 31 of the *Manitoba Act* failed to preserve the Métis land base after 1870. His argument is structured on an analysis of who qualified for the Métis land grant in the *Manitoba Act* (Section 31), how the land was actually allocated to the Métis, whether or not Métis corporate (group) rights are guaranteed in the Constitution and how the federal government failed in its obligation to adequately and fairly distribute land to Manitoba's Métis population. In addition, this book contains many useful appendices, including various government acts and parliamentary speeches.

This work also reviews the evolving Canadian judicial principles that subtend from the court cases which clarify language rights and the Canadian Charter of Rights and uses these principles to analyse the application of the *Manitoba Act* to the Métis people. In his words:

As a matter of legal construction, the scheming designs of government policies to dispossess the Métis of their land base must be measured against the growing sensitivity to native rights. This approach requires avoiding the sanction of "sharp dealing" on the part of the Crown's ministers and requires interpretations that will not bring dishonour to the Crown whose duty it is to uphold the law (p. xii).

_____ "Terms of Division: Problems of Outside Naming for Aboriginal Peoples in Canada." *Journal of Indigenous Studies* 2 (2), 1991: 1-22.

_____ "Aboriginal Rights and Aboriginal Justice Systems: A Canadian Perspective in 1991." Presentation to the Indigenous Bar Association and the Alberta Law Foundation. Edmonton: 1991.

_____ "Aboriginal Rights: The Dispossession of the Métis." *Osgoode Hall Law Journal*, 29, (3), 1991: 457-482.

Section 31 of the *Manitoba Act* of 1870 provided for a land settlement scheme for the benefit of the families of Métis residents and was to be the method of extinguishment of their Aboriginal title. Chartrand notes that there are now no Métis reserves in Manitoba because Section 31 was implemented in a way that ensured the quick dispossession of the Métis people. He argues that the mode of implementation was a breach of constitutional obligation. Reference is made to the subsequent history of the Western Métis and he makes comment on the current significance of Métis dispossession.

_____ "Aboriginal Self-Government: The Two Sides of Legitimacy." In Susan D. Phillips (Editor): *How Ottawa Spends: A More Democratic Canada...? 1993-1994*. Ottawa: Carleton University Press, 1993: 231-256.

In this essay, Chartrand examines the first principles upon which legitimate and enduring Aboriginal self-government must be built. He refutes what he views as two false assumptions. First, the erroneous assumption that Aboriginal peoples are a racial minority (a disadvantaged minority requiring state benevolence), and second, the liberal assumption that there should be equal treatment for all who live in Canada. This is the assumption that because Aboriginal people

live in Canada, they are “Canadians.” It is Chartrand’s argument that only when Aboriginal people are viewed as political communities with recognizable claims for collective rights, rather than as “races”, will there be meaningful responses to their claims for self-government.

Three forms of response to Aboriginal demands are explored: a) the new forms of constitutional politics such as Aboriginal participation at the Charlottetown negotiations; b) modifications, such as the establishment of Aboriginal Electoral Districts; and c) the process of negotiations of self-government at the administrative level.

“Issues Facing the Royal Commission on Aboriginal Peoples.” In Richard Gosse, J.Y. Henderson and Roger Carter (Editors): *Continuing Poundmaker and Riel’s Quest: Presentations Made At a Conference on Aboriginal Peoples and Justice*. Saskatoon: Purich Publishing and College of Law, University of Saskatchewan, 1994: 357-362.

This speech discusses what Chartrand considered to be his role as a Commissioner for the Royal Commission on Aboriginal People, and of the difficulty in persuading non-Aboriginal Canadians of the necessity of Aboriginal self-determination.

“Contemporary Métis Rights and Issues in Canada.” *Aboriginal Law in Canada, National Conference*. Vancouver: May 5, 1995.

“The Métis of Canada.” *Hui Manawhenua*, Proceedings of a Conference sponsored by the Maori Land Council. New Zealand: 1995.

“The Aboriginal Peoples in Canada and Renewal of the Federation.” In Karen Knop, Sylvia Ostry and Richard Swinton (Editors): *Rethinking Federalism: Citizens, Markets and Governments in a Changing World*. Vancouver: University of British Columbia Press, 1995: Chapter 8.

“Aboriginal Self-Government: Towards a Vision of Canada as a North American Multinational Country.” In Jill Oakes and Rick Riewe (Editors): *Issues in the North, Volume II*. Occasional Publication # 41. Calgary: Canadian Circumpolar Institute and the Department of Native Studies, University of Manitoba, 1997: 81-86.

In this essay, Chartrand argues that instead of trying to copy Britain and Europe, Canada should build upon its Aboriginal foundations and create a vision of a country that is North American in its orientation. Aboriginal people must see themselves reflected in the national institutions of Canada. Chartrand contends that all Canadians will benefit from such a vision and from recognition of Aboriginal self-government. Canada can entertain a rights dialogue that could be an alternative example to replace the civil warfare, which often accompanies the claims of oppressed nations living as enclaves within other modern nation-states. Canadian federalism can accommodate Aboriginal self-government and Canada can be a North American multi-national country.

“Aspirations for Distributive Justice as Distinct Peoples.” Chapter 2 in Paul Havemann (Editor): *Indigenous Peoples’ Rights in Australia, Canada and New Zealand*. Oxford: Oxford University Press, 1998.

“On the Canadian Aboriginal Rights Dialogue.” In Joseph F. Fletcher (Editor): *Ideas in Action: Essays on Politics and Law in Honour of Peter Russell*. Toronto: University of Toronto Press, 1999.

“Building the Momentum: Opening Address.” *Building the Momentum: A Conference on Implementing the Recommendations of the Royal Commission on Aboriginal Peoples*. Toronto: Indigenous Bar Association et al., April 22-24, 1999.

_____ "The Riel Issue: A Document for Community Consultations." Ottawa: Métis National Council, February 1999.

_____ "The *Quebec Secession Reference*: Towards the Political Emancipation of the Métis People." Ottawa: Métis National Council, 1999.

_____ "An Analysis of Issues Pertaining to the Manitoba Metis Federation's Representative role Regarding the Protection of Metis Rights in the context of Hydro-Electric Development. Winnipeg: Manitoba Metis Federation, August 30, (revised November 12), 2001.

Chartrand, Paul L.A.H., Wendy Whitecloud (Commissioners). *Aboriginal Justice Implementation Commission: Final Report (Manitoba)*. Winnipeg: Manitoba Justice, June 29, 2001.

In the final report of the Commissioners there are several recommendations that are pertinent to Metis Rights:

2.1 The Government of Manitoba place the issue of recognition and reconciliation policies and actions on the agenda of a new Roundtable on Aboriginal Issues, Aboriginal Justice commission, or other such implementation institution that may be agreed upon between the Province and the representatives of the Aboriginal peoples in Manitoba, including in particular the Assembly of Manitoba Chiefs and the Manitoba Metis Federation.

3.1 The Government of Manitoba develop and adopt, with the full participation of the Manitoba Metis Federation, a comprehensive Metis policy on matters within its jurisdiction.

3.3 Representatives of the Province enter forthwith into discussions with the MMF to begin the process of addressing matters within the jurisdiction of Manitoba that have been the subject of recommendations by the AJI and the RCAP.

6.7 The Government of Manitoba consult with Aboriginal organizations with a view to creating regional, Aboriginal-controlled probation services to serve Aboriginal Communities. (This process is underway and MMF and Manitoba will soon sign an MOU for MMF to deliver Probation and other Community Corrections services to Metis people.)

8.1 The Government of Manitoba adopt, in consultation with the Assembly of Manitoba Chiefs and the Manitoba Metis Federation, a five-year Aboriginal employment strategy. The government must make annual reports to the public on its progress in implementing this program.

8.4 The Government of Manitoba adopt a policy requiring appropriate representation of Aboriginal people on all provincial boards, commissions, agencies, and other institutions.

8.6 The Government of Manitoba, through the Manitoba Department of Education and the Manitoba Department of Justice, work with the Manitoba Metis Federation and the Assembly of Manitoba Chiefs to establish and Aboriginal Justice Institute with an appropriate tripartite governance structure.

10.1 The Government of Manitoba seek to enter into agreement with the Assembly of Manitoba Chiefs and the Manitoba Metis Federation to develop a plan that would result in First Nations and Metis communities developing and delivering Aboriginal child welfare. (This process is well underway. MOU and Protocol Agreements have been signed with MMF and Child and Family Service Act which creates a mandated Metis child and family service has been tabled in the legislature.)

Corrigan, Samuel W. "Some Implications of the Current Métis Case." In S.W. Corrigan and L.J. Barkwell (Editors): *The Struggle for Recognition: Canadian Justice and the Métis Nation*. Winnipeg: Pemmican Publishers Inc., 1991: 195-206.

This is a summary of the Dumont land claims case (up to 1990) with some interesting background information.

Day, John Patrick. *Métis Scrip Application Summaries and Analysis*. Edmonton: Manuscript on file with Provincial Museum of Alberta, 1985.

Dumont, W. Yvon, and David N. Chartrand. "Presentation to the Royal Commission on Aboriginal Peoples." Winnipeg: Manitoba Métis Federation, April 22, 1992.

Ens, Gerhard J. "Métis Scrip." In S. Corrigan and J. Sawchuk (Editors): *The Recognition of Aboriginal Rights*. Brandon: Bearpaw Publishing, 1996.

Ens, Gerhard J. and Thomas Flanagan. "Métis Land Grants in Manitoba: A Statistical Study." *Histoire Sociale/Social History*, Vol. XVII, (53), May 1994: 65-87.

"Excerpt from the Diary of Jean Baptiste Chartrand: St. Laurent, Manitoba – 1908." In Antoine S. Lussier and D. Bruce Sealey (Editors): *The Other Natives: The-Les Métis*. Vol. II. Winnipeg: Manitoba Métis Federation, 1978: 49-51.

A petition to the Minister of the Interior of the Dominion of Canada regarding the failure to issue scrip to the Manitoba Half-Breeds.

Fillmore, W.P. "Half-Breed Scrip." *Manitoba Bar News*, Vol. 39, No. 2, 1973: 124-130.

_____ "Half-Breed Scrip." In Antoine S. Lussier and D. Bruce Sealey (Editors): *The Other Natives: The-Les Métis*. Vol. II. Winnipeg: Manitoba Métis Federation Press, 1978: 31-36.

Fillmore's personal experiences as a scrip buyer are related. Collusion among buyers to keep prices low and questionable and even illegal methods of conversion of scrip to land are discussed.

Flanagan, Thomas. "The Case Against Métis Aboriginal Rights." *Canadian Public Policy* 9, 1983: 314-325.

_____ "Louis Riel and Aboriginal Rights." In A.L. Getty and Antoine S. Lussier (Editors). *As Long as the Sun Shines and Water Flows: A Reader in Canadian Native Studies*. Vancouver: University of British Columbia Press, 1983: 247-262.

Flanagan documents Riel's position that the Métis should have been compensated for their lands under international law on a collective basis rather than by way of individual claims. It is clear that Riel viewed his arrangements with Canada as a 'treaty' in the sense of an international agreement among states. The subsequent breaches to the treaty (the Manitoba Act) meant that the Métis could remove themselves from Canada.

_____ "The North-West Rebellion and Métis Land Claims." In Ian Getty (Editor): *As Long as the Sun Shines: A Reader in Canadian Native Studies*. Vancouver: University of British Columbia Press, 1983.

_____ *Riel and the Rebellion: 1885 Reconsidered*. Saskatoon: Western Prairie Producer Books, 1983.

Flanagan argues that the Métis grievances up to 1885 were partly of their own making and that if Riel had not acted precipitously the government would have resolved the land and political representation issues. He concludes that Riel had a fair trial and any move to grant him a posthumous pardon would be wrong. His chapter on riverlots was later expanded with additional research to book length in his *Métis Lands in Manitoba* (1991). The book contains twelve illustrations and has extensive footnotes.

_____ "Louis Riel and the Dispersion of the American Métis." *Minnesota History*, 49 (5), 1985: 179-190.

Thomas Flanagan, the *enfant terrible* of Métis Studies, has provided students with some valuable information about Louis Riel, despite his anti-Métis agenda. This article elucidates a little-known period of Louis Riel's life – his time spent in the United States with the American Métis. Using primary documents from American governmental officials, Flanagan shows that Riel tried repeatedly to persuade American officials to create a Métis reservation. Interestingly, Riel requested the creation of this Métis reservation on humanitarian grounds, and not because of any Aboriginal rights agenda. Of course, we also know that Riel tried to build many alliances with the region's First Peoples—something that was not explored in this essay.

_____ "Comment on Ken Hatt, 'The North-West Rebellion Scrip Commissions, 1885-1889.'" In F. Laurie Barron and James B. Waldram (Editors): *1885 and After: Native Society in Transition*. Regina: University of Regina, Canadian Plains Research Center, 1986: 205-209.

_____ "Métis Land Claims at St. Laurent: Old Arguments and New Evidence." *Prairie Forum*, Vol. 12, No. 1, 1987: 245-255.

_____ "The History of Métis Aboriginal Rights: Politics, Principle, and Policy." *Canadian Journal of Law and Society*, 5, 1990: 71-94.

_____ "The Market for Métis Lands in Manitoba: An Exploratory Study." *Prairie Forum*, 16, (1), 1991: 1-20.

_____ *Métis Lands in Manitoba*. Calgary: University of Calgary Press, 1991.

_____ "Métis Land Claims in Manitoba." In John W. Friesen (Editor): *The Cultural Maze: Complex Questions on Native Destiny in Western Canada*. Calgary: Detselig Enterprises, 1991: 111-133.

Flanagan discusses Sections 30-33 of the *Manitoba Act*, the ones dealing with Métis land allotments. He further discusses the land claims case brought forward by Yvon Dumont and others on behalf of the Manitoba Métis Federation. He comments on the slowness of the litigation process and is of the opinion that the lawsuit is a move to bring Manitoba and Canada to the negotiating table in order to make concessions to the Métis. He draws an analogy to the Nishga Indians land claim in British Columbia, which, although lost in the courts, at the time, was won in the political forum (later the Supreme Court ruled for the Nishga).

Flanagan, Thomas and Gerhard Ens. "Metis Lands in Manitoba." *Manitoba History*, vol. 5, Spring 1983.

_____ "Metis Land Grants in Manitoba: A Statistical Study." *Histoire Sociale / Social History*, Vol. 27, NO. 53, pp. 65-87.

Flanagan, Thomas and John Foster (Editors). "Special Issue: The Métis: Past and Present." *Canadian Ethnic Studies / Etudes ethniques au Canada*, Vol. 7 (2), 1985.

Gibson, Dale, Clem Chartier and Larry Chartrand. "Métis Nation Land and Resource Rights." In Royal Commission on Aboriginal Peoples, *Volume 4: Perspectives and Realities*. Ottawa: Minister of Supply and Services, 1996: 333-375.

Giesbrecht, Donovan. "Metis, Mennonites and the 'Unsettled Prairie,' 1874-1896." *Journal of Mennonite Studies*, Vol. 19, 2001.

In this essay Giesbrecht notes that the Mennonite East Reserve in Manitoba did contain land claimed by the Metis. In 1879, a petition concerning East Reserve land was sent to the Department of the Interior in Ottawa. In this petition, Maxime Goulet and eight other Metis said that land that they took up and improved was subsequently granted to the Mennonites. They laid claim to sections 27, 33 and 34 in township 6, range 5 East along with adjoining lands in township 7, range 5 East. A final settlement of this claim was finally reached in 1898. The Metis did not receive their original land but were each granted the right to purchase 160 acres of Dominion land at the rate of \$1.00 an acre.

Giokas, John. "Recognition, Reconciliation and Healing." Report prepared for the Aboriginal Justice Implementation Commission (Manitoba). Winnipeg, November 15, 2000.

The Giokas paper is very supportive of the Metis people and their aspirations to be treated as a distinct nation. The basis of his presentation is the use of and elaboration of the term "recognition". He starts with the broad scope of the term internationally, then the North American practice, focussing greater in the Canadian Constitutional system and more so on the Manitoba context.

Although the first two lay the foundation, the latter two subsections outline specific references supporting the Metis as a recognized group. He quotes the *Manitoba Act (Constitution Act, 1870)* which supports the Metis position as they are constitutionally identified and singled out in recognition of their status and entitled to special treatment and the Alberta *Metis Settlement Act* which recognizes the distinctness of the Metis via lifestyle and self-identification. In Manitoba, recognition of the Metis people, within the AJI recommendations includes recognizing that the Metis people fall under federal s.91(24) jurisdiction.

Giokas proposes an extensive, but not exhaustive listing, of ways in which "Aboriginal" people might be recognized.

- government announcement of publicly funded historical project to focus on the past and present contribution of Aboriginal people to Manitoba
- meeting between Government and Aboriginal people to discuss possible courses of action to heal the relationship, reconcile opposing views of history
- announcement of Government-sponsored reconciliation-type action and invitation to Aboriginal people to participate
- government statement in the Manitoba Legislature
- government resolution in the Manitoba Legislature
- cabinet-approved statement of Manitoba Government policy
- protocol with Aboriginal organizations
- legislation-either substantive or procedural

It is paramount that any recognition process or procedure involves the distinct recognition of the Metis and their place in history and in law. There does not appear to be one specific form of

recognition, but a combination that could be in operation simultaneously. Actions such as a, b and c are types of recognition that could answer and reinforce the Metis importance in the creation of Manitoba and the Dominion of Canada and set the basis for dialogue and participation in the reconciliation and healing process. The issue of Metis people being included in section 91(24) may have to be resolved in court prior to any further relationships with the Manitoba Government.

Good, Edgar R. "Crown-Directed Colonization of Six Nations and Métis Land Reserves in Canada." Ph.D. Thesis, Saskatoon: University of Saskatchewan, 1994.

This study examines how the Indian, Métis and Mennonite people sought to maintain their own areas of jurisdiction, including distinct property systems, within the British-Canadian State. They had *de facto* civil autonomy at first, but eventually the Canadian State presumed to define Indian, Métis and Mennonite property rights according to British-Canadian law. Good examines the dislocation of Six Nations Indians from the Grand River Valley by 1848, the conversion of the Mennonites Colony landholding into fee simple estates in Ontario in 1805 and the dislocation of the Métis people from the Red River Valley by 1878. Of Métis interest are Chapter 8, "The Manitoba Act Reserves a Land Base for the Métis Nation," and Chapter 10, "Disintegrating the Territorial Base of the Métis Nation."

Groenland, Theodore. "A Case Study of a Scrip Scandal." Edmonton: Alberta Métis Association, 1978.

Grosbois, Steve de. "The Extent of Alienation of Half-Breed Scrip." Ottawa: Native Council of Canada, 1979.

Hall, D.J. "The Half-Breed Claims Commission." *Alberta History*, Vol. 25, No. 2 1977: 1-8.

Hatt, Ken. "Scrip, Lots and Leases: The Administration of Land and Métis Claims at Green Lake." Ottawa: Native Council of Canada, 1980.

_____ "The Northwest Scrip Commissions as Federal Policy – Some Initial Findings." Paper presented at the Métis Symposium in Winnipeg, November 5, 1982.

_____ "The Northwest Scrip Commissions as Federal Policy – Some Initial Findings." *Canadian Journal of Native Studies*, (3), 1, 1983: 117-129.

A series of thirteen Scrip Commissions heard the claims of the Métis in Manitoba and the Northwest Territories after 1870. The author argues that the existence of these Commissions represents a policy change that was inappropriate for the Métis. He points out many inconsistencies, and concludes that the current policy indicates that the government has not learned from its past mistakes.

_____ "Ethnic Discourse in Alberta: Land and the Métis in the Ewing Commission." *Canadian Journal of Ethnic Studies*, Vol. 17 (2), 1985: 64-79.

This article shows how the Alberta government, through the Ewing Commission, both recognized the Métis as a group, but successfully managed to divert Métis protest. The Ewing Commission was formed in the 1930s to study the condition of the Métis people in Alberta. This article examines the demands made by early Alberta Métis leaders such as Joe Dion, Jim Brady, Malcolm Norris, and Pete Tomkins and how government responded to these issues. This analysis recognizes the paternalism of the state. Hatt addresses the following issues that were brought up at the commission hearings such as the Métis vision of land for cooperative settlement, who is a Métis, land as a remedy, dependence, the Church's role in rehabilitation programs, and Métis destitution and welfare schemes. This article provides effective historical background regarding the formation of the Métis Settlements in Alberta and the struggles of early Métis political leaders and organizations in Alberta.

_____ "The North-West Rebellion Scrip Commissions, 1885-1889." In F. Laurie Barron and James B. Waldram (Editors): *1885 and After: Native Society in Transition*. Regina: University of Regina, Canadian Plains Research Center, 1986: 189-204.

Joffe, Paul. "The 1985 Quebec National Assembly Resolution on Aboriginal Rights: A Brief Commentary." Report prepared for the Aboriginal Justice Implementation Commission (Manitoba). Winnipeg, May 29, 2000.

Kemp, Douglas H. "Land Grants Under the Manitoba Act." *Historical and Scientific Society of Manitoba*, Series III, 1954.

Lalonde, André N. "Colonization Companies in the 1880's." In D.H. Bocking (Editor): *Pages From the Past: Essays on Saskatchewan History*. Saskatoon: Western Producer Prairie Books, 1979: 16-30.

In this article, Lalonde, a University of Regina historian of French Canada, analyses the role which Central-Canadian and locally based colonization companies had upon settlement in the Prairie West. Scrip speculation and the dissolution of the Métis land base led to a Métis resistance and a quick end to the speculators' boom on Western-Canadian agricultural land. Of course, the worldwide depression (1870s-1890s) also played a role in the collapse of the colonization companies.

_____ "Colonization Companies and the North-West Rebellion." In F. Laurie Barron and James B. Waldram (Editors): *1885 and After: Native Society in Transition*. Regina: University of Regina, Canadian Plains Research Center, 1986: 53-65.

Lambrech, K.N. *The Administration of Dominion Lands, 1870-1930*. Regina: Canadian Plains Research Center, 1991.

Lowe, Peter. "All Western Dollars." In A.S. Lussier and D.B. Sealey (Editors): *The Other Natives: The/Les Métis*. Vol. II (1885-1978). Winnipeg: Manitoba Métis Federation Press, 1978: 37-47.

Early private banks in the Prairie West such as Alloway & Champion were heavily involved in Scrip buying on behalf of the land companies from Central Canada and Minnesota. Cash and money scrip formed the working capital for this banking enterprise. When the Métis were forced into impoverishment, tax sale purchases were an important source for this capital.. Lowe examines how the Winnipeg-based Alloway and Champion Bank was largely founded on the income generated from Métis scrip. This article is a reprint of the original which appeared in Clifford Wilson (Editor): *Papers Read Before the Historical and Scientific Society of Manitoba*. Winnipeg: Advocate Printers, 1945-46.

Lussier, Antoine S. and Bruce Sealey (Editors). *The Métis: Canada's Forgotten People*. Winnipeg: Manitoba Metis Federation Press, 1975.

This book offers a revisionist overview of the Métis role in the history of Western Canada, a contrast to the Stanley-Morton view. They describe the Métis as the main economic force in the West up to 1885.

_____ "The Métis." In Antoine S. Lussier and D. Bruce Sealey (Editors): *The Other Natives: The/Les Métis*. Volume Two – Tome Deux. Winnipeg Manitoba Métis Federation Press, 1978: 15-26.

Volume II contains a series of articles on the themes of Métis land rights, Scrip, the attempt to establish a half-breed reserve and economics during the time period 1885-1978.

Magnet, Joseph Eliot. *Métis Land Rights in Canada*. Report prepared for the Royal Commission on Aboriginal Peoples. Ottawa: October 1993.

Magnet first examines the sources of Métis land rights through inherent Aboriginal rights; the *Royal Proclamation of 1763*; the *Rupert's Land and North-Western Territory Order*; *The Manitoba Act* of 1870; and *The Dominion Lands Act*. He then examines these unilateral actions of the Crown, and the Crown's fiduciary duties and obligations as well as the government's positive Constitutional obligations. He concludes that the land and scrip granting schemes implemented in Western Canada were theoretically capable of extinguishing Métis Aboriginal title but neither the North West Territory Order nor the *Dominion Lands Act* were capable of extinguishing the claims through "statutory taking." He interprets the *Manitoba Act* as working to extinguish Aboriginal title as a possible "statutory taking." However, when frauds and abuses are factored in he concludes that the federal government did not meet its fiduciary obligations and this nullifies extinguishment. He finishes with a review of possible remedies to this situation.

This overview, which relies on the work of Frank Tough, Leah Dorion and Douglas Sprague for detail on the historical context and administration of the Métis land grant schemes, gives an excellent synopsis of the Métis case.

Mailhot, Philippe. "Ritchot's Resistance: Abbé Noel-Joseph Ritchot and the Creation and Transformation of Manitoba." Ph.D. Thesis, University of Manitoba, 1986.

Father Ritchot was Riel's confessor. He also negotiated Manitoba's entry into Confederation on behalf of the Métis. He was also an active speculator in Métis lands, although the money earned was for Church purposes. Thomas Flanagan (1991) describes this thesis as the best account of the Métis negotiations with the Canadian government in Manitoba.

Mailhot, P. and Sprague, D. "Persistent Settlers: The Dispersal and Resettlement of the Red River Métis, 1870-1885." *Canadian Ethnic Studies*, 17, (2) (1985): 1-30.

Manitoba Métis Land Commission. *Riverlots and Scrip: Elements of Métis Aboriginal Rights*. Winnipeg: Manitoba Metis Federation Press, 1978.

This monograph is a brief introduction to traditional Metis land-holding tenure. While now dated, there is some useful information relating to how the Metis people in Manitoba were systematically deprived of their right to the land through fraudulent land transactions and the ever changing scrip process. The government scrip implementation methods are presented as the main reason for subsequent Metis poverty.

Manitoba Metis Federation. *Metis Anoutch: Manitoba Metis Rights: Constitutional Consultations: Final Report*. Winnipeg: Manitoba Metis Federation, Constitution and Land Claims Secretariat, 1983.

This document constitutes the community feedback received during the constitutional consultations held by the Manitoba Metis Federation. Five half-hour radio programs were broadcast into Metis communities via C.B.C. radio and the constituents were asked to phone in with their views.

_____ *Métis Land Claims Case, Vol. 1*. Winnipeg: Manitoba Metis Federation Inc., 1986.

_____ "A Report on Metis Self-Governance in Urban Manitoba." Research study prepared for the Royal Commission on Aboriginal Peoples. Winnipeg: Manitoba Metis Federation 1995.

_____ *The Metis Charter of Rights and Freedoms*. Winnipeg: Manitoba Metis Federation Press, 1995.

_____ *They Are Taking Our Children From Us: An Inside Look at How the Manitoba Child and Family Service System Deals with Metis Children and Families.* Winnipeg: Manitoba Metis Federation, 1999.

This ground-breaking document is the first published "inside look" at the workings of the Manitoba Child and Family Services system, from the perspective of Aboriginal individuals who see the real life results of the removal of Metis children from their homes and families. The document explains the flaws in the legislative scheme, in the policies and practices of agencies mandated to help these children and families, and the failures of successive governments to rectify long-standing, well-documented grievances. Illustrative examples are given from documented cases. Suggestions for reform are outlined with specific recommendations and reference to international law. Since this documentation was produced the Manitoba Metis Federation signed a Memorandum of Understanding (MOU) with the Manitoba Department of Family Services on February 22, 2000. This MOU calls for the development of a mandated Metis child and family service system. This is the first Metis agreement of its kind in Canada.

Manore, Jean. *Research Report: Moose Factory Métis Land Claim.* Toronto: Ontario Native Affairs Directorate, Government of Ontario, 1988.

McMahon, Don and Fred Martin. "The Métis and 91(24): Is Inclusion the Issue?" Research paper prepared for the Royal Commission on Aboriginal Peoples, November 1993.

Métis Association of Alberta. *Origins of the Alberta Métis: Land Claims Research Project 1979-80.* Edmonton: Métis Association of Alberta, 1978.

Métis Association of the Northwest Territories and the Indian Brotherhood of the Northwest Territories. "Aboriginal Title: A Legal Perspective." The Summary of Evidence of Douglas E. Saunders before the Mackenzie Valley Pipeline Inquiry. Yellowknife, N.W.T.: April 1976.

Métis Land Claims Commission. *Our Land.* Winnipeg: Manitoba Métis Federation, 1977.

Metis National Council. *A Call to Action: Metis Rights, Delegates Kit.* Winnipeg: Metis National Council, April 1998.

Milne, Brad. "The Historiography of Métis Land Dispersal, 1870-1890." *Manitoba History*, No. 30, 1995: 30-41.

The Manitoba Act of 1870 provided for 1.4 million acres of land for the children of Métis families and was to ensure that current Métis landholdings were retained. By the end of the 1870s, little land or Scrip remained in Métis possession. One hundred years later, the Association of Métis and Non-Status Indians of Saskatchewan and the Manitoba Métis Federation commissioned research to document support for renewal of Métis land claims. Douglas Sprague asserted that there was a government conspiracy, led by Sir John A. Macdonald, to undermine Métis claims and drive them off the land. His findings were supported by the work of Gerhard Ens, Nicole St.-Onge and Don McLean. Conversely, Thomas Flanagan produced research which supports his assertion that the Métis were willing sellers who received fair value for their Scrip and land and who endeavoured to retain their clan-based society by moving to the hinterlands.

Morin, Gail. *The Manitoba Scrip.* Pawtucket, Rhode Island: Quinton Publications, 1996.

Mueller, Lyle. "Scrip and Scrip Speculation." *New Breed*, 11, 1980: 14-15 and 12, 1981: 28-29.

Murray, Jeffrey S. "Métis Scrip Records: Foundation for a New Beginning." *The Archivist*, Vol. 20 (1), 1993: 12-14.

North Slave Métis Alliance. *Can't Live Without Work.* Yellowknife, NWT: North Slave Métis Alliance, 2000.

The dispossession of the Metis from their land at Willow Flats, NWT is one of the stories told in this volume. During the 1960s, in the burgeoning city of Yellowknife, the government sought to dispossess the Dene and Métis of their land holdings as part of their grand scheme for the city. The new non-Aboriginal work force had designs for the shoreline, islands and lands where the Métis and Dene had settled. The methods by which the city attempted to acquire these lands were particularly heavy-handed and the Métis were left dislocated and up-rooted to this day.

In the early 1960s, the government set about eradicating this living pattern and forcibly removed the Dene to a piece of land at the end of Latham Island referred to as "Squaw Valley." Notices of eviction were often placed at a distance, sometimes on utility poles 100 feet from their homes. If people refused to leave, their residences were bulldozed in their absence. "People lost everything. All for the betterment of the community," says Clem Paul, President of the North Slave Metis Alliance. The government built 500 square foot "matchbox" homes for the Dene at N'dilo. Feeling some concern about relocating the Dene to a place labeled "Squaw Valley," the government painted the matchbox homes sundry colours and re-dubbed the area, "Rainbow Valley," present day N'dilo. The Métis were also forcibly removed from their homes at School Draw and Cabin Courts, and along the shoreline of Great Slave Lake and Willow Flats. At School Draw, Métis homes were bulldozed and berry-picking grounds were torn up for the construction of 45 government homes. Unlike the Dene, however, the Métis were not offered a settlement area, but low-cost row housing in the new town. Many Métis families living in the "Flats" refused to move from their homes. In response, the city moved the municipal garbage dump adjacent to Métis homes. "The garbage was burnt steady", says Clem Paul:

They burnt sewage, cars, gas cans, everything. Small explosions were always happening. Sometimes it would burn for three weeks. The government had a place for the Indians [Dene], but they couldn't get the Métis to move, so they moved the dump there and burnt it steady for several years. Métis families tried to stick it out. The options were stay near the dump and die, or move to low-cost housing. It was a scam. The government then bought up the land, surveyed parcels and when non-natives started moving in, they moved the dump. (Paul, *op. cit.*)

The city deliberately disempowered the Métis by refusing to survey the lands upon which they had settled. Because it was unsurveyed land, the government called them 'squatters.'

That's what they did to Métis all over. Families could never buy the piece of land they were on because the city wouldn't survey it. The city would try to get the families to move any way they could, then bulldoze their homes, survey it, and then offer it for sale. That is how Yellowknife was built. That is what they are proud of. (*Ibid.*)

Nicks, Trudy. "Origins of the Alberta Métis: Land Claims Research Project 1978-1979." Workpaper for the Métis Association of Alberta. Edmonton: Métis Association of Alberta, 1979.

O'Toole, Darren. « La revendication du titre « indien » par les Métis. » *Canadian Journal of Political Science*, Vol. 33, No. 3, 2006: 529-551.

"Métis Claim to "Indian" Title in Manitoba, 1860-1870". *Canadian Journal of Native Studies*, Vol. 28, No. 2, 2008: 241-271.

In 2007 the Manitoba trial court ruled against the Metis concerning their land grant in s. 31 of the *Manitoba Act, 1870*.¹ The Crown's expert witness, Thomas Flanagan (Ph. D.), testified that the Metis never claimed Indian title during the events of the Resistance of 1869-70. The trial judge subsequently adopted Flanagan's historical interpretation as his own in drawing conclusions of fact. O'Toole re-examines Flanagan's testimony. He finds that Flanagan has selectively presented facts to support the Crown's case whereas, "his research is strangely silent and documentation sparse when it comes to exposing the Metis perspective." Although Flanagan worked with George Stanley on "The Collected Writings of Louis Riel" (University of Alberta Press, 1885) and testified that his interpretation was based upon an "exhaustive study of primary sources", he omits documentation supportive to the Metis case. O'Toole states that "Flanagan's research is seriously flawed and has contributed to erroneous judicial conclusions of fact, most notably in the MMF case." O'Toole also questions the absence of "Academia" in doing serious evaluation of Flanagan's "research".

Pelletier, Émile. *Exploitation of Métis Lands*, 2nd Edition. Winnipeg: Manitoba Métis Federation Press, 1979.

First published in 1975, this book provides an analysis of the land granted to Métis children born prior to July 15, 1870. *The Manitoba Act* provided for 240 acres for each Métis child. An extensive research program is the basis of this analysis. This book will be of special interest to people tracing original owners of certain sections of land surrounding the City of Winnipeg.

Richtik, J.M. "The Policy Framework for Settling the Canadian West, 1870-1872." *Agricultural History*, Vol. 49 No. 4, 1975: 613-628.

Robles, Alexandra. "In a Class of Their Own: A Study of Treaty Ten Metis Scrip Speculators, Northern Saskatchewan, 1906-1912." Edmonton: University of Alberta, School of Native Studies, 2000.

Robles, a student of Frank Tough, uses the Matrix system to track scrip speculation.

Rodwell, Lloyd W. "Land Claims in the Prince Albert Settlement." *Saskatchewan History*, Vol. 19, No. 1, 1969: 1-33.

Ronaghan, N. E. Allen. "The Archibald Administration in Manitoba 1870-1872," Three volumes. Winnipeg, Ph.D. Thesis, University of Manitoba, 1987.

Allen Ronaghan, in a *tour de force*, gives the complete story of the opposing forces at work to deny the Metis the land that was intended for them under the *Manitoba Act of 1870*. Extensive data is included from the parliamentary debate, the correspondence of the key players and the newspaper reporting of the day.

Ronaghan is most critical of the effect that the passing of the Dominion Lands Act on April 14, 1872 had on the Metis settlement scheme of 1870 under the Manitoba Act:

[The Dominion Lands Act] placed an empire of lands larger in extent than the original four provinces under the supervision of a cabinet minister known as the Secretary of State (Section 2), thus making of Ottawa an imperial capital in a way equalled in no other part of the British Empire. And in its very last section it specified that the two previous Orders-in-Council, that of April 25, 1871, and that of May 26, 1871, were confirmed.

This confirmation of the two Orders-in-Council looks innocent enough as printed in the Act until the student takes the trouble to remind himself of their content. The Order-in-Council of April 25, 1871, stated expansively that "every half-breed resident ...at the time of transfer, was entitled to participate in the 1,400,000 acres." Furthermore, "no conditions of settlement" were to be imposed on the Half-Breeds. However, the Lieutenant-Governor was

¹ Manitoba Metis Federation v. Canada [2007] M.J. No. 448 (Manitoba Court of Queen's Bench).

to “designate townships or parts of townships in which the allotments to the half-breeds” were to be made. This last requirement, however innocuous it may now appear, was for two reasons absolutely devastating to Half-Breeds wishing to participate. Firstly, it meant that land could not be claimed until an area was surveyed into townships. Secondly, Half-Breeds could see that their lifestyle must change completely if they were to be scattered around on the prairie—eight families to every seven “quarters” of land—with no regard to natural features, especially the presence of a river, creek, or other body of water. Many simply saw no sense in this method of allotment.

The Order-in-Council of May 26, 1871, was no better. It permitted irregular squatting on land “in good faith” by “settlers”, and “protected” them “in the enjoyment” of their claims. One need not be a genius to figure out that the policy as laid out in the Act was basically hostile to the Half-Breed population of Manitoba. (pp. 769-770)

Sahtu Dene and Métis Comprehensive Land Claim Agreement Implementation Committee. *Annual Report of the Sahtu Dene and Métis Comprehensive Land Claim Agreement Implementation Committee*. Ottawa: Indian and Native Affairs Canada, 1996.

Sanders, Douglas. “A Legal Analysis of the Ewing Commission and the Métis Colony System in Alberta.” Edmonton: Alberta Métis Association, 1978.

_____ “Métis Rights in the Prairie Provinces and the Northwest Territories: A Legal Interpretation.” Harry W. Daniels (Editor): *The Forgotten People: Métis and Non-Status Indian Land Claims*. Ottawa: Native Council of Canada, 1979: 5-22.

Sawchuk, Joe. “Scrip Benefited Speculators, Not Metis.” *Pemmican Journal*, Winter, 1983: 30-31.

Sawchuk, Joe, Patricia Sawchuk, and Theresa Ferguson. *Métis Land Rights in Alberta: A Political History*. Edmonton: Métis Association of Alberta, 1981.

Sawchuk, Patricia. “The Historic Interchangeability of Status Métis and Indians: An Alberta Example.” In S.W. Corrigan and Joe Sawchuk (Editors): *The Recognition of Aboriginal Rights*. Brandon, Manitoba: Bearpaw Publishing, 1996: 57-70.

Sealey, D. Bruce. *A Study of the Statutory and Aboriginal Rights of the Métis People in Manitoba. Volume 1: Statutory Land Rights of the Manitoba Métis*. Winnipeg: Manitoba Métis Federation Press, 1975.

This book documents and analyzes land holding patterns in the West prior to 1870, the lands granted to the Métis after 1870, and the impact of the new settlers on the Métis people.

_____ *A Study of the Statutory and Aboriginal Rights of the Métis People in Manitoba: Volume 2; Aboriginal Rights*. Winnipeg: Manitoba Métis Federation Press, 1975.

_____ *A Study of the Statutory and Aboriginal Rights of the Métis People in Manitoba. Volume 3; The Exploitation of Métis Lands*. Winnipeg: Manitoba Métis Federation Press, 1975.

Sharpe, Natalie. “The Edmonton Bulletin’s Views on Half-Breed Scrip (1881-1906).” Edmonton: Alberta Métis Association, 1978.

Shore, Fred J. “The Canadians and the Métis: The Re-creation of Manitoba, 1858-1872.” Ph.D. Thesis, Winnipeg: University of Manitoba: 1991.

This thesis analyses how the Wolesley Expedition was sent to Manitoba to forcibly reclaim the province from the Métis. Shore delineates a great deal of Prairie history in this timely thesis.

The modern history of the Canadian West began prior to 1860 when local people created a political, economic and social framework for themselves within the old Hudson's Bay Company territory. The early 1870s, however, saw the re-creation of the North West into a "new" Ontario.

The arriving Canadians viewed this territory as an extension of Ontario; the problem for them was that the Métis had previously laid claim to this territory as their national homeland. The actions of the first arrivals from Ontario in the 1860s politicized the Métis bourgeoisie who then organized their own local government. The Métis then forced the negotiation of the *Manitoba Act* containing terms favourable to themselves and the other mixed-descent peoples living around the forks of the Red and Assiniboine Rivers. This Métis success caused the newcomers to resort to violent methods to regain Ontario's hegemony over the area. The execution of Thomas Scott provided the motivation for such actions.

The Red River Expeditionary Force (RREF) of 1870, the Canadian Party's answer to being outmanoeuvred by the Métis, was nothing less than armed settlers invading what they perceived to be "their" colony, to wrest control over land and politics from the Métis. The actions of the RREF represented a will for violence that had not been seen in the Canadian West since the time of the fur trade wars. The ensuing history of Winnipeg in the early 1870s demonstrates how these early Canadian immigrants and their armed force, the RREF, won the West for Ontario. It also demonstrates how Métis unity was destroyed. Intimidation of the Métis in Red River by Ontario volunteers allowed the Upper Canadians to establish an empire in Rupert's Land.

Métis historian Fred Shore is an Assistant Professor of Native Studies at the University of Manitoba; he is its representative on the board of the Louis Riel Institute. Fred was born and raised in Montréal, he moved to Manitoba in 1977. He was a Housing Officer, board member, and later an Employment Consultant for the Manitoba Métis Federation, Southwest Region.

_____ "The Origins of Métis Nationalism and the Pemmican Wars." In Robert Coutts and Richard Stuart (Editors): *The Forks and the Battle of Seven Oaks in Manitoba History*. Winnipeg: Manitoba Historical Society, 1994: 78-81.

_____ "Who Are the Métis?" In Jill Oakes and Rick Riewe (Editors): *Issues in the North, Volume I*. Occasional Publication # 40. Calgary: Canadian Circumpolar Institute, 1996: 125-127.

Shore outlines the complexities of reaching an acceptable definition of Métis identity, a debate that flows from the ongoing Métis self-government negotiations. Outsiders have intruded into this debate, however, "the final definition must remain with the Métis, since anything else would be a travesty of self-determination" (p. 127).

Shore, Fred and Lawrence Barkwell (Editors). *Past Reflects the Present: The Métis Elders Conference*. Winnipeg: Manitoba Métis Federation, 1997.

This book outlines the discussions and observations gleaned from a national meeting of Métis Elders in 1991. The Elders describe the historical development of Métis customary law and social control mechanisms in small Métis communities throughout the West. The Laws of the Métis Nation are described as well as the methods by which they were formulated. The Elders describe Métis customary law as it pertains to families, conservation, commerce, child welfare, and crime. This conference was an illuminating and important gathering for the Métis people.

Sprague, Douglas N. "The Manitoba Land Question 1870-1881." *Journal of Canadian Studies*, 15 (3), 1980: 74-84.

Douglas Sprague examines how the federal government failed to effectively deal with Métis land claims in Manitoba from 1870-1881. This article discusses the barriers and obstacles which prevented Métis people from obtaining their lands in Manitoba. Sprague claims that Canada did not uphold the original constitutional agreement under the *Manitoba Act*, which helped facilitate the loss of Métis lands in Manitoba. Sprague believes that the Canadian government's strategy was to avoid dealing effectively with Métis land claims in order to disperse the Métis and open

their lands up for in coming settlers. He condemns the federal government for controlling all aspects of the Métis land allotment scheme. Federal control over the Métis populations was evident in their refusal to allow the Lieutenant Governor of Manitoba to implement section 31 and 32 of the *Manitoba Act* soon after the act was passed in 1870. This article provides important background information about Métis dispossession and dispersal from Manitoba.

_____ "Government Lawlessness in the Administration of Manitoba Land Claims, 1870-1887." *Manitoba Law Journal*, 10, (4), 1980: 415-441.

_____ "Métis Land Claims." *Native People and the Constitution of Canada: Report of the Métis and Non-Status Indian Constitutional Review Commission*. Ottawa: Mutual Press, 1981: 51-68.

_____ "Deliberation and Accident in the Events of 1885." Book reviews in *Prairie Fire*, Vol. VI, No. 4, 1985: 100-107.

_____ *Canada and the Métis, 1869-1885*. Waterloo Ontario: Wilfrid Laurier University Press, 1988.

Historian D.N. Sprague asserts that the federal government systematically deprived the Manitoba Métis of their land base following the creation of the new province of Manitoba and that the Métis had little choice but to disperse to the Saskatchewan Country. He therefore argues that the federal government did not honour the promises made to the Métis people in the *Manitoba Act*. For the uninitiated, Sprague has also provided a useful historiographical essay, which discusses all the classical monographs on the 1869-70 and 1885 Resistances. Such succinct summaries are also useful for professional students of Métis Studies who may not have the fortitude to read several hundred pages of dated and often lurid prose by such scholars as Giraud or Stanley. For an opposing view, consult Thomas Flanagan's controversial *Riel and the Rebellion: 1885 Reconsidered* (1983), and its re-edition (1999).

_____ "Interprétation des droits des Métis: les points de vue historiques et juridiques." Dans Gilles Lesage (Editeur): *Riel et les Métis canadiens*. Saint-Boniface, Manitoba: La Société historique de Saint-Boniface, 1990: 59-62.

_____ "Dispossession vs. Accommodation in Plaintiff vs. Defendant Accounts of Métis Dispersal from Manitoba, 1870-1881." *Prairie Forum*, Vol. 16 (2), 1991: 137-155.

Sprague uses research on Métis land claims and Métis migration during 1870-1881 to counter the work of Gerhard Ens and Thomas Flanagan, whom argue in their journal articles that the Manitoba Métis were not disenfranchised of their land base by the Canadian government.

_____ "Métis Land Claims." In K. Coates (Editor): *Aboriginal Land Claims in Canada: A Regional Perspective*. Mississauga, Ontario: Copp Clark Pitman Ltd., 1992: 195-213.

St. Onge, Nicole. "Métis and Merchant Capital in Red River: The Decline of Pointe-à-Grouette, 1860-1885." M.A. Thesis, Winnipeg: University of Manitoba, 1983.

_____ "Saint-Laurent Manitoba: Oral History of a Métis Community." *Canadian Oral History Association Journal*, 7, 1984: 1-4.

_____ *Métis Oral History Project*. Winnipeg: Provincial Archives of Manitoba, C366-385, 1985.

St. Onge interviewed many Michif-French speaking Elders for this project. All the tapes are at the Provincial Archives of Manitoba, some, however, have restricted access.

_____ "Race, Class and Marginality in a Manitoba Interlake Settlement, 1850-1950." In In J. Vorst et al. (Editors) *Race, Class, Gender: Bonds and Barriers*. Toronto: Between the Lines and The Society for Socialist Studies, 1989.

St. Onge examines how racial and class differences worked to marginalize the Métis people in Western Canada by using the Manitoba community of St. Laurent (up to 1945) as a case example. She concludes that an impoverished underclass was created and subsequently reproduced between 1850 and 1945. She does not think that racist attitudes were the most significant variable. The major factors were access to land, the lack of capital, and lack of clerical support, which marginalized the Métis populace and led them into a cycle of debt-peonage to the merchant representatives of the national and international economies.

_____ *Race, Class and Marginality: A Metis Settlement in the Manitoba Interlake, 1850-1914*. Winnipeg: Ph. D. Thesis, University of Manitoba, 1990.

_____ "La dissolution d'une communauté métisse Pointe-à-Grouette 1860-1885." Dans Gilles Lesage (Editeur): *Riel et les Métis canadiens*. Saint-Boniface, Manitoba: La Société historique de Saint-Boniface, 1990: 45-56.

_____ "Variations in Red River: The Traders and Freeman Métis of Saint-Laurent, Manitoba." *Canadian Ethnic Studies*, Vol. XXIV, No. 2, 1992: 2-21.

St. Onge examines a 19th Century Métis community that has traditionally been incorporated into the sphere of the Red River Colony. Basing her article on archival material and oral traditions, she argues life was more diverse, "Métis" self-identification more nebulous, and class-based structures and relations more complex within Red River than has been previously argued. Neither the trading families nor, especially, the lakeshore Freeman Métis fit into the traditional definition of the Red River Métis as bison-hunting French-Catholics. Their livelihood came from a mixture of subsistence activities that resembled those of the Saulteaux population, with which they were closely allied, and the commercial production of dried or frozen fish, pelts and salt. The paper concludes that great caution will have to be used in any future research attempting to define the social, economic and ethnic parameters of "Métisness." St. Onge competently analyzes diversity, dual identity, and the historical formation of the community of St. Laurent.

Street, W.P.R. "Manuscript of Mr. Justice W.P.R. Street When he was Made Chairman of a Commission to Settle the Claims of the Half Breed Indians in the Northwest Territories." March 1885.

_____ "The Commission of 1885 to the North-West Territories." *Canadian Historical Review*, Vol. 25, 1, 1944: 38-53.

Swan, Ruth Ellen. "Ethnicity and the Canadianization of Red River Politics." M.A. Thesis, Winnipeg: University of Manitoba, 1991.

Métis historian Ruth Swan examines the difficulties caused by ethnic hostilities after the implementation of the *Manitoba Act* of 1870 and how this was compounded by the fact that the federal government delayed the implementation of responsible government in Manitoba. This study also examines the reasons that the Métis lost their land in Manitoba. A study of the interrelationships of the ethnic groups in the Manitoba Legislature from 1873-78 helps in understanding how the Métis and French Canadians suffered from minority disadvantage. By analyzing the social hierarchy and power structure, it is obvious that the Métis had few options, but resisted the loss of their land mainly outside the legislature.

_____ "The History of the Métis Cemetery at Pembina: Inter-Ethnic Perspectives on a Sacred Site." Paper presented at the *Plains Anthropology Conference*, Saskatoon, October 1993.

In 1818, Father S. Dumolin established a Roman Catholic mission at Pembina in order to provide educational support to Métis families and to convert the Chippewa Indians. In the 1890s, the Church moved into the village and a new cemetery was established. During the 1920s a local farmer began ploughing the abandoned cemetery over objections that it was a sacred site. This paper summarizes the attempts to protect the site over the years, the research done to establish grave locations and the inter-ethnic conflicts that have arisen over this matter.

Symington, D.F. "Métis Rehabilitation." *Canadian Geographical Journal*, 48 (4), 1953: 128-139.

In 1941, the government of Saskatchewan implemented a rehabilitation scheme which provided the Métis, many of whom were road allowance people from Lestock, with a community of their own at Green Lake. This community was to be free of competition and exploitation. The author describes day to day life in the settlement and its economic and social progress.

Taylor, John. "An Historical Introduction to Métis Claims in Canada." *Canadian Journal of Native Studies*, 3(1), 1983: 151-181.

Taylor reviews the history of Métis claims in Canada, and government actions since 1870 to recognise Métis Aboriginal rights. He concludes that although the Métis are included in only two numbered Treaties, on the other hand their eligibility is an integral part of the recent James Bay and Northeastern Quebec Agreements.

Teillet, Jean. "Justice not Mercy: Why the Métis Don't Want a Pardon for Louis Riel." Paper prepared for the Métis National Council. Ottawa: Métis National Council, March 26, 1999.

Métis lawyer Jean Teillet is the great grand-niece of Louis Riel. She is vice-president of the Indigenous Bar Association of Canada.

_____ "Summary of Métis Case Law." Ottawa: Métis National Council, 1999.

_____ "What Might Have Been" in *Métis Voyageur*, September/October 2002 – an article on the trial of Louis Riel.

_____ "R. v. Powley: Métis Harvesting Rights in Canada", Australia, *Indigenous Law Bulletin*: October 2001 – a case study of *Powley* and how it developed Aboriginal rights law in Canada by expanding the law for Métis.

_____ "Métis in Search of Recognition" published by the *Pitblado Lecture Series* by the Law Society of Manitoba, 2002) – recognition is a key concept for all Aboriginal people. It is the foundation that is necessary before rights can be affirmed or accommodated. The paper examines the language issues, social theory and the political rights dialogues that have evolved surrounding the Métis in Canada.

_____ *The Role of the Regulatory Regime in Aboriginal Rights Disputes in Ontario* (2005) – this paper was prepared for the Ipperwash Inquiry. Part of this paper, with respect to the 19th Century history of the harvesting regulatory regime in Ontario, was co-authored with Dr. Frank Tough. The paper looks at the historical role of the regulatory regime as well as how it has been engaged in very recent events. The paper was published on the Inquiry's website at: www.ipperwashinquiry.ca/policy_part/index.html.

_____ *Métis Law Summary* – this is an annually updated (since 1999) summary of the law with respect to Métis. The *MLS* traces Métis cases back to the mid 1800s. It includes scrip cases from the early 1900s and harvesting decisions of the Alberta Métis Settlements Tribunal. It tracks all Métis cases as they move through the courts. The *MLS* also provides a brief analysis of Aboriginal rights law as it applies to Métis. The *MLS* includes a new

section on consultation and administrative tribunals. The *Métis Law Summary* is available on the Pape Salter Teillet website, in PDF format, at pstlaw.ca/resources. The *MLS* is also used in courses in the Native Studies Department at the University of Edmonton and by the University of Toronto Faculty of Law.

Teillet reviews the ongoing Métis legal battles with the government of Canada concerning Aboriginal land rights, harvesting rights, commercial harvesting, and self-government. References are given for exemplary cases such as Dumont (land claim), Clem Paul and the North Slave Metis Alliance (land claim), South Slave Metis Framework Agreement (land), McPherson & Christie (hunting), Morin and Daigneault (fishing), Buckner (hunting), Powley (hunting), Howse (hunting), Maurice & Gardinar (hunting), Tucker & O'Conner (commercial harvesting), Laprise (NRTA), Blais (NRTA) Grumbo (NRTA), Laliberte (Saskatchewan Wildlife Act), Ferguson (NRTA), Husky Oil (Metis Settlements, cultural value compensation), Maurice (Primrose Weapons Range, equitable treatment), and the Riel Bills.

_____ "Exoneration for Louis Riel: Mercy, Justice or Political Expediency?" *Saskatchewan Law Review*, Vol. 67(1), 2004 at 359.

_____ "Old and Difficult Grievances: Examining the Relationship between the Métis and the Crown" – (2004) 24 *Supreme Court Law Review* (2d): 291-323.

_____ "Winds of Change: Métis Rights after Powley, Taku and Haida" – in *The Long Journey of a Forgotten People: Metis Identities & Family Histories*, Ute Lischke and David T. McNab (Eds.) Waterloo: Wilfred Laurier Press, 2007: 55-78.

_____ "Federal and Provincial Crown Obligations to the Metis" in *Metis-Crown Relations: Rights, Identity, Jurisdiction, and Governance* (ed: Frederica Wilson & Melanie Mallet) published by Irwin Law in 2008.

_____ "A Tale of Two Agreements: Implementing Section 52(1) Remedies for the Violation of Metis Harvesting Rights" in *Aboriginal Law Since Delgamuukw* (Ed Maria Morellato, QC) published by Canada Law Books, 2009)

_____ "The Metis of the Northwest" - Masters Thesis, published by University of Toronto, 2008.

_____ "Metis Law Summary – June 2002." Vancouver, B.C. Author, 2002.

Thomas, Paul G. "Making Aboriginal Issues Matter in the government of Manitoba." Report prepared for the Aboriginal Justice Implementation Commission (Manitoba). Winnipeg: October, 2000.

Thomas focuses on government responsiveness and coordination of Aboriginal issues. The responsiveness of the government to Aboriginal issues is complex and multi faceted. It crosses many Provincial and Federal government departments and agencies, many which have a vested interest in maintaining the status quo. The interaction of political direction and service delivery can and does come into conflict particularly when dealing with the many public groupings and special interest groups. Coordination of government initiatives is critical and can be very beneficial to the consumers. However, Thomas feels that is can also become time consuming, centralize the thinking and decision making and therefore limiting the governments ability to see important perspectives on important issues.

In his view, Aboriginal issues and the cultural/historical practice of holistic approaches to community require an integrated and seamless continuum and not the stovepipe approach often taken by governments. Thomas talks about the relationship of Aboriginal issues and federalism and that "primary responsibility for Aboriginal matters rests with the Government of Canada..." If this basic assumption is widely shared, it interferes with the recognition of Metis people as a

distinct 'nation' and will be a barrier for acceptance, recognition and status when the Provincial Government begins to operationalize the recommendations of the AJIC.

He supports the development and continuation of the Aboriginal Affairs Secretariat and notes that this has been a vehicle for collaboration with many government departments. He also notes that the Province of Manitoba is the only province that has representation from Aboriginal groups at F/T/P meetings (AMC, MMF and the Urban Aboriginal Council of Winnipeg).

Thomas offers a number of options that would enhance responsiveness and coordination on Aboriginal issues. These options ought to facilitate Aboriginal groups to wade through "...a bewildering array of institutions, processes and even individuals..." and participate at all levels of policy making and program administration.

Thompson, Thomas. "Manitoba Hydro, Northern Power Development, and Land Claims Pertaining to Non-Status Aboriginals in Norway House and Cross Lake." Winnipeg: M.A. Thesis, University of Manitoba, 1994.

This thesis title is somewhat misleading in that the majority of the non-status Aboriginals referred to in the title are in fact Métis people. Thompson explores the potential legal obligations that flowed from the extensive flooding and project development of hydroelectric projects in northern Manitoba. He takes the position that the Métis could have protected their land rights in spite of delayed surveys, lack of understanding of their rights, gross misbehaviour of land speculators and lack of fair government dealing during the negotiations of the Northern Flood Agreement (in contrast to the First Nations, the Métis were virtually without funding for legal representation during these negotiations). He therefore concludes that there is no firm legal basis for a Métis claim upon any level of government, but "that this does not detract from Canada's obligations to address the economic and social plight of the people involved." For a more complete background on these issues the reader should refer to Waldram (1988), Tough (1975) and Tough and Dorion (1993).

Thorton, John. "The National Policy, The Department of the Interior and Original Settlers: Land Claims of the Métis, Green Lake, Saskatchewan, 1909-1930." M.A. Thesis, Saskatoon: University of Saskatchewan, 1997.

This thesis makes a great contribution to the literature about Métis lands, family and community development. Thorton overviews how the Department of Interior's policies failed to provide the Metis of Green Lake with a secure land base. He states that, "like the Métis of Red River, the Métis of Green Lake faced restrictive criteria in the attempt to establish their claims. Unlike Red River, no second generation of settlers came to Green Lake to lay claim to the land. Green Lake remained a Métis settlement, though it did so without formal title." Thornton does not take the reader through a comprehensive analysis of Métis Aboriginal title; rather he studies the Métis land claims in Green Lake based on occupation and settlement. The following is a break down of the topics examined in this thesis: the origin and development of Metis settlement at Green Lake from 1670-1870, the National Policy and Green Lake, the National Policy turns North, Métis Settlement at Green Lake 1911-12, the decade of delay 1912-1922, and Disposition of Métis Land Claims 1923-1930. His work compliments the Métis community case studies conducted by Nicole St. Onge and other authors who reveal the historical development of Métis communities in Western Canada.

Tough, Frank. *Native People and the Regional Economy of Northern Manitoba: 1870-1930s*. Kingston, Ontario: Ph.D. Thesis, Queens University, 1975.

"The Establishment of a Commercial Fishing Industry and the Demise of Native Fisheries in Northern Manitoba." *Canadian Journal of Native Studies*, IV (2), 1984: 303-319.

"Economic Aspects of Aboriginal Title in Northern Manitoba: Treaty 5 Adhesions and Métis Scrip." *Manitoba History*, 15, 1988: 3-16.

For years the Department of Indian Affairs rejected the treaty process as a means to assist northern Manitoba Indians in dealing with the deprivation associated with a commercialized hunting economy. The timing of this treaty was based on government expediency and the needs of a railway company. When they did decide to implement a treaty format they chose terms which were not favourable to the Indians. The Halfbreed land claims were not negotiated; land and money scrip were momentary compensation for Aboriginal title but the scrip issued by the Department of the Interior, did not meet the Crown's legal obligation for acknowledging Aboriginal title. The Métis were also victims of self-serving land speculators. Tough quotes the editorial reaction to this process by the Manitoba Free Press (October 26, 1910), "It will be to the lasting disgrace of Canada if she allows the 6,000 Indians and Halfbreeds between Lake Winnipeg and Hudson Bay to be demoralized and decimated as other Indian tribes have been "...They deserve a better fate."

_____ "Aboriginal Rights Versus the Deed of Surrender: The Legal Rights of Native Peoples and Canada's Acquisition of the Hudson's Bay Territory." *Prairie Forum*, Vol. 17, No. 2, 1992: 225-250.

_____ *To Make a Profit Without Much Consideration for the Native: The Spatial Aspects of Hudson's Bay Company Profits in Northern Manitoba, 1891-1929*. Toronto: Department of Geography, York University, 1994.

_____ "Introduction to Documents, Indian Hunting Rights, Natural Resources Transfer Agreements and Legal Opinions from the Department of Justice." *Native Studies Review*. Vol. 10 (2), 1995.

_____ *As Their Natural Resources Fail: Native People and the Economic History of Northern Manitoba, 1870-1930*. Vancouver: University of British Columbia Press, 1996.

Frank Tough, head of the department of Native Studies at the University of Alberta, explores in detail, the manner in which the Aboriginal claim to Rupert's Land was treated as less important than the claims of the Hudson's Bay Company, in spite of the British and Canadian undertakings to deal honourably with the Indigenous inhabitants. Of particular Métis interest is Chapter 6, "Terms and conditions as May be Deemed Expedient: Métis Aboriginal Title" and Chapters eight through fourteen which contain an analysis of the economic context of Crown-Aboriginal and Company-Aboriginal relationships. Native labour conditions, the demise of the fisheries, transportation, lumbering, agriculture, mining and the import of industrial capital are dealt with at length. The role of Indian and Métis people in the economy of northern Manitoba from 1870 to the Depression is covered in this panoramic and comprehensive treatise.

_____ "A People Without Capital or Land." Paper read by Yvon Dumont at the Métis National Council *Métis Rights Conference*. Winnipeg: April 3-4, 1998.

_____ " 'The Storehouse of the Good God:' Aboriginal Peoples and Freshwater Fisheries in Manitoba." *Manitoba History*, No. 39 (Spring/summer) 2000: 2-14.

Tough documents Métis use of freshwater fish during the 1800s to demonstrate that freshwater fish was integral to a Métis way of life. He also shows that from the commencement of a large-scale commercial fishing industry until today the Métis demonstrated substantial participation.

_____ "Activities of Metis Scrip Commissions 1885-1924." In Ka-iu Fung (Editor) *Atlas of Saskatchewan*. Saskatoon: University of Saskatchewan, 1999: 61.

This coloured map locates the places visited by the various scrip commissions and the cash payouts for the Metis of the Mackenzie District in 1921-22 and 1924. A sidebar graphic shows the

duration of visit at the places visited by the Assiniboia/Alberta Scrip Commission May 16 to December 6, 1900.

_____ "Metis Scrip Commissions 1885-1924." In Ka-iu Fung (Editor) *Atlas of Saskatchewan*. Saskatoon: University of Saskatchewan, 1999: 62.

This article describes the scrip process and has graphics for scrip applications, grants issued and patents deriving from claims.

Tough, Frank and Véronique Boisvert. "'I am a half-breed head of family...': A Database Approach to Affidavits Completed by the Metis of Manitoba, ca. 1875-1877." In D. Gagnon, D. Combet, L. Gaboury-Diallo (Eds.), *Metis Histories and Identities: A Tribute to Gabriel Dumont*. Winnipeg: Presses Universitaires de Saint-Boniface, 2008: 141-184.

This paper discusses the use of data bases to analyse scrip affidavits filled out by the Metis to claim land under the Manitoba Act. This digitized data provides precise geographical and genealogical information on Metis communities as well as insight as to how the Manitoba Act provisions were implemented. During the time period under study over 30% of the Red River adult population were found to have been born outside of Red River country. Thus the relationship between the Red River settlement and other Metis wintering sites and trading posts across the Metis homeland can be clarified.

Tough, Frank and Leah Dorion. "A Study of Treaty Ten and Treaty Five Adhesion Scrip." Report prepared for the Royal Commission on Aboriginal Peoples. Saskatoon: 1993.

This paper reveals the untold story of how the Métis in northern Saskatchewan (Treaty Ten area) and northern Manitoba (Treaty Five area) were separated from their land entitlement. The unlawful activities of the land speculators and government complicity in these land transactions are detailed by tracing exemplary land transactions. Documentation from the archival records is provided.

Trémaudan, Auguste Henri de. *Riel et la naissance du Manitoba*. Winnipeg: L'Union nationale métisse Saint-Joseph, 1921.

_____ "Louis Riel and the Fenian Raid of 1871." *Canadian Historical Review*, Vol. IV (2), 1923.

_____ "Louis Riel's Account of the Capture of Fort Garry, 1870." *Canadian Historical Review*, 5, (2), June 1924: 146-159.

On August 24, 1870, Colonel Wolseley and the Red River Expeditionary Force arrived at Fort Garry. This narrative written by Riel indicates that he was aware of their impending arrival and made preparations to escape their clutches.

_____ "The Execution of Thomas Scott. Notes and Documents." *Canadian Historical Review*, 6, (3), September 1925: 222-236.

_____ "Letter of Louis Riel and Ambroise Lépine to Lieutenant-Governor Morris, January 3, 1873." *Canadian Historical Review*, 7, (2), June 1926: 137-160.

_____ *Histoire de la Nation Métisse dans L'Ouest Canadien*. Montréal: Albert Lévesque, 1936. Reprinted Éditions des Plaines, Saint-Boniface, Manitoba, 1978.

_____ Translated by E. Maguet. *Hold High Your Heads: A History of the Métis Nation in Western Canada*. Winnipeg: Pemmican Publications, 1982.

This book, translated by E. Maguet, was originally published as *Histoire de la Nation Métisse dans l'Ouest Canadien*. Originally written in 1936, the book was the first systematic history of the Métis people, and was written on behalf of the L'union nationale de la métisse de Saint Joseph, an early twentieth-century Manitoba Métis nationalist/cultural organization. Trémaudan believed that the Métis were a martyred people who suffered greatly at the hands of their English-Canadian tormentors – a clear extension of French-Canadian themes. Trémaudan also argued that the Métis should not be labeled as rebels because they were goaded into resisting Canada by the actions of such obnoxious Upper Canadians as Dr. Schultz and by the arrogance and indifference of the federal government. Moreover, the Métis had the right to question the transfer of Rupert's Land to Canada because they were the Indigenous inhabitants of the region.

Perhaps more interesting than Trémaudan's scholarship is Antoine S. Lussier's introduction which describes the context in which Trémaudan wrote his book. Apparently, Franco-Manitobans and the French-speaking Métis were having a row when the book was originally written. Interestingly, Trémaudan, a French man, sided with the Métis rather than the local French Canadians.

In addition, at the end of the book, there are a series of appendices, in which the author(s) (unknown) address the controversy surrounding the 1885 Resistance. For example, it is asked whether Riel's trial was fair, whether the Métis had no choice open to them other than resistance, whether or not the Métis profaned the Church at Batoche or whether or not Riel was as venial as some claimed. These appendices seem to have been written to refute some of Père A. G. Morice's (*La race Métisse: étude critique*. Winnipeg: Chez L'Auter, 1938) claims that Riel was a greedy apostate, or even Thomas Flanagan's (*Riel and the Rebellion: 1885 Reconsidered*. Saskatoon: Prairie Producer Books, 1983) similar assertions.

Waldram, James B. "Relocation and Social Change among the Swampy Cree and Métis of Easterville, Manitoba." M.A. Thesis, Winnipeg: University of Manitoba, 1980.

_____. "Relocation and Political Change in a Manitoba Native Community." *Canadian Journal of Anthropology*, Vol. 1, No. 2, 1980: 173-178.

The construction of the Grand Rapids dam in northern Manitoba resulted in the relocation of the Swampy Cree reserve and adjacent Métis community of Chemanwawin. This move to Easterville, resulted in numerous social and economic problems. Political relationships between the Band Council, the Métis Community Council, the Easterville Co-operative, Fisherman's Association, and the Provincial Ministry of Natural Resources are examined in this paper. The split in jurisdiction between federal and provincial governments is viewed as a major constraint to the development of this relocated community.

_____. "The "Other Side": Ethnostatus Distinctions in Western Subarctic Native Communities." In F. Laurie Barron and James B. Waldram (Editors): *1885 and After: Native Society in Transition*. Regina: University of Regina, Canadian Plains Research Center, 1986: 279-295.

_____. *As Long As Rivers Run: Hydroelectric Development and Native Communities in Western Canada*. Winnipeg: University of Manitoba Press, 1988.

Waldram analyzes the politics of hydro electric dam construction. The prologue deals with treaties and Métis land scrip. He then describes the development of the Squaw Rapids (now E.B. Campbell) dam near Cumberland House, Saskatchewan, the Grand Rapids dam near Easterville, Manitoba, and South Indian Lake, Manitoba and the Churchill River diversion.

Webster, Andrew. "They are Impossible People Really: Social Administration and Aboriginal Social Welfare in the Territorial Norths, 1927-1993." Research Report to the Royal Commission on Aboriginal Peoples. Ottawa: 1993.

This report outlines the roots of welfare dependency for Métis, Inuit and Indian people in the territories. This paper is of historical interest and is valuable for its outline of how external social programming from afar can destroy traditional economies and lifeways.

Weinstein, John. "Métis Claims: A New Deal and Market Equity or Special Status and Race Law." Ottawa: Native Council of Canada, Land Claims Research Group, 1977.

_____. *Aboriginal Self-Determination Off a Land Base*. Background Paper No. 8 Kingston, Ontario: Institute of Intergovernmental Relations, Queen's University, 1986.

_____. *Métis Land Rights Research Project – Conclusion*. Ottawa: Royal Commission on Aboriginal Peoples, For Seven Generations: Research Reports, Libraxius CD-ROM, 1997.

Wilson, Roderick C. and R. Bruce Morrison. "Grand Cache: Another Land Claims Model." In *Proceedings of the Second Congress, Canadian Ethnology Society*, National Museum of Man Mercury Series, Paper No. 28. Ottawa: National Museum of Canada, 1975: 365-377.

Zeilig, Ken, and Victoria Zeilig. *Ste. Madeleine: Community Without a Town. Métis Elders in Interview*. Winnipeg: Pemmican Publications, 1987.

For many decades prior to 1938, Ste. Madeleine was a traditional Metis community with over twenty large families. The Metis had homesteaded the land at Ste. Madeleine and the nearby Pumpkin Plain, north of St. Lazare, Manitoba since the 1870s. A mission had been set up there in 1902. However, under the Prairie Farm Rehabilitation Act, this land was designated to become community pasture, thus the community lost its town. Historically, the town was formed when Metis left the Red River area due to the actions of Wolseley's Red River Expeditionary Force. Other Metis moved to the area from Saskatchewan and Alberta after the Resistance of 1885.

In 1935, in the midst of the "Dirty Thirties," the Canadian government set up the Prairie Farm Rehabilitation Act. The town of Ste. Madeleine and surrounding area called Pumpkin Plain was designated as pastureland. The Metis families who had their taxes paid up to date were to be compensated and relocated. However, because of the economic conditions of the time, few families had their taxes paid. The Metis were again forced to find a new home and they lost everything they had; their homes were burned, their dogs were shot, their church was to be dismantled and the logs sold to build a piggery. The priest from St. Lazare also sold the church bell and statues. When confronted by community members he said the money would not be returned and he was using it to build another church at St. Lazare. The plan to dismantle the church was foiled by Joe Venne and other community members who confronted the crew sent to dismantle it with their rifles. They then moved the family of Caroline and John Vermette into the building to protect it. By 1938, the once vital community had all but vanished. Today, all that remains of Ste. Madeleine are the stone foundations of the Belliveau School and the cemetery encircling the mound of grass where the church once stood. The wood from the schoolhouse was salvaged and now constitutes a major portion of the kitchen of what was the home of Yvonne and Fred LeClerc of Victor, Manitoba.

This book is valuable because it documents the disenfranchisement of a Métis community, from the point of view of Elders, whom were forced from their homes during the Great Depression. In 1938, the 20 families of Ste. Madeleine were forcibly removed from their home community in order to take marginal land out of production and create community pasture for the district's farmers under the auspices of the *Prairie Farm Rehabilitation Act*. (A piece of legislation which aped America's 'New Deal' Legislation). No compensation was offered to those in tax arrears, and the displaced Métis residents lost their sense of community. Although the editors are not Aboriginal and are not particularly knowledgeable about Aboriginal culture, they give their interviewees only direction and do not ask leading questions. The Elders therefore tell the story of Ste. Madeleine—and not Euro-Canadian chroniclers. It is interesting to note that while the Elders lost all their material possessions and sense of place, they have retained their dignity, and sense of humour.

Quick Facts

Some people believe that the 1,400,000 acres of land set aside for the children of Metis families under Section 31 of the *Manitoba Act*, was a huge amount of land. However, when one considers that the Metis made up 82.25% of Manitoba's population (Census of December 1870) this amount (one-seventh) was not large. In fact, the Canadian government was soon giving out free land by the fistful to the Hudson's Bay Company, the soldiers of the Red River Expeditionary Force, the school system, the railways, the Icelandic settlers and the Mennonite settlers. Most of these entities received patents to their land long before the Metis. This was due to the fact that the government was throwing up a series of legal and administrative roadblocks so the Metis were denied patent to their lands.

May 2nd 1670, Charles II of England grants Rupert's Land to the HBC. = 1,244,160 sq. km.

Hudson's Bay Co. grant to the Earl of Selkirk in 1811
(116,000 square miles) = 74, 240,000 acres

Boundary between Canada and the United States is set in 1818 at the 49th parallel (across the prairies).

The "Postage Stamp" Province of Manitoba was created in 1870 = 8,320,000 acres

The *Manitoba Act* set the Manitoba boundaries as commencing at the point where the meridian of 96° west longitude (passing near Whitemouth) intersects the 49° parallel, then west along the 49th parallel to the meridian of 99° west longitude (passing just west of Portage la Prairie), then north to the intersection of 99° west with the parallel of 50° 30' north latitude then east to the meridian of 96° west longitude.

1870: *Manitoba Act* and the Metis settlement scheme to fulfill promises made to the Metis:

Children's Grants

- 1877: First patent issued.
- 1881: Half of patents issued.
- 1890: Last patent issued.
- 1919: Last supplementary scrip issued.

Parents Scrip

- 1876: First scrip issued.
- 1876: Half of scrip issued.
- 1907: Last scrip issued.

River Lot Titles Confirmed

- 1874: First patent issued
- 1881: Half of patents issued.
- 1929: Last patent issued.

Hay Land Confirmation and Compensation

- 1876: First scrip issued.
- 1882: Half of scrip issued.

1918: Last scrip issued.
 1877: First patent issued.
 1881: Half of patents issued.
 1927: Last patent issued.

April 14, 1872, the *Dominion Lands Act* was proclaimed.

In this Act land reserved for the Hudson's Bay Co. is remembered in Sections 17 to 21: Whereas by article five of the terms and conditions in the surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt":

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each...

One twentieth of total in the "postage stamp" Province for HBC = 416,000 acres

Section 22 of the *Dominion Lands Act* set aside land for public schools:

And whereas it is expedient to make provision in aid of education in Manitoba and the North-West Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion Lands, shall be and are hereby set apart as an endowment for purposes of education.

Sections 23 to 28 of the *Dominion Lands Act* made provision for the British and Canadian soldiers sent to Manitoba on February 11, 1870 as the Red River Expeditionary Force. Section 27 reads:

And whereas by order to the Governor-in-Council, dated 25 April, 1871, it is declared that, — The officers and soldiers of the 1st or Ontario and 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land without actual residence, of one quarter section, — such grant is hereby confirmed, and the Minister of Militia and Defence is hereby authorized and required to issue the necessary warrants therefore accordingly: ...

East Mennonite Reserve in Manitoba on July 31, 1874 = 184,320 acres
 Mennonite financial grant of \$100,000.00 established.

New Iceland Reserve created just north of Manitoba in 1875 = 207,360 acres

West Mennonite Reserve created in 1876 (move started in 1875) = 391,680 acres

1881: the boundary of Manitoba is set to 52° 50' parallel in the north (just south of Grand Rapids), west to present day Saskatchewan (the 29th range of townships), and east into present day Ontario (north of the Albany River this was east of the 90th latitude). South of this the Ontario/Manitoba boundary was still in dispute. This expanded the area of the province to 189,327 square kilometers.

CPR land grants (alternating sections within 24 miles)

on either side of the railway)² Manitoba and NWT = 25, 000,000 acres

CPR Financial grant = \$25,000,000.00

Land grants to the CPR were to be free from taxation for 20 years or until sold. Properties used for railway purposes were to be free of taxation forever. In Winnipeg the CPR paid no municipal property tax at all until 1954. In that year it made an agreement with the city to pay \$250,000 in lieu of taxes. In 1965 a bill was passed in the Manitoba Legislature to tax CPR property, but at a reduced assessment. The reduction was 50% until 1972, 40% until 1980, and so on until the full rate of taxes will be paid in 2005.

Canadian Pacific Souris Branch land grant = 1,408,704 acres

Canadian Pacific Pipestone extension to Souris Branch = 200,320 acres

Winnipeg and Hudson's Bay Railway and Steamship Co. land grants (1884-85)

Beaver to Gladstone and Sifton to Mb. Border = 1,098,000 acres

Provincial boundary to Erwood Sk. & from Erwood north = 1,186,048 acres

Lake Manitoba Railway and Canal Co. land grants

Gladstone to Winnipegosis = 98,000 acres

Manitoba and South-Eastern Railway land grants

St. Boniface to US border = 680,320 acres

Manitoba and South-Western Colonization Railway land grant (1879) = 1,396,800 acres

Westbourne and North-West Rail land grant (1882) = 1,501,376 acres

Canadian Northern Railway, includes:

Winnipeg Great Northern Rail Co.

Lake Manitoba Rail and Canal Co.

Manitoba and South-Eastern Co. = 4,001,729 acres

1889 Canada (Ontario) Boundary Act sets the northwestern boundary of Ontario/Manitoba just west of Lake of the Woods, on about 95th latitude.

Saskatchewan and Western Railway: This railway constructed only 15 miles of track in 1901, from Minnedosa to Rapid City.

In return they received a land grant of: = 98,880 acres

The grants to the Manitoba Railway companies were so large many of them had to take their land allotments in Alberta as there was no more Crown land available in Manitoba or Saskatchewan.

May 15, 1912 final extension of Manitoba's boundaries. This added 458,291 square kilometers to the province and increased the population by 6,000. The western boundary was extended up to the 60° north latitude and the eastern boundary to the point at which the 89° west longitude cut the shore of Hudson Bay.

² See James B. Hedges, *The Federal Railway Land Subsidy Policy of Canada*. Cambridge: Harvard University Press, 1934. Also see Robert Chodos, *The CPR: A Century of Corporate Welfare*. Toronto: James Lewis & Samuel, Publishers, 1973.